



Racial Equality Matters:

An Agenda For The Scottish Parliament **2003-07**

COMMISSION FOR
RACIAL EQUALITY



IN SCOTLAND

Our Contribution

The CRE is charged with two of the most important public service missions in the UK. First to promote good relations between and within communities and second to prevent racial discrimination in all its forms.

We believe that migration has always been and continues to be a positive contribution to the nation's economic, social and cultural life: increasing equality, engagement and integration are the core of our work.

We will use the power of persuasion where possible and the power of the law where necessary.

We will be proactive, responsive and reliable. We will work in partnership with other public agencies as well as the private and voluntary sector where possible and we will focus our resources to achieve the maximum impact.

Our business plan is the expression of our mission. It is our commitment to becoming the kind of organisation we want others to be: excellent, modern, flexible and effective.

The delivery of this vision will be achieved through 5 high-level strategic priorities:

- To lead the development of good race relations for the benefit of all communities
- To advance race equality in the private sector
- To enable the delivery of the public duty to promote race equality
- To use the full range of legal powers strategically to challenge discrimination
- To improve the CRE continuously

Preface

The challenges on the 'race' agenda underline just how contentious the issue remains: the global movement of peoples, the re-emergence of Islamophobia, hate crime, a strengthening far-right agenda.

The new politics envisaged within the founding principles of the Scottish Parliament, afforded an opportunity to develop new thinking on equality. The approach recognised the need for positive engagement and was firmly committed to the mainstreaming of equality. Partnership, working on common problems, sharing solutions, is very much a part of an approach that underlines the focus on people, communities and their needs. We will however, only be able to claim real success, if we can record real impact in addressing those needs.

From the CRE's perspective, our ways of working, principally through a partnership approach, become all the more relevant. In essence, the task for CRE Scotland is to modernise the way in which racial equality is perceived, discussed, developed and delivered across Scotland.



Context

When Jack McConnell spoke of attracting fresh talent to Scotland from elsewhere in the UK and from further afield, he articulated a clear link between economic and social justice objectives that for some has not always been apparent. In order to attract as well as retain the best, Scotland needs to work harder to break down prejudices, to be more effective at challenging discrimination and to continually find ways of celebrating diversity.

If this contribution reflected welcome new thinking relating to new communities, it also underlined the significance of the third strand of the general duty, to promote good race relations. There are already measures in place and underway which attempt to address a part of this agenda e.g. the Scottish Refugee Integration Forum, the One Scotland, Many Cultures campaign. A key challenge for the next session will be establishing more rigorous measures to build safe communities along with community confidence and trust.

Anticipating the implications which the Scottish Parliament could have for our work, CRE Scotland launched its manifesto, Racial Equality Matters, in 1999. Perceptions of racial inequality at the time were underscored by a common sense view of its significance as determined by the size of the ethnic minority population. The persistence of these views in many quarters means that promoting racial equality requires an emphasis on understanding the nature of racism in Scotland, its impact on all communities and its relevance to people's everyday lives, including those involved in shaping policy and legislation.

In many respects, the Lawrence Report provided the rationale for organisations to assess established practice for adverse impact. The resultant shift from communities back to service providers underlines the critical part to be played by the mainstreaming of racial equality. Whether in relation to the delivery of public services, to the thinking that underpins their design or the policy that guides their delivery, the resultant goal remains the achievement of real change for all communities. Our work will also need to reflect on Parliament's promises - modern public services that treat everyone equally, public services that genuinely consult the people they serve; that place the citizen first and treat racial equality as integral to all that they do. In promoting real public and corporate ownership of race equality, successful mainstreaming will be essential at all key



stages: legislative proposals, policy development and related guidance.

There is now a framework, real commitment and demonstrable progress. However, in many respects, there has yet to be a consistent sense of benefit to all communities. For this reason, we believe that the second session of the Scottish Parliament will need to focus on delivery and impact.

The Scottish Parliament

The vision of the Consultative Steering Group was the establishment of a new kind of politics, rooted in a more open, participatory democracy. The first Racial Equality Matters agenda was recently re-sent to all MSPs as it provides a useful commentary on achievements and remaining challenges.

Whilst there was some evident insecurity around schedule 5 of the Scotland Act initially, the scope of the schedule was successfully interpreted in key amendments to, for example, bills concerning education and housing. We would clearly encourage the continuation of this approach and again urge Parliament to consider its powers in relation to broader equality duties being applied to public bodies.

The Scottish Parliament will need to take forward its leadership role with confidence, scrutinising proposals as well as impact, engaging communities and initiating dialogue. The principle challenge for the second session will be weighing the public policy intent against change in civil society.



and translating services • Introduce equality statements to accompany all legislative proposals •



Assessing Impact

The specific duties of the Race Relations Act were introduced by subordinate legislation by the then Minister for Social Justice, Iain Gray MSP. Whilst the CRE will be pursuing the effective implementation of these duties using its own powers, both persuasive and legal, we would encourage the Parliament to take an active interest in the resulting impact for the users of devolved services.

In its first term, the Scottish Parliament legislated to place various duties on public authorities relating to equal opportunities e.g. the Housing (Scotland) Act 2002. It would in our view, be appropriate for the Parliament to consider the range of options for revisiting these duties along with related guidance and support provided by the Scottish Executive to establish the extent to which they are having the intended impact.

Maintaining Momentum

The CRE welcomed the Education Committee's call for a comprehensive and inclusive language policy for Scotland embracing all language needs. We believe that the Parliament should take this forward by identifying a specific plan of action. We would also recommend that the Parliament ensure that any national language policy incorporates a fully developed and funded interpreting and translating strategy.

The Scottish Refugee Integration Forum's report highlights the centrality of authorities' duties under the Race Relations Act as amended at the start of the integration process. We recommend that the Parliament considers its own role in relation to the implementation of the SRIF action plan and in seeking ways to engage in a wider and more positive debate around the issues for asylum-seeking and refugee communities. This would of necessity include consideration of the difficulties for the devolved administration arising from the reservation (eg in relation to the Dungavel Removal Centre) and related solutions.

Following on from the Equal Opportunities Committee enquiry into Scottish Gypsy Travellers, we would recommend that the Parliament revisits the report's recommendations as well as the Executive's response to it, with a view to developing a programme of action to address concerns and issues raised throughout the Committee's evidence-gathering stages.

Whilst welcoming the changes to recognise aggravation of criminal offences by religious hatred, we believe that more should be done to tackle crimes of this nature. We recommend that the Parliament inquires into the need for a new offence of religiously aggravated harassment. The CRE also believes that the law on incitement should be extended to cover religious hatred. While the law on aggravation can be effective in tackling individual incidents of crime, the law on incitement would enable action to be taken against groups and individuals whose activity is directed at communities at large.

Effecting Change

In supporting the Equal Opportunities Committee's report, Mainstreaming Equality in the Work of the Committees of the Scottish Parliament, we would underline two areas for particular attention: we would suggest that the Equal Opportunities Committee gives further consideration to the content of the training and develops the specification following further consultation. In December 1999, the late Donald Dewar launched 'Mainstreaming Equalities – A Checklist for MSPs' produced by the CRE, in partnership with the Equal Opportunities Commission. This was a pocket size guide which set out a series of key questions enabling MSPs to think about the implications of their work and role and to support and assist them to mainstream equalities. It would be helpful to revisit this tool for the benefit of the second session and assess its impact.

In support of this approach, we would also recommend the introduction of equality statements to accompany all legislative proposals.

The CRE believes that the Scottish Parliament should be having a debate on the future of equality legislation and the structures to support it in Scotland. The CRE recommends that the Equal Opportunities Committee



• Introduce an offence of religiously aggravated harassment and extend the law on incitement



set up an inquiry to examine the appropriate structures and powers of any proposed Single Equality Body in relation to the Scottish Parliament.

We welcome the report of the European and External Relations Committee into Europe's Employment Strategy and Corporate Social Responsibility and would encourage the development of an action programme which explicitly acknowledges and supports the role of equality as a principle within any Scottish Model.

The Census of 2001 is now producing a wealth of data on ethnicity in Scotland. These data are complemented by the findings of an emergent research programme. Against this background, public authorities are required to monitor services and workforce matters. We would urge Parliament to seek more rapid progress towards establishing a national monitoring strategy designed to meet the needs of communities and the requirements of the law.

In relation to access to justice, there remain clear gaps in the quality and range of services available. We would urge the Parliament to take an active interest in the provision of an access to civil justice. This would initially take the form of a stock take, but should then focus on developing and leading on a vision for the provision of these services in Scotland.



to cover religious hatred • Take a lead on asylum and refugee issues in a devolved context •

Engaging Communities

There were examples of effective measures for engaging communities over the course of the last session: Parliament's own civic participation event to mark the 25th anniversary of the Race Relations Act, the Executive's One Scotland, Many Cultures campaign and initial scoping on consultation with ethnic minority communities.

There is experience to build on here and the Parliament will want to think through ways of sustaining and developing engagement through a variety of meaningful consultation and 'ready routes' to access views and opinions on legislative and policy proposals. The overarching aim should be to increase awareness of its work and the sense of ownership felt by communities of interest who may feel distanced from its processes. The



Scottish Parliament needs to take a lead in this area of civic renewal and participation to give practical effect to its ambition to be a new kind of democracy.

In the light of the continuing issue of ethnic minority representation at the national level, we would look for cross-party support from within the Parliament to take more proactive steps to engage the wider community and to reflect the needs of excluded groups.

Summary of Key Recommendations

Assessing delivery and understanding impact will be natural focus for the Scottish Parliament's second term. A principle challenge will be weighing the public policy intent of the first session against change in civil society. Learning from the first four years will be key to building the kind of civil society enshrined in the founding principles of the Scottish Parliament. Consistent and explicit leadership will be required at all levels.

We would summarise the challenges of the second session as follows:

- Assess the impact of key legislative provisions including the amended Race Relations Act.
- Develop a national language strategy and implementation plan which includes interpreting and translating services.
- Further develop and introduce tools for members and staff on mainstreaming equality.
- Introduce equality statements to accompany all legislative proposals.
- Introduce an offence of religiously aggravated harassment and extend the law on incitement to cover religious hatred.
- Inquire into the appropriate equality structures and powers for the proposed Single Equality Body in Scotland.
- Encourage the development of an action programme on Corporate Social Responsibility which promotes and includes racial equality outcomes.
- Establish a national monitoring strategy to meet the needs of communities and the requirements of the law.
- Assess the progress of the review of community legal services in meeting the needs of all communities.
- Promote the benefits of migration and its impact on good race relations as part of future education campaigns.
- Maximise the opportunities offered by devolution to lead debate and practice on asylum and refugee issues.
- Develop a programme of action in response to the inquiry into the needs of Scottish Gypsy Traveller community and begin to scan needs of new diverse communities settling in Scotland.
- Develop and test approaches to engaging ethnic minority communities as part of a wider agenda of civic renewal, access and participation.

• Develop an all-party approach to engaging ethnic minority communities • Introduce

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