



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 7 February 2023

Session 6



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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
4th Meeting 2023, Session 6

CONVENER

*Joe FitzPatrick (Dundee City West) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Pam Duncan-Glancy (Glasgow) (Lab)

*Pam Gosal (West Scotland) (Con)

*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Pervin Ahmad (Saheliya)

Mariam Ahmed (Amina—the Muslim Women’s Resource Centre)

Pinar Aksu (Maryhill Integration Network)

Danny Boyle (BEMIS)

Farah Farzana (CEMVO Scotland)

Jatin Haria (Coalition for Racial Equality and Rights)

Graham O’Neill (Scottish Refugee Council)

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament
Equalities, Human Rights and
Civil Justice Committee

Tuesday 7 February 2023

[The Convener opened the meeting at 09:34]

Decision on Taking Business in
Private

The Convener (Joe FitzPatrick): Good morning and welcome to the fourth meeting in 2023, in session 6, of the Equalities, Human Rights and Civil Justice Committee. There are no apologies.

Our first agenda item is a decision on whether to take item 4, which is consideration of today's evidence, in private. Do members agree to take that item in private?

Members indicated agreement.

Inquiry into Race Inequality
in Scotland

09:35

The Convener: Our second agenda item is to hear from stakeholders in order to inform a committee inquiry on race inequality in Scotland. I welcome Farah Farzana, race equality mainstreaming officer at CEMVO Scotland; Danny Boyle, senior parliamentary and policy officer at BEMIS; and Jatin Haria, executive director of the Coalition for Racial Equality and Rights. I refer members to paper 1 and I invite each of our witnesses to make opening remarks.

Farah Farzana (CEMVO Scotland): Good morning and thank you for the invitation to give evidence. CEMVO Scotland is a national intermediary organisation. We are a long-standing consultant to the Scottish Government equality unit. Our aim is to build the capacity of the ethnic minority voluntary sector and its communities. We have established a network of ethnic minority public and third sector organisations throughout Scotland, to which we deliver a range of capacity-building programmes. Our work includes membership of stakeholder network groups such as the hate crime strategic partnership group and the anti-racism in education programme, alongside involvement in the designing of the national care service and the Scottish national action plan for Human Rights leadership panel. We have a range of programmes: predominantly, I work on the race for human rights programme, through which we look to embed race equality through our human rights lines.

I have some general key messages for the committee. Over the past couple of years, there has been a general change in the Scottish Government's tone. A bit more of an acknowledgement of racism comes through in certain parts of the messaging, which has led to a degree of awareness about race equality in Scotland and means that institutionalised racism is starting to be talked about. However, we recommend that there should be more leadership across directorates and a strong line of focus on visible priority groups.

Accountability and implementation need particular improvement, especially in the current financial crisis. Obviously, the purpose of our giving evidence today is to see whether there should be an inquiry. The question is, given the cost of living crisis and the financial issues that we face as a nation, is another inquiry really worthwhile, given that we already know what the issues are? Again, just to be specific, we want to know the remit of the inquiry that would take place, and the thoughts of the committee.

Danny Boyle (BEMIS): Good morning, colleagues. I am the senior parliamentary and policy officer for BEMIS Scotland. I will give a small bit of background on BEMIS and address some of the questions that the committee set to structure our discussion this morning. First, however, I express our solidarity with Scotland's Turkish and Syrian communities, who are, obviously, deeply concerned about the issues that are affecting their home communities. The situation is also very personal for some of our staff members at BEMIS. I extend to them our solidarity at this difficult time.

In addition, just for the committee's information, this is my second day back at work after a two-month absence due to a health issue. It is delightful to be back, but I apologise if I am not in a position to give as detailed a response as possible to some of the reports that I notice have been published within that period.

Like CEMVO Scotland, BEMIS is a national race equality intermediary organisation. We are focused on equality and human rights and are democratically led by our members. That means that our board is representative of communities that are protected under article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Board members come from Scotland's multigenerational Jewish community, Pakistani community, Indian community, African community, Roma community and many others. We have a really good representation of the communities of Scotland that such an inquiry and its work should be focused on and should engage with directly.

Our membership and our networks also reflect those communities in Scotland. Some are multigenerational and fall within the scope of the article 1 provisions and the definition of race in the Equality Act 2010, which covers colour, nationality and ethnic or national origin. Those people are, for example, Jewish, Polish, Irish, from multiple African groups, Pakistani, Indian, from newer or migrant communities from eastern Europe—A2 and A8 migrants—and from the Roma community.

A significant number of people have moved to Scotland from our African communities over the past 20 years. That was the largest and most significantly growing ethnic minority community in Scotland from 2001 to 2011. We will assess that again as we get the outcomes from the 2021-22 census, which are coming and which will be incredibly important in informing any inquiry. The size of that community will continue to grow.

I will make a final point on the way that the inquiry has been structured. This is a beneficial time for parliamentary oversight of some of the issues. Obviously, we had the unbelievable experience of the pandemic, which highlighted

impacts for ethnic minority communities from those diverse groups in Scotland. We then moved into a cost of living crisis. On policy development, that coincided with a period of transition and the changing over of MSPs. That also reflected the changeover in race equality action plans, which are distilled from the race equality framework.

The race equality framework is set from 2016 to 2030. Each parliamentary cycle has a distillation of what that looks like in a particular moment. The next race equality action plan will need to be cognisant of the pandemic, the cost of living crisis, Scotland leaving the European Union, the Black Lives Matter movement, which highlighted the global issue of colour-based institutional discrimination, and the myriad other issues that affect different ethnic minority communities in different ways across different policy areas.

We are delighted to be here, and we will provide as much information as we can to the committee from our experience over recent years. We will also try to help to provide a pathway forward to ensure that the committee is able to engage directly with the citizens and community organisations that it needs to hear from.

Jatin Haria (Coalition for Racial Equality and Rights): Thanks for the invitation. I am the director of the Coalition for Racial Equality and Rights. We are a Scotland-wide, strategic, anti-racism social policy charity, and we are partly funded by the Scottish Government and Glasgow City Council. We work quite heavily with those two organisations and the wider public sector in Scotland.

We always try to take an evidence-based and strategic approach to tackling the deep-rooted causes or issues of racism and racial inequality in Scotland.

We were asked to take two minutes for our opening statements, so I will try to stick to that. It was really useful to have sight of the proposed lines of questioning. I hope that that approach is adopted much more frequently—this is not a test for the three witnesses who are here today.

As Farah Farzana said, there is a lot of activity on the race equality front in Scotland. That has arisen from Covid and the Black Lives Matter movement. There is a lot of activity, but I am not sure that there is enough action. There is certainly not enough change in people's lives, which is what the end product must be. I am sure that we will come on to that. The committee should not be fooled by all the activity that is happening—it is good that it is happening, but it is not quite hitting the right spots.

The Convener: Thanks very much, Jatin. You have touched on some of the areas that we will kick off with. We will move to questions. As you

said, the purpose of the meeting is not to grill people, but is to try to help the committee to shape its work.

We were keen to be mindful that we are not starting afresh. A lot of work has already been carried out. Our predecessor committee held an inquiry into race inequality, with a particular focus on employment and skills, which the committee felt were really important in tackling wider issues.

09:45

It would be good to hear the panel's views on the Scottish Government's anti-racist employment strategy. Have the actions and outcomes had an impact? Has it made the difference to people's lives that we, and our predecessor committee and the Scottish Government, would hope for?

I would also like to hear your views on what the committee should focus on. We are not starting from scratch or asking whether there is a racism issue in Scotland. We know that there is a problem, as Farah Farzana said. Our predecessor committee focused on employment and skills; is there an area that you think that we should focus on?

Farah Farzana: The recommendations in the predecessor committee's report were quite good in that there was a sense of what needs to happen to move forward. We can compare that to what has been happening on the ground, in realistic and practical terms.

As I mentioned earlier, we welcome the change in terminology and language in certain directorates of the Scottish Government. That change really needs to happen across the Scottish Parliament and all directorates of the Scottish Government. As someone from an ethnic minority who was born and brought up in Scotland, I am keen to see the correct terminology and language being used. If the correct terminology and language are used, especially when discussing racism, it shows commitment and understanding. Unfortunately, I have noticed that such change is not being replicated across all directorates.

Having said that, there has definitely been a shift as a result of Black Lives Matter. I am one of the race equality mainstreaming officers for CEMVO Scotland and it is really interesting to see the shift in attitudes towards people as a result of Black Lives Matter. A bit of a concern is that something horrific had to happen for things to progress. That is evidence that we have a wider societal issue. As grim as that sounds, though, it is one teeny baby step in the right direction of racism.

CEMVO helped to draft the anti-racist employment strategy, which was published in

December—we were really happy to be a part of that. The way that things have been laid out and explained is definitely going in the right direction. We have been working quite closely with Katherine Ross and Mandy Watts from the fair and inclusive workplaces unit to make that happen. For example, we had a data improvement workshop last year.

However, the biggest thing to take away is that CEMVO has noticed a lack of leadership among chief executives of public sector and third sector organisations. I do not think that that is new, and it was touched upon in the predecessor committee's report. There was the summit event—in early 2021, I think—and the data improvement workshop, which was aimed at empowering senior leadership, but the reality is that the practical aspects are not there. It is a huge concern that there is not a top-down approach. The leaders are not making themselves visible. We know from front-line staff, for example, that that is really important.

What we call street-level bureaucrats are the people who take policy-making decisions at ground level, but how much are they being influenced by leadership? How much are they being directed by leadership towards the anti-racist approach? There seems to be consistent push-back, for example in training sessions. One or two people in human resources might want to take that approach, but the consensus is not there, so we cannot make as much progress as we would like to. That is all I can say about employment and skills.

Jatin Haria: The strategy was launched just before Christmas, so it is a bit early to talk about how effective it might be. There are a lot of future commitments, which you would expect in a strategy, but the test will be whether any of those are achieved.

The strategy says a lot of good things about what good employers should do. It talks about things that we already know about, such as training, diverse interview panels and so on. We have known all that for years. There is a lack of measurement in the strategy. When do we expect things to be achieved? Some of the measures, such as increasing the number of employers that have better data, would have been better if some numbers had been attached to them. How many employers currently have data collection and how many should have it in two or five years' time?

Leadership is another key part of the strategy, but what does that mean? It talks about having senior leaders networks. I am not sure what that will achieve or who will turn up. Senior leaders are busy people. We need to find a way around that.

The real frustration is that, given all that we know and all that has been said and done, especially in the past few years, a much more radical change is needed. We are going to have the census data, which will show a far higher number of black and minority ethnic people in the country. The target for diversity in teaching is still only 4 or 5 per cent, but the BME pupil population of Glasgow City Council is more than 20 per cent already.

There is some frustration about whether we are being radical enough and whether we are looking at things in the urgent way that is needed, rather than just saying that we need to be good employers, to do what is right and to have more training and more diverse interview panels.

I do not think there is any assessment of employer racism. We need an effective way for people to complain if they feel that they have been discriminated against in an interview or in an employment situation. There are very few employment tribunal cases about race in Scotland. We know how difficult it is to raise a tribunal case. There has to be some other means of complaining and trying to achieve something.

Danny Boyle: I will make a couple of general points. This particular report was preceded by a parliamentary committee inquiry that took place at the height of the pandemic. I remember it being on my list of things to consult people on and respond to, but it just got swamped by everything that we were doing at that time. The report from the short-term working group was published on 9 December, which coincided with me needing some time off.

I will make a very generic point. I had an opportunity to read the executive summary and some of the footnotes during my train journey here. The committee has begun to address how we know what to talk about when we talk about race, equality and human rights. There is an emerging differentiation in the use of language and in what it means to different people. The United Nations special rapporteur on contemporary forms of racism, Ms E Tendayi Achiume, touched on that when she gave her state report to the United Kingdom in 2019. Colleagues from CRER kindly and helpfully set up a consultation event in a hotel in Edinburgh so that ethnic minority communities in Scotland could discuss that. We talked about issues of terminology then. The rapporteur said in her final report:

“racial and ethnic terminology varies even among State institutions, and different terms are sometimes used interchangeably, in potentially confusing ways”

That continues to be our experience when it comes to assessing, benchmarking and recognising progress or the lack of it regarding

race equality in Scotland. As I said in our opening statement, BEMIS is an equalities and human rights organisation, and that means that we recognise communities on the basis of the article 1 definition in the International Convention on the Elimination of All Forms of Racial Discrimination, which covers colour, nationality and ethnic or national origin. We want the Scottish Government to embed that article 1 definition from the outset, via its race equality strategy, its anti-racist strategy, its policy to increase ethnic minority employment or whatever strategy it is pursuing, so that the data that is collected in analysing differentiations between ethnic groups can form part of the evidence base and can inform our strategy as we go through the process of analysing where there may be gaps in employment representation.

Earlier this morning, I was reading “A Fairer Scotland for All”, which covers the fairer Scotland duty, linked to section 10 of the Equality Act 2010 in relation to assessing social and economic disadvantage and the intersection with race. The document begins with a section on “Knowing Your Workforce through Data”. It says:

“Scotland’s minority ethnic population is a relatively small group. In 2021, minority ethnic groups accounted for around 5% of Scotland’s population”.

That figure is inaccurate. By the 2011 census, Scotland’s ethnic minority population was 8.4 per cent. As Jatin Haria said—and we agree with this—that has increased considerably over the intervening period between 2011 and 2021. Although there will be lots of useful information in the “Fairer Scotland for All” report, and a lot of good work went into it, from our perspective it does not offer a universal human rights-based approach to assessing workforce inequality in Scotland. If we were to take such an approach, we would have to analyse across the protected provisions from the outset, disaggregating data rather than aggregating it up into racial classifications.

To make a final general point on employment, which may be beneficial for the committee, census data tells us about problems retrospectively, so the problem has already occurred and has been embedded, as we can see across a number of sectors that are identified in the report. There are on-going, systemic issues, to which my colleagues have alluded.

From what I could see, although I may be incorrect, the report primarily focuses on the public sector, and it is absolutely right for it to do so. It uses terminology around structural discrimination, so that institutions can self-review and make progress, which is incredibly important.

As for a comprehensive race equality strategy for increasing employment that is embedded in

anti-racism and in the positive duties of human rights, the Scottish Government has to go significantly further. The reality is that we are in a public sector recruitment freeze, and we will be for some time. Indeed, redundancies are likely to be coming down the line. As to whether it is correct to focus on the public sector to ensure that progress is made, if you want to make substantive progress on race equality from an equalities and human rights perspective, you need a more positive, strategic vision for where employment opportunities are occurring, where capital spending is happening and where the major national infrastructure projects are happening. Do the procurement processes, which have been significantly opened up since the United Kingdom left the European Union—obviously, Scotland is included in that—allow us to be much more race equality specific and strategic in ensuring that contracts have race equality opportunities embedded in them so that young people coming up have direct access to apprenticeships, for instance? That is an example of something that we have all been calling for for a significant period of time.

It was a previous manifesto commitment of the Scottish National Party to build 50,000 new houses over the duration of the parliamentary session. We argued in 2011 that race equality targets should have been embedded within all procurement aspects to ensure that young people, particularly at the intersection between class and race equality, had access to job opportunities in significant infrastructure projects in Scotland, because that was where the job opportunities were. There needs to be a multilayered approach to assessing employment with regard to race equality and anti-racism, taking account of the entire economy.

The Convener: Jatin Haria wants to contribute; Pam Gosal can then have a brief supplementary question.

Jatin Haria: I am not going to get into a discussion on terminology, because I do not think that it would be productive. Danny Boyle and I have this disagreement all the time. In any case, if we accept that we are taking an anti-racist approach to what we are trying to do, the terminology will follow.

I want to pick up on something that I forgot to mention earlier. Part of the original question was about the previous inquiry and the recommendations that came out of it. That inquiry was undertaken by your predecessor committee, and most of you were not on it. That is part of the problem: people move around and forget the commitments that have been made on these issues.

10:00

The committee said that it would write to public sector organisations on quite a few of those commitments. In fact, the first commitment was to write to each public authority and ask for a minimum of three new actions to address the organisation's specific issues, along with timescales and reasons for those timescales. I am not aware of whether that was ever done, or what the response was. There are things that the committee itself needs to follow up. It is easy to blame public sector bodies individually.

The Convener: We will definitely pick that up and check whether those actions were taken and what the response was.

Jatin Haria: If I remember rightly, the letter may have gone out, but I do not know whether it was followed up.

The Convener: That is a helpful prompt.

Pam Gosal (West Scotland) (Con): Good morning, panel, and thank you for your opening statements and the information that you have provided on the matter.

The minority ethnic employment gap is growing, and unemployment is higher for minority ethnic women in particular. What do you think that the problem is there? Does the Scottish Government's anti-racist employment strategy go far enough in tackling the issue?

Farah Farzana: That is absolutely right—ethnic minority women in particular face additional barriers. Within CEMVO, I have a role in the Scottish minority ethnic women's network; I do all the admin and whatnot for it. It has been interesting to try to reach out to ethnic minority women. We tend to find that, in addition to the usual barriers that women face when they go back into employment—for example, if they have had children—there are still cultural issues. The issue may not necessarily be that ethnic minority women need permission to work, for example; it may be about whether they have the support from family to enable them to fulfil their roles.

A lot of people think that there is a skills deficit, but when we get into the nitty-gritty and speak to these amazing women, we realise that there are a lot of transferable skills there. The fact is that ethnic minority women in particular have probably been put down for most of their life, and while growing up. They come to a place where they are immediately seen as having a deficit, so they feel that they need to work that extra bit harder to improve their skills or have a work-life balance.

That causes burnout and fatigue, because the structures are not there. There is a need for more flexibility. We know that, typically, ethnic minority women tend to be the main carers in the

household, not just for children but for other family members such as parents or grandparents. It is a matter of looking at what sort of flexibility is available within roles. That is being talked about more since Covid, but if more flexibility had been talked about or implemented 10 years ago, we would probably not be experiencing such issues now.

As I said, we are already aware of the barriers that women, and ethnic minority women in particular, face. There is also a level of racism as well as stereotyping and gaslighting, in particular not being believed, which leads to anxiety. A lot of women we speak to have unbelievable levels of anxiety when they talk about coming into the workplace. That may be due to past racial trauma that they may not even realise is racial trauma. In addition, the workplace may not acknowledge that there is such a thing as racial trauma that employees may bring with them. It is hidden—it is not talked about or addressed. That does not help either. It affects women's confidence.

One of the aspirations of the women's network is to have a mentoring programme, because that is what women are asking for. They want to be able to have the confidence to sit at the table, as I am sitting here today. I am blessed and honoured to be in this position, and other women will sit here having their voices heard. There is a huge issue around encouraging ethnic minority women in particular to come forward and sit at the table, because they think that a lot of what they say will not be believed.

Pam Gosal: I have a question about what you just said. You and Jatin Haria talked about how there is not enough implementation, and you have just spoken about how mentoring is one of the actions that could be taken. Is that being done by the Government or by third sector organisations, or are you asking for mentoring for those females so that they can get jobs and be understood and flexible?

Farah Farzana: It is not happening, as far as I am aware. If it is being done, it will be something very small. I know that the John Smith Centre did a leadership programme that had a cohort of 50 people, and I also know that the Scottish Association of Minority Ethnic Educators did a mentoring and leadership programme for educators in that field through its work on the anti-racism in education programme—AREP. However, nothing from the Scottish Government has jumped out or been substantial enough to make an impact.

Pam Gosal: Jatin or Danny, is there anything that either of you would like to add?

Danny Boyle: I agree. Farah Farzana covered everything succinctly and in detail. That is exactly

the type of expertise that we need around the table to discuss this issue. On that point, we would be happy to help the committee to engage directly with female-led organisations from ethnic minority communities that have a significant amount of expertise in this area.

Jatin Haria: I have to disagree with my two colleagues and I will tell you why. First, we need to differentiate between the issues that affect new or migrant black and minority ethnic women and those who have been born and brought up in Scotland. We need to separate out those issues because they are different.

We know from the data that people in most BME groups have better education qualifications than their white counterparts, so it is not an educational deficit in any way. If some BME women are coming out of school with less confidence than their white female counterparts, that is a problem with the school. We need to deal with it and stop it happening at that level and not leave it to be dealt with afterwards.

We do not know enough about some of the issues. Farah Farzana has touched on some of it. Appropriate childcare has been flagged up as an issue, and that is definitely an issue for some women, but we should not paint all BME women in the same light with any of these things.

If we move away from the deficit model, what are employers doing and why are they not recruiting? We do not have good breakdowns of aspects such as gender in a lot of the employment statistics. Applications stats for BME people who apply for public sector jobs are hardly ever broken down by gender or sex—I do not want to get into that discussion today. We know that the number of BME applications is fairly high relative to the size of the population, but the problem is interviews, and that takes us back to the same problem. Are BME people failing at interviews because they are not good enough? If so, that is a problem with education. Is there discrimination happening even if it is benign discrimination and people are being told that they will not fit in so they cannot have the job?

We know from anonymous surveys that even a name can impact on whether someone gets the same opportunities. We need to start talking more about discrimination.

The Convener: Jatin, I know that you said you were disagreeing with your colleagues, but there was lots of nodding while you were talking, and I think that that indicates how complex the issue is and that we have to make sure that we look at it properly.

Farah Farzana: I wanted to pick up on something that Jatin just said there. Yes, things are a bit different for someone who was born here

and someone who is a migrant coming into the country. The bottom line is not about whether it is an education issue. If an ethnic minority woman in the workplace has an issue and she takes it to her manager, the fact is that she will not be aware of the processes that are available, she will not be believed, or she will not be signposted to get the right support. That has a knock-on effect on a person's mental health and on their ability to make progress in their career, which is why ethnic minority women very rarely progress in their careers. They are not given a support system.

The Convener: Rachael Hamilton, is your question about employment?

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Yes. Danny Boyle has just popped out of the room, but it is interesting that he said that the pandemic had an effect on race inequality. I am trying to tease out whether you believe that the pandemic has set equality back. We are talking about unemployment. We know that people from ethnic communities were twice as likely to be unemployed, twice as likely to be living in poverty and four times as likely to be living in overcrowded conditions. First, do you believe that the pandemic caused setbacks in progress, if there was progress before the pandemic? Secondly, do you believe that there should be a cross-sectional approach to all those issues of housing, unemployment and poverty?

The Convener: With respect Rachael, we are about to move on to Maggie Chapman's questions. I will let Maggie come in first. I did ask whether your questions were about the same topic, but I do not think they were. I hope that both questions will blend together, but we will start with Maggie.

Maggie Chapman (North East Scotland) (Green): I thank everyone for coming in today and for what they have said so far. To use Jatin Haria's word, I find some of the "disagreements" quite interesting, because I think that those tease out the complexity, as well as some of the structural and systemic problems that we face. No single Government department can solve those problems. Education cannot solve this. We are dealing with deeply ingrained cultural racism across all sectors.

Jatin made a distinction between a lot of the activity that is going on and the need for implementation and action. Farah Farzana also mentioned that. You have cautioned us against treating minority ethnic communities as homogeneous, for a whole range of reasons, including whether people were born or brought up in Scotland.

We know about inequality in employment, which we have talked about and which Rachael Hamilton

and Pam Duncan-Glancy have asked questions about. We know about the unequal impacts of the pandemic and the cost of living crisis. We also know that very little changed before Black Lives Matter. Farah said that there was a lot of talk, and that if we had implemented some of those policies 10 years ago, we would be in a different position.

What is the barrier that the Scottish Government or Scottish Parliament is coming up against? We should not always rely on you and your organisations to fix the problem—that is not where we should be—so how do we overcome that barrier of deeply ingrained, systemic racism?

Farah Farzana: The short simple sweet answer is that we must acknowledge white privilege and white fragility in our systems.

Jatin Haria: We must hold people to account—not only individuals but whole organisations.

Maggie Chapman: What would that look like?

Jatin Haria: We have great commitments on paper but, by and large, those are not followed through. Who is responsible? Who is held to account for that? We forget about it for a couple of years and then go back and make the same commitment.

We carried out a study for the Scottish Government on 20 years of anti-racist policy making since devolution. Things have not moved on enough and we are still talking about the same things that we were talking about 20 years ago. Who is held to account?

I learned from a parliamentary question and answer last week that some health board chairs now have key performance indicators on race equality. That is as much as I know, because it was a very short parliamentary answer, but that would be interesting to follow up. I would like to know how board chairs will be held to account if they do not achieve that—assuming that the indicator is the right one in the first place, which is always a problem. I think that Farah Farzana said that we know what the issues are, and we sort of know what some of the solutions are. The issue is how we hold people to account and do not let them off the hook.

10:15

Danny Boyle: I am sorry—I missed the thrust of the question by going out and in. Apologies.

Maggie Chapman: That is okay. Obviously, there is a barrier. There is a gap between the recommendations and what we know is wrong, and overcoming that barrier or hurdle. What are we—the Scottish Government, the Scottish Parliament and politicians—doing wrong, and how can we overcome—

Danny Boyle: Is that question specifically about the employment report?

Maggie Chapman: It is about the systemic and ingrained racism in Scottish society.

Danny Boyle: Essentially, there is not a uniform acceptance that that is the reality or that we need to utilise our legislative processes, international human rights law, general recommendations and all the other things that are in our arsenal to make progress on what they mean in practice across the protected provisions.

Maggie Chapman: I am struck by what you have said about recognition. Recently, we have seen quite a lot of information relating to racial profiling in the police, for instance, and on-going work to improve that, but reports keep coming back that our police service uses racial profiling. What would such accountability look like for the police specifically or any other public agency?

Danny Boyle: I am not aware that there are any particular examples of good practice with regard to accountability in Police Scotland. There is a broader issue—it is not only about the use of racial profiling in Police Scotland and how that impacts in Scotland's demographics. We will find the thread of inconsistency and inequality running straight not only in an institution such as Police Scotland and any issues that might occur there, but throughout the criminal justice system.

Farah Farzana and I represent our respective organisations on the tackling hate crime and prejudice group. Basically, what has happened in Scotland in almost every year since devolution—this is quite inexplicable—is that we have simply been given a block number of racially aggravated hate crimes. We have simply been told that there were 5,000 in one year, 4,000 in another year and 6,000 in another year. There has been no disaggregated data on the nature of the hate crimes, who was targeted and who faced them.

We have consistently put forward the argument that we need an annual disaggregation of racially aggravated hate crime in order to implement the informed policy responses that are required to deal with ingrained and institutional issues. If there is an attitude in the street, the likelihood is that the same attitude will exist in workplaces and the structures that have been developed to provide public services.

Scotland is in its relative infancy in taking an appropriate international human rights-based approach to tackling some of the consistent and relentless issues that affect communities here.

There is an issue relating to disaggregation, but there is also an issue relating to how we recognise and collate those crimes. We have just gone through a full consultation period with communities

on developing a hate crime strategy for Scotland. That will come in the coming period, and it will potentially be relevant to the committee's inquiry. We find that, when individual community members from different ethnic groups report crimes to Police Scotland, police officers are sometimes not sure what type of crime it is, how to collate it or how to describe it.

The issues that you have identified, such as racial profiling and the lack of understanding of how we collate and disaggregate data relating to race and racism in Scotland, run throughout the criminal justice system.

On holding people accountable, there is a legal duty on the Scottish ministers under the Hate Crime and Public Order (Scotland) Act 2021 to provide an annual disaggregation of data for the police, the Crown Office and the Scottish ministers. That came from a direct recommendation by the international Committee on the Elimination of Racial Discrimination. The 2016 review of Scotland—we can now look at devolved issues via the United Nations, rather than there just being a basic UK generic report—recommended that Scotland's curriculum for excellence should give a balanced account of grave human rights violations, transatlantic slavery and other issues. That has now developed into the race equality in education report and the strategic interventions that are being made there.

Therefore, efforts are being made. You do not see that immediately—they take time to take effect, and we have the same frustrations as everybody else that they do not manifest themselves as quickly as possible. However, if you want to have a proper race equality and accountability body for Police Scotland or any other institution, you would need to have a discussion and look at examples of best practice. This inquiry might provide you with an opportunity to set out on that process.

Maggie Chapman: Thank you—that is helpful.

My final question perhaps touches on some of the supplementary questions that Rachael Hamilton asked about a cross-sectoral approach. Obviously, we can say more about what we can ask or demand of public agencies, but there is another key role here.

Farah Farzana, you talked about your organisations and others that might be providing quite small-scale, local support, whether that is mentoring or something else. Is enough support given to that kind of work within the third sector by organisations such as yours, but also to other bits of the third sector that provide services for ethnic minority communities and individuals? Is there enough information flowing within the third sector and between public and third sector bodies around

cultural sensitivities and broadening our collective understanding as a society?

Farah Farzana: Again, I should have mentioned this when I introduced myself, but as part of the race for human rights programme, we do consultation with public and third sector organisations. For example, at the moment, we are sitting with 21 clients across mainstream organisations specifically. That allows us to receive a good understanding of where people are and organisations' direction of travel, whether that is about race equality or implementing anti-racism measures. That has provided us with great insight with regard to today's committee meeting.

To go back to your question, yes, absolutely—it is a cross-sectoral approach, in just the same way that we would talk about intersectionality. Life is complex—everybody has complex needs, and they cross over. That is something that Covid has brought to the forefront.

Earlier, you mentioned race inequality in Scotland, and I basically said, “white privilege and white fragility”. I should have expanded on that, but I said that because CEMVO works nationally—we have clients in the Highlands, the south of Scotland and everywhere—so we get a really good, full picture from different areas, including of the specific barriers that people face and, when we talk about these things, there is still denial that there is racism in society or within that local area.

A lot of racial gaslighting goes on, even in meetings that we go to. I have lost track of the number of times that I and my colleagues have been racially gaslighted. We still come across the attitude—particularly from front-line members of staff and managers—that “all lives matter”, which we know is problematic. We hear things such as, “Yes, we treat everybody equally.” That is the reality, and that comes from people who, to go back to the term that I used earlier, are street-level bureaucrats—those people who actually have the influence in their organisations. That is an attitude that they have, so training can only do so much. It is exactly as Jatin Haria was saying: where is the accountability?

The public sector equality duty has been in place since at least 2010. We have had the legislation in place, but what has happened in practical terms? Would it be possible to demand that leaders in the civil service or the public sector have targets in place so that they must achieve outcomes within a specific period? We know that that can happen—for example, we have seen it happening on gender representation and in the recent movement towards supporting LGBT communities. If it can happen for other communities, why can it not happen on implementing anti-racism policies? I go back to saying that the biggest issue in Scotland is white

privilege and white fragility, because we do not see it. I am still being welcomed into this country, even though I was born and brought up here. That in itself is a disgrace.

In talking about organisations, we should also mention organisational culture. It is a really hard job to change that. Policies can take on only so much; it is down to the human capital in an organisation to change. Fundamentally, that is what is needed. That is what we mean when we talk about, as a bare minimum, having proportional representation so that we get people who have had such experiences. That goes back to what Jatin said about the work that CRER has published on what has been done in the 20 or so years since devolution.

The issue is the lack of implementation and accountability. Both the Parliament and the Government have had a number of opportunities. However, we have still not seen enough progress, so how do they expect ethnic minorities to have trust in their local and national Governments? Why would someone from an ethnic minority want to work for the Scottish Parliament, the Scottish Government or any other public sector organisation if they cannot see it adopting an outward, visible narrative that it takes a zero-tolerance approach to racism? Organisations should do so in just the same way that they say that they will implement a policy of having a 50:50 split on gender or take a zero-tolerance approach to disrespecting LGBT communities.

The Convener: Rachael Hamilton, do you want to come back in?

Rachael Hamilton: Yes. Danny, you said that the pandemic had affected many of what we might call the targets and outcomes, although you did not use those words. In 2016, figures showed that people from ethnic communities were twice as likely to be unemployed or to live in poverty and four times as likely to live in overcrowded conditions. Prior to the pandemic, had any progress been made through interventions such as the Scottish Government's race equality action plan?

Danny Boyle: There had been progress on acknowledging that there were issues, but not enough on outcomes.

Rachael Hamilton: If there had been progress on the commitment to setting an agenda, do you believe that the pandemic has set that back or has it brought such issues into focus again?

Danny Boyle: I will try to make this answer as useful as possible. The pandemic exacerbated pre-existing issues significantly. It was useful in that its social and economic impacts on ethnic minority communities in Scotland became a blatant and obvious issue that could not be

ignored. Simultaneously, the Black Lives Matter movement led to an increase in recognition of institutional racism and other factors that fed such inequalities, and it has continued to raise that focus.

However, the reality is that the ways in which we operate in our society and use the different levers in our economy are not currently set up for us to be able to respond substantively to the issues that have increased or been exacerbated. It is all linked. I was thinking about the answer that I would give to Maggie Chapman when she asked about links between the third sector, our organisation and others on the ground. There are links with our 32 local authorities and hundreds of public bodies, as well as with what national Government is doing.

An incredible amount of hard work is done within our organisation and by others working on the ground. An incredible amount of hard work is done in individual local authorities, too, particularly by the staff who are focused on this area, as well as within the Scottish Government's race equality unit. In reality, however, our numbers, as a collective, are tiny in comparison with the different levels of policy focus in different areas. That is also reflected in budget allocations to our organisations and our compatriot organisations that are funded through the equality and human rights fund, to communities at a local level and to those working at local authority level.

10:30

While race and race equality has grown significantly as a conscious issue—we are having the same conversations about the same issues—the race equality budget at national Government level has been stagnant for more than a decade. I think that the general, broader equalities budget might have increased by £1 million or £2 million, but there have been pretty massive real-terms cuts over the period from 2011 to the present day, or the financial crash to the present day.

All our organisations are operating in quite extreme circumstances. You are right to acknowledge CRER, BEMIS, CEMVO and all the other compatriot organisations, as well as those in your constituencies, but it is not our responsibility to provide a silver bullet solution to race equality issues in Scotland for local authorities, the Government or whoever. In my time over the years, I have observed that, because of the extreme budgetary constraints that have affected all our organisations, and given the different perspectives that are taken on race equality, such as a critical race theory approach or an equalities and human rights-based approach, rather than the Government and other duty bearers taking a step back and recognising that they have a legal

responsibility on all the issues that have been raised and that they need to respond to them all, communities, organisations and individuals have been left to compete against one other for their rights to be respected, protected and fulfilled. That is a big basic indicator.

Although we may have significant political proclamations about Black Lives Matter, race equality, Scotland being anti-racist and embedding anti-racism here, there and everywhere, that is not replicated within any budgetary allocations that affect organisations' capacity to develop or duty bearers' capacity to respond to the issues in a much more strategic fashion. The Scottish Government's race equality unit has, I think, four members of staff.

We talked earlier about race equality and anti-racism having to be embedded across every directorate. Earlier this morning, I alluded to the anti-racism in the workforce strategy and the claim that the national ethnic minority population of Scotland was 5 per cent. That shows that a differentiated path is already being taken to the stated position of ministers of taking an equalities and human rights-based approach, with comprehensive recognition.

Within the protected characteristic of colour, we can unpick issues around white privilege, white fragility or whatever it may be, but Government's legal responsibility and the rights that are enshrined for citizens in Scotland from ethnic minority communities are broader than that. We should be cognisant of that in discussing these issues, and we should be extremely wary of pitting ethnic minority communities against one other in a competitive environment where there are extremely finite resources. We should be looking to bring them together to advocate on shared experiences. Where there are differentiations within colour, nationality and ethnic or national origin, those should be attended to and responded to. Sadly, our experience has been that that has not been the case, and that will have been exacerbated from 2016 to the pandemic to now.

The Convener: We are going to have to watch our time, as we are not even half way through our lines of questioning.

Pam Duncan-Glancy (Glasgow) (Lab): I thank the witnesses very much for the evidence that they have given us this morning and for the work that they have been doing. The point has just been made that the reality for organisations working in this field is really difficult right now. This committee and other committees have heard how hard it is for the third sector. I hope that something can be done about that and that the Government is cognisant of that, particularly when it comes to budgets.

A couple of my questions have been answered, particularly on the employment gap growing, especially for women.

In relation to the race equality, employment and skills framework, the then Minister for Business, Fair Work and Skills said:

“We need to ensure that leaders of public authorities have a strong understanding of what”

racism

“is and how that understanding can be applied to dismantle the barriers that create race inequality in the workplace.”

Do we have that understanding? Do you think that institutional racism is recognised and named in Scotland’s public authorities?

Jatin Haria: The answer to your first question is no. What was the second one?

Pam Duncan-Glancy: Do you think that institutional racism is recognised and named in public authorities?

Jatin Haria: In the previous inquiry, you will have seen what some public sector organisations said when they were asked that question. It was, I think, Fulton MacGregor who asked them, “Do you recognise institutional racism in your organisation?” That was at the height of the Black Lives Matter movement, but many of them still said no. That is why the strategy has focused a lot on greater understanding. I think that your real question is about how we enable that greater understanding. Can we enable it, or do senior leaders need to learn that themselves somehow?

The answer to your question is definitely no, because, if it was yes, we would not be doing some of the things that we are still doing. That was slightly going off at a tangent, but, I hope, not too much.

At the height of the Black Lives Matter movement, a number of organisations made statements condemning racism and recognising institutional racism and that sort of thing. We followed up on 70 statements that were published and asked those organisations what they had done since then. The answers go back to what I said earlier. There was a lot of activity—working groups and so on were set up—but hardly any action. Danny Boyle asked whether anybody has put any more resources into addressing the issue. We cannot see any great evidence of that.

A lot of people set up BME or anti-racist staff networks. We did a survey in relation to some of that work. It was not a scientific survey, because the sample size was small, but some of the BME workers who replied to us felt that they were being exploited. They felt pressured, burdened and unsupported. They were almost having to participate in those networks. Some of them did

not want to, but they felt that they had to because they had a different ethnicity from the majority.

How do we get people to understand what institutional racism is? That is the million dollar question. There is no easy answer, but we should not let organisations off the hook when they do the wrong thing or when they pretend that they are doing things, which is what a lot of them are doing.

Pam Duncan-Glancy: Do Danny Boyle and Farah Farzana want to add anything to that?

Danny Boyle: What Jatin Haria said about staff networks and the rapid response looks very much like a replication of what I said in my previous answer about people thinking, “We’ll give a few quid to ethnic minority organisations and communities. That’s perfect, everything’s okay and hopefully they’ll come up with a few wins and solutions.” That is not a sustainable model. As Jatin Haria said, it eventually has the counter outcome of making people exhausted and isolated.

Organisations’ retrospective HR compliance with employment law has to be robust. Discrimination is supposed to be prohibited, but I am trying to reiterate consistently to the committee that, internally within organisations, Government and society more broadly, although it is incredibly important that the prohibition of racial discrimination is recognised, it is not a panacea. That is merely the most basic foundation for what has to come next, which is much more in the way of proactive policy measures and investment. There has to be much more proactive analysis of what happens when we spend money on certain measures, because the people who need to benefit from those measures need to be central to our thinking, and we know that they are, disproportionately, not benefiting from them.

We see it as a critical problem that, in Scotland, there is a huge human rights deficit in the understanding of what proactive and positive human rights aspirations are and how that plays out in policy. Our understanding of human rights is connected to the European convention on human rights, which contains negative rights—things that we should never experience. Those are incredibly important but, certainly in relation to the incorporation of new international treaties and those rights being legally justiciable, we have to be much more strategically focused on how we use that type of policy development and legislation. For those issues to be responded to, significant investment needs to be parallel to that.

At the height of the pandemic, we set up the ethnic minority national resilience network, with more than 100 organisations responding to those issues across Scotland. We came up with recommendations, which included calling for—this

is still on the table—the creation of a race equality transformational investment scheme.

We have seen such an approach previously with rural communities and in other policy areas. It would not be for BEMIS, CEMVO, CRER or whoever to make a pitch and take money; rather, it would be about local authorities and national institutions recognising where the major gaps are and working directly with rights-holder community organisations to make progress over the parliamentary cycle. When we see that progress is being made, we could benchmark it and move forward with the next bit. Without substantive investment, the default position will be to set up a safe-place group around HR compliance, which is not going to cut the mustard.

Jatin Haria: There is nothing new in that question or in the answer; these things have been there almost for ever. In a sense, the answer relates to equality impact assessments. If those are done properly, the question would be answered, but hardly any of them are done with any understanding of what an equality impact assessment is. It should not be about sending me an email saying, “Can you do this for me, please?” That is what happens all too often.

Farah Farzana: I am sorry, Pam—I can remember only one half of your question, and not the other half. You talked about understanding across public sector and third sector organisations. I agree whole-heartedly with what Jatin Haria said about equality impact assessments. When I first came into my current role, I thought, “Everything is there—why are you not doing it?” The purpose of an equality impact assessment is to identify the issues and then mainstream it all. Again, the issues come down to white privilege, accountability and a lack of implementation and follow-up. The structures are there, but there is no follow-through.

Pam Duncan-Glancy: Am I right in saying that, if we are seeking to progress that work, we should look at what actions are being taken and follow where money has gone to try to see whether there has been a differential impact?

Farah Farzana: Yes.

Pam Duncan-Glancy: That is helpful.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning—it is good to see you all again.

Danny Boyle’s answer leads me on nicely to my question. I would like to hear your broad thoughts on the proposed incorporation of the four international human rights treaties, on which the Scottish Government is going to consult. That would include incorporation of the International Convention on the Elimination of All Forms of

Racial Discrimination. Perhaps you can pick up on some of the points that you raised earlier. For example, if the proposed human rights bill is to progress, which seems likely, how could that benefit racial equality in Scotland? Is it an opportunity to provide greater investment in that area?

Perhaps Danny Boyle can start, as he raised that point in his last answer.

Danny Boyle: I represent BEMIS on the human rights bill governance and engagement advisory board, which is made up of third sector organisations across different characteristics. They provide guidance and advice in advocating for the creation of a human rights bill for Scotland that incorporates those treaties, along with the ECHR and others.

The basic point is that, if all the issues that we are talking about here move away from a soft-law, EQIA process and become judiciable, we will, all of a sudden, have a significantly stronger legal threshold that will enable the progress that we need to make.

Ideally, litigation should be a remedy of last resort, but it is often necessary to set standards in order to progress matters. I talked earlier about a deficit in the understanding of human rights and the International Convention on the Elimination of All Forms of Racial Discrimination. That includes the provisions that the convention covers, and the general recommendations, which we have used previously. We have already used the international human rights law system in relation to racial inequality to get a commitment on the disaggregation of data and to make progress on the curriculum for excellence responding to transatlantic slavery, BLM issues and other grave human rights violations. There are already examples of policy having integrated the provisions of that particular convention.

10:45

Where we fall short, as I highlighted in my points about the economy, is in making significant social and economic progress, in the intersection between class and race, to tackle poverty and the lack of representative employment and employment opportunities, and to address the fact that, when national Government passes down budgetary constraints and cuts to local government, the first budget cuts fall exclusively on ethnic minority groups. Those are the first things to be axed, and some of those groups provide unique services. It is unfortunate that the committee will not be hearing today from Trishna Singh of Sikh Sanjog, because that is an example of an organisation that provides a unique service

in Scotland and is experiencing a 100 per cent budget cut.

If the International Convention on the Elimination of All Forms of Racial Discrimination had been applied in Scotland when that particular budgetary decision was made, we would absolutely be seeking litigation on the grounds that the budget was not compliant and was, in fact, a form of institutional racism. The first to fall under the bus was, in that particular example, a group of Sikh women who have no other culturally specific service provision. That was an appalling example, but the same thing has occurred in other areas.

We have talked about institutional issues and the application of soft law such as the EQIA process, which has not worked as well as it could do. Having more robust litigation opportunities to set standards and to ensure that issues are not replicated in other areas could be incredibly beneficial to Scotland.

The challenges now relate to technicalities in the bill. Recently, with the passage of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, we have seen some pushback from the UK Government when we tread on what are considered to be reserved powers or create a higher threshold of rights protection that is not applied across the UK. That is difficult territory to navigate but, in the third sector and in the race equality organisations and organisations representing broader characteristics with which we have engaged, there is a huge appetite for the creation of a human rights bill for Scotland, so that the additional strategic powers can ensure that substantive progress is made for rights holders in Scotland.

Fulton MacGregor: Thank you for that.

Jatin Haria, you and I have spoken a lot about bits and pieces of work that are being done and whether those are becoming—for want of a better term—a bit of a talking shop. Do you have any thoughts on how the proposed incorporation bill could help us to move away from that? I think that committee members are all conscious of that aspect, as are cross-party groups. Do you have any thoughts and hopes as to whether incorporation of those laws can help to navigate this particular area?

Jatin Haria: Not at present, because we have not seen the actual wording of the bill. If it is more about simply incorporating the treaties, we are not as positive as Danny Boyle is in that regard. First, as he said, equality law on this issue is reserved almost in its entirety. Secondly, UK law on racial equality is pretty good, so we do not think that we would add anything by incorporating the International Convention on the Elimination of All Forms of Racial Discrimination as the third treaty.

There has been talk about including a general equality clause in the bill, but we have not seen the detail of that. That might be of some use. However, the key point is this: if people are going to have rights, how do they enforce them? We need more advocacy, and we need more people and organisations to bring a challenge when they think that they have been discriminated against, but that will cost a bit of money.

I think that we need to wait until we see the actual wording of the bill before we can be too positive about it.

Fulton MacGregor: I will focus on a slightly different area. Incorporation of the treaties is a massive area, and I am aware that the convener has already mentioned time constraints.

Farah Farzana, how important is it that BME women's voices are heard as we take forward the proposed human rights bill and try to make some changes? As you articulated earlier, there is a real need for change in that regard.

Farah Farzana: The incorporation into Scots law of the four international human rights treaties is quite welcome, because the treaties were designed to be incorporated into domestic law. That also supports the need for accountability, as we have said. It is a good opportunity to have maximum impact and improve the lives of the most marginalised people in Scotland. Obviously, however, that has to be done in the best possible manner, so how the treaties are incorporated and implemented is equally important.

I know that a lot of consultation on that is going on, but what we really need is meaningful participation. People need to go into communities directly and build capacity so that they can have educated and meaningful responses, including, obviously, from ethnic minority women.

When people hear the words “human rights”, they often say “Argh” because that is unknown territory. A lot of education is needed on what human rights mean, as opposed to just saying, “Okay—these are what they are,” and implementing them.

There has been a steep learning curve for me in the organisation. I do not focus on human rights in particular—I usually focus on race equality—so the majority of the learning has been done by my colleague Clare Gallagher, who is our human rights mainstreaming officer. She deals with quite a lot of the human rights aspects of things. One issue that she has raised has been the experts by experience panel. Is that panel representative of the people whom it is supposed to serve?

Taking a human rights-based approach to implementing the treaties is really important to ensure that the voices of everybody, including

ethnic minority women, are heard. It is a matter of ensuring that there is representation at the design stage.

Karen Adam (Banffshire and Buchan Coast) (SNP): Thank you for so much education that I have had this morning. What has clearly come across is that there is a lot of activity and a huge amount of work going on, but there seems to be some kind of frustration that there are maybe not the opportunities to have that work exercised and actioned, and perhaps the system is working contrary to the work and expertise that you are telling us about.

One of the important things that I am now realising is that there is a certain lack of visibility. Perhaps that is because of the frustration of opportunities.

Has enough work been done at the Scottish Parliament with regard to race in the past 20 years? Will you focus on not only the work that has been done but whether you think that the opportunities have been there? If not, what has frustrated that?

Farah Farzana: In talking about equalities, the Scottish Parliament always has the opportunity to take an intersectional approach. It is down to members to look into using that.

A lot more that is within the Scottish Parliament's remit could have been done in the past, and we could have learned from that. The Parliament's role is to hold people to account, and accountability has been one of the main themes in this session. As parliamentarians and representatives of their constituencies, how many MSPs go and engage directly with their ethnic minority communities for chamber debates? There is historical mistrust. A lot of actions can be misconstrued or are tokenistic. There may be the intention to embed race equality or talk about things, but you have to understand that that tokenism is there, and that is off-putting.

Why has such an approach been taken? We live in the age of the internet. It is not too hard to do research or to get data and information. It is within the remit of staff members, including, for example, parliamentarians' office staff, who deal with constituents, day in and day out—more so than yourselves, who are there to represent them. What attitudes do they hold and what stereotyping and bias do they give out, for example?

Those are tangible aspects that you in the Parliament can deal with. There is a BME network in the Scottish Parliament; I cannot remember its name. Again, to what degree is it going to be tokenistic?

There is much need to understand that white allyship, fragility and privilege need to be verbally

acknowledged and recognised, and that racial gaslighting needs to be called out. Such things are obvious when they happen in the UK Parliament, but how often do we reflect on ourselves nationally? For example, has an intersectional approach been taken to a piece of legislation? When we talk about education, does anti-racism come into that? Until now—until the Black Lives Matter movement—it has not done so; whereas that area has been researched for at least the past 20 years.

I hope that the work of the committee will focus more on implementation and accountability. As Jatin Haria said, there are a lot of actions and activities, but it is about the Parliament and the committee using their remit and powers specifically to hold people to account—and, basically, not being scared of being specific. Empower yourselves to take forward race equality, because it can be done.

Jatin Haria: A few years ago, we analysed how many chamber debates had been held on race. For a period of almost four years, there was nothing in the chamber on race. That has changed somewhat after the Black Lives Matter movement and Covid issues. However, I am particularly interested in knowing what other committees have done even just to talk about race equality, never mind doing anything substantial. We might take on such research soon. I am pretty sure about what we are going to find.

I am running out of time, so I will abuse my position slightly. Here are some of the things that Scottish Government is doing that the Parliament has never got around to addressing: the anti-racism employment strategy, which you have talked about; the anti-racism in education programme, which Farah Farzana mentioned; a cross-justice working group on race; the hate crime strategy, which Danny Boyle mentioned; and a review of the public sector equality duty, which the previous committee mentioned in its report. That review has that has been taking a long time—another consultation analysis has just been published—but when are we going to get around to looking at what needs to change? There is the Sheku Bayoh inquiry; a mainstreaming strategy; the Hate Crime and Public Order (Scotland) Act 2021, which we have mentioned; and the work on empire, slavery and Scotland's museums. That is just a very quick and not a full list. I do not think that the Parliament even knows that half of that is going on.

11:00

Karen Adam: This is not to pick on you, Danny, but I wish to ask you a slightly different question. After you brought up a point about infrastructure projects, something occurred to me about what we do here in Parliament. In the most recent couple of

committee sessions, we have been talking about how human rights budgeting works, and it got me thinking.

Under our just transition fund, the Scottish Government is giving £500 million to the north-east region and Moray. The oil and gas industry has traditionally been a white and male-dominated industry. I have been trying to ensure that we have a gender balance when the money is dished out in that area; I want to ensure that women are getting a fair share. Where do the intersectionality and protected characteristics come in? What do you think we can do here, as parliamentarians, to ensure that such projects are equalities driven?

Danny Boyle: That is a brilliant question, and I am glad that that sort of thinking is starting to enter your thoughts. I would encourage all parliamentarians, in their constituencies and in their local authority areas, to think precisely along those lines.

Our current recognition of the problems regarding employment and race equality still follows the lines of retrospective justice being served, which is important and should continue—and that is largely focused on the public sector, as I said earlier. Our economy has fundamentally changed in the intervening period, and the 2022 census will show us that.

I spoke earlier about how we have missed an opportunity with housing. We have talked about the £500 million of funding. I agree 100 per cent that there absolutely should be scoping exercises within the implementation of any contracts attached to that. What is the ethnic diversity of the communities? What is their age group? What is their profile? How do we use positive action measures to go out and strategically target groups of young people from ethnic minority communities to ensure that they are availing of the same opportunities as people who are significantly more embedded into the system because their dad, cousin or uncle works on a rig and can get them into a job? We know that that is what traditionally happens. In the development of housing, plumbers, joiners and all the other trades are really well qualified and well paid, and there is always a need for them, but we really have no understanding of the situation whatsoever. I think that there is an overwhelmingly disproportionate lack of representation of ethnic minority communities in those trades.

I will make one extremely quick point about the role of parliamentarians and the ability of the Equalities, Human Rights and Civil Justice Committee and the Parliament more broadly to interrogate race equality issues across Scottish Government directorates that are linked to specific committees in the Parliament. We find that broad parliamentary debates about race, racism or race

equality—even the Black Lives Matter debate—will touch on some difficult issues, but they will then be very much a back-slapping exercise, saying “We’re Scotland, and we’re against all forms of racism.” Nothing really happens, apart from perhaps a story in the newspaper about it the next day.

While such debates are important, and while it is important for people to see them, the nitty-gritty decisions that are made and that affect people’s lives are made within local authorities and the Scottish Government, and the oversight of that lies with committees such as yours. What we get from that reflects the capacity of MSPs to deal with and interrogate all the issues that you have heard about from the panels here this morning, particularly in relation to the legal obligations of the Scottish Government and other duty bearers. I have spoken continuously about those obligations being embedded within the definition of “race” in the Equality Act 2010 and article 1 of the international convention, covering colour, nationality and ethnic or national origin.

Within the dynamic of colour, it is incredibly important to consider what my colleague Farah Farzana has identified as white privilege and white fragility. With regard to the Scottish Government’s legal obligations and the obligation of duty bearers, that terminology, although it is important for specific circumstances, is unable to reconcile the experiences of the Irish community, the Polish community or some of the Roma community, or other communities who do not fall naturally within a black-white binary assessment.

It is important to have a full spectrum of understanding of the issues that you are seeking to interrogate, realising that they are all of equal importance when it comes to ensuring accountability. It is a matter of creating a step change in oversight. Everything is not to be retrospective around a prohibition of discrimination. It is really important, but it is not a panacea. We need to move forward to a much more proactive, strategic vision about how we use all our assets and everything at our disposal to make the substantive change that is required for everybody who needs it.

The Convener: A small number of members have indicated that they still want to ask a question. If it is okay with the panel, we will take a bit more of their time. I ask for sharp, concise questions and, if possible, sharp, concise answers. I know that it is difficult, because we could spend the whole day here discussing these issues.

Rachael, did you have a question?

Rachael Hamilton: No, because my original question, which was about running for office here,

was for Farah Farzana, and she has made a point about that.

The Convener: It has been covered. It might also be the case that other members' questions have been answered, because we have crossed over on a number of points, but I will check whether members are content. Pam Gosal, would you like to come in?

Pam Gosal: Thank you, convener.

We invited a variety of witnesses to today's meeting, representing different minority ethnic groups. Would you say that the policy development distinguishes between different minority ethnic groups? I will give an example. What works for a Sikh woman is likely to be different from what works for a Gypsy Traveller woman. I am curious about whether that distinction is being made enough. Do you think that a one-size-fits-all approach to creating policies should be taken?

Danny Boyle, you talked about the Sikh Sanjog funding disappearing. I was notified about that last week—it is very disappointing. What a Sikh woman needs is very different from what a Muslim woman, a Gypsy Traveller woman, a Chinese woman or a Jewish woman needs. They are all different. That is what I see, given my background and the fact that I represent many women here. How do you feel about that, Danny? Should policy development distinguish between different ethnic minorities?

Danny Boyle: Yes—100 per cent. I can only give the example of how BEMIS runs as an organisation. We do not speak on anybody's behalf. How can I possibly speak on behalf of a Sikh woman, a Jewish woman, an Irish woman or an African man? It is completely impossible. What we can do is to raise awareness of the situations that affect those different groups, from an equalities and human rights perspective. If you want to hear about how a particular policy area—such as education, health or funding—affects a Sikh woman or anybody else in a specific ethnic group, you have to speak to them directly.

Within that quite substantial field of race equality, some of the different policy levers are collectively important to all of those different groups, but some are intrinsically focused on specific ethnic groups, circumstances and intersectionalities. There has been a significant lack of engagement on the intersections between class and ethnicity, and class and race. That is despite the fact that we know that a disproportionate number of people who live in poverty in Scotland, and who work in low paid and precarious employment, are from ethnic minority communities. If you want to understand those

experiences, you need to speak directly to those communities. That is our offer to the committee.

The next race equality action plan from the Government, from 2023 onwards, should begin what is called a panel process—a human rights-based approach. At the moment, that means participation, accountability, non-discrimination, equality and legality. Across those different policy areas, the Government needs to engage directly with the myriad specific ethnic groups. Otherwise, those groups get lost, and their voices are not heard in policy development. That is as applicable to the Scottish Government as it is to local authorities or anybody else.

The Convener: Pam Duncan-Glancy, did you have a question?

Pam Duncan-Glancy: My original question has been answered, but I have a brief follow-up on what Danny Boyle just said. Are you aware of the panel process having already started, or is that something that you have not been involved in?

Danny Boyle: We are not aware that the panel process has started for the next iteration of the race equality action plan. We have been offering to play our part in it for about two years, but we have not had any positive response to that. We are hoping that it will happen extremely soon.

Pam Duncan-Glancy: The plan is due this year.

Danny Boyle: Yes.

The Convener: Farah Farzana is looking to come in on that, too.

Farah Farzana: It was more in relation to Pam Gosal's question about whether policy development distinguishes between different groups of people. I absolutely agree with the question. One of the things that I do in CEMVO is to offer training, and the training that we often get asked for is on cultural awareness. The way that we usually talk about these things is that it is taking an anti-racist approach. For service providers, it is about using the likes of the panel principles to understand better the needs of the community that they are there to serve.

Again, that goes back to the point that I made about white privilege and white fragility. There is perhaps an expectation that there should be a script for how to speak to a Muslim woman or a Chinese man. That is ridiculous. We get that sort of feedback through training and that has to be one of the main things that we hear. It is not a specific instance of someone asking for a script; it is the fact that there is still a need for cultural awareness training.

What do we mean by cultural awareness? The reality is that Scotland has so many different

cultures, and if you choose one, you will always leave another one out. That is why taking a human rights-based approach is ideal, because it encompasses everybody and is individualistic. It goes against the idea that one size fits all. It is not about treating everybody equally, but about treating everybody equitably.

The Convener: That is a brilliant point on which to finish. We might have to think about how we can focus on your final point about treating everyone equitably.

I thank everyone for their time. We could probably have gone on all day. As well as answering lots of questions and helping to educate us, you have raised more questions in our minds about how we take this work forward. Thank you.

11:11

Meeting suspended.

11:19

On resuming—

The Convener: Welcome back. We now come to agenda item 3.

We will hear from our second panel of representatives from organisations, in round-table format. They are: Pervin Ahmad, strategic development manager, Saheliya; Pinar Aksu, human rights and advocacy co-ordinator, Maryhill Integration Network; Mariam Ahmed, chief executive officer, Amina—the Muslim Women's Resource Centre; and Graham O'Neill, policy manager, Scottish Refugee Council. You are all very welcome.

As this is a round-table session, it will be a bit more conversational. We want to hear about issues and concerns relating to race inequality, to help guide us in our inquiry work. We will go round the table and ask folk to introduce themselves, starting with Pervin Ahmad.

Pervin Ahmad (Saheliya): As the convener said, I am the strategic development manager at Saheliya, which is a mental wellbeing organisation. We have been working since 1992—so for around 30 years now—and support around 1,300 women a year, the majority of whom live with or are recovering from complex trauma. They have multiple barriers to accessing mainstream services and face many challenges both in accessing such services and within marginalised communities and their own families. The group that we work with have very few support networks so their needs are complex.

Pinar Aksu (Maryhill Integration Network): I am the human rights and advocacy co-ordinator at Maryhill Integration Network. We were set up in

2001 in Maryhill—hence the name—and we work primarily with people who are seeking asylum and refuge and with the local community. We use community development approaches, including a lot of group activities ranging from women's groups, men's groups and an advocacy group to creative methods. We also do a lot of outreach work where we engage with schools and attend events to talk about anti-racism, human rights and migration.

Mariam Ahmed (Amina—the Muslim Women's Resource Centre): I am the chief executive of Amina, which is a BME and Muslim women's resource centre. We are a national organisation for women's rights and we support Muslim and BME women primarily through our national helpline. Our remit is supporting equalities and human rights for women. We do a lot of work on employability, poverty and financial inclusion, violence against women and creative wellbeing. Many of the women whom we support experience racial and gender inequality as well as religious inequalities, including a lot of Islamophobia. They experience multiple forms of discrimination in all aspects of public life such as health, justice, employment and housing. Our work is intersectional, and I would say that it is always complex because we support women who face multiple barriers.

Graham O'Neill (Scottish Refugee Council): I am a policy manager at the Scottish Refugee Council and I am delighted to be here on its behalf. We work with people who are seeking or who have been granted or refused refugee protection in the UK, and with those who have been relocated or resettled here, so our work covers multiple protection populations. We have teams in community engagement work, services, policy and other areas. We are trying to develop in a more organised and coherent manner our work with people who have lived experience, drawing on the good practice that Maryhill Integration Network and others have adopted.

We are particularly keen to talk about asylum issues. We feel that successive UK Governments have performed a pretty profound and hideous contortion of the right to asylum. In particular, the current UK Government has done so by breaking the UK away from the UN Refugee Convention, which, in our view and our experience, is one of the most effective anti-racist legal protections and has saved tens of millions of people's lives in its 70-plus years of existence.

We are now threatened with new UK legislation—it will be introduced in the next few weeks—that will effectively bury the right to seek asylum in the UK for people who arrive using irregular means, which is, of course, the vast majority of people, as there is no such thing as a

pre-entry asylum visa. Among other reasons, that is why we feel that people are, tragically, resorting to crossing in small boats and taking other dangerous ways to access the territory. There is a structurally racist problem within the Home Office around that, and it is one of the reasons why we are glad to be here today and to talk in these terms. In one sense, we would rather not be here, but asylum has been brought into that structurally racist area in a naked and visceral way that is literally costing people their lives.

The Convener: As we go through the meeting, members and witnesses should indicate to me when they want to come in. Graham O'Neill has obviously introduced a significant topic. Maggie Chapman, would you like to kick off with that?

Maggie Chapman: Welcome, everybody, and thank you for joining us. In our first panel this morning, we heard about the mismatch between fine words, policies and strategies and actually delivering accountable actions on the ground to change Scotland's approach to racism and to challenge the underlying systemic racist society in which we live.

Graham, you picked up on some specific issues with the UK Government and Home Office, and how they are, in your words, profoundly racist. From a Scottish perspective, what avenues should the Scottish Parliament be working on to support the people with whom you work? I ask Pinar to come in after your response.

Graham O'Neill: First, I make it clear that we do not discern a huge difference between social attitudes on these issues in different parts of the UK. Social attitude studies consistently show that. In terms of talking from evidence, we differentiate the views of the public from what we think are vocal and powerful minorities at the UK governance level, especially in parts of Westminster, that pushes what is in our view a dangerous narrative about asylum.

In Scotland, we have more of a political consensus around welcoming people from different parts of the world, whether that be through protection routes for trafficked exploitation, asylum or people who have come for other reasons. We also think that there are serious issues that need to be recognised around racism in Scotland.

As a matter of practice, Scotland needs to approach all policies that impact on people in the asylum system, as well as other persons who have insecure immigration status, through the lens of what we can do as opposed to what we cannot do. That takes us into quite practical places and it can make a real difference to people's lives. Pinar Aksu from the Maryhill Integration Network and others have led work on addressing the social

justice issue of access to bus transport and other forms of transport. We agree with the campaign that Pinar and others have led. It is an example of a uniquely straightforward way of protecting people and enhancing their lives in Scotland and within devolved competence.

11:30

We outlined many other areas in our evidence to the Social Justice and Social Security Committee, late last year, in a 10-point plan for improving, through devolved competence interventions, the lives of people who have insecure immigration status or who seek asylum in Scotland.

For example, another practical thing that we could do in Scotland is to institute and complete our own end-to-end, anti-trafficking exploitation protection system, which would protect not only some of the most acutely vulnerable people in the country—exploitation survivors—but many people who seek refugee protection. That is because, unsurprisingly, there is a huge overlap between those two populations in Scotland. Some 75 per cent of trafficked exploitation survivors in Scotland over the past six years are also in the asylum system. There are challenges in that for Scotland.

We could use our powers of regulation under section 9(8) of the Human Trafficking and Exploitation (Scotland) 2015 and institute a human rights-based identification and decision-making system to wrap around the excellent survivor rights to support and assistance that we have under that legislation. That is a political choice, which, over a considerable period, we have urged the Scottish Government to take. We are accelerating that, this year, because we can see a systemic penalisation and criminalisation agenda that is washing over people who come here seeking safety from countries such as Afghanistan, Syria, Eritrea and Iran. I mention those because they are countries of high refugee recognition—generally, the refugee recognition rate for them is, in percentage terms, between the high 70s and 99.

The problem is that the UK asylum system is chronically slow and cruel. For example, in Scotland as well as across the rest of the UK, people in ex-hotels—which are experienced as institutional forms of accommodation—get £1.30 a day, which is £9.10 a week. Through UK rules, they are not allowed to work, so they suffer some of the severest forms of poverty. That affects many children, too.

It does not get much better if people are in what the Home Office calls "dispersal accommodation", which is, generally, accommodation in

communities. An individual in such accommodation gets around £6 a day.

In Scotland, we need to see the extent and the depth of, and the worsening trends in, the dehumanising treatment of people from all over the world who have come to Scotland to seek refugee protection. We need to see that for what it is. The Nationality and Borders Act 2022 is cruel enough, but further UK legislation is coming that will bury any right at all to asylum.

Where does that take us when it comes to the treatment of people from refugee-producing countries—from which people are fleeing regimes such as the Taliban—and what does it say about us as a country if we are prepared to condone and tolerate such treatment? If we in Scotland are serious about not doing so, we need to take practical action across all our policy levers, including through some of the legislation that I flagged earlier. It cannot just involve words or we are unintentionally condoning the problem.

Pinar Aksu: I will highlight some of the campaigns that Graham O'Neill has mentioned. Together with the *Voices Network*, we have been campaigning on free concessionary bus travel for people who seek asylum in Scotland. We have been trying—for over a year now, unfortunately—to have a dialogue with the Scottish Government about how to make that a possibility. That is something that could be done concretely in Scotland and would set such a great example of things that we could do differently. At the meeting of the cross-party group on migration in October last year, the Welsh Refugee Council provided evidence about how that worked well in Wales. That is one of the practical steps that could be taken in Scotland.

In addition, when it comes to education, when people seek asylum, they cannot undertake full-time college courses and, when they apply to university, they are treated as an international student, which means that they would be expected to pay the international fee. Because of the recent case that was led by JustRight Scotland, a Scottish Government consultation is taking place. That is another area that could be further developed to show how Scotland could do things differently—because, ultimately, the immigration system is divisive and discriminatory, as Graham O'Neill has mentioned.

I also want to touch on some of the things that our members have been sharing with us and on our experience in Erskine last Sunday. As Graham mentioned, the dispersal process means that people seeking asylum are now being placed in hotel accommodation across the country. A hotel in Erskine is newly being used. I am not sure whether members have seen what happened: unfortunately, the local community in Erskine,

together with a racist—and I would call it fascist—group called a protest to say that the people who were placed in the hotel were not welcome there. I was present and I felt the hatred in the people when they were shouting openly racist words at and saying openly racist things to the people who were placed in the hotel.

Why is that happening and what can we do to prevent it? What is the Scottish Government doing to prevent it? A lot of misinformation is being shared in local communities, and when the Government places a group of vulnerable people in areas where there are already on-going issues related to austerity and poverty, it is easier, as we all know, to blame the outsider—that is, somebody who gets moved into the area. I literally felt the hostility and hatred. It made me feel really uncomfortable in Scotland, where I have been for 21 years. It made me question how we welcome and integrate people when they are met with hostility instead of hospitality.

I am asking those questions because we are worried about the safety and wellbeing of the people who have been placed in that hotel. Of course, that it is happening not just in that hotel in Erskine but in other hotels across Scotland and the UK. How are we ensuring that people in the local communities know the facts about why people are being placed in hotel accommodation?

Like Graham, we are also hugely concerned about the practice of dispersal. It is not welcoming to people when they are not placed in normal accommodation in our communities. It creates the notion of us and them, and, ultimately, it will lead to a lot of racist and hate incidents in our communities.

The Convener: Thanks for that, Pinar. The pictures on the telly were absolutely horrific. If anybody ever pretends that racism is not a problem in Scotland, we can say that we saw it on our TV screens. You are absolutely right to raise the question of how we can tackle that to make sure that people feel welcome. I think that all politicians want people to feel welcome, but we saw on the telly what people can experience.

Pervin Ahmad: I agree with what has been said, but I would add that the issues go beyond that of hotel accommodation. Young women have been put in accommodation that can be accessed. Perpetrators have made use of the ability to access that and horrific gender-based abuse has happened. Accommodation is a big problem.

I would not say that the situation is any better for mothers, but you have a slightly better chance if you have a child. If you do not have a child, you basically have no chance of getting accommodated in housing. We have repeatedly had cases where women have been turned away,

whether they are refugees or migrants or whatever their status is. If they are fleeing gender-based abuse or coming in as refugees, the accommodation situation is really, really bad. We regularly experience that in our client group; it happens a lot.

Mariam Ahmed: I want to mention the impacts of there being racist policies from the Home Office. The issue for Scotland will always be that immigration is not a devolved matter. I would say that Scotland wants to show a bit more compassion to refugees; however, we are a bit restricted when it comes to supporting them, especially when we look at gender-based violence.

The Convention of Scottish Local Authorities has brought out guidance with the Scottish Government on how to support women who are experiencing gender-based violence and have no recourse to public funds. They really put the onus on local authorities, but local authorities need to find the money from somewhere to house those women.

We know that Glasgow City Council has a two-week wait for temporary housing, during which they will put someone in a hotel or pay for their accommodation. However, a woman who is thinking of leaving or who has left is more likely to be harmed or even murdered in that time. We have found that there is a two-tiered approach even for women who are experiencing gender-based violence. Not only are we dealing with the racial discrimination involved in such racist policies; time and time again, we are finding that such an approach is being used. It is very unfortunate. My first no recourse to public funds case was 15 years ago. I really thought that there would be great change in the time since then, but here we are, 15 years later, and things have got worse rather than better.

In such cases there are multiple barriers. For example, there are issues not only with bus travel but with hotels. I have had my fair share of those, having seen every single hotel in Glasgow. Some of the accommodation is unsuitable. Mums who are experiencing domestic abuse are staying there with their children, which is absolutely unacceptable. The most marginalised communities do not know how to speak up for their rights. There is a one-path approach, but people are worried about their safety and status. The burden then falls on organisations such as ours. However, it seems that in the complex cases that we deal with such experiences are not logged anywhere. Pervin Ahmad, Pinar Aksu and I can all speak about them, as might committee members, but we never have a chance to come together to discuss the effects on people who are

experiencing domestic abuse and immigration issues, the impacts of which are everywhere.

Rachael Hamilton: I want to follow up on points that Pinar Aksu and Graham O'Neill made. Why do Ukrainian refugees who have come to Scotland to settle find it hard to access social and rented housing and healthcare? What experience does the Scottish Refugee Council have of supporting such individuals?

Graham O'Neill: There are two parts to my answer on the experience of people who have come to Scotland from Ukraine, having fled the illegal invasion of their country. The second will be a bit more about what we have done. The first is more about how we view the situation. It was Scotland's first real effort, in a devolved context, to institute its own reception and integration arrangements. A strand of the homes for Ukraine scheme, which was a UK Government scheme, is often called supersponsorship. The Scottish and Welsh Governments initiated that and got the UK Government's agreement to take it forward. In terms of numbers, that has been quite an effective scheme and many people have come to Scotland through it.

In the past few minutes, we have touched on what Ukrainian people have walked into. Like other parts of the UK, Scotland has a profound and pervasive housing emergency. We and others in the refugee sector find the situation frustrating. There are dreadful issues with accommodation for asylum seekers. Huge companies—private interests—are making billions of pounds from the UK asylum accommodation system. They are placing people who in many cases have complex psychological trauma and who are completely new to such an environment in ex-hotels, military barracks or quasi-detention facilities—almost the opposite of a trauma-informed environment. That is now being done on an industrial scale across the UK. In March 2020, we were talking about 2,500 people being placed in such institutional accommodation; the figure is now 45,000 people, which is an increase of 1,400 per cent over that period. Procurement of dispersal accommodation in communities in the same time period has increased from about 42,000 places to about 55,000—it has pretty much flatlined. We do not think that that is an accident: we believe that it has happened for commercial and political reasons.

11:45

The amount of money that has been pumped out from the Exchequer through the Home Office to the three asylum accommodation contractors and the hotels that they contract with is around £3 billion per year, at the moment, we think, which means that what was postulated as a 10-year contract that would be worth about £4 billion from

2019 to 2029 is on course to be a £30 billion contract.

Underpinning that is a super-slow, very damaging and poverty-ridden asylum system, particularly in relation to decisions. We saw all of the malaise and mess in the asylum system, and then we saw what happened to people coming from Ukraine, when we found that there was industrial use of temporary accommodation for long periods, including in Scotland. We think that that showed an underlying fragility in the UK's ability to provide affordable, accessible accommodation for people who are on the spectrum of socioeconomic and insecure legal status. That includes people at the harshest end of the very harsh no recourse to public funds regime, but it also includes people who are originally from Scotland and the UK who are placed into some of the accommodation that my colleague Mariam Ahmed spoke about—temporary accommodation in different parts of Scotland. That included families and children.

The deeper problem for the Scottish Refugee Council is not to do with Ukraine or asylum but is to do with why the UK is not making housing a top priority. It is perverse that the most vulnerable people, in terms of poverty and legal status, are the ones who are put into the most inappropriate accommodation, whereas there are a lot of other people who are in comfortable accommodation and things are going okay for them. There is a wider group of people who are in much more precarious circumstances due to the cost of living crisis and the cost of living social emergency. Then there are people who are at the bottom—for want of a better way of putting it—in terms of poverty and legal status.

Rachael Hamilton: Are you saying that you would like to see a UK-wide housing policy?

Graham O'Neill: I think that proper resources are needed. This goes a bit wider than my remit at the Scottish Refugee Council, but we have been working with people who are at the harshest end of the asylum system and who have insecure immigration status. People who have come from Ukraine have seen some of that, but not to the same extent as people who are in the asylum system in places such as Glasgow, for example, and because of that we can say that there is a wider issue that is related to housing.

Basically, we agree with Shelter Scotland that there is a housing emergency in Scotland and across the UK. Housing needs to get ratcheted right up to the top of the political agenda, and if it gets ratcheted up the agenda, the people in the most vulnerable circumstances need to be at the top of that agenda. That is the way it should be, and we need to ensure that we go towards that.

The Convener: We need to watch our time, because everybody wants to ask a question. Fulton MacGregor is next.

Fulton MacGregor: I hope that I am not going to take up time, but I want to raise a point while we are on the subject. I am sitting with an email that came into my inbox at 10:41 this morning. It is from a minister who was writing on behalf of someone else who has also contacted my office. I will not mention the person's name, but they are talking about immigration status and such, and I want to highlight one quote from the email, which says:

"his eviction was dealt with in an inhumane manner."

It is incumbent on us, as parliamentarians, to represent constituents, and we all do that, but the fact that we are talking about this issue and I am sitting with an email that I got at 10:41 this morning means that it was worth raising that point. That is all I wanted to do.

The Convener: I think that we should move on to another topic, because we have given that topic a bit of an airing, which is good. Pam Gosal, were you going to take us on to talk about something different?

Pam Gosal: It is similar, but it is a slightly different subject.

Pinar Aksu, I saw the protests that you mentioned on television. I was not there, but it was terrifying to watch some of the words that came out of people's mouths. That is happening in Scotland. I was born here, and I would think it disgusting if that happened to me or to anybody else around me. My question is on hate crime. Recent hate crime statistics reveal that racism is the most commonly reported hate crime, but there is a lack of data collection on race, particularly in criminal justice. Why do you think that is, and what effect, if any, do you think that that has on the ability to tackle racist hate crime?

Pinar Aksu: That has been an issue for a long time. A consultation was done a few years ago on why there is a low take-up of reporting any sort of hate crime. There is a lack of trust in the system when people report any form of hate crime. What happens to those reports? Do they get followed up? When people report something, will it be solved? Those are some of the things that we hear from the community.

We try to raise awareness of how to report a hate crime. That needs to be addressed, because a lot of people do not know how to do it, unless it is a third-party reporting centre or someone reports it on behalf of someone else. Unfortunately, there is a huge data gap there.

Another thing is that a lot of people who are fleeing from persecution to seek asylum and

refugee are fleeing from some form of authority. Trusting authority is an issue that needs to be discussed, because people wonder whether they will get help from the police if they report hate crime.

Those are some of the biggest issues. We had one incident during a Zoom meeting in the pandemic where a person had a stone thrown through his window. We tried to help the person to report the incident to say, "This shouldn't be happening," but nothing took place and no action followed. That person said that he did not want to follow it up any more, because it was stressing him. He was already in the asylum process, and the impact on his wellbeing and mental health was huge. Dealing with such an incident without any advocacy or support is a huge concern for people.

Those are the areas that I would like to highlight; I do not know whether anyone else wants to add anything.

Mariam Ahmed: I will come in. There has always been a very low uptake of BME people using the justice system. To go back to gender-based violence, there is a lot of underreporting in ethnic minority communities. Coupled with the hostile Home Office policies, the amount of women who we support who see something on television and think that it is already policy is amazing.

I go back to the example of the women who we supported. They were refugees and had experienced a crime. We said, "Look, this is a hate crime and we can help you report it." However, some of them were undocumented, so they did not want to report it. That will be a huge issue from now on. Many refugees, asylum seekers and undocumented people who experience hate crime will walk away and not report it, because they do not want to speak to the authorities.

There might also be an obligation on the police to let the Home Office know who is undocumented and who is documented. That will definitely have a big impact on hate crime figures. As I said, as much as I tried to support those women, they would say, "Absolutely not—we are not interested."

Pervin Ahmad: It is not only refugees. People who were born, brought up and raised in this country will often not raise the issue of racism. I will mention a recent example. My niece was born and brought up here, and is an adult who works in a pharmacy. She experienced racism, and her boss told her to report it, but she said that there was no point.

For many years, many of us—I include myself in this—have experienced racism on a daily or even hourly basis. There is racism everywhere and anywhere you go. We have learned how to block it

out and walk past it. Ignoring it and carrying on has become a learned behaviour—that is the reality. It is not only about refugees or migrants; it is about British citizens who are born and raised here and experience it. We block so much of it out every day.

Often, it is about people thinking, like my niece, "I am so busy at work. I've got so much on. I don't have the time or the energy to go and report this because, if I report it, I will have the police here every single day." People really do not understand the extent of racism. It is in our lives and in our faces every day. I do not see how that can change quickly. It is a long process.

Pam Gosal: You talked about facing racism every hour, Pervin. I have spoken to people about that and I come from an Asian background. Racism is there and people sometimes ignore it. We are parliamentarians and this is a committee. The Scottish Government will be listening as well. What more can we do to stop racism? How can we build trust with the criminal justice system and the Scottish Government so that people, whether they are refugees, asylum seekers or born here, can come and speak to us about it? It is not acceptable in the 21st century.

Pervin Ahmad: It is about situations such as the one that Pinar Aksu described in which she felt uncomfortable. There must have been other people round about who felt uncomfortable. It does not have to be the black face that reports racism. The mainstream—white people—can report it. The only reason why my niece ended up reporting what happened to her was that her white boss told her that she needed to report it. He kept going. He messaged and phoned her and asked her whether she had done it and then she reported it.

We have been so suppressed that we need the white community to start standing up and saying, "Hey, that's not right," and to call colleagues out. Racism is happening in professional environments. Addressing it is about people calling colleagues out and saying, "Hang on a minute." It is about everybody starting to take a stance against racism. That would give us the confidence to say, "Yeah, actually, you're right."

At the moment, a lot of people feel a lot of the time that they are a problem if they raise it. They think that, if they experience an incident of racism against them, they will just be another problem for someone if they raise it. We need to raise it as a whole nation, rather than asking the black people to do it.

The Convener: Fulton, you are on the Criminal Justice Committee as well and, when we were talking about having the inquiry, you mentioned that there were some issues around the

intersection between racism and the justice system. Do you want to take us through that?

Fulton MacGregor: I suppose that it is almost the other side of Pam Gosal's line of questioning.

The Criminal Justice Committee was out at Glasgow sheriff court recently and we saw, I think, 13 hearings that day. Our visit was about the Bail and Release from Custody (Scotland) Bill, but what struck me and other members of that committee was the disproportionate number of BME individuals—young BME males—who were up. We have often heard about that disproportion and something appears—I am being careful with my words—to be wrong at a societal level for it to exist.

I have to say for clarity that we saw only one session of 13 hearings that day. We will find out more about whether it is reflective of the overall situation as we take evidence at the committee.

The Convener: In the previous evidence session, Maggie Chapman raised the issue of racial profiling by the police, which gets a result. The other issue that it might be useful to hear folks' thoughts on is what support folk have when they find themselves in the criminal justice system. Is the support available to help them through that?

Pervin Ahmad: I will comment from a women's perspective. We have had cases in which there was domestic abuse and the police came in. The male reported it because the woman lashed out and, perhaps, cut him. However, the officers did not understand that she had been beaten so many times but could not show her bruises because the officer was male, so she just had to be quiet and put up with it. That lack of understanding continues.

12:00

When a police officer comes in with what is seen as authority and power, a woman may feel that she is not able to say anything. In that case, the woman was taken in and kept in overnight. She had a young baby who was being breastfed and had to be separated from her. She had been abused, and then she was separated from her child. She was already having problems with connecting with her child, but no consideration was given to that. She was not taken aside and spoken to—she was spoken to with the male perpetrator in the room. She said: "Yeah, I hit him", so they took her in and kept her in overnight. Those things are still happening, and they happen quite regularly. It is simply unacceptable.

Pervin Ahmad: One issue that we see is corroboration. If Police Scotland comes out to the type of incident where a woman is experiencing abuse, and she is staying with extended family,

the perpetrator might have corroboration while she does not. Often, therefore, even if police officers are sympathetic, they will, by law, still need to arrest the woman.

At the same time, there are a lot of laws out there that disproportionately affect BME women or BME people in general. That is definitely something to look at. Are more men or more women being arrested? I would say that more women are being arrested, when they are the ones that are experiencing domestic abuse.

We also see a lot of BME women who have their children separated from them and placed in the care system because they might have smacked their children or whatever, while not understanding that smacking is actually illegal in Scotland. When the smacking ban was brought in, there was absolutely zero consultation with many BME or refugee women's groups in order to explain the law to them.

There is still a lot of legislation in Scotland that disproportionately affects BME women or BME people in general. There is much more work to be done even with our existing laws.

Graham O'Neill: One of the things that we have noted each year is that, over 20 years of devolution, there has not been an inquiry or inspection by any inspectorate of the relationship between the Home Office and the operation of the criminal justice system in Scotland. That applies to Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Prison Service and the courts. There is a gap there that needs to be filled.

We have raised that point a number of times, as did the Justice Sub-Committee on Policing, which John Finnie chaired in the previous session of the Parliament. The truth is that, in practice, the issue has been ignored. We were ignored not by the justice sub-committee but by Her Majesty's Inspectorate of Constabulary in Scotland—well, we got a response, but it was not substantive. It basically said, "Nobody has really raised this issue with us before", and we said, "Well, that is why we are raising it". Over 20 years of devolution, Scotland's population has become increasingly diverse, but, even if it had not, we should still be looking at how the operation of the criminal justice system affects communities, especially—although not only—migrant communities.

As Pinar described, we see that people, in particular those who have come from a refugee background, are quite distrustful of authority. We also see—as I touched on earlier—that the stakes for people who are seeking refugee protection and who have insecure immigration status in the UK, including in Scotland, have become so much higher over the past three or four years, such that it is now a criminal offence to arrive in the territory,

be it on a beach or through a lorry drop. People are immediately liable for a criminal offence of unlawful arrival under the Nationality and Borders Act 2022.

In our view, it is incumbent on the criminal justice institutions in Scotland to say, “Okay—how can we get a grip on this?”. We have pushed that issue through the Scotland’s National Action Plan for Human Rights leadership panel, which has agreed, to its credit, that there should be such a review. That is good, but we understand that the matter is now with the Scottish Government to consider.

One of the reasons that I raise the issue now is that we really hope that the Scottish Government will make the right decision and take forward a review of the interaction between the Home Office and the Scottish criminal justice institutions. That has never been done before, and the stakes are very high for people who are at the sharpest end of the UK Government’s ever more hostile environment.

Pervin Ahmad: There needs to be greater recognition of the benefits of relationship-based practice. In our work, women build a relationship with the caseworkers who they work with, and they become confident and begin to open up and disclose all sorts of issues and trauma and so on. However, from there, when we try to get them support and services, there is almost an expectation that we will hand them over, so to speak, and that someone else—whether that is social work, police or the NHS—will come in and begin the support process. That does not work, though, because the language support is not there, and whoever takes over does not know the history of the woman and the complexity of the trauma and so on.

In the third sector, there is so much expertise and specialism, and the workers build trust and a relationship, to the point where they are able to engage the woman and help her to access services and support. That relationship-based practice has to be expanded, so that staff who have already built a relationship can continue to support women through the whole process. That is not happening. It was incorporated in the Christie commission’s report in 2011, but it has never really been pushed as an active practice. Such a practice makes such a difference to women, or anybody who is vulnerable, and means that they feel that they can engage. That really needs to be looked at again, and consideration should be given to how we can roll that practice out.

Obviously, that needs resourcing. It is a big problem that the third sector is so minimally resourced. We know that resourcing is difficult across the board. An issue that was brought to our attention yesterday is that the City of Edinburgh

Council is cutting funding for third sector organisations. The biggest cut will be to education and youth. That is really concerning for us, because what usually happens in such situations is that the type of service that is cut is things such as ESOL—English for speakers of other languages—classes. Activities such as that have a big impact on women, because, if they do not have the language, they cannot engage or begin to access services.

The interpretation services that are there, which are supposed to support the women, are often very problematic. There are a lot of issues around interpretation services, with interpreters coming in with and imposing their own beliefs and culture. We had a situation in which an interpreter was basically interpreting to a young lady in a panel session, “You should be ashamed of yourself for raising this. Look at how upset your mother is because you have done that”. Nobody else understood, but her worker was bilingual, so she had to stop the panel session and say, “This is what’s happening”. Nobody at the table knew what was going on.

That kind of thing happens regularly. Resources such as ESOL classes seem to be considered as things that we do not need, but actually we do. It is really concerning, because, if the City of Edinburgh Council is moving towards removing that kind of funding, other councils will be doing the same. We know that councils are under a lot of pressure at the moment, but they really need to think about the impact of that on diverse minorities and the intersecting needs of the communities that they are taking resources away from. That is something to be very aware of.

The Convener: That is useful, because it is a topic that has come up before.

Pam Duncan-Glancy: Thank you for that. I am probably going to go back a bit, if that is okay. I probably did not put my hand up in enough time to ask the question at the right moment.

We have just heard from Pervin Ahmad about the importance of a relational approach. I worry about race relations, which kind of takes me back to when we started discussing the Equality Act 2010. It feels like quite an old statement to make, but I am worried that race relations could be getting worse. I noted Pinar Aksu’s comments on people being placed in hotels rather than in ordinary community situations, and I have a couple questions about that.

I have been worried about what that means, particularly in Glasgow, but I am also worried about where the people who are on MS Ambition will go when it closes at the end of March. Have you noticed any impact on race relations in the city and across Scotland as a result not only of the

more hostile environment but of the way that we have been putting people into unusual accommodation circumstances, as we might call them?

Pinar Aksu: We work in welcoming people. We work with people directly, and we provide a lot of services, as Pervin Ahmad mentioned, including ESOL classes, so all that has a huge impact on making people feel welcome and part of a community. People are being placed in rural areas, particularly in hotels, and, as Graham O'Neill mentioned earlier, hotels are making a huge profit. We need to highlight that, and we cannot hide from it. The hotels that are being used are usually isolated from the community and in areas that are hard to reach. When people are given £9.30 a week, how do we expect them to travel to colleges or to communities? How do we expect them to go to see their lawyers? They are being disconnected from society and placed in detention-like conditions.

A horrifying thing happened in Erskine on Sunday. I had a brief chat with the mayor's officer, and he said, "We are going to flourish this area in six or seven months". That is a clear indication that they want to keep people in hotel accommodation for longer than some weeks. They want to keep people there, create a hostile environment where people are disconnected from society and create programmes of activity in the hotels. There is a huge worry for people's safety. As I mentioned, if misinformation is highlighted in the news and groups mention that these people are not welcome, who will protect the people in the hotel accommodation? My question is: what if something happens? We saw what happened in the Park Inn incident in 2020. A life was lost, and it was the first time that a person involved in a knife crime incident had been killed in Scotland by Police Scotland. What if something happens? Who will be responsible for these actions? We have been highlighting this concern since 2020.

Pam Duncan-Glancy mentioned that people are going to be disconnected from society, and that is where we will see the racist and discriminatory immigration system being implemented in Scotland. It will be a situation of us and them in which we fear the other people who, actually, are seeking asylum and refuge. In Scotland, we can do it differently by condemning that. Following Sunday's incident, I have not seen anything from the Scottish Government to condemn those actions and to say that Scotland is a welcoming country and that we condemn any form of racism. I have not seen that on any platform. Condemning and challenging misinformation is something that we can do in Scotland.

Preparing communities is so important. If you place a group of people in a rural area—perhaps

an area that is already deprived and has on-going concerns—the community will obviously blame and point the finger at them. We have seen history repeating itself. If that practice is going to continue, huge work needs to be done to prepare communities, and it could be done. We could create community cafes and community conversations, which could be led by local councillors and local authorities so that the community is kept informed.

Mariam Ahmed: I want to come in on the point about Glasgow and Glasgow communities. Funding is definitely one of the issues. If you look at the Glasgow communities fund or the Edinburgh fund, you will see that the number of well-established BME organisations that have had their funding cut is a big issue. You will look at the list in absolute disgust thinking that those organisations just no longer exist. Those organisations are fighting hard for racial equality. The Covid-19 pandemic disproportionately impacted BME women and BME people. On top of that is the cost of living crisis, and Bangladeshi and Pakistani households are having a much harder experience of poverty.

On top of all that, there have been the funding cuts. We are sitting here talking about racial equality and how to make that better. The Scottish Government can have all the best policies in the world, but if it is not actually funding them and helping with work on better racial equality, we are not going to get any further. The examples that I have just given are setting back so many BME communities.

12:15

The Convener: Pervin and Graham are waiting to come in.

Pervin Ahmad: Mariam has covered my topic.

Graham O'Neill: From an anti-racist perspective, there is one reason why we are so concerned about the Home Office's deeply irresponsible practice of moving people to different parts of the UK—including Scotland, of course—with no consent from local authorities or devolved Governments, and into institutional accommodation and cruel conditions: it creates a series of serious consequences.

First, we know as a matter of evidence that there has been significant escalation in the levels of mental ill-health at scale among people who are stuck in such environments. The number is 45,000 and growing across the UK, and we have just under 1,000 in Scotland.

Secondly, we have seen a tragic acceleration of loss of life in those environments. We, Liberty Investigates and others have done a lot of work on

that, as has *The Ferret*, the investigative journalism platform. The Home Office does not monitor and certainly does not talk about it, but a disproportionate number of people have lost their lives. I have seen some of the redacted incident reports, and the number includes people dying in despair and confirmed suicides.

Thirdly, when people are treated in such a marginalising and de facto segregating way as has happened with this Home Office practice, they become much easier to exploit. This strand of the deeply irresponsible Home Office practice is therefore making communities feel more unsafe because their people are more easily exploited. Remember that we are talking about people who have fled persecution, terrorism and other dreadful environments. They desperately want safety. That is what they want more than anything else, but the Home Office practice deliberately denies them that.

The fourth consequence relates to the far right and extremists. Patriotic Alternative has exploited what has happened here and has done what they do across the UK, which comes from the Home Office practice. As Pinar Aksu said, it needs a coherent public national response, including from the Scottish Government. That is an important part of the anti-racist approach that anyone should take.

Baroness Kennedy KC conducted an inquiry on behalf of Refugees for Justice—Pinar can speak better about that than I can—and the document was published last November. I have never been at a more dignified and powerful launch event in my life and in 20 years of working in human rights, and it was like that because it was led by the people who are directly affected by the situation. We could see the cohesion there.

However, as far as I am aware, the relevant parties have still not responded to that report. It is a vital learning document about what Pinar and others are describing around what happens when you take such an institutionalising and commercialising approach to people who come here seeking safety and are placed into these ex-hotel regimes. We need to use that document and apply its recommendations as much as possible within devolved competence. I return to Maggie Chapman's question about what we in Scotland can do: we need to respond to that document and implement most of its recommendations within devolved competence.

I understand that Refugees for Justice is still seeking a meeting with the First Minister, and we really hope that that happens. We know that the First Minister cares deeply about these issues, and we think that it would be a constructive way forward. The next thing that we can do, therefore, is meet Refugees for Justice with Baroness

Helena Kennedy and the First Minister so that we can take forward that work and learning together.

As I said earlier, the Home Office practices are getting rolled out systematically across the UK, which will create harmful impacts. Perversely, it will create opportunities for far-right extremists, which will create more unsafe conditions for all visible ethnic minorities in the UK context. If far-right extremists feel that they have the oxygen of publicity and opportunities to exploit, they will exploit those opportunities, as we have seen recently, tragically.

The Convener: Karen, I discouraged you from commenting on this topic earlier. We have done a few others and we have come back to it; do you want to come in now?

Karen Adam: I was going to come in on the subject of mental health, if that is okay.

The Convener: Yes.

Karen Adam: Everything that I have heard so far paints an extremely grim picture. We are already in a mental health crisis, and it is really concerning when we put a racial lens on top of that. As we have heard from experts, mental health issues are exacerbated by disconnection, which is a word that I have heard a few times. Connection can almost be an antidote to some mental health issues. Whether that disconnect is in language, place or community, could you paint a picture of what that really looks like when that racial lens is applied? What can we do in that regard?

Pervin Ahmad: All of the women we work with come to us suffering from mental health problems. For a lot of them, the reality behind that is racial inequality and gender-based discrimination. They come in reporting all sorts of horrendous situations, including being sexually exploited. There are women who have been trafficked and women who have been born and brought up in this country who are being abused by partners or by their communities. Unfortunately, in the communities that we work with, it is often not just the partner; some extended families and communities apply pressure to the women to stay and remain within their abusive relationships. All of that has a huge mental health impact.

That rolls into the health sector. When women try to access health services, they are sent away with very high doses of antidepressants, but the real problems are not dealt with. Sometimes they cannot leave the perpetrator because they have no recourse to funds, or the perpetrator is withholding money. We have encountered situations where a couple were receiving £600 in benefits for their children, but the partner was telling the woman that he was only getting £100. She was struggling to make ends meet and even

to feed the children; they were living in real poverty.

There are situations where there is a family income, but it is not filtering down to the women or for the children. The woman concerned was in dire poverty, her children were starving and she came to us for support. The woman did not have the language, but she brought along bank statements at one stage, as the case worker was looking into whether she could get benefits. The case worker realised that there was an amount on the partner's statement that was clearly a benefit. Those are the kinds of situations that women are coming in with. How can a woman apply for a benefit when the partner is already getting a benefit, but she cannot access it? She cannot leave the partner because she does not have recourse to public funds. She cannot get housing and feels that moving away would be a risk to her life. That is a genuine risk. She feels that, if she leaves, there is a genuine risk that she may be killed. Her children may be taken away or taken abroad. The fear is huge; it is unimaginable. She just cannot leave.

Those are the kinds of situations that we encounter. The woman will be accessing health services, but the health staff do not understand what is going on. She is trying to access benefits, but she needs to have the language to make a phone call or to do that digitally. That is another problem, which we are seeing every day. Everything is becoming digitised, and not all women have access to information technology, they do not have the language or they just do not have the skill. A woman in that situation may be so traumatised that she does not have the capacity or the resilience to sit down at a computer and do something like that. Even as a professional, when I try to fill out a form I might think, "Oh God—this form!" so imagine what she is feeling. She does not have her own paperwork so she cannot load evidence on to the system. All those things add to the situation.

It is another systemic form of inequality, and to some extent racism. If someone does not have the language or the capacity to fill in those forms or speak on the phone, what does she do? She cannot have a worker speak on her behalf if she cannot be present when someone calls back or when there is a call coming in; the benefits agencies will not talk to her unless she is present. All those issues add to the exclusion of such women.

In addition, professionals often do not understand what is going on, and there may be no understanding of the woman's background. She may have come through a horrific asylum process or been trafficked. Given where she sits culturally, she may not simply be able, or she may feel

unable, to get up and leave. All those things will have a huge impact on her mental health.

Karen Adam is right about the need for connection. The way that we work is by helping women to make connections initially with the services, but also within communities to enable them to build up a community of support for themselves. That has a significant impact in terms of helping their mental wellbeing.

However, it is a very long and costly process. We have staff who speak at least 14 different languages, but we deal with women from something like 58 different origins. The resources that are needed to support a woman by providing both counselling and casework support and language support are huge. There is not enough recognition of the fact that it costs a lot less to support a white woman than to support a woman from a different ethnic background because of the language issues.

In addition to the amount of support that needs to be put in language-wise, which comes on top of everything else, there is the time that it takes. The process is much longer because the issues for that woman will be much more complex. If there is an immigration issue, that can take weeks or months of support, but that is not factored into resourcing and funding. That certainly needs to be looked into.

Mariam Ahmed: In dealing with multiple forms of discrimination and barriers, mental health always seems to be an afterthought, because we are in crisis and too busy firefighting and trying to deal with those issues. We definitely need more investment in mental health in BME communities.

One of the issues that we come across is, very simply, that a lot of BME women do not feel that they get an intersectional approach when it comes to trying to find BME councillors or black or brown counsellors. It can feel almost impossible at times. They may think, "Well, if I am going to be in a counselling session, I will have to explain everything." For example, they may have to explain honour-based abuse or racial justice, or the fact that they have experienced a bit of Islamophobia. A lot of BME women feel that if they had a black or brown counsellor, it would be easier, as they would not need to explain things, but there is a lack of investment in that area.

Maggie Chapman: I have a quick supplementary on that point. I acknowledge what Mariam Ahmed said about the lack of BME counsellors. We do not train a diverse range and community of counsellors in Scotland—we just do not do that.

I am interested in hearing from those of you who provide direct support. Pervin Ahmad spoke about complex cases requiring much more support.

From the point of view of your staff and volunteers, what more needs to be put in place to ensure that we minimise vicarious trauma? I can imagine that some of the stories that your workers hear, and the things that they have to deal with, can be pretty extreme.

Pervin Ahmad: Absolutely. That is a big issue that we have to deal with, and a big part of our work. We put in additional support—for example, we have external counsellors come in to support staff. Again, however, it is about resourcing. Those support mechanisms can be put in to support the staff team, but that needs resourcing. That is another area where resourcing falls down. Do we support the women directly or do we support the staff? We are constantly having to balance those aspects, as it has to be a balancing act. The majority of our staff are actually ex-service users, so vicarious trauma is a huge risk for us.

Maggie Chapman: Pinar, did you want to come in?

12:30

Pinar Aksu: To add to that, on the issue of mental health and wellbeing for people who are seeking asylum, I highlight that people can be in the asylum system for a very long time. We have some cases in which people have been seeking asylum for more than 10 years, so we are talking about a long process of waiting. In our view, it is the process, and the waiting time, that is killing people gradually.

We can see that in the way that people present themselves to us. We see people at our initial meeting with them when they come to our door, and then we see them after a few years. We see how the process is gradually impacting on their wellbeing and mental health, especially when they are in the asylum process, because they do not have the right to work. That means that they have to do a lot of volunteering or college courses, which may not benefit them; they may even be repeating courses at college.

As Pervin mentioned, issues include a lack of resourcing, and a lack of information being provided to people to which we can refer them. One thing that we find useful is that when people come to our services, whether for an ESOL class or an art group, or for advocacy, that can be a form of supporting them with their wellbeing and mental health. However, when it comes to professional work, we struggle to refer people to organisations where they will get the help and support that they need.

We have just started to introduce a peer support volunteer role—I am glad that Aymen, who is involved in this, is here with me. We are recruiting volunteers who are currently in, or have been

through, the asylum process to provide support in the form of a peer support role. They can advise people and perhaps go to court hearings as a form of support.

However, we are currently only piloting that role. It would be amazing if the Scottish Government could look at the pilot and maybe extend it so that it can be implemented in other areas in order to support people.

As has been mentioned, for more professional support for mental health, we need more resources. That should not be falling on the third sector—there needs to be a national approach.

Graham O'Neill: To follow on from what has been said, the Scottish Refugee Council runs a refugee integration service, and we have done so for about 10 years. It is not perfect, but it does a lot of good work.

It is basically about saying to people, “You’ve come through this pretty grim and often very slow asylum process, and you’ve not been allowed to work while you’ve been stuck in that process”, as Pinar Aksu mentioned, and that, if they have eventually been granted refugee status, they are now moving into the second part of the refugee experience, which is building a new life. They have got away from the bad stuff, and now they are trying to build a new life.

To stand back for a moment from what that service is trying to do, Karen Adam’s question has informed us about the escalation of mental health risk and the reality of the problems in these systems. In this case, we are talking about people who are affected by the asylum system or forms of insecure immigration status more widely.

I have been listening to what has been said in the past five minutes or so, and what is coming out—in my view; I am sense checking it with everybody—is that people with insecure immigration status, gender abuse survivors and those who have come through refugee persecution or are at risk of exploitation are placed at a dangerous intersection. In our view, one of the factors that contributes to that is the Home Office’s structurally racist system around immigration. In addition, within that, a key driver is the no recourse to public funds regime and rules.

To go back to Maggie Chapman’s initial question about what we can do, we need to recognise that that is the reality. People are at that dangerous intersection, and are continuing—probably more so—to be put in danger.

In Scotland, one of the things that we can do is fund national integration services. I think that there is a strong case for some of that to be taken forward with the third sector because of the expertise that it contains, and the ground-level

accessibility that the charity sector deliberately has. That provision is part of what it is there to do.

As part of the work that we can do within devolved competence, we need to take seriously those people at the dangerous intersection where they are suffering bad experiences that also have an insecure immigration aspect, which is often the case. People at that intersection need different, more detailed and more focused specialist support. We are one strand of that support, in relation to refugees, but people are people; they aren't just refugees or asylum seekers or trafficked exploitation survivors. People often cut across a lot of those groups.

In Scotland, we could fund national integration services to take that work forward and draw upon the expertise of many of the third sector bodies that are here. As a practical point, I would hope that the committee could recommend something along those lines once it has considered the issue further; otherwise, we will be firefighting all the time as the system out there gets worse. That will not be good for the public sector or local authorities either, because people in third sector bodies—including us—get into individual cases where we rightly advocate for our clients in relation to, for example, the difficulty of getting public sector or local authority commissioned support, for which there is a high threshold. Ideally, we would want there to be better resourcing to more effectively support people in the first place so that we would not have to get into those situations. National integration services for people across vulnerable predicaments are important.

Pervin Ahmad: I will add a point to the earlier conversation. There was a news article about a family who were displaced from a hotel, where they lived permanently, and a refugee family who were moved in. That type of PR is not helpful, because it basically says that local people are being displaced, which creates a them-and-us attitude. I wondered at the time what the thinking behind doing that had been. It is clearly about the economy and income for certain communities, which makes me think that there really needs to be a race focus, and very early, when policies are being developed.

A lot of the use of hotels in remote areas is about saying, "Let us build the economy of those remote areas", but race and racism have not been part of the assessment of what happens when we do that. That needs to be brought to the table at a very early stage rather than at the end, when things start going wrong, or saying, "We have finished doing what we are doing, but let's look at it with a race element now."

Race needs to be there as part of the assessment process right at the beginning of any policy, whether it is in relation to the economy or

anything else. Any Government policy has to involve race at the start.

The Convener: We are past time. If anyone has a point that they do not think we have covered, let us make sure that we hear it now.

Pervin Ahmad: I have a concern about the "Fair Work Action Plan" document. It has 2025 as the deadline by which we want to be a leading fair work nation, which is too short a period. We have about two and a bit years—we are already into 2023.

There is a risk that it will be seen as tokenistic by people on the ground, because what real impact will that have for people on the ground within the next year two to three years?

There is a huge amount of work to be done if Scotland is to be a leading fair work nation by 2025 in terms of practice on the ground. There has to be clarity on whether it is about being a fair work nation in terms of the policies that we are starting to roll out—or actual practice.

When I was reading the document, I was thinking that people will take it as saying that practice should change by 2025, but the reality is that I do not think that that will be the case. Saheliya has been here 30 years, and some of us have been here for many more years, and we have not seen change; rather, things have got worse.

Thought has to be given to that timeframe, and to the messaging around what we hope to achieve by 2025.

The Convener: That is helpful.

Are there any other points that we have not covered that folk want to make sure and get on the record?

Mariam Ahmed: There is simply not enough time to do so, but I wanted to cover anti-racist employment strategies, poverty and the cost of living crisis, anti-racist approaches and how discrimination against BME people is disproportionately affecting them and pushing them further into poverty and employment issues.

I do not think that there is enough time to cover all that, although I was hoping that there would be. I would encourage the committee to explore those issues a bit further.

The Convener: Part of what we are doing today is hearing about some of the issues. It is important that you get that on the record.

Fulton MacGregor: Like Mariam Ahmed said, I do not know whether we have time to go round the witnesses on this area, but I asked the previous panel a question on this, and we got a good discussion out of it. I was going to ask about the

bill to incorporate international human rights treaties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. I am sure that, as that bill moves through the Parliament, all the organisations represented here and many others, as well as individuals, will be involved.

The Convener: Yes.

Do you wish to add anything, Pinar?

Pinar Aksu: I appreciate the committee listening to our concerns. It is important that the Scottish Government makes some form of statement condemning racist incidents and actions such as we have witnessed. We could do things differently in Scotland. For instance, in relation to some of the campaigns that have been led by people, especially that on concessionary travel, could we make the proposals workable? We could also consider ways to raise awareness in communities where hotels are being used. We could evidently work on such areas in Scotland so that we do not have any form of divisive actions or racism in communities. That needs to be highlighted now—that is really important.

Referring to what happened in Erskine on Sunday, it was really sad to see how the community there was divided into two sides. How will that impact on that community in the long term, and how will it affect how people discuss migration? We need to seriously consider where that places people, and what the impact may be on the community and on the people. What sort of image will that create in Scotland?

Graham O'Neill: This point is not about asylum, but the Sheku Bayoh inquiry is happening a few miles from here. We should mark how important that could potentially be for Scotland regarding policing and what policing does to people of colour—to black and brown people in particular. It raises issues around the disproportionate use of force, be that Tasers or other forms of force. My learned experience from London in relation to such issues—not lived experience—has made me think about the Macpherson inquiry, for example. There are other issues around the Scarman report and the Brixton uprisings, after a long period of time. My point is that Scotland needs to note the context in which the Bayoh inquiry is happening, and it is sometimes incumbent on us to say that. Jatin Haria rightly mentioned that earlier, too. It needs to be said that it is happening—the inquiry could potentially be a very big deal for Scotland's journey with anti-racism.

The Convener: Pervin Ahmad can have the final word.

Pervin Ahmad: I will mention Scots law and human rights treaties. We talk about the rights of the child, but we say “violence against women”, so

we are taking that away from the individual—“the rights of the child” refers to the individual child, yet we say “women”. As I think was mentioned previously, we need to think about whether we are discussing individual people or a group. We need to make this about individuals, rather than about women as a large group.

The Convener: Okay. Again, we could have gone on all afternoon, but thank you all so much. Your evidence will be really helpful as the committee tries to work out how to take this inquiry forward.

12:44

Meeting continued in private until 13:21.

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