



Tackling Prejudice and Building Connected Communities:

A Thematic Conference on Hate Crime Motivated by
Racial and Religious Prejudice

Wednesday 31st October 2018

Hampden Park, Glasgow

9:30am – 3:30pm

BEAUIS
Empowering Scotland's Ethnic and
Cultural Minority Communities





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Conference Agenda

09:30	Arrival and Registration (with refreshments)
10:00	Welcome on behalf of BEMIS and Police Scotland
10:10	Cabinet Secretary for Justice, Humza Yousaf MSP
10:20	Lord Bracadale
10:35	Q&A with Cabinet Secretary and Lord Bracadale
11:00	Comfort break (with tea and coffee)
11:15	Voices from our Communities (Q&A – Panel/Open Discussion)
12:30	Lunch
13:15	Prof. Duncan Morrow
13:30	Dr. Maureen McBride
13:45	Q&A with Prof. Morrow and Dr. McBride
14:15	Comfort break (with tea and coffee)
14:30	Collaboration and Next Steps (Q&A – Panel/Open Discussion)
15:00	Summing up and 2019 event
15:30	Close

Setting the scene

This conference will be facilitated within the ideals of a **'Human Rights Based Approach'**.

The Scottish Human Rights Commission define a human rights based approach to decision making as:

Taking a human rights based approach is about using international human rights standards to ensure that people's human rights are put at the very centre of policies and practice.

A human rights based approach empowers people to know, realise and claim their rights. It increases the ability of organisations, public bodies and businesses to fulfil their human rights obligations.

It also creates solid accountability so people can seek remedies when their rights are violated.

The PANEL principles are a key way of breaking down what a Human Rights Based Approach means in practice. **PANEL** stands for **Participation, Accountability, Non-Discrimination and Equality, Empowerment** and **Legality**.¹

Learning Outcomes

- Provide a platform for discussion and sharing knowledge and expertise in relation to Hate Crime
- An opportunity for communities to have a voice and share their views in relation to Hate Crime
- Seek to enhance and advance stakeholders' approach to understanding Hate Crime and setting collaborative approaches to tackle that
- Develop a set of recommendations to share with the Scottish Government Tackling Prejudice and Building Connected Communities Group
- Facilitate a democratic participative platform, through which co-operation among all stakeholders can be harnessed to influence future policy development.

¹ SHRC (Scottish Human Rights Commission) 'A human rights based approach: an introduction' – Pg. 2

Why?

In June 2017, the Scottish Government published its report on Tackling Prejudice and Building Connected Communities. This report included a series of recommendations² from the Independent Advisory Group on Hate Crime, Prejudice & Community Cohesion and further actions committed to by the Scottish Government. These included, but were not reserved to:

- Establish a national multi-agency delivery group with Ministerial oversight to take forward the implementation of the Advisory Group's recommendations³.
- Engage in dialogue around definitions and terminology, taking account of any conclusions that Lord Bracadale's review of hate crime legislation may offer in this regard⁴.
- Work through the Race Equality Framework to engage with minority ethnic communities in building community cohesion and safety, and improving the lives of Scotland's minority ethnic communities.⁵

Following on from this report in May 2018, the Scottish Government published Lord Bracadale's 'Independent Review of Hate Crime Legislation in Scotland'⁶. Lord Bracadale's recommendations include, but are not reserved to:

- **Recommendation 1:** Statutory aggravations should continue to be the core method of prosecuting hate crimes in Scotland.
- **Recommendation 6:** I do not consider it necessary to create a statutory aggravation to cover hostility towards a political entity.
- **Recommendation 18:** Section 50A (Covering Racial aggravations) of the Criminal Law (Consolidation) (Scotland) Act 1995 should be repealed.
- **Recommendation 20:** All Scottish hate crime legislation should be consolidated.

We recognise that racial and religious prejudice can overlap and therefore it is valuable to identify both dynamics in progressing our discussions.

² Tackling Prejudice And Building Connected Communities – Scottish Government response to the report of the Independent Advisory Group on Hate Crime, Prejudice And Community Cohesion, June 2017. <https://www.gov.scot/Resource/0052/00520818.pdf>

³ Ibid – Pg. 13, Point 1.

⁴ Ibid – Pg. 13, Point 8.

⁵ Ibid – Pg. 13, Point 6.

⁶ Independent Review of Hate Crime Legislation in Scotland Final Report – Available here: <https://www.gov.scot/Resource/0053/00535892.pdf>

What does the law say?

International Level

The United Kingdom (UK) is signatory to multiple international human rights treaties, which means at a devolved level (Scotland) the Scottish Government (SG) are responsible for incorporating international best practice into domestic law. As such, the definition of ‘racial discrimination’ outlined in the ‘International Convention on the Elimination of all forms of Racial Discrimination’ (ICERD) is defined as:

... any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.⁷

This comprehensive definition of racial discrimination has been utilised by the **Committee of the Convention on the Elimination of Racial Discrimination (C/CERD)**, who oversee the UK/Scotland’s country reports to make some recommendations to UK/Scotland as to what they should do to tackle all forms of racism in their jurisdictions. These recommendations are not always restricted to legal criminal law responses. For example, in 2016 the C/CERD made recommendations in relation to data collection, anti-bullying strategies and the school curriculum.

⁷ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195

C/CERD – Report Recommendations Examples: October 2016

C/CERD Reporting Period	Report Action Number	C/CERD Recommendation
<p>October 2016 (CERD/C/GBR/CO/21-23)</p>	<p>No. 16. The Committee recommends that the State party, including the governments of Northern Ireland, Scotland, Wales, the British overseas territories and the Crown dependencies:</p>	<ul style="list-style-type: none"> a) Investigate all reported racist hate crimes, prosecute the perpetrators and punish them with sanctions commensurate with the gravity of the offence, and provide effective remedies to the victims; b) Systematically collect disaggregated data on hate crimes, ensure that measures to combat racist hate crimes are developed with the meaningful participation of groups affected, and undertake a thorough impact assessment of the measures adopted, in order to ensure their continued effectiveness; c) Adopt concrete measures, in consultation with groups affected, to increase the reporting of racist hate crimes, by ensuring that the reporting mechanism is transparent and accessible and that victims have trust in the police and the justice system;
<p>As Above</p>	<p>No. 34. While noting the adoption of guidance on bullying and exclusion, the Committee remains concerned at continued reports of racist bullying and harassment in schools across the State party, as well as at the disproportionate rate of exclusion from school of pupils belonging to Gypsy, Traveller, Roma or Afro-Caribbean communities. The Committee also expresses concern at the lack of balanced teaching in the State party's schools about the history of the British Empire and colonialism, particularly in regard to slavery (arts. 2 and 5).</p>	<ul style="list-style-type: none"> a) Strengthen efforts to eliminate all racist bullying and harassment in the State party's schools, including by requiring schools to collect qualitative and quantitative data on bullying and exclusions from school on the grounds of race, colour, descent, or national or ethnic origin, and to use the data to develop concrete strategies; b) Ensure that the school curricula across its jurisdiction contain a balanced account of the history of the British Empire and colonialism, including of slavery and other grave human rights violations.

Two key aspects of this conference are:

- To consider what future hate crime legislation would look like
- To consider other, preventive, measures we could take collaboratively to challenge racism and religious hatred

With this in mind, are the recommendations of the **Committee of the Convention on the Elimination of Racial Discrimination (C/CERD)** useful in this regard?

Considerations:

- As identified by C/CERD - Would further disaggregation of data on the victims of racially aggravated hate crimes be beneficial? If this disaggregation was done reflective of the definition inherent at the international level via Article 1. of CERD above would this enable us to track trends, identify victims clearly and respond accordingly?
- As identified by C/CERD - Should there be a duty to report annually on incidents of racist or religious bullying in Schools?
- As identified by C/CERD - Should the school curriculum cover the history of the British Empire from the perspective of post-colonial nations and people?

Domestic Level

As things stand in Scotland, racially and religiously aggravated hate crime, and hate crime in general is identified and prosecuted using one of the following legislative methods:⁸

THE LAWS THAT CAN BE USED TO ADDRESS HATE CRIME

EXAMPLES OF AN UNDERLYING CRIMINAL ACT INCLUDE:

<p>Common law offences: For example – breach of the peace, assault, theft, murder, vandalism, uttering threats</p>	<p>Threatening or abusive behaviour: Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010</p>	<p>Sending grossly offensive, indecent, obscene or menacing messages via a public electronic communications network: Section 127 of the Communications Act 2003</p>
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UNDER CURRENT SCOTS LAW A STATUTORY AGGRAVATION MAY BE APPLIED IN RESPECT OF THESE PROTECTED CHARACTERISTICS:

<p>Race Crime and Disorder Act 1998</p>	<p>Religion Criminal Justice (Scotland) Act 2003</p>	<p>Sexual orientation or transgender identity Offences (Aggravation by Prejudice) (Scotland) Act 2009</p>	<p>Disabled people Offences (Aggravation by Prejudice) (Scotland) Act 2009</p>
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PREJUDICE OR HOSTILITY ALSO LIES AT THE HEART OF SOME OTHER OFFENCES WHICH ARE RECOGNISED AS HATE CRIME. THESE ARE SOMETIMES REFERRED TO AS ‘STANDALONE’ OFFENCES BECAUSE A STATUTORY AGGRAVATION DOES NOT NEED TO BE APPLIED:

<p>Stirring up racial hatred Public Order Act 1986</p>	<p>Racially aggravated harassment Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995</p>
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⁸ Independent Review of Hate Crime Legislation in Scotland Summary Document Pg. 11
<https://beta.gov.scot/publications/independent-review-hate-crime-legislation-scotland-summary-document/>

Lord Bracadale’s recently published independent report into hate crime legislation in Scotland made a series of recommendations including:

- **Recommendation 18:** Section 50A (Covering Racial aggravations) of the Criminal Law (Consolidation) (Scotland) Act 1995 should be repealed.
- **Recommendation 20:** All Scottish hate crime legislation should be consolidated.

In addition to Lord Bracadale’s report, the Scottish Government announced on the 23rd of March 2018, that:

‘Professor Duncan Morrow will chair an independent working group to look at the scope for establishing a legal definition of ‘sectarianism’ in Scots Law - potentially making it easier for police and prosecutors to tackle the issue.’⁹

Again, within this context, the following considerations are crucial:

- Is the recommendation to include all hate crime legislation in the one place, covering protected characteristics, including race and religion helpful and easier to use, understand?
- How will a legal definition of ‘sectarianism’ interact with the protected religious characteristic of any future comprehensive piece of hate crime legislation?
- ‘Sectarianism’ in Scotland is routinely if not exclusively used in relation to so-called intra Christian ‘sectarianism’. Is this helpful, clear and does it provide the necessary protection for those who are identified under it.

⁹ Scottish Government (2018) Press Release – ‘*Tackling Sectarianism*’ 23/03/18. Accessed October 2018
<https://news.gov.scot/news/tackling-sectarianism-4>

Speakers

Morning Session

Keynote Address (1) – Cabinet Secretary for Justice, Humza Yousaf MSP



Humza Yousaf was born in Glasgow on April 7, 1985. He was educated at Hutchesons' Grammar School and the University of Glasgow, graduating with a degree in Politics. He is also an alumnus of the US State Department's prestigious International Visitor Learning Programme.

He went on to work in the Scottish Parliament as an aide to the late Bashir Ahmad MSP. He was a Parliamentary Liaison Officer to former First Minister Alex Salmond MSP and was elected as an MSP for the Glasgow region in May 2011. He was appointed Minister for External Affairs and International Development in September 2012. Humza Yousaf was appointed Minister for Transport and the Islands in May 2016. In 2018, Humza has been appointed as the Cabinet Secretary for Justice.

Keynote Address (2) – The Right Hon. Lord Bracadale (Alastair P. Campbell)



Lord Bracadale was appointed a Judge of the Supreme Courts in 2003 and appointed to the Inner House in April 2013.

He is a graduate of the University of Aberdeen (M.A.) and University of Strathclyde (LL.B). He was admitted to the Faculty of Advocates¹ in 1985 and served as an Advocate Depute² from 1990 to 1993. He was Standing Junior Counsel in Scotland to HM Customs and Excise in 1995. He was appointed Queen's Counsel in 1995. He served as Home Advocate Depute from 1997 to 1998 (Principal Crown Counsel).

In 2000-2001 he was senior Crown Counsel at the trial and appeal at the Scottish Court at the Netherlands of Abdel Basset Al Megrahi for the Lockerbie bombing.

Voices from our Communities

The Voices from our Communities section intends to give a voice to those who experience issues with regards to racial and religious aggravations, both from panel members and an open session from the floor. It is a focused approach to stimulating discussion and debate in relation to understanding people's experiences and potential approaches to addressing, cooperatively, hate crime motivated by Racial and Religious Prejudice.

David Donaldson – Scottish Traveller Activist



Davie Donaldson is a Scottish Traveller Activist, and a campaigner for equality and inclusion. A member of the Gypsy Traveller Youth Assembly of Scotland and vice-chair of Romano Lav in Glasgow. Davie has spoken regularly around the country about the discrimination faced by the Traveller community and works with authorities to increase the inclusivity of policy towards Gypsy, Roma and Traveller peoples. He studies social anthropology with international relations at Aberdeen University and works with young Travellers to conserve their history and promote their culture.

Samina Ansari – AMINA (Muslim Women's Resource Centre)



Samina is the Chief Executive Officer for Amina - Muslim Women's Resource Centre. Amina is an award-winning organisation, recognised by Muslim communities and key partners within Scotland for its pioneering and responsive approach to addressing key issues and needs of Muslim women.

Having invested in this specialist area where there was previously a gap in services in Scotland, Amina is recognised as the national hub for gaining access to, and consulting with Muslim women across Scotland. The organisation has been instrumental in initiating and tailoring services to meet the particular needs of Muslim women to ensure that they are able to fully participate in society without fear of discrimination or inequality.

Amina offers a range of tailored support services on a one to one basis e.g national 'listening ear' helpline which also offers Islamic advice through a scholar, employability guidance, befriending, as well as through peer group support.

Magda Czarnecka – FENIKS (Polish Counselling Service)

Magda Czarnecka is a community activist, psychologist, translator and project coordinator of Feniks. Counselling, Personal Development and Support Services Ltd. She has MA in Psychology as well as International Relations from University of Lodz, Poland and BA in Psychology from Edinburgh Napier University. Both of her thesis were dedicated to psychological, historical and social aspects of Polish migration to Scotland. She is an initiator of the Look Around-See me programme aiming at reducing mental health stigma within the Polish Community in response to high suicide rate among Polish people in Scotland. She also cooperates with Glasgow University in projects researching Central and East European (CEE) Communities. She has been involved in a variety of other cultural and community projects, supporting integration and political participation of ethnic minorities, residing in Scotland.

Ephraim Borowski – SCoJEC (Scottish Council of Jewish Communities)

Ephraim is the Director of the Scottish Council of Jewish Communities (SCoJeC), the democratic representative body that speaks on behalf of the entire Jewish Community of Scotland. He has been Regional Chair of the Board of Deputies of British Jews, Vice-President of Glasgow Jewish Representative Council, Chair of Scotland's largest synagogue, and received an MBE for his services on behalf of the Jewish Community.

He is the past Convenor of BEMIS, was a member of the Race Equality Advisory Forum set up by the first Scottish Executive, and the Scottish Committees of both the EOC and CRE, and chairs the National Independent Strategic Advisory Group (NISAG) that advises Police Scotland on diversity matters including hate crime.

Before his early retirement, Ephraim was head of the Philosophy Department at Glasgow University and President of Glasgow Association of University Teachers. He is the joint author of the Collins Dictionary of Mathematics, and has been a Governor of Hutchesons' Educational Trust, and President of the Royal Philosophical Society of Glasgow, of which he was made an Honorary Member - only the third since Einstein!

Anthony Horan – Scottish Catholic Church



Anthony is Director of the Catholic Parliamentary Office of the Bishops' Conference of Scotland. He has responsibility for monitoring and examining the work of Parliament and Government and engaging with politicians and civil servants on behalf of the Catholic bishops of Scotland. The office also hopes to inspire and help the Catholic community in Scotland to engage in political issues.

Anthony is a qualified lawyer and has previously worked in the areas of Criminal Defence and Corporate Law.

Judy Wasige – KWISA (Kenyan Women in Scotland Association)



Judy Wasige has worked in a variety of education roles, including teaching at secondary school and further education, developing qualifications and community development and is a strong advocate of education as a conduit for social justice. Judy founded The Information and Learning For All Project (ILFA Project) charity and is involved in a range of projects with young people, including Exploring the History and Heritage of Africans living in Scotland and

Learning to Fail. She is also actively involved in initiatives addressing African women's issues, including Female Genital Mutilation and Harmful Traditional Practices. She is currently a Researcher exploring the relationship between policy and community engagement

Afternoon Session

Keynote Address (1) – Professor Duncan Morrow



Duncan Morrow is Professor in Politics and Director of Community Engagement at Ulster University in Belfast. From 2012–2015 he was chair of the Independent Advisory Group on Tackling Sectarianism which advised the Scottish Government. In 2015-2016 he chaired the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion. Following their report the government set up Lord Bracadale’s Review of Hate Crime Legislation in Scotland. He

has recently been working to advise the government on the potential for a legal definition of sectarianism. Duncan was previously head of the Northern Ireland Community Relations Council and has written and researched widely on conflict, politics and religion and issues of peacebuilding.

Keynote Address (2) – Dr. Maureen McBride



Dr Maureen McBride is a Sociologist currently working as a Research Associate on the Children’s Neighbourhoods Scotland project, based at the University of Glasgow. Maureen completed her ESRC-funded PhD, entitled ‘Rethinking Sectarianism in Scotland’, at the University of Glasgow in 2017, and is interested in a range of social inequalities and public policy responses to these. She previously worked for the Scottish Centre for Crime and Justice Research and What Works Scotland, conducting research on a range of research projects including an exploration of the educational needs and experiences of refugee children in Scotland; analysis of

community development responses to hate crime; and an evaluation of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

Maureen most recently co-edited and contributed to *No Problem Here: Understanding Racism in Scotland*, a book published by Luath Press in January 2018. Other publications include: *Educational needs and experiences of refugee children in Scotland* (What Works Scotland/Save the Children, 2018); *A Review of the Evidence on Hate Crime and Prejudice: Report for the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion* (Scottish Centre for Crime and Justice Research, 2016) and the report *What works to reduce prejudice and discrimination? A review of the evidence* (Scottish Government, 2015).

Collaboration and Next Steps

Hate Crime motivated by racial and religious prejudice reflects only one aspect of hate crime. This conference is the start of an extended discussion process and will not be a one off event. What we hear today will be used not only to inform the work of the multi-agency delivery group on **‘Tackling Prejudice and Building Connected Communities’**, but also to seek collaborative frameworks to tackle hate crime in all contexts. We intend to return in 2019 and discuss what progress we have made between October 2018 and October 2019. As such we’ve invited other experts to bring forward their ideas, practice and experience in relation to different aspects of Hate Crime, and we are confident that a more holistic approach can be utilised for next year’s extended event. This session is interactive and includes an open discussion.

Karen Kennedy – Policy Adviser, Crown Office & Procurator Fiscal Service



Karen was born in Waterford, Ireland and moved to Edinburgh in March 1997. She joined the Crown Office and Procurator Fiscal Service (COPFS) in May 2000 and worked for several years as a software trainer and then a Learning and Development consultant. She moved to Policy Division in 2010 as a Policy Adviser on Equality and Inclusion.

Karen’s remit is to provide advice and guidance to the Law Officers as well as colleagues across COPFS on issues as diverse as interpreting and translation services; completing equality impact assessments; engaging with groups and communities to raise awareness of hate crime legislation and the role of the prosecution service in the Scottish criminal justice system. She also represents COPFS on various cross justice groups to ensure access to justice for people with additional communication needs.

Chief Inspector Shaheen Baber – Police Scotland



Chief Inspector Shaheen Baber, from Glasgow, has been a Police Officer in Scotland for almost 23 years, joining Strathclyde Police in 1996. Until recently he was based at the Scottish Crime Campus within the Specialist Crime Division’s Safer Communities Department. He is currently the Area Commander for the Govan and Pollok area of Glasgow.

He has worked in a variety of roles throughout his career, including community policing, intelligence and in the area of counter extremism and radicalisation, with recent roles being within the equality and diversity portfolio.

Najimee Parveen – Positive Action in Housing (PATH)



Najimee Parveen has been the Director of Positive Action Training in Housing, PATH (Scotland) since 1999.

Before joining PATH, Najimee was Policy and Campaigns Officer with the Commission for Racial Equality in Scotland and worked on a number of campaigns including ‘Let’s Kick Racism Out of Football’ and the ‘Visible Womens’ Campaign’ which was designed to challenge stereotypes and promote positive role models of BME women.

Prior to leaving the Commission, Najimee was its Acting Head for 3 months. Najimee’s background is in Education and she spent a number of years teaching and lecturing in Primary Education, Further Education and Higher Education. Najimee has also held various Office Bearer positions on the Committee of Positive Action in Housing and was Chair for 3 years.

Rania Hamad – Senior Practitioner Hate Crime + Restorative Justice



Rania Hamad is currently a Senior Practitioner for Hate Crime and Restorative Justice for the City of Edinburgh Council’s Criminal Justice Social Work service, being responsible for service developments in relation to working with people who have been convicted of hate offences, and developing a Restorative Justice service for hate crime. Rania has an MA in Sociology with Gender Studies and a Masters in Social Work, both from the University of Edinburgh, and has been employed as a Criminal Justice

Social Worker for the City of Edinburgh Council for ten years. During this time she has worked in general criminal justice services, groupwork services, HMP Edinburgh, the Willow Service (a trauma-informed service for women involved in the criminal justice system), and is a qualified Practice Teacher. She is also in the first year of a part-time PhD in Social Work at the University of Edinburgh, with a focus on hate crime and reducing re-offending and harm in this area.

Becky Kaufmann – Scottish Trans Alliance, Justice Policy Officer



Becky Kaufmann is the Justice Policy Officer for the Scottish Trans Alliance project of the Equality Network. She has worked in the justice sector in both the US and Scotland for more than 25 years. She has postgraduate degrees in sociology and continues to be actively involved in social action research. Her current work focusses on engagement with the Scottish Government and public bodies in the justice sector to promote the rights and to improve the experiences of Trans people whether they are victims, witnesses or accused of crimes.



Empowering Scotland's Ethnic and
Cultural Minority Communities

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