

‘A Thematic Conference on Tackling Hate Crime and Prejudice Motivated by Racial and Religious Hatred’

2019 Conference Report

February 2020



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Overview

On the 15th October 2019 BEMIS Scotland and Police Scotland held their second annual 'Tackling Prejudice and Building Connected Communities' conference. The 2019 conference sought to build on the learning outcomes generated in 2018. The 2018 conference report can be accessed here: <https://bit.ly/2SZUSNI>.

This document constitutes a report on the 2019 conference proceedings and acts as an update on the learning outcomes generated in 2018 that were integrated into the agenda of the 2019 event.

As we move forward in 2020, the conference will continue to inform the work of Cabinet Secretary for Communities and Local Government Aileen Campbell's 'Tackling Prejudice and Building Connected Communities' working group.

Moving forward in 2020

As a mechanism for integrating further group members and communities into the conference development to lead on additional areas of focus, BEMIS have instigated a national conference sub-group. In 2020, provisional members include BEMIS, the Scottish Government, Police Scotland, Youthlink Scotland, Respect Me, Interfaith Scotland and the Glasgow Disability Alliance. If you would like to become involved or learn more about out conference development for 2020 then please do not hesitate to contact us at danny.boyle@bemis.org.uk.

Key Conference Learning Outcomes

- As progress is made with Scotland's Restorative Justice Action Plan and with particular reference to work being progressed by Dr Rania Hamad of Edinburgh City Council, it will be critical to develop Race and Religious focussed case studies and learning that can be utilised across Scotland.
- The Race Equality Action Plan 2017-21's commitment to review and provide guidance on curriculum for excellence and race equality

resources should be published before the start of academic year 2020/21 at the latest.

- Following the publication of the race equality resources review and guidance on Education Scotland’s Knowledge Hub, a new expert group should be instigated to respond directly to the **UNCERD** recommendation that challenges Scotland to integrate learning material on British Colonialism, Imperialism and its impact both internationally and domestically into the Curriculum for Excellence (CfE).
- The Scottish Government and relevant duty bearers are obligated to develop a new system of hate crime data collation and disaggregation in line with our commitments to the UN monitoring system. The present system that is incapable of disaggregating racially aggravated hate crimes is unsustainable and places Scotland out of compliance with International Human Rights Law (IHRL). Specifically, the International Convention on the Elimination of all forms of Racial Discrimination - **CERD/C/GBR/CO/21-23, para. 16 - (b)**¹
- BEMIS recommend that as new hate crime legislation moves through parliamentary stages that simultaneously a new system of collating and publishing hate crime data is also developed.
- In relation to the links between racial and religious based hate crimes it is imperative that the specifics of incidents are recognised and responded too. If an incident is Anti-Catholic call it this. If an incident is Anti-Protestant call it this. If an incident is Islamophobic call it this. If an incident is Anti-Semitic call it this. The current approach of combining Catholic / Protestant prejudice and/or hate crimes under a confusing and contested debate about ‘sectarianism’ is creating confusion and tension between communities and duty bearers.
- BEMIS will instigate a national discussion forum on progressing an ‘Inclusive National Identity’. The experience of exclusion and racism

¹ Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland* - available here: http://www.nbpa.co.uk/wp-content/uploads/2016/08/CERD_Recommendations-1.pdf

felt by communities in Scotland is varied and we must contend with these different experiences felt by communities. As Prof. Duncan Morrow outlined:

“Tackling racism and building connected communities is not a side issue. This is one of the most important things in society. We need the science of data – but we need the science of stories too”²

- The Tackling Prejudice and Building Connected Communities Conference 2020 sub-group should integrate the expertise of those who work across the Equalities community to extend the scope and national focus of this annual conference. In 2020, the group will consist of The Scottish Government, BEMIS, Police Scotland, Youthlink Scotland, Interfaith Scotland, The Glasgow Disability Alliance and Respect Me.

² Duncan Morrow – October 15th 2019 @ BEMIS scotland conference

Conference Action Point 2018	Conference 2019 Agenda Item	Scottish Government 2018 /19/20 Programme Response	International Human Rights Reporting Mechanisms	National Performance Framework		Outcomes and 2019/20/21 Next Steps
				National Performance Outcome	Sustainable Development Goal(s) ³	
1) Restorative Justice	Keynote address from Dr Rania Hamad and Lorraine Gardiner on Racial / Religious and Disability Hate Crime	Restorative Justice Action Plan Published June 2019 https://bit.ly/2ucgzlr	The Council of Europe treaty body of the European Convention on Human Rights (ECHR) Recommendation CM/Rec (2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters Available here: https://bit.ly/2P70ViA	1) We live in communities that are inclusive, empowered, resilient and safe 2) We respect, protect and fulfil human rights and live free from discrimination	5, 10, 11	1) As case studies develop via Dr Hamad and Edinburgh City Councils approach, we must learn and integrate these examples into other local authorities
2) Pro-active Race Equality Educational Resources	Education Panel on 'what is race equality education and why is it important?'	The Race Equality Action Plan for Scotland 2017-21	The International Convention on the Elimination of all forms of Racial Discrimination CERD/C/GBR/CO/21-23 – 34 (c) 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 Available here: https://bit.ly/2wvl62a United Nations Convention on the Rights of the Child (UNCRC) Article 29 (1c) / 30 / 31	1) We grow up loved, safe and respected so that we realise our full potential	3, 4, 5, 10	1) The Race Equality Action Plan resource review commitment will be updated, and guidance provided on Education Scotland knowledge hub 2) UNCERD country review will revisit recommendation on an inclusive curriculum

³ The Scottish Government have committed to aligning Scotland's National Performance Framework with the United Nations Sustainable Development Goals. The links between these national and international policy agendas can be accessed here: <https://nationalperformance.gov.scot/>

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3) Coherent Hate Crime legislation:	Update on hate crime bill from Scottish Government Civil Servants	Lord Bracadale Review and Hate Crime Legislation Publication est. June 2020	<p>The International Convention on the Elimination of all forms of Racial Discrimination</p> <p>CERD/C/GBR/CO/21-23, para. 16 - (b)</p> <p>Systematically collect disaggregated data on hate crimes, ensure that measures to combat racist hate crimes are developed with the meaningful participation of affected groups, and undertake a thorough impact assessment of the measures adopted to ensure their continued effectiveness.</p> <p>Available here: https://bit.ly/2wvI62a</p>	<p>1) We respect, protect and fulfil human rights and live free from discrimination</p> <p>2) We live in communities that are inclusive, empowered, resilient and safe</p>	5,10,16	<p>1) UNCERD country review will revisit recommendation on an inclusive curriculum</p> <p>2) Deep dive by Scottish Government statisticians into current hate crime data available in the IVPD. Publication expected in 2020</p> <p>3) As new hate crime legislation progresses through parliament, relevant duty bearers SG, Police and COPFS are required by UNCERD to create a new system of hate crime disaggregation</p>
4) Sociological terms vs. Legal Understandings	BEMIS Scotland input threaded throughout conference and details outlined in conference briefing paper	Ongoing across all national, local government and duty bearers. Need to increase understanding of race, equality and human rights in service delivery.	Relevant across all treaties and policy areas.	1) We respect, protect and fulfil human rights and live free from discrimination	16	1) New Scottish Government Directorate on Equality, Inclusion and Human Rights. An alignment of equalities and human rights obligations required to fulfill duties under international and domestic law.

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5) Cultural Recognition of diverse communities and resources to integrate diverse communities proactively into an 'inclusive national identity'	Panel discussion. What does an inclusive national identity mean to me	The Race Equality Action Plan for Scotland 2017-21 Publication of a Culture Strategy for Scotland due 2020	The International Convention on the Elimination of All Forms of Racial Discrimination. (ICERD) Article(s) 1, 5 (e) (vi) The International Covenant on Economic, Social and Cultural Rights (ICESCR) Article(s) 2, 15	1) We are creative and our vibrant and diverse cultures are expressed and enjoyed widely 2) We live in communities that are inclusive, empowered, resilient and safe	5,10,11,16	1) Scottish Government Culture Strategy to be published in 2020. Community Cohesion aspects of Cultural engagement must be aligned to the REAP 17-21 and REF 16-30 2) BEMIS to facilitate 'National Advisory Forum on Creating and Inclusive National Identity'
6) Increased communication opportunities with Police Scotland and communities	N/A	Police Scotland Corporate Strategic Planning	n/a	1) We live in communities that are inclusive, empowered, resilient and safe	16	1) Police Scotland continue to engage with communities through Community Policing officers and Campus officers deployed to schools. 2) Community advisors and NISAG (National Independent Strategic Advisory Board) offer independence and advice to Police Scotland to ensure communication channels are open. 3) The Equality and Diversity Department of Safer Communities have extensive

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						links into key contacts in the minority communities to ensure contact and engagement links are open for reassurance and feedback.
7) A human rights based approach. 'Voices from our Communities'. This engagement must underpin our collaborative and comprehensive efforts to tackle hate crime in Scotland.	Threaded through both panel discussions and conference delegates open forum opportunities.	Across Government	Relevant across all treaties and policy areas.	1) We respect, protect and fulfil human rights and live free from discrimination	5,10,16,17	Integrated to other strategic responses.
8) Intersectional challenges, recognition and solidarity. Learning from each other's best practice, methods and experience.	Threaded throughout conference.	Collaboration within the Tackling Prejudice and Building Connected Communities for 2020 Conference	N/A	n/a	n/a	1) TPBCC 2020 sub conference ctte to formally meet in March 2020 to progress this agenda across policy areas.

2019 Conference Agenda

- 09:00** ARRIVAL & REGISTRATION
- 09:30** Opening and welcome
Baillie Marie Garrity, Chairperson of the Glasgow Hate Crime Working Group
- 09:40** Setting the scene:
Dr Rami Ousta, BEMIS Scotland
ACC Gary Ritchie, Police Scotland
- 09:55** 2016 – 2019 Progress, Opportunities and Challenges we must face
Professor Duncan Morrow (Independent Advisor on Tackling Prejudice and Building Connected Communities)
- 10:10** Presentation on Restorative Justice with Q+A: **Rania Hamad** and **Lorraine Gardiner**
- 11:00** BREAK
- 11:15 Panel discussion:
“Can creating an inclusive national identity help tackle prejudice and build connected communities?”
- 12:30** LUNCH
- 13:15** Presentation/Q+A: **Scottish Government**. An update on the development of the hate crime bill, including consultation findings and some key challenges.
- 13:45 Panel discussion:
“What is Race Equality Education and why is it important in Scottish schools?”
- 15:00** Summary and next steps
- 15:30** CLOSE

2019 Conference Speakers

Conference Chair: Danny Boyle,
BEMIS Scotland, Senior Parliamentary and Policy Officer

Name	Title / Organisation	Conference Role
Dr Duncan Morrow	Scottish Government Independent Advisor on Community Cohesion	Keynote address
Dr Rania Hamad	Restorative Justice lead – Edinburgh City Council	Keynote case study
Lorraine Gardiner	Safer Communities – Glasgow City Council	Keynote case study
Jeanette Findlay	An Gorta Mor Commemoration Committee	Panellist – Scottish / Inclusive cultural identity discussion
Asif Khan	Scottish Poetry Library Director	Panellist – Scottish / Inclusive cultural identity discussion
Harriette Campbell	African Caribbean Women’s Association	Panellist – Scottish / Inclusive cultural identity discussion
Khaleda Noon	Director – Intercultural Youth Scotland	Panellist – Scottish / Inclusive cultural identity discussion
Prof. Tommy J. Curry	Edinburgh University - School of Philosophy, Psychology and Language Sciences – Specialising in Africana Philosophy and the Black Radical Tradition	Panellist – Scottish / Inclusive cultural identity discussion

Rachel Wilson	Scottish Government, Connected Communities Unit.	Update on Hate Crime Bill and Lord Bracadale Review outcomes and challenges
Patrick Down	Scottish Government, Policy Officer with the Criminal Law and Practice Unit	Update on Hate Crime Bill and Lord Bracadale Review outcomes and challenges
Nelson Mundell	Secondary School Teacher	Panellist: What is Race Equality Education and why is it important in Scottish schools?
Samir Sharma	Glasgow City Council Education Authority – Equalities Officer	Panellist: What is Race Equality Education and why is it important in Scottish schools?
Davie Donaldson	Progress in Dialogue / Scottish Gypsy Traveller	Panellist: What is Race Equality Education and why is it important in Scottish schools?
Pauline Lynch	Education Scotland – Policy Officer	Panellist: What is Race Equality Education and why is it important in Scottish schools?
Ross Greer MSP	Green Party MSP	Panellist: What is Race Equality Education and why is it important in Scottish schools?

Note of contributions

Duncan Morrow – Scottish Government Independent Advisor

- Need to be more inclusive in our conversations and engage difficult topics
- Maybe best to start conversations at a local level in cognisance that culture and cultural identity vary between villages, towns, cities, islands and rural areas.
- Raise the profile of why building connected communities is a central issue and not an addendum to criminal justice approach
- It is important to put Hate Crime into context and treat it as the tip of an iceberg (as Professor Allport does in his ‘Scale of Negative Action’ analytical tool within his definitive study ‘The Nature of Prejudice’).
- This is not a peripheral issue. It is not about victims alone, it’s about the health of society as a whole.
- Exclusion is often a concept that is meaningful to those who are excluded but is invisible to those who are not excluded. And exclusion seldom reaches the threshold of crime. Which is why it is impossible for criminal law alone to deal with this.
- The risk of NOT dealing with this is the health of society as a whole.
- The Justice system is to equality/inclusion what doctors are to health. Doctors are brought in when health breaks down. You can’t rely on doctors for the proactive pre-emptive promotion of good health: that requires a whole system approach.
- Many people experience isolation and exclusion. There is a democratic participation crisis. Beware of social media silos. Beware of falling into the trap of privileging Democracy by Numbers over Democracy by Values.

Rania Hamad + Lorraine Gardiner – Restorative Justice

- As Edinburgh City Council integrate hate crime restorative justice into services evolves it will be important to develop evidence base on successes, challenges and outcomes.
- In relation to hate crime restorative justice case studies on racism and hatred motivated by religious identifiers key to increasing intelligence on anti-hate crime campaigns and educational interventions.
- **BEMIS comment:** Importance of restorative justice sector responding to the legal definitions of hate crime which provide the detail of the motivation. A need to move away from generic concepts like “sectarianism” and say religious and or racial hatred and the nature of that hate, i.e. anti-Catholic / Islamophobic / anti-Semitic etc. If we don’t know the specific nature of the motivation and explicitly name it, we risk losing the intelligence gained from the process.
- Echo Lord Bracadale’s call for clarity and consistency in hate crime law by highlighting the un-tenability (in policy terms) of treating the slogan ‘Pakistanis go home’ as ‘racist’ but treating the slogan ‘Irish go home’ as ‘sectarian’.

Panel Discussion on Culture and an Inclusive National Identity⁴

General point: Race, racial discrimination and racism means different things to different individuals and communities depending on the circumstances and experiences they face. There were variations in analysis and experience between panellists, but they were combined by the multi-generational impact of racialisation legacies and colonialism.

The ‘Inclusive National Identity’ panel discussion involving Khaleda Noon (Intercultural Youth), Dr Tommy J Curry (Prof. of Black Male Studies, University of Edinburgh), Jeanette Findlay (Irish An Gorta Mor Committee), Asif Khan (Scottish Poetry Library) Harriett Campbell (African Caribbean

⁴ A published blog on this part of the conference is available here: <https://blogs.gov.scot/fairer-scotland/2019/10/18/challenging-racism-in-scotland-guest-blog-from-danny-boyle-bemis-scotland/>

Women's Organisation) and Professor Duncan Morrow (Independent Advisor on Community Cohesion) identified some challenging but progressive insights, observations and action points.

Professor Morrow outlined that if Scotland wasn't able to have an honest and interrogative self-reflection on its colonial and imperial past and how this has affected communities in the present then we would fail in our efforts to truly tackle prejudice and build connected communities.

What followed was an invigorating conversation on the nature of Scotland, Scottishness, lived experience, self-identity, racism and cultural misrepresentations. For Tommy, Khaleda, Asif and Harriett their personal experience of colour-based racism in Scotland included being threatened at their place of work and being told they can't truly be Scottish.

With professional hats on they forensically analysed the lack of cultural funding for black and ethnic minority arts organisations and individual artists, the lack of profile in democratic and decision making institutions of ethnic minority people and the lack of understanding of ethnic minority communities cultural assets by key agencies and funders.

Jeanette Findlay from the Irish community An Gorta Mor Memorial committee outlined that while her experience of racism was evidently different given that it was not based on the colour of her skin that her community also had experienced isolation, expulsion and hostility from the idea of an inclusive Scottish national identity.

This experience was also reflected by Scottish Gypsy Traveller delegates like David Donaldson. Despite being in Scotland for centuries they were still faced hostility in being acknowledged as 'included Scots' and had challenges with socio-economic disadvantages.

So where does this leave us in our quest to progress and inclusive national identity?

Far from being despondent about the gravity of the issues raised and their apparent incompatibility with the top-level strategic goal these are precisely the conversations and discussions that we need to have. In our schools. In

our race and equality organisations. In our trade unions. In our communities. In our local authorities and in our Government.

For BEMIS's part we now pose ourselves three key questions.

- 1) How do we enable Tommy, Jeanette, Khaleda, Asif and Harriett's stories to be told in an appropriate way that gives them and others like them the platform to engage and speak on their own behalf and help shape Scotland?
- 2) How do we engage local and national arts funders, local authorities and government to ensure that the communities and individuals from ethnic minority communities are invested in and supported?
- 3) How do we engage the broader Scottish population in conversations on colonialism, racism and representation in a way that is worthwhile and doesn't have the unintended consequence of increasing tension?

These are challenges that we embrace and challenges that we want to progress in conjunction with Government, political parties, communities, individuals and organisations.

Action points

- The need to continue this conversation on continual basis at a local and national level
- The need to give voices to those affected by their experienced isolation from the idea of "an inclusive national identity"
- BEMIS to set up an 'Inclusive National Identity' steering group led by ethnic minority representatives and experts. Terms of reference, aims, and objectives to be shared initially with panellists with a view to engaging broader audiences and participants in coming period.
- The group will be tasked with support from BEMIS to respond to Dr Morrow's suggestion to facilitate and/or instigate these conversations in Scotland's diverse areas and communities.
- BEMIS to continue discussion with panellists and colleagues on how to coalesce all the different experiences of race and racism against common understandings and principles which leave space for all

voices to be heard. Furthermore, that equality and human rights obligations are responded to as legal obligations enshrined in the individual and communities.

Scottish Government Civil Servants on Hate Crime Bill

Bracadale review had been widespread and big interest. Points being distilled prior to proposed bill publication. Requirement to assuage fears that new law will lower focus or protections of protected characteristics including Race.

BEMIS will await the publication of the Scottish Government's hate crime bill and hold further community discussions post publication to inform our response to the proposals.

Panel Discussion on Race Equality Education

The panel discussion moved between discussing racism in schools, recording and responding to racist incidents to considering how proactive race equality educational resources could enhance understanding of Scotland's race communities. In doing so, the policy ambition is that race equality educational resources and a responsive curriculum in time help educate against racist attitudes.

As identified in the UN report, and reflected in some panellists' contributions, this would include at relevant stages of the educational journey resources and discussion on British colonialism and how it has shaped Scotland economically, socially and culturally.

There are a number of key components to tackling racism and promoting race equality in Scotland's schools.

General Principles:

- Anti-racism is relevant to every school in Scotland not just those with large ethnic minority pupil rolls
- The Equality Act 2010 bestows upon local authorities' legal obligations with regards to race in the provision of the public service

of education, development of education policy and implementation of anti-bullying policies and strategies

- School pupils must see themselves reflected in the curriculum and in the teaching workforce.
- Scotland's school estates are continually evolving. For example, the largest ethnic minority community protected by the legal definition of race in the Equality Act that governs the public function of race obligations in Scottish schools is Polish. The pupil census supplementary data for 2019 tell us there are 16,000 Polish pupils across Scottish primary and secondary schools. Race in the equality act covers, 'colour, nationality, ethnic or national origin'.
- Recording and reporting annually on racist incidents in Scotland's schools must be mandatory.
- While Education Scotland are reviewing present race equality resources that we must begin to engage the SQA and HMIE to be able to quantify if the joint approach of tackling racist bullying and promoting race equality has had demonstrable and quantifiable impact on tackling racism and promoting race equality.
- That tackling racism and promoting race equality are central and fundamental to creating school environments that benefit all pupils. Tackling racism and promoting race equality is not a policy addendum that retrospectively responds once the damage is done.
- We need to work together to create nuanced teaching and learning resources. In an increasingly globalised world, we are becoming increasingly narrow-minded.

Action Points

- Intercultural Youth Scotland to engage Education Scotland in introductory meeting to share experience and ideas
- BEMIS to request further meetings with local authorities to ascertain how racist incidents are recorded, dealt with and reported.

- BEMIS/Education Scotland/CRER to continue task of race equality educational resource review and examples of good practice model and teacher support resource for Education Scotland website
- BEMIS to explore with interested panel members and Education Scotland on how we engage key duty bearers such as SQA and HMIE to ensure that they are progressing appropriately their legal obligations with regards tackling racism and promoting race equality.
- BEMIS to request update from 'Increasing Diversity in Scotland's Teaching Workforce' action group to ascertain future steps in removing barriers to the teaching profession within racial (colour, nationality, ethnic and national origin) minority communities.