



ETHNIC MINORITY **NATIONAL RESILIENCE NETWORK**

Paul Lowe
Chief Executive, Registrar General, and Keeper
National Records of Scotland
HM General Register House
2 Princes Street

Re. *Scotland's ethnic minority population 2011 – 2022*

Cc; Cabinet Secretary for Economy, Fair Work and Culture, Cabinet Secretary for Communities and Local Government, Minister for Older People and Equalities.

Dear Mr. Lowe

We are writing to request that urgent action is taken to ensure that Scotland's census 2011 data information on the National Records of Scotland (NRS) website is updated to appropriately reflect the minority ethnic diversity of Scotland. In addition we are calling for the NRS to work closely, and directly with communities as part of a human rights based approach to ensure that the 2022 census reflects the equalities and human rights of all of the minority ethnic communities of Scotland.

The Scottish Census Policy Position and Race Equality

The 2011 Scottish census captured the ethnic diversity of Scotland via Question 15 of the census. According to the 'Scotland's Census – Shaping our Future' website the definition of ethnicity is outlined as such.

Ethnic group classifies people according to their own perceived ethnic group and cultural background.¹

In addition, the justification outlined for collating this self-ascribed data on ethnicity is explained on the grounds that it drives informed and responsive public policy.

This information helps public bodies meet statutory obligations relating to race equality. It is also used for resource allocation and to develop and monitor policy on improving the life-chances for disadvantaged groups, including many ethnic minority groups.

The statistics provide a better understanding of communities and are used for the government-wide race equality and community cohesion

¹ <https://www.scotlandscensus.gov.uk/variables-classification/ethnic-group>

*strategy, which seeks to improve race equality outcomes in areas such as housing, education, health & Criminal Justice for all groups across society.*²

Furthermore, the Equality Act (2010) provides a legal framework for the protection of the rights of individual citizens. The act has two primary purposes. 1) To protect citizens from discrimination on the grounds of protected characteristics and 2) To promote a fair and more equal society.

For the purposes of the Scottish Census and the development of race equality policy, Race, in the Equality Act is defined as 'Colour, nationality, ethnic or national origin'.³

This definition has been incorporated into our domestic legal framework from Article 1 of the International Convention on the Elimination of all forms of Racial Discrimination.⁴

On the '**Scotland's Census – Shaping our Future**' webpage entitled '**Ethnicity, Identity, Language and Religion**' the following erroneous and inaccurate information is contained.

"The percentage of people in Scotland from minority ethnic groups had doubled to 4%, up from 2% in 2001".⁵

For the avoidance of doubt, based upon the Scottish Census of 2011 the accurate minority ethnic population of Scotland is at least 8%. This includes all citizens who have defined their ethnicity as something other than Scottish or British. Scotland is not less diverse than England, it is just different. Our minority ethnic demographics are reflective of Scotland's social and demographic history and this should be reflected by our national statistical bodies' publication of minority ethnic population data.

By interpreting ethnic minority status solely on the basis of colour, and not the protected equalities and human rights-based provisions of colour, nationality, ethnic or national origin the 2011 Scottish Census is currently presented in a way that is not

² Ibid

³ Equality Act 2010 c. 15 Part 2 Chapter 1 Section 9 – available here: <https://bit.ly/2EXWZ1d>

⁴ 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.

Article 1. *In this Convention, the term " racial discrimination " shall mean 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.*

⁵ Scotland's Census Website: <https://bit.ly/2GaJCvi>

compliant with the Equality Act 2010. Significant evidence exists that Irish⁶, Polish⁷, other eastern European and Gypsy Traveller⁸ communities face continual challenges in relation to the progression of Scotland's Race Equality Framework 2016 – 30. As such given that many statutory services utilise census data in the development and implementation of policy it is imperative that the NRS recognise full the minority ethnic communities affected by ongoing and systemic racial inequalities across the provisions of international Race human rights.

COVID exacerbates the impact of non-recognition

In September 2020, the Scottish Governments Expert Reference Group on COVID and Ethnicity, of which the National Records of Scotland are members, reports into data and systemic health issues outlined that

*“The ERG acknowledges that “White Minority Ethnic Communities”, such as the Irish, Polish and Gypsy Travellers, are Minority Ethnic communities and should be considered as such in data collation, interpretation and disaggregation”.*⁹

However, as recently as the 23rd of September 2020 in a debate responding to the Expert Reference Group on Covid and Ethnicity reports Jeremy Balfour MSP commented in respect of the 2011 census and Scotland minority ethnic population.

*“The last census, carried out in 2011, showed that the size of the black and minority ethnic population in Scotland had doubled since 2001, accounting for just over 200,000 people or 4 per cent of the total population of Scotland”.*¹⁰

⁶ Neeraj Bhala Genevieve Cézard Hester J.T. Ward Narinder Bansal Raj Bhopal, “Ethnic Variations in Liver- and Alcohol-Related Disease Hospitalisations and Mortality”: “The Scottish Health and Ethnicity Linkage on behalf of the Scottish Health and Ethnicity Linkage Study” (SHELS) Collaboration Alcohol and Alcoholism, Volume 51, Issue 5, 1 [2016], Pages 593–601:

“Our data suggest that those of Irish ethnicity have persistently higher rates of alcohol and associated liver disease harms that require concerted action”.

⁷ M Czarnecka, D Gorman and R King, “Key themes from a study of Polish suicides in Lothian and Scotland 2012 – 2016 - recommendations for policy and practice” European Journal of Public Health, Volume 28, Issue 1. [2018] Abstract:

“This study found a higher rate of suicide among Polish nationals in Scotland than Polish individuals in Poland or the Scottish population”

⁸ Elaine Webster & Deirdre Flanigan, “Localising human rights law: a case study of civil society interpretation of rights in Scotland”, The International Journal of Human Rights, 22:1, 22-42 [2018] Pg. 33 –

“Scottish Gypsy Travelers invokes the ‘right not to be tortured or inhumanly or degradingly treated or punished’ and continues: ‘This includes living in substandard or squalid conditions such as those involving “slopping out” or living on the roadside with no basic service provision. Many Scottish Gypsy Travelers are living in such conditions”

⁹ IMPROVING DATA AND EVIDENCE ON ETHNIC INEQUALITIES IN HEALTH: INITIAL ADVICE AND RECOMMENDATIONS FROM THE EXPERT REFERENCE GROUP ON ETHNICITY AND COVID-19. Scottish Government. September 2020. Available here: <https://bit.ly/32Y43Vt>

¹⁰ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12835&i=116043>

If the NRS are unable to acknowledge the full complement of Scotland's minority ethnic communities then this detrimentally affects the ethnic recognition of citizens in public policy development.¹¹ As outlined above, MSPs in our parliamentary chamber, an institution that is supposed to respond to the needs of the people of Scotland are unable to properly identify the full complement of Scotland's self-ascribed and legally recognised minority ethnic communities. This erroneous information has, according to the MSP himself, been sourced from the NRS 'Shaping out Future' website. The impact of this is that not all communities with self-ascribed minority ethnic status and evidenced race equality policy issues are being appropriately included in shaping their future.

Thus, given that these communities themselves have identified their ethnicity as something other than Scottish / British '*according to their own perceived ethnic group and cultural background*' and that the legal framework in the UK / Scotland acknowledges this right in the provision of and development of public policy it is beyond the powers of the National Records of Scotland (NRS) and Scottish Ministers to then remove their minority ethnic status.

Planning for 2022 – The Importance of reflective and disaggregated data

Furthermore, moving towards the 2022 census due consideration must be given to enhancing understanding of the need to provide Sikh as a specific ethnic minority status option. Research conducted by the Office of National Statistics in England and Wales indicated that up to 53,000 people of Sikh ethnicity may have been mis-identified in the existing census form. Gaps in this data in Scotland obscures our understanding of policy impacts on Sikh communities.¹²

In addition, similar requests for full data disaggregation as a matter of default policy in line with the provisions outlined in the Equality Act have been indicated by East and Southeast Asian communities¹³ who are subsumed into the 'Other' and 'Asian other' categories

¹¹ Public Health Scotland - <http://www.healthscotland.scot/population-groups/ethnic-groups-and-migrants>

Key Facts: "the black and minority ethnic population was 4% of the population".

¹² At the request of the Sikh Federation (UK) ONS undertook research and modelling in 2018 to determine the extent to which Sikhs may have been undercounted in the Census 2011. Using one parameter alone (surnames) ONS found over 53,000 Sikhs may have been missed by responses to the optional religious question in 2011 and who did not make the additional effort of using the ethnic group write in option and stipulate Sikh. The Sikh names research report was released by ONS in December 2018. The Sikh Federation (UK) has questioned why NRS did not undertake the same "names exercise" developed and used in England and Wales by the ONS in Scotland.

¹³ Brunei, Cambodia, China, East Timor, Hong Kong, Indonesia, Japan, Korea, Laos, Malaysia, Mongolia, Myanmar, Philippines, Singapore, Taiwan, Thailand and Vietnam

They know they have issues pertaining to health; For example, one of the highest COVID-19 related deaths amongst Filipino frontline workers was recorded in UK¹⁴ and this is suspected by the community in Scotland. In relation to human rights, these communities suffer the highest number of human trafficking (Vietnamese) for the use of modern-day slavery in Scotland¹⁵, higher unemployment and a surge in Sinophobic related hate crime.

However these diverse ethnic communities are not specifically identifiable in available data sets as their ethnic identities are subsumed into larger evidence suppressing categories such as 'Asian other' or 'Other' obscuring the detail required to 1) identify them as specific communities and 2) include them in policy response as per the spirit of the Equalities Act. As Scotland's national statistical body, it is critical that NRS set high standards that should be reflected across Scotland's statutory services.

The pandemic has illuminated structural and systemic racial inequalities in Scotland's data systems in the collation, interpretation, and disaggregation of minority ethnic data. Greater granularity in data publication would undoubtedly inform more accurate and focussed policy responses. This must begin by respecting and reflecting the self-ascribed choices made by citizens that affect their recognition and access to policy development and public discussion in Scotland.

As such we are calling on the NRS to.

- 1) Amend the Scotland's Census – Shaping our Future 2011 webpage to accurately reflect Scotland ethnic minority diversity including the recognition of the Irish, Polish and Gypsy Traveller ethnic minority citizens and communities. This recognition should be continue into the 2022 census. This is a human right held by these citizens and NRS cannot reclassify their self-ascribed ethnicity into an unrepresentative racial block of White that suppresses their everyday experiences, history and heritage in Scotland.
- 2) Create and implement a policy that all racial classifications, White, Other Ethnic Group, African, Asian, Black or Caribbean, Mixed are disaggregated as a core policy. To inform policy we need to know, which African people? which Black people? which Asian People? which Mixed people? which White people? Are affected disproportionately by ongoing racial inequalities in Scotland. This approach should be used to inform the policy needed to enable the people of Scotland to better understand the ethnic diversity of Scotland and to inform Race Equality Action Plans moving forward. Scotland's policy makers need to know about communities as people, with specific ethnic and cultural backgrounds; not as homogenised 'races'. Each

¹⁴ **Filipino Frontline deaths in UK:** <https://www.hsj.co.uk/workforce/at-least-27-nationalities-among-nhs-staff-killed-by-covid/7027666.article?adredir=1>

¹⁵ Human trafficking: source: nationalcrimeagency.gov.uk

of these communities are affected differently by systemic discrimination and inequality in Scotland.

- 3) Working towards the 2022 Census engage with communities directly, in a human rights-based approach, to publish a Census, Equalities and Human Rights policy position that reflects developments in understanding of minority ethnicity and ethno-religious communities and the need for Scotland's census to adequately reflect Scotland's ethnic diversity in line the Equalities and Human Rights Law.

We look forward to your reply and evolution of Scotland's census practice to reflect our evolving equality and human rights objectives.

Kind regards

Jenni Kennan (PKAVS – EMNRN Data and Heath subgroup chair)

Trishna Singh (Sikh Sanjog)

Kimi Jolly (East and Southeast Asian Communities)

Ephraim Borowski (Scottish Council of Jewish Communities)

Lynne Tammi (Human Rights Activist)

Noelia Martínez (Citizens Rights Project)

Davie Donaldson (Progress in Dialogue)

Jeanette Findlay (Call it Out)

Elric Honoure (Fife Centre for Equalities)

Eman Hani (Central Scotland Regional Equality Council)

Tanveer Parnez (BEMIS)

Paddy Callaghan (Comhaltas Ceoltoiri Eireann)

05/10/2020