

Cross Party Group on Racial Equality

Thursday 29th October 2020

14:00 – 15:30

(via Zoom)

Attendees (31)

Fulton MacGregor	Member of the Scottish Parliament (Convener)	Jeremy Balfour	Member of the Scottish Parliament
Humza Yousaf	Cabinet Secretary for Justice (Speaker)	Kash Taank	Glasgow Life
Mohammed Razaq	West of Scotland Regional Equality Council (Secretariat)	Katie Mackie	
Ashleigh Alexander	West of Scotland Regional Equality Council (Secretariat)	Mahmud Al-Gailani	VOX Scotland
Anita Shelton	Individual	Mary Osei-Oppong	Individual
Bill Brash	Scottish Government	Milind Kolhatkar	Score Scotland
Chelbi Hillan	University of Strathclyde Student Union	Nahid Aslam	Pakistan Association
Chris Campbell	Standard Life - MOSAIC	Neil Meehan	Scottish Government
Clare McKinlay	Scottish Government	Nikhath Yusaf	City of Edinburgh Council
Danielle Bett	Jewish Leadership Council	Oluwatoyin Opeloyeru	Individual
Faten Hameed	Scottish Iraqi Society	Rabya Akhtar	Phoenix Group - Mosaic
Harriette Campbell	African Caribbean Women's Association / WSREC	Rachel Wilson	Scottish Government
Imran Khan	Phoenix Group – Mosaic	Raza Sadiq	Active Life Club
Jenny Galbraith	CRER	Richard Lyle	Member of the Scottish Parliament
		Ruby Raheem	Individual
		Ruth Ann McCalla	Individual
		Sandra Deslandes-Clark	SEMPER Scotland
		Sukhi Bains	University of St Andrew's
		Zahra Hussain	Individual

Apologies

Ali McDade	NUS Scotland	Mukami McCrum	Individual
Linda Alexander	Children's Health Scotland	Nasar Meer	University of Edinburgh
Margaret Lance	Waverly Care	Naseem Anwar	Network Rail
Martin Hayward	Equality Human Rights Commission	Olivia Carson	CIPD
Mohammed Afzal	Individual	Rohini Sharma Joshi	Trust Housing Association
		Trishna Singh	Sikh Sanjog

1 Welcome & Introductions

Convener Fulton MacGregor called the meeting to order at 14:00 and welcomed speakers and members.

As the meeting took place via Zoom, and not all attendees could be seen on screen, the Convener asked attendees press the 'raise hand' button if they wished to speak. He then announced that he would try to fit in everyone who wished to speak, but advised that there was a tight schedule.

The Convener asked attendees to keep their microphones off during the meeting, unless they were invited to speak, in order to ensure that there was no background noise interference. However, he noted that camera visibility could either be turned on or off, depending on the individual's preference.

As attendee names were displayed on screen, the Convener dismissed introductions, but asked those who spoke to introduce themselves.

The Convener delayed the formal apologies and ratification of decision from 15th July meeting until after the first agenda item, as the guest speaker – Humza Yusaf, Cabinet Secretary for Justice – had to leave the meeting at 14:45.

2 Hate Crime Bill – Humza Yousaf MSP, Cabinet Secretary for Justice

The Cabinet Secretary (Cab Sec) thanked the Convener and the Secretariat for inviting him to speak. He went on to speak about the Hate Crime Bill, providing a quick overview and then went on to take questions from group members.

The Cab Sec explained that the Hate Crime Bill is an active Bill making its way through the Parliamentary process, taking oral evidence from the Justice Committee. There are a number of significant parts to the Bill that have been changed or discussed:

Part 1 – Statutory Aggravation

If it can be proven that an offense was motivated by prejudice based on a protected characteristic, then a Sherriff or Judge may decide to add an aggravator, and therefore decide to give an additionality to their sentence. So, if you are assaulted because of your skin colour, there could be a racial aggravation added to that assault charge, and therefore an additional sentence to be served.

Age is being added to the statutory aggravator list as one of the protected characteristics, after receiving feedback from groups representing young people and older people supporting this. Lord Bracadale also suggested this in his review of hate crime.

Sex is also being considered to be added to the statutory aggravator list. This has not been previously included because a lot of organisations that represent women – Engender Scotland, Zero Tolerance, Rape Crisis Scotland, Scottish Women’s Aid – oppose the introduction of a sex aggravator. At the moment, an order had been included giving power so that if the Bill passes, sex can be added as an aggravator at a future date.

Part 2 – Stirring Up Offences

The offense of stirring up racial hatred has existed since 1986. Essentially, it boils down to whether or not someone’s behaviour is threatening, abusive or insulting and has the intent of stirring up hatred or is likely to stir up hatred. The Government is not suggesting any change to the offense of stirring up racial hatred, but are suggesting that it is extended to the other protected characteristics.

The Government is also suggesting that when this is extended to cover the other protected characteristics, that there is a slight change to the threshold, so the behaviour should be threatening or abusive and the offenses should be intent only – so it can be proven that there was an intention to stir up hatred in relation to the other protected characteristics. The Cab Sec suggested a significant change to the Bill – that there should be intent only for the other characteristics but the racial offense should stay as it is.

Other areas

Suggestions made by Lord Bracadale which haven’t been accepted:

- That Section 50a should be repealed - related to racial harassment. This has not been taken on board because some racial equality groups believe that any weakening of the protections for racial minorities would be unwelcome.
- Abolish the crime of Blasphomny
- A duty for the appropriate stakeholders to record data in relation of the offenses. BEMAS and CRER suggested going further – that there should be a greater reporting of the disaggregated data, not just race or religion but actually getting an idea of which racial / religion / sexual orientation groups are targeted.

Some suggest that there should be a dwelling offense, i.e. if the offense of stirring up racial hatred is done within the confines of somebody’s home, then that should be a defence, meaning it should not be prosecuted.

The Cab Sec then opened up to questions from the group.

Questions	Answers
<p>Q1. If you are attacked because of your nationality, sexuality and your country is being used as a weapon against you, is this considered a hate crime?</p>	<p>A1. Question can't be answered without knowing the full circumstance. The Police would ultimately investigate the circumstances and put in a report to the Procurator Fiscal. However, both sexual orientation and race are statutory aggravators.</p> <p>Also, if the Bill passes, the stirring up offence will cover both stirring up hatred against someone because of their race and because of their sexual orientation. If, for example, somebody is stirring up hate using your race – nationality, ethnicity, immigration status, - to stir up hatred that was threatening, abusive or insulting and with the intent or likelihood of stirring up hatred, then yes that would be prosecuted.</p> <p>Rachel from Cab Sec's office added that the definition of race includes, ethnicity, immigration status, asylum seekers and refugees, Gaelic speakers and Gypsy travellers, nationality. Important to remember that it is the perception of the perpetrator – so if you are perceived to be of any ethnic background or race and that a crime was committed against you for that purpose, that would be included in the Bill.</p>
<p>Q2. What are the implications of the Hate Crime Bill on community relation and community cohesion?</p>	<p>A2. Tension in community cohesion is also due to world and local events, and the Bill is not going to be the magic wand. It is a process that involves bringing communities together. Community initiatives do far more for community cohesion and help to bring communities together. The Bill will prosecute and give protection to those who are the targets of hate and prosecute those who are the perpetrators of hate. Community cohesion comes from grass roots, which the Government can support, fund and facilitate.</p> <p>The law exists to offer protections, but is not the only tool we have to bring about racial harmony and racial equality. Each person has to judge these situations themselves and we have to talk very openly about the structural and institutional barriers that exist. It is difficult to tackle institutional racism through legislation.</p>

<p>Q3. Many religions and beliefs common in Scotland were excluded from the examples provided in the Bill's information sheet, e.g. Sikhism, Hinduism, Buddhism, Paganism, Humanism.</p> <p>Will there be specific materials for each religion and belief?</p>	<p>A3. Information sheet is not an exhaustive list, but if it just focuses on majority groups then minority groups might not think it applies to them, which is something we need to be really careful of.</p> <p>If the Bill passes, when it comes to the education piece, think about how we engage with minority groups and make sure they understand that the Bill applies to them, just as much as it applies to the Muslim / Christian communities, etc.</p>
<p>Q4. Will the Hate Crime Bill further tackle hatred on the grounds of national identity, e.g. Scottish, English, Welsh, Irish?</p>	<p>A4. Yes, the characteristics of the Bill, race particularly would include nationality, so anti-English, anti-Scottish hatred etc. Again, it is important to make sure that the public is aware that the Bill covers everyone, it is not just for specific minorities or majorities.</p>
<p>Q5. Does the race aggravator have to be an addition to a sentence, in terms of time, or could there be a focus on education in terms of race and diversity training that the person has to take part in?</p>	<p>A5. Judges and Sheriffs have a wide range of community disposals at their behest. However, restorative justice is missing – the ability to sit down with perpetrator to highlight impact on individual and their family. The Government has produced a Restorative Justice Action Plan, which will be rolled out over the coming years.</p> <p>Don't know if diversity training would be available, but it might be something to look into.</p>

<p>Q6. How will the Bill deal with intersectionality – when 2 or more aggravators apply – how will these be reported? This would provide communities with a broader understanding on the trends.</p>	<p>A6. A Judge or Sherriff can take more than one aggravator into account.</p> <p>Bill from Cab Sec office added that perpetrators can be done for multiple aggravations. Police statistics show the amount of cases that have more than one aggravator, so it is something that is being recorded.</p>
<p>Q7. How can we be sure the Scottish Government will not dilute the exisiting provisions for race?</p>	<p>A7. Racial hatred is by far the highest aggravator for hate crimes, so we do not intend to make changes to racial equality in the Bill. But the Cab Sec cannot guarantee what the final Bill will look like. However, the Scottish Government has not received a huge amount of pushback on this, although some organisations suggest that there should be more consistency between the characteristics</p>
<p>Q8. Will the Bill take cognisance of the current consultation taking place at West Minster on the AAPG group on Sikhaphobia?</p>	<p>A8. The Cab Sec is aware of the work done by the AAPG, but does not think it has been looked at in terms of the Bill. The Cab Sec will ask his officials to look at the work the AAPG is doing on Sikhaphobia and see if there is anything we need to consider in relation to the Bill and the hate crime work we are doing.</p>
<p>Q9. With the changes that are being made i.e. stirring up of hatred and watering down of some issues, do you believe people be happy with that?</p>	<p>A8. The Cab Sec stated that there are people who are going to oppose the Bill no matter what. The Cab Sec is trying to make sure that, with the changes that are proposed, the right to freedom of expression and the right for people to be protected from hate are not mutually exclusive and are not in conflict – you can have both freedom of expression and protections against hate.</p> <p>There will be amendments to the Bill, but the Cab Sec will try to navigate the Bill in such a way that the people who are targets of hate get as much protection as possible while being protected in speech as well.</p>

The Cab Sec put his email address in the group chat and encouraged members to get in touch with further questions.

The Cab Sec then asked those who support the Bill to make their feelings known, because sometimes those feelings do not get as much attention as the opposing voices. This does not mean that people should not criticise or ask for clarification.

After Cab Sec Yousaf answered the questions raised by the members, the Convener thanked him for taking the time to speak to the group. The Convener highlighted that the group, if all members are in agreement, may submit something in regards to the Bill.

Group Discussion

Once the Cab Sec left the meeting, the Convener offered to stay on this agenda item and discuss the other questions that were raised by members but did not have the chance to be answered.

At this point, discussion centred around whether or not the group could add value to education, training, and awareness raising. It was pointed out that awareness of the Bill needs to be filtered down through community groups and organisations so that individuals can understand the Bill better and how it will affect them.

Members were in agreement that it would be a good thing for the group to submit a letter of support about the hate crime Bill. The question of how organisations and individuals can respond to the Bill, whether in support or with questions or suggestions was also posed, and suggested to be included in the letter.

The Convener proposed that, with the group's permission, he could bring together views on the Bill, send it out to the group for review, and send this in. This was agreed by Faten Hameed, who also suggested bringing up the need for better awareness around the Bill, particularly in relation to how it will effect individuals. The Convener agreed with this and suggested making the statement neat and concise in order to make a point without going into certain areas where everyone will perhaps have different views. This was agreed by the group.

The Convener moved on to the apologies and proposed circulating them in the minutes to save time. This was agreed by the group members.

3 Date of Next Meeting

The Convener highlighted that the previous meeting of the Cross Party Group on Racial Equality was not quorate and would not be accepted by the Parliament as an established meeting because we did not meet the requirement for the minimum number of MSPs.

The Convener suggested ratifying the minutes of the previous meeting and asked for the support of the group to do this. This was then proposed by Harriette Campbell and seconded by Anita Shelton.

Due to the previous meeting not being quorate, the Convener highlighted the need for another meeting before the end of the year. The preliminary date of Wednesday 2nd December 2020 from 14:00 to 15:30 was set, and the Convener noted that this would double as the AGM. *Please note that the date has now been changed to Thursday 3rd December 2020 from 14:00 to 15:30.*

The date of a meeting for next year, before Parliament dissolves, of Wednesday 24th February from 14:00 to 15:30 was also set, with the agendas for both meetings to be set later. This was agreed by all members.

The Convener then went on to discuss any other business.

4 Any Other Business

The Convener opened up the meeting for group members to discuss any other business.

Anita Shelton brought up a matter arising from the previous minutes, asking for an update on the letters that were proposed to be sent after the last meeting, particularly in regards to Covid statistics for minority groups. The Convener noted that he sent a letter to Christina McKelvie several weeks ago and should be due a response now. The Convener asked the group if they would like the letters to be sent out with this meeting's minutes, or if they would rather wait on the response. Anita suggested that, if the response is within the next few weeks, the group can wait, but if the response is 6 months down the line, the group should see the letter first. This was agreed by group members.

Raza Sadiq asked the Convener for his thoughts on the evidence given by the public bodies during the Equality and Human Rights Committee's evidence gathering on the impact of Covid. The Convener stated that the committee is in the process of preparing a report that will be agreed upon by all committee members. The Convener highlighted that the line of questioning he focused on was around institutional racism and what the various public bodies have been doing to tackle that. The public bodies all said the same or similar things, almost as if they didn't want to admit that it was an issue. They wanted to recognise the concept of institutional racism, but not that it was an issue for any of the public bodies. So there is a lot of work to be done in this area and I hope that our report will highlight this.

The Convener then closed the meeting, thanking the Secretariat for pulling the meeting together and the members for attending.