



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 15 March 2018

Session 5



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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
5th Meeting 2018, Session 5

CONVENER

*Clare Haughey (Rutherglen) (SNP)

DEPUTY CONVENER

*Patrick Harvie (Glasgow) (Green)

COMMITTEE MEMBERS

*Tom Arthur (Renfrewshire South) (SNP)

*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)

*Jamie Halcro Johnston (Highlands and Islands) (Con)

*Elaine Smith (Central Scotland) (Lab)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Anas Sarwar (Glasgow) (Lab)

CLERK TO THE COMMITTEE

Joanna Hardy

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 15 March 2018

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Clare Haughey): Good morning. I welcome members to the fifth meeting in 2018 of the Standards, Procedures and Public Appointments Committee. The first item today is for the committee to agree to take in private agenda item 4, which concerns a letter that we have received from James Dornan MSP. Do members agree to take that item in private?

Members indicated agreement.

Cross-party Group

10:00

The Convener: Agenda item 2 is for the committee to take evidence on the proposed cross-party group on tackling Islamophobia. I welcome Anas Sarwar MSP, who is the convener of the proposed group, and I invite him to make a statement.

Anas Sarwar (Glasgow) (Lab): Thank you for your time this morning. Anyone who has seen the stories in the media, particularly over the past few weeks, regarding Islamophobia and challenges towards Muslims, not just here in Scotland and across the United Kingdom but across the world, will recognise that there is a growing challenge with Islamophobia and how it impacts on communities, and especially its direct impact on women—on which I will say more in a moment.

First, we are trying to get some recognition that Islamophobia exists. Secondly, we are bringing together all the people who are working in individual silos across Scotland round a table in one place, namely the Parliament. That also provides an opportunity to educate parliamentarians about what more we can do to challenge Islamophobia head on.

We intend to examine certain areas. First, as I have mentioned, there is a clear gendered nature to Islamophobia. Women are almost twice as likely as men to be victims of Islamophobic or racist hate crimes. More often than not, the perpetrator of the incident is a man. There is clearly a gendered nature to Islamophobia and racism, and that is one element that we want to examine directly.

Secondly, there is the legal framework. Are there gaps in the law? Is there more that we can do in this place to challenge Islamophobia? We will consider that in much more detail, in partnership with the Equality and Human Rights Commission.

What role does Police Scotland have to play around reporting and recording, the barriers to reporting and the way in which cases are dealt with? What role does the Crown Office play subsequently regarding successful prosecutions and the sentences that are handed down for people who perpetrate Islamophobic hate crimes?

It is worth emphasising the key point that the vast majority of Islamophobia and racism is not criminal in nature. It is not something that someone can report to the police or that can lead to a successful prosecution. However, it still impacts on life chances, life opportunities and life outcomes. It is that aspect in particular that the CPG wants to explore, including the issues of

employability, the education system and access to public services. We will be examining all those issues in more detail.

Turning to the final stream that we want to consider, when we ask young Muslims what they think the reason is for the rise in Islamophobia, the first answer is always the media, and the second answer is politicians. We want to do some work, first, on media monitoring, the responsibility of the media for the language that they use and how they interact with individual communities; and, secondly, on how we better educate our politicians—myself included—about the language that we use and how we can recognise that the actions that we take can have an impact on communities.

Those are all areas that we want to explore in more detail. I am happy to take any questions.

The Convener: Thank you, Mr Sarwar.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning, Anas. You have identified some common themes and issues. There are other cross-party groups that may have an input into what you are trying to examine. How are you planning to work alongside them to develop some of those common themes and take forward your work?

Anas Sarwar: Fulton MacGregor chairs the cross-party group on racial equality, and I am a deputy convener of that group. Fulton was at the first meeting of the CPG on Islamophobia when we set it up, and there are areas that we will consider together, particularly around the legal framework. There is a common interest around race and religion and faith, and around reporting and how the police co-operate. Fulton and I have already agreed that we will try to arrange certain meetings together.

I have also had conversations with people who serve on the cross-party group on freedom of religion or belief. There are some issues around religious freedom on which it would be worth having more conversations. Then, there is the cross-party group that deals with anti-Semitism, of which I think Adam Tomkins is the convener. There have already been conversations around some of the successful work that the Jewish community did in getting access to decision makers, particularly in the criminal justice system, and around how we could replicate some of that with the cross-party group on tackling Islamophobia.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): On the specifics and on the impact that you see your cross-party group having on Scotland generally, working with other cross-party groups, what is the objective?

Anas Sarwar: Thinking about what the biggest challenge has been, I would comment that we sometimes have a Scottish exceptionalism: an idea that bad things happen elsewhere but not here. One objective is to have a recognition that Islamophobia exists in Scotland, in just the same way as sexism, homophobia, anti-Semitism and racism exist. That is an important aspect.

Secondly, the objective is to try to define what Islamophobia is. People have a loose definition in their heads, but there is probably not a set definition in law. That is an important piece of work that needs to happen.

Thirdly, it is to try to educate communities and bring people together. I have been struck by the extent to which people have been willing to engage with the cross-party group. When I first put it together, I thought that we would struggle to fit people in a room, but 162 individuals expressed an interest in taking part in the CPG, and 50 or 60 organisations are already members, as well as MSPs. It already has a mailing distribution list of well over 300 people and organisations. There is genuine scope and interest from the public.

I do not want the group to become just a talking shop. In fact, that would be the easy thing to do. We could just get lots of Muslims in a room and—I can say this as a Muslim myself—we could all just end up fighting with each other. We have to get people in that room and talk about actions. That is one of the key themes.

The first meeting that we hope to have, if the CPG is approved, will be with the Equality and Human Rights Commission, which will give a presentation on the legal framework. People have suggested certain potential amendments to the existing legal framework, so we will consider actions that come out of that.

Police Scotland will also give a presentation on hate crime statistics, how the police handle cases, what they think the barriers are to reporting, how we can build up a relationship and a dialogue—third-party reporting has been suggested—and how we publish statistics to try to get a debate and conversation going. One thing involves that conversation and getting recognition; the second thing, which is the most important part, is deciding on the actions that we need to take. They might be small practical actions, but I hope that they could have a bigger impact in the longer term.

Jamie Halcro Johnston (Highlands and Islands) (Con): Good morning, Anas. You have some universities involved. I imagine that they are largely involved from an academic point of view. How will you engage and communicate with colleges, schools and universities and particularly with students, who will have practical experience

of what is going on? Are you looking to involve students or the education unions?

Anas Sarwar: Absolutely. I am delighted that Professor Peter Hopkins has agreed to be the secretary of the CPG. Although Professor Hopkins works at Newcastle University, he is from Glasgow and commutes back and forth. He has done research on Islamophobia in Scotland for 10 years. One of his great frustrations is that, although he has done lots of research, people—myself included—have done very little with that research and his findings. There is definitely scope for more research and collaboration with professors, not just in Scotland but across the UK.

We have set up an education working group, with Professor Hopkins taking the lead. It brings together other relevant researchers, the college and university sectors, the ethnic minority educators group, which is a group of ethnic minority teachers across Scotland, and Action for Children Scotland, which has done a bit of work on creating a charter against racism and religious hatred in our schools. That is being piloted in three schools in Edinburgh at the moment. All those people are coming together as an education working group to try to form a more detailed charter that can go into schools across the board.

It is also the intention to create a research document. One of the biggest challenges can be expressed through a question that I am asked a lot: “How bad is the problem?” I honestly do not know the answer to that. Research needs to be done so that we can find out, first, what the extent of the issue is; secondly, what the Muslim community’s perception is; and, thirdly and equally importantly, what the general population’s perception is.

The biggest challenge in tackling racism and Islamophobia is not taking on the hatemongers, which is actually the easy part. Challenging those who have openly racist or Islamophobic views is the easy part, because you condemn them and do not allow them a platform. The much harder job concerns people who probably have an unconscious bias towards those of a certain colour or faith. It is about trying to create a dialogue and a conversation in which those people recognise that their behaviour or language are perhaps not appropriate so that they then reflect on that and challenge themselves. The key issue is how we get people to challenge themselves, as that is the only way that we can fundamentally make a difference in society.

Patrick Harvie (Glasgow) (Green): Good morning. Congratulations on bringing people together to propose the group. Looking through the list of members, I did not see the Ahmadiyya Muslim community represented. One of the highest-profile hate crimes that there has been in

recent years in Scotland was the murder of Asad Shah, who was targeted because he was an Ahmadi Muslim. Have you already made a connection with members of that community? Are they involved in the group, or are they going to be?

Anas Sarwar: Absolutely. Among Islamic organisations, there is an internal challenge that the CPG does not want to get involved with. I have made it absolutely clear that it is not for the CPG to define which groups are or are not Muslims—that is for people to self-define. Just as we have made the organisation open to the Jewish, Catholic, Protestant, Hindu and Sikh communities, it is open to the Ahmadiyya community. Members of that community are more than welcome to attend and to be members.

Patrick Harvie: Have they been reached out to on that basis?

Anas Sarwar: Yes. I have sent an invitation to all faith-based organisations, and those listed are the ones that have responded so far.

Patrick Harvie: Great—thank you.

Elaine Smith (Central Scotland) (Lab): Thanks for joining us, Anas. That point leads nicely on to the issue that I want to ask about, which is the rise in religious hate crimes over the years. Specifically, anti-Catholicism accounts for more than all other religious hate crimes put together, at 58 per cent of hate crimes, according to the most recent statistics from last year. Will you look to do a piece of work on that with the cross-party group and to widen things out? You have answered that in a way, by saying that you have invited representatives of other religions to come along to the group and have an input, but will you comment further on that?

Anas Sarwar: It is important that we get all faiths involved, because only if things are done across those of all faiths and of none will we get action. We can also learn from best practice in other communities that have experienced similar circumstances.

People have asked me whether we should create a cross-party group on prejudice and hate in general rather than making it specific to Islamophobia. However, if we were to have a cross-party group on prejudice and hate, it would be natural that, based on population sizes, an order of merit, importance or seniority would emerge. On that basis, Islamophobia would be quite low in the chain, to be frank, among the different forms of prejudice and hate. That is why having a cross-party group on tackling Islamophobia in its own right is important.

That is not to say that other forms of hate or prejudice are negated—far from it. I am more than

happy to work with any faith-based organisation on how we tackle hate and discrimination. Some of the actions that will come from the cross-party group—some of the policy proposals that I have already put to the First Minister, for example—impact on all faith groups and not just on Muslims. That is an important piece of work that needs to happen.

The Convener: Thank you for coming, Mr Sarwar.

Under agenda item 3, the committee will consider whether to accord recognition to the proposed cross-party group on tackling Islamophobia. Do members agree to approve the group?

Members *indicated agreement.*

The Convener: As previously agreed, we now move into private session.

10:14

Meeting continued in private.

11:24

Meeting continued in public.

Complaint

The Convener: I will now make a statement on behalf of the committee.

The committee has agreed that I will make a short statement setting out our current consideration of the rules regarding sexual harassment and the recent complaint made to the committee by James Dornan MSP.

The committee is currently conducting an inquiry into whether the MSP code of conduct is fit for purpose when dealing with complaints about sexual harassment and inappropriate conduct. There is still some way to go with our inquiry, but there appears to be an early consensus that a more robust process is required. There needs to be recognition of the sensitivities required when handling such cases and for there to be fairness to everyone concerned. Any new process will have to try to reconcile openness and transparency with privacy and a duty of care towards potentially vulnerable people.

Against the backdrop of reviewing our existing procedures and the code of conduct, I will now turn to the letter of complaint from Mr Dornan. Under the Scottish Parliamentary Commissions and Commissioners etc Act 2010, the committee may refer certain complaints to the Commissioner for Ethical Standards in Public Life in Scotland for investigation. Broadly speaking, the role of the commissioner is independently to establish the facts of a complaint. The committee will then consider whether it agrees with the commissioner's findings and any question of sanctions.

We believe that that is the most appropriate way of handling this complaint. The commissioner is resourced to carry out that type of investigatory work, although we appreciate the sensitivities associated with this unique area. We do not think that it would be appropriate for the committee to undertake its own investigation, and there is no procedure or precedent for the committee to do so.

We understand that due process must be followed, and this will take time, regardless of who carries out the investigation. It is in no one's interest that the process becomes drawn out. We are confident that the commissioner will recognise that. We have therefore agreed today that we will issue a direction to the Commissioner for Ethical Standards in Public Life to conduct an investigation into this complaint. It is clear that there will be considerable on-going interest in the case and in the investigation process. The

committee will not make any further public comments until we have considered the commissioner's report.

In order to ensure a robust outcome, proper processes must be observed. The commissioner must be allowed to carry out the investigation without any interference. It will be for the commissioner to determine what evidence is relevant and necessary for the investigation.

We believe that it is necessary to draw attention to another aspect of this situation. The code of conduct states:

"Members must not disclose, communicate or discuss any complaint or intention to make a complaint to or with members of the press or other media prior to the lodging of the complaint or during Stages 1 and 2 of the procedure for dealing with complaints."

The committee reminds all members of that requirement. The rule covering disclosure is important, because it allows investigations by the commissioner and the committee to be conducted fairly and without external influence. The committee admonished a member earlier this session for a breach of that rule, and all business managers were reminded accordingly.

I thank members for their contribution today.

Meeting closed at 11:28.

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