

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 10 March 2009

Session 3

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EQUAL OPPORTUNITIES COMMITTEE

4th Meeting 2009, Session 3

CONVENER

*Margaret Mitchell (Central Scotland) (Con)

DEPUTY CONVENER

Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

*Willie Coffey (Kilmarnock and Loudon) (SNP)

*Marlyn Glen (North East Scotland) (Lab)

*Bill Kidd (Glasgow) (SNP)

*Hugh O'Donnell (Central Scotland) (LD)

*Bill Wilson (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Johann Lamont (Glasgow Pollok) (Lab)

Mary Scanlon (Highlands and Islands) (Con)

Margaret Smith (Edinburgh West) (LD)

Shirley-Anne Somerville (Lothians) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Joe Bradley (Irish Diaspora in Scotland Association)

Zaffir Hakim (Scottish Trades Union Congress)

Jatin Haria (Glasgow Anti Racist Alliance)

Simon Hodgson (Scottish Refugee Council)

Colin Lee (Council of Ethnic Minority Voluntary Sector Organisations Scotland)

Roseanna T McPhee (Scottish Gypsy Travellers Law Reform Coalition)

Rami Ousta (Black and Ethnic Minority Infrastructure in Scotland)

CLERK TO THE COMMITTEE

Terry Shevlin

ASSISTANT CLERK

Rebecca Lamb

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 10 March 2009

[THE CONVENER opened the meeting at 10:06]

Interests

The Convener (Margaret Mitchell): Good morning and welcome to the fourth meeting in 2009 of the Equal Opportunities Committee. I remind all those present, including members, that mobile phones and BlackBerrys should be switched off completely, as they interfere with the sound system even when they are switched to silent. We have received apologies from Elaine Smith.

It is my pleasure formally to welcome Willie Coffey to the Equal Opportunities Committee. He has replaced Sandra White, who was a member of the committee for almost five years. I am sure that members will join me in paying tribute to all the hard work that Sandra did when she served on the committee over that period. I invite Willie Coffey to declare any interests.

Willie Coffey (Kilmarnock and Loudoun) (SNP): Thanks for your kind welcome, convener. I have two interests to declare. I currently serve as an elected member of East Ayrshire Council and I own a small number of shares in Kilmarnock Football Club. Both of those interests are fully detailed in the register of members' interests.

Witness Expenses

10:07

The Convener: Agenda item 2 is a decision on whether to delegate to me, as the convener, responsibility for arranging for the Scottish Parliamentary Corporate Body to pay, under rule 12.4.3, any witness expenses arising from today's round-table discussion. Are members agreed?

Members indicated agreement.

Race Equality Statement

10:07

The Convener: Agenda item 3 is a round-table discussion on the Scottish Government's race equality statement. The statement was published in December 2008 and outlines the Government's approach to race equality over the next three years. That includes details of the specific measures that the Scottish Government is taking on, for example, Gypsy Travellers—a matter that is of obvious interest to the committee given its previous work in that area. The statement also makes reference to relevant faith issues.

Given the nature of the statement, we have a broad range of witnesses before us. I welcome them all to the committee. I remind everyone that, although a round-table discussion is more informal, which I hope will encourage everyone to speak up, the points that are raised will be recorded and an *Official Report* of the meeting will be produced. The minister will come before the committee for a second evidence session after this round-table discussion, and we hope that some of the points that are raised today will be raised with the minister at that time.

I invite you all to introduce yourselves. We still have the odd gap, as we are waiting for people to arrive; I understand that there could be a problem with late trains. I am Margaret Mitchell, the convener of the Equal Opportunities Committee.

Rami Ousta (Black and Ethnic Minority Infrastructure in Scotland): I am the chief executive of Black and Ethnic Minority Infrastructure in Scotland.

Hugh O'Donnell (Central Scotland) (LD): Good morning. I am an MSP.

Colin Lee (Council of Ethnic Minority Voluntary Sector Organisations Scotland): I am the chief executive of the Council of Ethnic Minority Voluntary Sector Organisations Scotland—CEMVO Scotland.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I am an MSP.

Jatin Haria (Glasgow Anti Racist Alliance): Hi. I am the director of Glasgow Anti Racist Alliance.

Marlyn Glen (North East Scotland) (Lab): I am an MSP and I am the committee's race reporter.

Joe Bradley (Irish Diaspora in Scotland Association): I am the chair of the Irish Diaspora in Scotland Association.

Willie Coffey: I am the MSP for Kilmarnock and Loudoun.

Simon Hodgson (Scottish Refugee Council): I am the director of policy and communications with the Scottish Refugee Council.

Bill Kidd (Glasgow) (SNP): I am an MSP for Glasgow.

Roseanna T McPhee (Scottish Gypsy Travellers Law Reform Coalition): I am deputising for the secretary of the Scottish Gypsy Travellers Law Reform Coalition, because he is ill.

Bill Wilson (West of Scotland) (SNP): I am an MSP.

The Convener: I am aware that Joe Bradley has to leave at 11. Is that correct?

Joe Bradley: One of my children has a review across the city today. That is a long-standing commitment.

The Convener: We are glad that you could make it for the first hour of the meeting.

I will start with a general question to open up discussion. How sufficient will the measures that are set out in the race equality statement be to realise the Scottish Government's aspiration of a Scotland that is free of racism, discrimination and prejudice? Would anyone like to start with a general overview of the statement?

Roseanna T McPhee: The statement is not adequate to deal with Gypsy Traveller problems. It seems to be agency rather than community driven. For instance, the priorities that are highlighted in bold—raising educational attainment, community development and working with young people—are not the major priorities of the Gypsy Traveller community, which are accommodation, problems with the planning system and employment. The unemployment rate is running at 90 per cent, which is ridiculous. Even people with qualifications do not get jobs—it is a waste of time. The vast majority of the 10 per cent who are employed are self-employed. Racial equality councils can testify to that, because they have helped people to register as self-employed.

Another issue for us is recognition of our ethnic minority status. We must progress from the good work that our group and Mr MacLennan did in the case of *Ken MacLennan v Gypsy Traveller Education and Information Project*, in which the decision recognised our ethnic minority status. We are looking towards asking the Scottish Government to make representations to Westminster for a race relations amendment order, as was done for Northern Ireland in 1997.

The Convener: When was that judgment made? It is mentioned in our briefing paper.

Roseanna T McPhee: It was issued on 18 October 2008.

The Convener: So it is very recent.

Roseanna T McPhee: We were directly involved in the case.

The Convener: The Scottish Government recognises your status, but you think that more needs to be done to make representations to Westminster.

Roseanna T McPhee: Our status has been recognised in a legal forum—a tribunal. We need to progress from that and ask Westminster why English Romany and Irish Travellers are recognised in Scotland as ethnic minorities, but Scottish Gypsy Travellers are not. That is an anomaly, which is at odds with Judge Goldstein's ruling of 2000 that no anomalous practice should exist. He said that Irish Travellers meet the Mandla criteria.

The Convener: That point is well made. Does anyone else wish to respond to my initial question?

Jatin Haria: The first question that we should ask is why the Government has prepared a statement rather than a national strategy and an action plan. Discussions previously took place about a draft national strategy and action plan, which was published a couple of years ago. In a sense, we have gone backwards a few steps.

More generally, nobody disagrees with any of the commitments or actions in the statement. The question is whether, if they were all implemented, they would change the nature of racism in Scotland. In action planning, we will get to grips with whether measures work, when proper timescales and resources are attached to actions. The lack of that is the statement's weakness.

The Convener: You want more detail on how the statement will be actioned.

10:15

Colin Lee: To answer your question, I will highlight our submission. The strategy is coherent and filters across the Scottish Government's national outcomes. Those are good points about it.

Much work needs to be done in the voluntary sector on capacity building and strategic development, but the key factor is working with the mainstream sector in challenging racism and ensuring that race equality is implemented. The right measures and effort must be undertaken in the mainstream sector. For example, the concordat is fundamental in ensuring that local authorities take on their roles and responsibilities in implementing the race equality strategy at local government level. The Equality and Human Rights Commission has a key role, too, and must ensure that it gives clear direction to the mainstream

sector in particular on expectations on race equality.

It is important that the commission covers all equality strands, but there is a danger that race equality might be diluted in that, particularly with the Westminster single equality bill coming through. The Scottish Government's statement is good, but all sectors must show clear leadership on it. As Jatin Haria said, the key lies in monitoring and evaluation. If those are not done, the statement will be no different from other race equality schemes or statements in the past. Actions and delivery are fundamental for where we want to be in two or three years' time, in terms of measurable impacts on race equality.

All the measures are heading in the right direction, but ultimately it is about how the impact on race equality is tested. From our point of view, and that of the voluntary sector in general, the strategic partners must do a lot of work in the mainstream sector. Obviously, we will play our part in delivery, but it is important that that is balanced by what the mainstream sector does.

The Government's statement indicates that it will be followed up this year by a race conference that will establish an advisory panel, the composition of which will be important because it will help to develop policy. Perhaps the panel should give feedback to the Scottish Government about the statement's impact.

That is our general overview of the statement's direction.

The Convener: The paper that you submitted for the round-table discussion was very good, but it is good to get your views on the record here, too. We certainly note the points about assessment, analysis and, crucially, monitoring of the implementation of the various suggestions.

Rami Ousta: Convener, if you will allow me, I will make a couple of preliminary points. First, the Scottish Trades Union Congress's written submission to the committee—document EO/S3/09/04/05—refers, in paragraphs 3 and 5 of page 2, to "BMES". To anyone reading the document quickly, that could look like BEMIS, which is the acronym for my organisation. I do not know what BMES means, but it does not refer to BEMIS.

Secondly, as an umbrella organisation for the ethnic minority voluntary sector, with a strong membership base, and as a strategic partner of the Government, we tend to submit written reports, whether to this committee or other organisations, after extensive consultation with our members. We have consulted them previously about the strategy in general, but the consultation for our submission for this meeting has taken longer than usual. However, we are finalising a written response and,

because it is too late for this meeting, we will submit it to the Government through the strategy partnership route.

The statement makes it clear from the beginning that it is just a statement. However, it indicates that the Government will publish an update report on the recommended actions in summer 2009. Everybody acknowledges that the statement did not come out of a vacuum. To be fair, there has been consultation on the race equality issue over the past few years by this Government and the previous one. We played a big part in ensuring that they reached out to all the diverse communities in Scotland. I am glad to see Mr Chisholm, one of the previous Government's ministers, who travelled with us across Scotland to consult on race equality issues with ethnic minorities.

My interest in the statement is to ensure that it reflects a responsive approach to the needs of the communities, which are documented facts; that it is well informed about changes and developments in Scottish society and beyond; and that it fits with European Union expectations and human rights requirements. We must be aware that there are certain EU requirements about how Governments should adhere to human rights and race equality.

We are interested to see that the Gypsy Traveller community's needs have been reflected in the document, but we do not feel that that is enough in the context of what support should be given. Ten years ago, we said that commitment to the race equality agenda was based at the bottom and missed at the top level. However, in the past seven or eight years, we have witnessed a dramatic change whereby the commitment to race equality has been demonstrated at the highest level by ministers and Governments, while the gaps are beginning to appear at local authority level.

The Government's commitment to supporting ethnic minority women is to be welcomed, as is its commitment to asylum seekers and refugees. Nevertheless, we would like to stress the need for more attention to be given to the Gypsy Traveller community, which is the most disadvantaged community in relation to race equality. When we talk about diversity, it is of the diversity among ethnic minorities, not the diversity of one ethnic minority.

I believe that the stages and mechanism for achieving the Government's vision are diverse and responsive to needs, based on consultations that we had with our members. There is also a commitment to set up structures to promote national identity, which may be discussed at a later stage. That is very much needed and welcomed. The setting up of an advisory panel is the right step and is overdue.

However, as some philosopher or writer said, great ideas and statements can turn into bad ideas if they are not debated and acted on properly. We are here today to debate the statement, not to criticise the Government. At the same time, we are not here to compliment the Government unreservedly. There are some issues that we would have liked to have seen addressed in the statement—I ask that you be patient with me for just a couple more minutes.

Some elements in the statement and the strategy could have been clearer. First, we would like attention to be paid to the concept and practice of positive action measures, as those are completely missing from the statement although they are required by the European Union and human rights organisations.

Secondly, we would like to see a clearer intention to tackle institutional racism. That is mentioned in one or two lines, but there is no clear direction on how institutional racism or discrimination should be tackled.

Thirdly, there is a lot of talk about accountability in the statement but we would like to see a stronger statement on the accountability of local authorities and associated bodies—for example, community planning partnerships. They have been given more powers, and with those powers there should be more accountability, but we do not see that. That leaves local communities disadvantaged in relation to the work on race equalities.

Fourthly, more attention should be given to cross-equality work. Race equality is not an issue to be pursued in isolation.

Fifthly, the role of the EHRC, which has been mentioned, should be addressed. There is a gap between the EHRC and the communities in relation to involvement. The EHRC has taken on the role of a detached body. At a recent conference, we had the chance to speak to people from the EHRC and we were told that the EHRC's role would be mainly that of a funder, which is a scary concept in the context of the race equality setting. Human rights should be part of our culture, not about bodies dealing just with legal issues. For us, they should be part of the culture of everyday life. The voluntary sector and other organisations have a big part to play in making that happen.

The Convener: Thank you for that comprehensive opening statement. I allowed you a bit of latitude because you were setting the scene. That gave us a balanced view and raised some excellent points.

Simon Hodgson: From the Scottish Refugee Council's perspective, the question whether the statement is sufficient is a tough one. I do not think that any 15-page document would be sufficient to address the issues that it addresses. However, we

feel that it is a good starting point. It follows on from the Scottish refugee integration strategy, which previous Governments in Scotland developed. They have had an impact, although there is still a lot of work to be done.

The work that is being undertaken in Scotland as a result of the leadership that is being shown in this area compares favourably with the work that is being done by my colleagues south of the border, who are operating in a much more hostile environment. The efforts that were made through the Scottish refugee integration strategy have been reflected, to an extent, in the statement. We felt that it was a really good thing to have a national strategy for refugee integration that was unique in Europe. It has helped in lots of different ways. From that point of view, we are very positive.

Supporting papers will be published later, and lots of work has gone into developing the strategy. It was promised that none of the work that was done would be lost—I believe that, because quite a lot of it is still being enacted or has moved on. We have not lost everything. Clearly, we could always improve on papers, but the strategy is quite a good starting point.

There are some areas, particularly for refugees and asylum seekers, in which what the Government would like to do and what it is able to do are different. Because of their immigration status, refugees and asylum seekers are the final group of people who can be legally discriminated against. Benefits and access to services and so on can be and are restricted. That is less the case in Scotland than it is in England, but it is still legally possible for that to be done. Obviously, we would like that to be changed.

The first aspiration in the statement, on improved opportunities, talks about

“taking action to address the barriers which are ... preventing people ... from achieving what they are capable of.”

Asylum seekers are still not allowed to work, so clearly there is a barrier there. Unfortunately, although the Scottish Government has said that it would like that to change, it does not have the power to implement that in Scotland.

Roseanna T McPhee: I want to pick up on a couple of points that were raised by Rami Ousta. He said that the strategy has not just appeared from nowhere—it did not come out of a vacuum. However, the difficulty for us is that although we gave evidence to the Equal Opportunities Committee and served on the strategic review group, when it came to the four meetings on race, religion and faith, to pick out the main points, it was not Gypsy Travellers from the group who were invited but representatives from the Scottish

Traveller Education Programme and Save the Children. There was also a representative from Glasgow City Council, who, although she is a Gypsy Traveller, works for the council and was limited in what she could say. Her remit is education. The priorities that are outlined in the strategy—raising attainment for education, working with young people and community development—are agency driven. The priorities that we would like to be raised are the ones that were pinpointed by the framework convention inspectors when they came over for the second cycle report in 2007.

The Council of Europe's Committee of Ministers produced the resolutions on 9 July last year. It highlighted accommodation, lack of clarity over ethnic status, lack of access to legal representation, civil participation, and the treatment of Gypsy Travellers in the media. Those are the sort of issues that we would like to have been put in bold, if you like, rather than educational attainment.

The Convener: That leads us nicely into our second question.

Hugh O'Donnell: You made an interesting point about the agencies' priorities. If the Government takes forward those priorities, could that have a negative impact on the community?

Roseanna T McPhee: Yes. Community development should be going on in the background all the time, particularly, as Rami Ousta said, in relation to our community, which is one of the most marginalised. Civil participation alone is difficult. Many people cannot even get to meetings because they have to pay the fare in advance then claim it back. That kind of participation is difficult because of the economics. People are so disenchanted that they will not attend meetings.

It is all very well to say, "We'll put all the resources into raising educational attainment." However, although I have a joint honours, a postgraduate certificate in education, a diploma in television studies and the Council of Europe human rights training certificate, they are no use to me. I will be out planting trees tomorrow in Boysack. If people do not have a goal to aim for, and if they do not see the relevance of the education that they are getting, all those resources are being wasted.

In the meantime, folk are being chased from pillar to post. Last year, we agreed with the liaison group a policy for managing unauthorised encampments. The group would pinpoint authorised stopping places. However, there was no list last year. It turned out that the person who sent the police to move people on in about 3ft of

snow had agreed the stopping places and the policy. There is nowhere for people to go.

10:30

People who fill in homelessness application forms but have a caravan get, like people in the Eurovision song contest, nul points, because they have a roof over their head and are not homeless. That is what keeps coming back to people who have submitted such applications. However, there is nowhere for them to put their caravans. If they go into a field and a farmer says that they can stay in it, the planning authorities will say that an unauthorised change of land use has taken place, there is an enforcement order, and they must get out of that field. It is the same for people who buy a piece of ground and go for planning permission. Work has been done with an ex-Scottish Office planner for the past few years to help to overturn local council decisions. Eight out of 10 proposals are turned down summarily, but around 80 per cent of them get passed when they go to the reporter. As Rami Ousta said, something must be done at the local level, because people are making arbitrary decisions in their local little backyard to suit themselves. There is nimbyism.

What will happen with accommodation if all the money is put into working with young children or raising educational attainment? There is a site upgrade fund, but if local authorities such as the one here in the south said, "We're not putting up 25 per cent to match the 75 per cent funding," there will still be the same critical situation and poor accommodation. We must make accommodation and access to legal representation priorities; at least people could then go to a lawyer and perhaps something could be done. At the moment, a person can go only to the Equality and Human Rights Commission. We went to it to ask for help to fight the Gypsy Traveller Education and Information Project, but we were told that we were not an ethnic minority. The commission refused point blank to help and said that the case was not strategic. I asked what a strategic case was and was told that it is one that helps the most number of people. I said, "Well, if it's going to help the whole group, how will it not help the most number of people?" My brother and I had to sit down with the chap, help him to do his paper and go as witnesses. It is ridiculous that the Equality and Human Rights Commission has not even put something on its website to congratulate us on getting ethnic minority status, or to say that it has noticed that we have that status. That is how much interest it—

The Convener: May I interrupt you, Roseanna? Has there been any testing of the EHRC's position since the legal judgment and the tribunal—

Roseanna T McPhee: It has never made contact with us since then.

The Convener: But the position has not been tested from your point of view by taking anything back to the Equality and Human Rights Commission now that you have ethnic minority status.

Roseanna T McPhee: No. There is a new secretary of the coalition, but he is ill and I am deputising for him. I came off work last month because I was going into hospital. We are role sharing at the moment, but he will take up the issue.

The EHRC is like a toothless dragon to us. It is totally uninterested in our culture and group, and we do not think that the equality bill will do us much good. That is why we have raised funds and drafted our own Scottish Gypsy Traveller (discrimination) bill, which we will launch here on 1 April. You are all invited to that launch; please feel free to come to it.

The Convener: That is good. Obviously, what you have said backs up a point that Rami Ousta made about starting at the ground level with local authority involvement.

Would anyone else like to answer Hugh O'Donnell's question? He may wish to restate it so that everyone is clear about it.

Hugh O'Donnell: It occurred to me that there is a tension between the lifestyles of communities and the aspirations of agencies that work with them or on their behalf, allegedly. I have picked up from Roseanna McPhee's comments that the way forward is being dictated to some extent by agencies rather than by the community.

That leads me to a wider issue. There are tensions between those who want multiculturalism and diversity and multifaith groups. How can we reconcile the tensions within those groups if we are listening primarily to agencies?

The Convener: Before anybody replies, I welcome Zaffir Hakim and invite him to introduce himself.

Zaffir Hakim (Scottish Trades Union Congress): I am from the Scottish Trades Union Congress and am project manager for its one workplace equal rights campaign. I represent both the STUC and its black workers committee.

The Convener: I am pleased to welcome you to this round-table discussion.

Malcolm Chisholm: The race equality statement contains much that is positive but, especially for our question session with the minister, it would be helpful for the committee to hear people's concerns about the statement. So far, we have picked up that the priorities for Gypsy

Travellers are not adequate. However, I am still curious about the sentence in the statement that says:

"Both the Gypsies/Travellers Strategic Group and the Equal Opportunities Committee in their Interim Report, identified these as priorities".

Does the fact that other things are more important for Gypsy Travellers mean that the issues in the statement are unimportant? I suppose that that is my question.

I also want to pick up on Jatin Haria's point. To what extent do people's concerns about the statement arise from the fact that it is a statement rather than a strategy and action plan? Obviously, we will put that question to the minister. I am slightly curious about what happened to that concept, given that Nicola Sturgeon said in an answer to a parliamentary question almost two years ago that the Government would develop a strategy and action plan. I do not know what happened to that. Perhaps Alex Neil is the person to answer that question, but can anyone else shed any light on that? Do people's concerns about the statement arise from the fact that it is not a strategy and action plan?

I invite Rami Ousta to say a bit more about the issues that he helpfully flagged up. While being positive about the statement, he emphasised that it contained some gaps. I suppose that some of the most difficult issues are those such as institutional racism and the accountability of local bodies, which seems to me to be absolutely fundamental. How do we make local bodies more accountable? Also, I think that I know what Rami Ousta means by positive action, but different people mean different things by it. Indeed, I think that the new equality bill will add a further dimension to the issue. Can he fill out some of the concerns that he has raised so that we can progress those with the minister?

I am not trying to run down the statement, which I think provides for a great deal of continuity in race equality policy. However, it would be helpful to hear about gaps and omissions so that we can raise those with the minister.

Rami Ousta: I am glad that Malcolm Chisholm picked up on the idea that we should check where there are gaps in the statement. It could have provided a good opportunity for the Scottish Government to show its commitment to these issues.

Positive action is a duty assigned by the EU and by Parliament under the European convention on human rights. One issue of concern is the confusion between positive action and positive discrimination or affirmative action. Allow me just a couple of minutes to clarify those ideas. Positive action is the scheme that is deployed here in

Britain; affirmative action or positive discrimination is the scheme that is deployed in America whereby ethnic minority people are given extra benefits or advantages in order to tackle under-representation. In the United Kingdom context, affirmative action is discrimination and is opposed by us as ethnic minorities.

The best way that I can explain positive action is to ask members to imagine the starting line for a race. No one would expect ethnic minorities to be placed half a mile ahead of everyone else—that would be discrimination—but, at the same time, ethnic minorities should not be left half a mile behind. The idea is to work with those ethnic minorities that are behind by building their fitness and improving their diet and training to enable them to come to the first level. Areas of positive action include employment and education. For example, a duty is placed on education authorities to engage in positive action and support for ethnic minorities by developing a strategy. Recent research shows that only three of Scotland's 39 colleges have developed such a strategy under that duty. Why has no action been taken? Why does no one question such things?

I am happy to distribute to the committee the European Network Against Racism's document on positive action that shows that such action is much needed in Scotland. The Government needs to act on the issue because the stakeholders are scared of doing so. Whenever we mention positive action schemes, stakeholders get really scared. We have successfully developed positive action schemes with the University of Strathclyde and the University of Dundee—that was during Mr Chisholm's time as minister—but we do not see any other solid positive action schemes. Positive action creates an environment for disadvantaged communities. That does not mean just ethnic minorities; it applies to single parents and disabled groups, too, for example. It provides a mechanism for empowering their participation and active roles. That is completely different from affirmative action.

Returning to the question of local accountability, with the assignment of more powers to local authorities and associated bodies such as community planning partnerships, various pieces of race equality work have been open to mishandling—I do not like to use the word "corruption". If local authorities or, in particular, community planning partnerships are questioned, there is no monitoring, accountability or evaluation of their role. They act on what they see. If you saw how they have treated Gypsy Travellers and ethnic minorities in rural areas, you would be shocked to learn that they had ever been made aware of what race equality strategies are. I am happy to present written evidence to the committee and to other interested parties with feedback from our members across Scotland.

There needs to be real, serious accountability. If we have an issue with any community planning partnership, the council is not interested. The Government is the same—it says that the relevant powers are at local authority level. There is a gap there, where race equality work and culture are being diminished. Organisations will link to one ethnic minority group but exclude the other 50 in the city.

The Convener: It was helpful to have that definition of positive discrimination.

Colin Lee: I will pick up on some issues that Hugh O'Donnell and Malcolm Chisholm raised. The first point is about mainstream agencies having their own agenda on the needs of ethnic minority communities and communities as a whole. That includes Gypsy Travellers. Our organisation has a database network of about 600 organisations throughout Scotland. We are continually in touch with the sector. It comes through from the sector and from communities that, although consultations do take place, they are very much a paper exercise. There is no meaningful consultation or feedback, and that has been perpetuated throughout the decades. We find that, because there is no feedback, mainstream agencies are making their own assumptions about needs. The communities are not getting anything back from their input—from their voice and from the issues that they have raised. That comes through in the policies and procedures that are developed by the Scottish Government and local authorities.

There is therefore a lot of disengagement and disenchantment, so—to refer to the later question about participation—those communities do not engage in civic society and they do not engage democratically through the political process. A lot of the disenchantment is because of how communities are treated, how their issues are recognised and how they are consulted. It is not just consultation and community engagement that are the issue; it is about how communities engage in civic society and in democratic processes generally. We have found out about that through the programmes that we run. We run a programme with the Electoral Commission to understand political engagement and barriers facing communities.

The Convener: How has that worked in practical terms?

Colin Lee: We have been drafting a report for publication. We run what we call learning events and outreach events, targeting communities and community organisations. Basically, we engage communities on how Parliament and the Scottish Government work, and on the distinction between them, which many people do not understand. We also cover the fact that people in the communities

that we target do not tend to engage that much with MSPs and councillors.

With the recent passing of Bashir Ahmad, the first ethnic minority MSP is gone, so there is no role model for people to aspire to or to provide ethnic minority communities with political engagement. That is not to say that, just because someone is a member of an ethnic minority and an MSP they will champion race equality; that should be a responsibility of all elected members. It is certainly helpful, however, to have an elected member with an ethnic minority background whom people can identify with. There is a challenge for Asian and other communities to get involved in the democratic process.

That covers the programme and the process. The question of how mainstream agencies engage is not just a mainstream agency problem; it is an institutional problem for the structures that exist in Scotland. That is the wider dimension.

10:45

Malcolm Chisholm mentioned strategic groups in the Scottish Government; I was involved with the rural strategic group in 2006. The groups have lost their way a bit, so it is important that there will be a report in the summer on what is happening. I am not involved in the structures, but perhaps the change of Administration has had an impact on the groups and things have moved on. We will be interested to see whether some of the discussion of the strategic groups will be developed in future statements.

The Convener: Before I bring in Roseanna McPhee again, I wonder whether Joe Bradley wants to say something. I am conscious that your time is limited.

Joe Bradley: As I am here, I want to say something, even if I have to leave sharply.

There is much more that is good in the statement than there is that is not so good. I note Malcolm Chisholm's comment that it is a statement, not a strategy or an action plan; sometimes such things take an awful long time to take off.

In the Irish community that I am representing, there are concerns about the one Scotland, many cultures campaign, and much of the thinking behind the statement reflects that campaign. That is certainly true of the information on the website. The differences between assimilation and integration must be understood, and we must also recognise that everybody here is ethnic. The word "race" is used in the statement where, quite often, what is being talked about is ethnicity. Racism is a good concept, but the idea of race is a much more questionable concept.

We must also recognise—certainly in terms of the community that I represent—that to have another identity in Scotland should not mean that that identity is seen as oppositional to Scottishness or Britishness. It is easy for the one Scotland, many cultures campaign to seem very nice and neighbourly, with its hand out and an invitation to come and join us, but there is a serious lack of recognition of people and communities being what they wish to be. It is a bit like the Kunta Kinte scenario in which the character argued that he was what he was despite the fact that other identities were being imposed on him and his identity was being denied. There must be space in society for people who esteem or even prioritise their other identities as distinct from their Scottishness or Britishness, which is an identity that exists by virtue of being born or living here. That difference should not be a cause for discrimination or abuse.

I agree with Roseanna McPhee that there should be more engagement with people in communities at ground level because very little of that happens. It is ironic that the community that I represent is the biggest and longest standing ethnic minority in Scotland—it is a multigenerational community that has been here for a century and a half—but as far as I am aware, this is the first time that somebody such as me has been asked to represent that community. That says something about how my community is perceived by many people, although not by everybody, in this society. There must also be more engagement with the academic world to inform policy.

The Convener: How would engagement at ground level best be facilitated? Would it be at public meetings or road shows? What is the best way to engage people?

Joe Bradley: The people concerned have to get out among the communities and ask, "What do you do that constitutes this idea of community? Do you have festivals? Do you have meetings? What groups reflect an aspect of your culture, identity, roots or origins?" For example, there is a festival in Lanarkshire at the weekend. Last year, 15,000 people from the Irish community attended on the final day. It is one of the biggest public festivals in Scotland, but the vast majority of people in Scotland do not know anything about it, which is probably because of how it is represented beyond that community. That is one opportunity for people to come along and see what constitutes community.

The Convener: The L107 radio station is doing a good job of advertising the festival. People who listen to that station will be aware of it.

Roseanna T McPhee: I have a point of information before I answer the questions.

Officially, Gypsy Travellers have been in Scotland since 1493, but in that time things have got considerably worse for us, not better. We used to be employed on farms and have other employment but, nowadays, with the influx of migrant workers, people cannot get seasonal work on farms in places such as Brechin, Forfar and Blairgowrie. People are being put out of their accommodation to make way for six or seven people who are thrown into a caravan on a private site. That is just a by-the-way point—we have been here for more than 500 years and the situation is not any better.

On consultation, Rami Ousta and Colin Lee made a good point. We have been consulting with our local council about where we stay for the past eight years, but the council has done nothing. It has now got money and, in the past week, has decided to impose a diktat on us saying, "Accept this or get nothing. Your father who is 84 can stay in his hut with no electricity or running water." So the option is to take that or nothing. Councils should be far more accountable for how they spend the money that is handed to them. They should be accountable for the decision making on why one site gets a pile of money and another one that is demonstrably worse off gets nothing. Councils cannot just make arbitrary decisions. If an issue goes to court, there must be proportionality and reasonableness. The auditors should have a more important and vigorous role. They should ask what has happened to the money and find out why it was spent on one place and not another.

Mr Chisholm asked about the GT priorities that were established by the Equal Opportunities Committee and the short-term strategic review group. The committee's inquiry identified key areas and issues that needed to be addressed. The 37 recommendations that came out of that would have been good if they had been followed up. The strategic review group went over those and some of them were picked out as key issues, such as accommodation—that was one of the first issues that everyone talked about. However, the process went wrong thereafter. There were four meetings, which I think were on issues including race, religion and faith and integration, but for some reason we were not invited. Only the agencies and a council representative were invited. I wrote a letter of complaint to the minister—I think that it was Stewart Maxwell at the time. The reply was, "We couldn't invite everyone," but none of us was invited. Malcolm Chisholm asked where the priorities went wrong, and I think that that is where they went wrong. If the process had continued in the way that it had gone previously, something positive might have come out of the strategic review group.

Jatin Haria: To answer Malcolm Chisholm's question, I do not think that people will be too worried whether we have a statement or a strategy; the issue is what is contained in it and whether it builds on what has gone before. Luckily, the new Administration has said that there is no real change in the race equality policy or direction, so we have not had to start afresh. My real worry is whether we are making progress, as a lot of work has been done in the past. It is 33 years since the Race Relations Act 1976 was passed and we are into a third race equality scheme with the one for 2008-11, but has there been enough of the change that should have happened in Scotland, given all the legislation that is in place and all the activity that has been going on?

We have talked about the work of the strategic group on ethnic minorities, which reported in 2006. We are told that there will be an update in the summer, but what has happened between 2006 and now? Our written submission points out that some issues have simply reappeared, such as the commitment to an ethnic boost in the labour force survey. That was part of the strategic group's recommendations in 2006, but we are talking about it again three years on. When will that happen and when will we see change?

The actions in the statement—the things that are in bold—contain a lot of process issues. For example, the statement talks about setting up a network and having a framework. People are interested less in process issues or the multitude of paperwork involved than in having the sort of real, measurable outcomes that will let us know what will change in Scotland over the next three years as a result of this work. I do not want to demean that necessary work, but the real question is what will change.

The Convener: I realise that it is all about tangible outcomes.

Malcolm Chisholm: Given that he has to leave in five minutes, I wonder whether Joe Bradley will expand on an important point that he raised about multiculturalism and diversity. I am sure that we all agree with his comment that integration should not be assimilation, but he seemed to imply that some aspects of the approach, including the one Scotland, many cultures campaign, have not really been clear in that respect. Some people have said that the approach in Scotland has been better than that taken in England, where legitimate criticism has been made that integration has sometimes tended towards assimilation. In Scotland, we have tried to make it clear that we are not about assimilation, and I am concerned by Mr Bradley's different perspective on the matter.

Joe Bradley: I will probably run over my time in answering that question.

Two examples come to mind. First, five or six years ago, there was a report on the front page of *The Herald* about the strategy for welcoming refugees to the east end of Glasgow. As part of the strategy, which involved Strathclyde Police, a kid from each of the groups involved—one was from Afghanistan and another was from either Iran or Iraq—had the Scottish flag and other Scottish symbols painted on their faces. Although I kept my peace at the time, that raised a number of questions for me. Such an approach might appear very welcoming on the surface but, although I realise that a sense of Scottishness or Britishness will inevitably be involved, I have to wonder what will happen when those Afghani, Iraqi or Iranian kids become adults, get involved in their own culture and then want to be seen as Afghani, Iranian or whatever. What happens when their children and grandchildren want to be seen that way?

My second example is very recent. After Kenny MacAskill's visit to the education centre at Celtic Park, he was reported in some of the literature and newspaper reports as calling the Irish immigrants who had founded Celtic football club "new Scots". That might seem like a very open and welcoming comment; however, giving that kind of identity to people—and particularly to people who are not actually here any more—can reflect a lack of recognition about what those people were, how they saw themselves and, indeed, how their descendants see themselves. I realise that other groups have other issues and that all the groups have similar issues, but this is a particular issue for the group that I am representing. Although expressions of Irishness are frequently seen in the media and in other environments as oppositional, they are neither regarded as such by that community nor constructed to be so. They are simply expressions of a distinctiveness that exists in Scotland and should be recognised as such.

The Convener: That was helpful.

Marlyn Glen: I want to pick up a number of points to begin with. First, like other members, I am interested in looking at the documents that Rami Ousta referred to. Obviously, we will have to carry out a lot of follow-up work on this issue.

At this point, I should make it clear that committee members share Roseanna McPhee's frustration. After all, this is the Parliament's third session and the big inquiry into Gypsy Travellers, which has not yet been concluded, was begun in the first. I reassure Ms McPhee that we know that we still have follow-up work to do in that respect.

I also wonder whether we can sort out any difficulties with witness expenses. It worries me that people were not able to attend the meeting because they would have had to pay out first, but I

am sure that there are ways of getting round that problem.

As Roseanna McPhee pointed out, the "Evidence base" section of the statement considers only employment rates and educational attainment for minority ethnic and faith communities. She mentioned accommodation and planning—are there any other areas in which there are significant differences between groups? The cross-party group on racial equality held an interesting meeting last month about the national health service, for example.

The Convener: Are there any specific areas? Two have been highlighted, but it is clear from the written submissions that there are many more issues.

11:00

Roseanna T McPhee: One important issue is the fact that a Gypsy Traveller cannot get a solicitor. I have exhausted all sources of legal representation in Scotland. I met a Queen's counsel who said that there may well have been several breaches of human rights, but that they would not take the case because Scottish courts would not like it. I got my MSP, John Swinney, to write to the Law Society of Scotland, but it said that it does not have the power to appoint solicitors. There is, as various e-mails from the local racial equality council prove, a structural fault in the legal system. For seven months, John Swinney went through all the solicitors that the EHRC would use, and who would normally take up ethnic minority cases, but they would not take a Gypsy Traveller case for him—that is all documented. Something must be done about the fact that we cannot access the legal system, because that is a breach of section 6.1 of the European convention on human rights.

Marlyn Glen mentioned the labour force issue—there is a lot of play on the employment rate, but there is no disaggregated data on the Gypsy Traveller community. I can go to a site or a housing scheme—usually a slum—where all the Gypsy Travellers live, and the occupants behind nine out of 10 doors will say, "We've no work." Where does the figure of 58 per cent come from? If Gypsy Travellers were included in the figure for the unemployment rate, I am sure that it would be somewhat higher.

The Convener: You focused on employment and accommodation, which have already been well highlighted. I note that health issues have been raised in the past.

Roseanna T McPhee: Annex C of the clerk's paper—a summary of the committee's previous work on Gypsy Travellers—mentions that good work is being carried out by the national resource

centre for ethnic minority health and STEP. Who was consulted in order to decide that the work is good? I was involved with NRCEMH for three years, in the Gypsy Traveller health round table, but I stopped going because I was so disenchanted with it. We spent all our time working on hand-held health records, but there was no commitment from general practitioners to use them.

None of the issues that have been raised about going into hospital—gender-related issues in particular—was observed. I had a spat before Christmas with my local hospital, Perth royal infirmary, because I did not want to have a procedure done as it was not culturally appropriate. I had my operation postponed three times until that was sorted out. If NRCEMH is doing such a good job, why is that still happening? Why is a woman in Pitlochry told that she cannot register for more than 12 weeks with a local GP, so that she then has to jump in her van and go over to Aberfeldy to get pills for her bad heart? That is just ridiculous. Who actually assessed NRCEMH and STEP to rate the work that they are doing?

Bill Wilson: You say that Gypsy Travellers cannot get lawyers to bring civil liberties-related cases under the ECHR. Does that apply to other cases?

Roseanna T McPhee: Do you mean in relation to criminal law?

Bill Wilson: Criminal law, or family law.

Roseanna T McPhee: Yes, it applies to family law, and to things such as people not getting their disability benefit. We cannot get solicitors to take on those cases either.

I have been working with a family in Midlothian. Representatives from the social work department walked into their house and said, "We've made appointments for your children to go into homes in Fife," but they had not been to court and did not have a warrant. The sheriff did not grant the warrant when the case went to court—he said it was a load of nonsense—so the children were placed on the at-risk register. At the end of it all I went to the review and asked the social work representatives why the children had been deemed to be at significant risk of harm, but they could not tell me. They took the children off the at-risk register on the spot, but the family were not able to get a solicitor to help them along the way. It was distressing and traumatic for the family when they thought that the children were going to be removed. The mother was crying and barricaded herself in—the sheriff phoned the council, which phoned the social work department to get her out.

Bill Wilson: What reasons do solicitors give for refusing to take cases?

Roseanna T McPhee: I have a database with all the replies. It includes lack of expertise, conflict of interest and "We don't do Travellers." I got the chairman of one of the Unison branches to double-check. He said, "Maybe it's just because you are a Gypsy Traveller going forward; I will go forward and see if I can get a solicitor on your behalf." That should not be the case anyway, but he e-mailed every human rights and discrimination solicitor in Scotland. He received 45 replies, but none of them would give an appointment or take the case. A solicitor cannot make an assessment of a case without seeing you, so how do they know that you do not have a case?

Bill Wilson: So fellow members of the community have had solicitors saying, "We don't do Travellers."

Roseanna T McPhee: Yes. They said, "We don't have expertise in Travellers." I replied, "You don't need expertise in Travellers; I am a human being and I am protected under the law the same as anyone else—all you need expertise in is the law."

The Convener: What is the conflict of interest?

Roseanna T McPhee: I do not know. Solicitors keep saying that there are conflicts of interests in certain cases. It is not clear to me why there is a conflict of interest.

The Convener: Nor to me.

Bill Kidd: I was going to ask for clarification of those points, but Bill Wilson has now done that.

The race strategy mentions the recent judgment in relation to an employment tribunal, *MacLennan v Gypsy Traveller Education and Information Project*. The strategy states that it "set a precedent". I know that the Gypsy Traveller Education and Information Project is not an individual person, but if a precedent has been set in dealing with Gypsy Traveller cases—I do not know whether you are qualified to answer the question; we should perhaps have someone from the Law Society here—I find it difficult to understand why an individual who is a Gypsy Traveller could not take a case. I do not know whether that is possible.

Roseanna T McPhee: GTEIP argued that we are not an ethnic minority. It has been going round promulgating a load of rubbish as far as I am concerned, and it has been getting funded by the EHRC. We said to the EHRC, "Will you support Ken MacLennan? We would like you as a group to support him to take forward the pre-tribunal hearing request to have a review of the judge's original ruling that we aren't an ethnic minority." It was funny because *The Herald* had a page

saying, "Gypsies not an ethnic minority rules judge" then, six months later, there was an article in *The Herald* saying, "Gypsies are now an ethnic minority". It is amusing when you put the two side by side. The EHRC refused to provide such support on the ground that it was not strategic, because it was funding GTEIP.

Another issue is that GTEIP is providing educational information that, to us, is erroneous, because it is saying, "You are not an ethnic minority. Your language is a bastardised Gaelic." As a Gaelic scholar and a fluent speaker of Cant, I can tell you that they are not the same language. GTEIP should get its facts straight rather than disseminate false information—it is being funded by the official powers that be.

I would query the level of educational attainment that GTEIP will achieve with Gypsy Travellers. It came out at the tribunal that at least two of the people who are providing literacy training have dyslexia problems. I have trained in dyslexia—I did 14 weeks' training. You need to help people with dyslexia, so how are they helping others?

Colin Lee: I will raise a general point about ethnic monitoring, which is the key to knowing what the differences are for some groups.

I used to work in the housing sector and I know that the situation for ethnic minorities has not been great in registered social landlords. The lack of stock was an issue for larger families. We knew that that was a problem. If you look across the board at the mainstream sectors, ethnic minorities have a problem generally.

In partnership with GARA, we have developed a black leadership network, which is made up of managers from the sector. We have a team that has worked with NHS boards on a pilot programme to assess—it is a paper exercise—the 22 race equality schemes of health boards. What came through clearly from that piece of work is the concern that there is a lack of monitoring generally, not only of patients—which means that you cannot detect whether there are differences in health in different groups, apart from by looking at research, which is slightly different—but of existing and new staff to see whether there are employment issues for people who are in the service and why people are not coming into the service.

Recently, I was at the launch of the Scottish Government's initiative on poverty and health inequality, but there was no focus on health inequalities among ethnic minority communities. We do not know whether there are a lot of differences between ethnic minority groups, such as Gypsy Travellers. If there is stringent ethnic monitoring, you can detect whether there are differences for particular groups. The starting point

is to take a systematic approach to ethnic monitoring generally. That is fundamental.

We are running a programme with HM Revenue and Customs, which told us that there is an under-take-up of family tax credits and tax allowances. We know that there are issues about access to social welfare benefits generally. I used to work in a citizens advice bureau, so I know for a fact that there is low take-up of social benefits generally. There is not much ethnic monitoring around take-up and barriers to take-up.

Ethnic monitoring is fundamental to knowing whether there are differences between groups and what issues arise.

The Convener: Rami Ousta and Jatin Haria want to respond, but I wonder whether Zaffir Hakim wants to make a contribution now.

Zaffir Hakim: I just want to support some of what has been said. Representation of all ethnic minority groups is certainly important. Monitoring is an interesting issue. In my previous employment, I have been involved in human resources and in collecting and analysing statistical data for monitoring ethnic minorities. As Rami Ousta said, there are certain barriers around positive discrimination and positive action. Some ethnic minorities wonder why they are being monitored and how the information is being used. There is confusion about that. There is a need to raise awareness of why monitoring is important and how the results are being used. Otherwise, we will not get an accurate reflection of the problems for different ethnic groups. A lot is based on perception. We, as practitioners, know why monitoring is important, but there is a perception that needs to be addressed.

Rami Ousta: Some research and consultation tends to present statistics and figures that represent certain sections of ethnic minority communities—visible communities—while ignoring the diverse ethnic minority communities. That includes the Irish community, which we are happy to acknowledge. For the past five years, we have been fighting for it to be acknowledged and supported equally.

There is a section in the statement that the Government will look into double disadvantages among certain communities. That is an area that needs to be explored further. For example, people who are in ethnic minority and lesbian, gay, bisexual and transgender communities are excluded from having a voice within their own community. It is the responsibility of the ethnic minority groups to acknowledge that, rather than leave it to the Government.

We have the concept of the independent living scheme, which the Government introduced for disabled groups. Ethnic minorities are the most

disadvantaged groups in relation to adopting the scheme, deploying it and being supported in that context. The disabled community and the elderly community within ethnic minority communities continue to be disadvantaged. Other areas where ethnic minorities continue to be excluded are involvement in environmental developments or issues and in sport.

The Convener: I know that some ethnic minority groups have excellent family support. How much tension is there between the independent living scheme and the family wanting to maintain—

Rami Ousta: There is a misconception here. There is a human rights issue: each person should decide. In an ethnic minority context, the family looks after the person, but that does not mean deciding what the person wants. It is about reaching out to the person and ensuring that they are aware of what independent living is. Independent living does not mean taking them away from their family; it means empowering them to live as they would like. There are cultural issues, but those can be tackled through educational programmes and support for families.

11:15

As Roseanna McPhee said, representation is a problem in the ethnic minority context. When someone makes a statement on behalf of ethnic minorities, groups such as the Gypsy Traveller community will be disadvantaged. The community is never consulted properly, but statements are made in its name left, right and centre. That is why we do not believe in representing communities.

A recent review by Her Majesty's Inspectorate of Education found that the most admirable feature of BEMIS is that we do not claim to be a mouthpiece for ethnic minorities but empower them to speak for themselves. We need to address the issue of representation—you cannot represent your family, never mind your community. The situation has been compared to that which used to exist in trade unions—if, out of 100 people, 60 wanted tea and 40 wanted coffee, everyone got tea. That is why we stress diversity. Diverse communities need diverse representation, but that is missing.

Jatin Haria: I agree that there is a general issue that extends beyond education and employment. There are probably differences in many other areas. We document a few of those—in criminal justice and in health, which has been mentioned—in our report. The real issue is that there is a lack of data. When we have data, we must analyse them to determine whether differences are the result of discrimination or acceptable factors. We are only just starting to scratch the surface of that issue. I am pleased that the statement indicates

that a great deal will be invested in improving data collection in Scotland, which is a necessity.

We need to analyse further the Government data relating specifically to education and employment. Those data indicate that black Caribbean children are twice as likely as white children to be excluded from school. That is a stark statistic. The figures for Gypsy Travellers exclusions also show a poor picture. It is not all about attainment.

There is a great deal of underemployment, which skews the employment figures. People may be in jobs, but are they in the jobs for which they are qualified? Are they overqualified for their jobs? It is hard to get under those data, which indicate only whether people are or are not claiming benefit and do not show the real picture. Much more work remains to be done on data collection and subsequent analysis.

Hugh O'Donnell: NHS Health Scotland and a couple of other divisions of the national health service are running a series of projects aimed at ethnic minorities, especially in relation to healthy eating. I make that point for information.

We have focused a great deal on the role of the national institutions. How do the organisations that you represent address the tensions that may exist between the various ethnic groups? How do we undermine elements of racism that may exist within those groups—rather than look at the issue purely in relation to institutions and public duties? How do we ensure that the people who put themselves forward as community spokespersons on any matters relating to race are not self-appointed?

Rami Ousta: That is a very good point.

Jatin Haria: To a large extent, racism between ethnic groups is a red herring. The issue is about power. Very few minority ethnic groups have power to discriminate. When I apply for a job, the right to decide whether to appoint me is in the hands of a largely white panel. I have never been in front of an all-black panel with that power. The same applies to service provision generally. I would not stop you asking the question, but racism between ethnic groups is not the most important issue on which to focus in Scotland at the moment.

Colin Lee: In our submission, we said that it is extremely important that concepts such as multiculturalism and community cohesion are defined. What do we mean by belonging to Scotland? What is Scottish culture and what is English culture? Culture is always evolving; sometimes it is highly personal. There are communities within communities.

As Jatin Haria said, tensions between communities are a red herring. Racism is about how we engage with wider civic society. That is fundamental. I used to work in mental health, where national identity and personal identity were key. That was particularly true of third or fourth-generation members of ethnic minority communities who experienced tensions because their family wanted them to maintain their own culture but, because they were born in Scotland, they wanted to be part of Scotland and felt that they were part of Scotland but were not accepted in Scottish society because they were black and suffered racism as a result. The issue of belonging is quite difficult. It is a key issue for third and fourth-generation members of ethnic minority communities.

In our view, national identity is an important part of the race equality statement. That debate has to be had. It is only when we start to unravel belonging and national identity that we start to consider what it means to be integrated in society and what community cohesion means as regards black and white. There are many key issues that need to be debated further, and not just in an arena like this.

The Convener: It is good that that has been flagged up as a starting point.

Roseanna T McPhee: The question was about diffusing tensions. We should have the cultural drop-in centres that European countries have, where as well as talking to people from their own culture, people can talk to people from other cultures and do joint activities together. If people do not have a reason to come into contact with members of other cultures, they probably will not. If some people are totally excluded, where will they meet other people? If someone does not even have the money to go for a coffee with a friend, how will they find a way to meet people from other cultures? I have always thought that we should have cultural drop-in centres across Scotland.

Hugh O'Donnell asked how we can ensure that spokespeople are not self-appointed. If people are elected to a committee, they are not self-appointed. If someone has been elected to a committee, that is fair enough. How groups develop and run themselves is a matter of community development. In small groups that are struggling and have no funds, there are usually two or three willing workhorses, but although it might look as if they do everything, there might well be other people who are on side in the background.

Particularly with Gypsy Travellers, if it is not possible to do outreach work, they will not come to meetings, because they do not like meetings. They do not like bits of paper or pens, either. It is

necessary to do outreach work, but if there is no money to do it, people have to use their networks. They have a pow-wow, by word of mouth; it is almost like using trained pigeons or smoke signals. It might not be the best way to communicate and it is not formal, but the position of the culture concerned has to be taken into account, along with the disadvantages that its people face.

Marlyn Glen: I like the idea of cultural drop-in centres. Is the Dundee International Women's Centre run along those lines? Do you know about it?

I want to pick up on what has been said about power and responsibility, and the idea of monitoring and reviewing what will happen. I know that local authorities will have some of the responsibility for delivery through single outcome agreements—that is an issue that we could discuss—but the third paragraph in the section, "Building Links", on page 6 of the race equality statement, states:

"Our strategic partners in the voluntary sector (BEMIS, CEMVO and the Scottish Refugee Council) have particular responsibilities to deliver on many of the themes of this Statement through the funding agreements".

I have not seen any funding agreement, but that paragraph suggests that you will be accountable, alongside the Government. Would the groups like to comment on that? Are you content to accept that responsibility?

Simon Hodgson: We are. We get strategic funding from the Scottish Government in return for a commitment to do certain things. One is our framework for dialogue community development programme, which we have been running for a few years. Particularly in Glasgow, when groups of asylum seekers and refugees arrived in communities, we set up local groups with people in the area to address local issues of common concern as a way of breaking down barriers. In practical terms, that meant that people worked together on issues such as the time the doctor's surgery opened and whether the buses ran at the right time to get kids to school. Our submission alludes to the fact that that model could be transposed to other areas of Scotland where groups of people other than refugees have arrived. Obviously, lots of refugees ended up in the poorest areas of Glasgow, which were communities that already had a lot of issues. We wanted to ensure that the refugees were not simply another problem for those areas but, instead, were seen to be a group of people who, because they had to live there, could share in the life of the community and try to come up with solutions to its problems. That has been a positive experience.

Another commitment that we have made involves our work on refugee week, which has grown hugely in the past few years. It is a sort of cultural celebration that takes place in June, around world refugee day. Last year, refugee week involved around 80 projects, including everything from locally based community projects, which often have a theme such as food or costume and which enable people to celebrate cultural differences and allow the neighbours of the group that is organising the event to find out a bit about that particular culture, to big national exhibitions in the National Galleries and so on, which we were keen on because we want to mainstream access to arts and culture with the help of the large organisations that are responsible for delivering it. Those organisations have been extremely positive about that work, and are getting involved in more and more projects.

The big unsaid thing in this area is public attitude. We are trying to bring about a change in public attitude. You do not do that by writing a document and running a few projects. It is a big challenge. Lots of work has been done over a period of time going back to the refugee integration strategy, when great efforts were made in some of the key areas. The leadership that was shown by successive ministers has fed down to the local level. There have been many positive statements around race, equality and refugees and asylum seekers.

All the research that we have done shows that the thing that makes the biggest difference to people's perception of refugees and asylum seekers is establishing a meaningful connection. The recent household survey that examined equality issues asked people whether they would be concerned if a member of their family married or started a relationship with, for example, a same-sex partner, an African, an Asian, a Muslim, a person with a disability, a younger person, an older person and so on.

The three categories that people were most concerned about—about 50 per cent said that they would be concerned—were Gypsy Travellers, asylum seekers and transgender people. People were not too concerned about a member of their family marrying someone from Africa—they saw no connection between that and someone who was seeking protection in Scotland. I think that the common theme between those three groups is that most people do not know anyone from them; they have never met one and, if they have seen one, it has been on a bus or walking down the street. People have no reason to engage with those groups, and the challenge for us is to find ways of breaking down those barriers.

Employment is a great place to start—as is education. Children in schools in Glasgow are, in a

sense, forced into having an opportunity to have meaningful connections with children of asylum seekers. Parents waiting at the school gate have the same opportunity. Our research showed that the public attitude towards asylum seekers was much better in the parts of Glasgow where asylum seekers had been placed than in areas in which there were no refugees. We will all have to continue to work to break down the barriers and increase understanding.

11:30

Colin Lee: As we said in our submission, we agree that we should be accountable, as you suggest. We are accountable to any funder in respect of how people measure what we have been funded to do. The Scottish Government's equality unit asks its strategic partners to engage in particular areas of work and to deliver capacity-building programmes. Our capacity-building programme continues to be successful in terms of securing funding for the sector and in building organisational development capacity.

There is a black leadership network, which I have highlighted already, that works with the Scottish Government to develop leadership in the sector, so that we can address the race equality agenda collectively with mainstream organisations. An example of that is our on-going work with the national health service.

We run what we call an ethnic minority civic congress, which is a structured platform that enables members of ethnic minority communities to get together and engage in civic and democratic processes. We invited each of the 600 organisations in our network to nominate a person from their organisation to the congress. That person would represent not that community but the community of interests. For example, the delegate from Dundee International Women's Centre will represent the knowledge and experiences of women and the employment issues that affect certain communities.

We are tasked by the Scottish Government to undertake that sort of activity, but we deliver other programmes in partnership with other funders. For example, we are involved in social enterprise capacity building, inclusive democracy, the skills bank, ways of sharing information between organisations, quality management programmes and fundraising. We do a lot of work around building capacity, and can demonstrate our successes in that regard.

We can only do what we can do. The important issue is how other sectors and mainstream bodies are going to work towards race equality in general. That will have the most impact. We are trying to

achieve a level playing field so that people can engage with the process.

We are happy to take responsibility for delivery of certain work, but the onus should not be entirely on the strategic voluntary sector partners—the mainstream sector has to do a lot of work as well.

Malcolm Chisholm: I wanted to ask about asylum seekers and refugees, but Simon Hodgson has already said quite a lot about that.

The Scottish Government has a positive attitude to asylum seekers and refugees—I am certainly not questioning that—but the statement does not include a lot about them. The only specifically relevant work that I can see is exploring the potential for a recognition service, which is mentioned on page 12. In a way, each strategic group has one section in the statement. Roseanna McPhee questioned the priorities that were picked out for Gypsy Travellers. Does Simon Hodgson think that the right priority was picked out from the recommendations of the refugee integration strategic group? Would he like the statement to flag up other actions to develop the work on asylum seekers and refugees?

Simon Hodgson: We understand that all the other priorities that were discussed at length in the draft strategy are still on the table and are still being taken forward. The question is what should be put in the statement, which is an overarching document, and what is part of all the other work that is going on. A lot of other stuff that is going on in relation to refugees and asylum seekers is mentioned in dispatches in the statement.

The statement is shorter than the document with which we were previously working, which went into significant detail. That document will be republished in the summer and will give a sense of whether issues have moved on. When measures have succeeded, so that some matters no longer need to be addressed, the information will be refreshed and we will have a final document.

As I said, we always knew that work with refugees and asylum seekers would be part of a broader race equality and equality framework, which is important for us. The parallel Government statement on refugees and asylum seekers is positive on a range of matters. We are not unduly concerned about the race equality statement.

Rami Ousta: I am glad that Marlyn Glen picked up on accountability. It is interesting that the statement says that the strategic partners—of which BEMIS is one—are accountable, whereas local authorities have responsibilities. In our case, the strategic partnership does not come from nothing: we have a long-standing relationship with the Scottish Government—in particular with its equality unit. We went through various developments with the Government to reach the

present stage. However, I am not here to speak about what my organisation does to fulfil that role, for which we have a different work programme that is submitted to the relevant authorities. I do not want to waste the committee's time with that.

One concern of mine is that strategic partnership with the Government should be a two-way stream. If we are the Government's strategic partner, that strategic partnership should not be closed when we need something. We have close links with the Government, but the strategic partnership could be much stronger. I will speak metaphorically. Through the statement, the Government has taken us to the edge of the river. However, instead of working with us to build a bridge on which we can all work together, the Government is allowing us as strategic partners to cross the river in our own boats. The work of the strategic partners is not co-ordinated and the Government has no strategic role to ensure that the partners work with focused strategies and do not duplicate work. We would like the Government to play such a role.

I talked about the two-way stream. We have needs, and everybody might think that that means funding, but I am not talking about funding. We need to ensure that the Government listens to the feedback that we receive from communities. We should not work in a one-way context in which we are told, "You're a strategic partner—go and do it." The partnership is a two-way thing and we would like it to operate in that way.

Roseanna T McPhee: I will pick up on what Colin Lee said about the onus being on the voluntary sector to be accountable. My community is educationally disadvantaged—no one would say that a group of which only 4 per cent completes secondary 4 is not. That is partly because, when people want to settle down and put their kids through school, they cannot do so, and partly because of underlying bullying and other issues, which have been raised.

Where do we find the people with the necessary skills? They might exist, but the number is small and some people might not want to be involved in a voluntary group. In the past, we have not had the capacity to obtain the vital funding that we need to get out there and reach people at the grass roots.

It is a catch-22 situation. All the onus is on us, but there is no help for us. For example, few people in our community have bookkeeping skills. In our group, a new treasurer took over but had difficulties, so things were being lumped on me, as the secretary. I was saying, "Look, I've only got O grade arithmetic, don't come to me." In the end, we had to hire an accountant. Why can there not be help when there is a shortage of a skill—for example, to help people with their accounts and put them on the right lines? People not having

certain skills should not be a reason to exclude them from a funding package.

The Convener: Should there be more analysis and monitoring, so that difficulties can be targeted?

Roseanna T McPhee: A wee bit of help would be good. For instance, Planning Aid for Scotland says, "We've got this money to work with Gypsy Travellers." I phone up and say, "I've got four people here with planning applications. Can you help us?" They say, "No." I say, "Two of them can't read or write. Can you help them?" "No."

It all came down to me. I had to help people to make planning applications—but where is my specialism in planning applications? I have gained it over the past couple of years, but that is not the point. I am not a planner, so why should I have had to do that when Planning Aid for Scotland had money to work with Gypsy Travellers?

Bill Wilson: What were the people at Planning Aid for Scotland doing with the money?

Roseanna T McPhee: I really do not know; you must ask them that question, I am afraid. As far as I could see, none of it came to us.

Hugh O'Donnell: Representatives of voluntary sector organisations are with us today, although the Scottish Council for Voluntary Organisations is not. Do any of you know how the SCVO fits into the overall anti-racism agenda?

Rami Ousta: BEMIS has had a very close relationship with the SCVO. However, with new developments and the existence of organisations such as ourselves and other strategic partners, we get the feeling that the SCVO puts that agenda on the back burner. Whenever something happens, it is as if the SCVO says, "Here you are. You go and do it." At the same time, whenever something happens at a level at which an organisation such as BEMIS has to be involved, we are always excluded. Our office is next door to the SCVO, but we come across SCVO initiatives on ethnic minorities or race equality and are the last people on earth to be spoken to. We are an umbrella organisation, not a small organisation. The SCVO tends to operate at the level of reports and documents rather than of engaging with the race equality agenda.

Bill Wilson: I will finish on a fairly general question. What lessons can we learn from England, Ireland, Wales and the rest of the world on improving our record on race equality?

The Convener: Rami—do you want to answer?

Rami Ousta: I could speak a lot on that question, but I do not know whether you would give me enough time or kick me out.

The Convener: I will stop you if you speak too much.

Rami Ousta: The view that I will give is a very important view to discuss in the setting of today's meeting. However, to justify that view, I would like to discuss some issues that explain how we came up with it.

The Convener: How long will this take?

Rami Ousta: Three minutes.

The Convener: Okay.

Rami Ousta: Four minutes.

The Convener: Three.

Rami Ousta: With a positive action scheme, I could have five minutes.

Over the past three years, BEMIS has been involved at UK level and Europe level on race equality. For example, we have been involved in UKREN, which is the United Kingdom race and Europe network, and ENAR, which is the European network against racism. Our engagement has been very close, as we have sought to learn what is happening in Europe.

In the past two years, we have managed to convince the advisory committee on the Council of Europe's Framework Convention for the Protection of National Minorities to come to Scotland and consult ethnic minority communities directly, which has never happened before. BEMIS has also been invited to represent the UK—not Scotland, but the UK—on the advisory committee at Europe level.

Recently, five or six European countries have visited BEMIS to learn from our experience and to learn how we work in relation to race equality. The meetings were attended by a member of the Government, just to see what was happening.

11:45

We are part of a European network that was established purely to provide human rights and democratic citizenship education. As part of that network, BEMIS is represented on the main advisory committee to the European Parliament. I have just been informed that BEMIS has been invited to give, from a Scottish perspective, a presentation to the European Parliament about best practice in engaging with ethnic minorities and the race equality agenda.

We have participated in various conferences, facilitated workshops and spoken at various European conferences on race equality and ethnic minorities. I am relating all this to let you know how we inform our decisions. I can state categorically that when it comes to the race equality agenda and the whole ethnic minority context, we in Scotland are well ahead of Europe

and the UK. I am not trying to be nice to the Government; I am telling the truth.

We are still in a position where ethnic minorities are not acknowledged—for example, we are still called foreigners and our children are said to be from migrant backgrounds. The whole context of race equality is as nothing—I offer a couple of examples. I spoke at a conference about how the NHS in Scotland attends to cultural needs among ethnic minorities and a member of the European Parliament put her hand up and said, “I don’t agree with you.” I asked what she did not agree with and she said that medicines will work the same whether the person is black or white. That was her concept of race equality—it was as if we were saying that we want special medicine for ethnic minorities. However, she could not answer the charge that no procedures are in place for when a female from an ethnic minority wants to be examined by a female doctor. Culture and awareness of such needs have no meaning for people such as her.

We have to stop moaning and build on the positive things that we have in Scotland, but that does not happen by itself. We need a long-term commitment to race equality from the Government. The long-term support that BEMIS has received from the Government over the past seven or eight years has enabled us to reach the level we are at now—we can go and teach Europe how best to do things and we should build on that.

That said, we can learn from Europe in certain areas. I see the convener looking at me—I am sorry; I know that I have only one minute left, so don’t look at me like that. [*Laughter.*] I have been really interested in Europe’s approach to human rights. It is not about a body such as the Equality and Human Rights Commission controlling things or acting on them legally. The concept of human rights in Europe is about cultural education and how to introduce it to civic society. They run programmes in which they introduce human rights, as well as diversity, into schools and they have specially submitted books for school education.

As I said, the promotion of human rights in Europe goes further than the legal context. We can also learn from Europe’s approach to consultation. A recommendation from the Council of Europe’s conventions was that governments should not adhere to only one mechanism of consultation, engagement or representation. There is no point in having a representative body that talks only about community cohesion and multiculturalism—which, by the way, is now called interculturalism in Europe. Multiculturalism is about having several cultures and people living their own cultures. Interculturalism is about learning from each other: that is what is needed in Scotland. We have to ensure that the concept of

interculturalism is adopted into the culture of the younger generation. If we start introducing such concepts in schools, we will have a new generation after five years and another one after 10 years—that is how we will build on the concept.

The one Scotland, many cultures campaign is positive, but we would still like the Government to create distinctions within it and to use it to empower communities to promote what we call a culture of social marketing. We have to address such matters to ensure that race equalities make the jump in Scotland.

As I said, Europe has a culture of supporting interengagement rather than just gathering different bodies from ethnic minorities under one heading and saying, “You report to us what happens; they’re against us and won’t engage at various levels.” I am not saying that that is wrong or right; I am saying that we can learn that engagement, consultation and involvement should happen in different dimensions.

The Convener: Thank you for that very good précis in which there were a few pearls of wisdom. Does anyone else want to comment?

Roseanna T McPhee: I both agree and disagree with Rami Ousta. I do not think that it is tons better here for Gypsy Travellers than it is for Roma over there. The discrimination over there is much more blatant, but here it is insidious and usually institutional. However, the situation here should be better, given the race legislation that we have and all the statutory duties that exist. The problem is monitoring, which takes me back to Colin Lee’s point. You could learn from the framework convention. When it sends a party of monitors out, there are community-trained monitors within that party, who look out for their community and have the community’s best interests at heart. We do not have that. How many HMIE monitors have a Gypsy Traveller teacher with them when they go into schools in which there are Gypsy Traveller kids? The situation is like sending me—a Gaelic teacher—to monitor someone who teaches science. I would not have a clue what he was doing, so what would be the good of it? Monitors need to be accompanied by someone from the community who can provide a community perspective. If we had an HMIE task force, things might be tons better than they are abroad because the policies on paper would actually be implemented and the people who were failing would be highlighted and told to put their ship in order.

The situation abroad is also better because there are cultural drop-in centres and people have better access to the media. There is a better support mechanism for Roma through the European Roma Rights Centre, which has been funded by George Soros with billions of dollars.

Even the Home Office gives it £500,000 a year. However, we in Scotland are sitting here unfunded, so in England there is a better support mechanism on the ground for Roma and Gypsy Travellers.

Rami Ousta is right that the way to go is interculturalism. When we talk about integration and assimilation, we get into people having to give up more of their culture than they want to give up to become part of the wider community. There is no reason why two groups could not live side by side harmoniously for years. In my village, which is basically a conservative village, we have lived in a forest for 62 years. The community council comes down to ask whether we want help and, although it is a very conservative area, we get on okay with the other people. We have not been attacked in all that time. The only time stones were thrown at the camp was after an article appeared in *The Sun*. Two 15-year-old boys had read the article and thought that they would go down to the camp on their bikes and stone the tinks.

Other than that, the people recognise our culture as different and we recognise their culture as different, but we get along well and there is communication between our communities. There is no hostility. I would not say that they would want to marry into our culture—there is not that integration on a social level—but there is no hostility. I think that interculturalism and communities living side by side could work perfectly well.

Hugh O'Donnell: You are using the word conservative with a small c rather than a capital C.

Roseanna T McPhee: Both, actually, and they gave us a glowing report.

The Convener: Thank you for that clarification.

Hugh O'Donnell: You must be looking after the interests of the convener.

Zaffir Hakim: I support what Rami Ousta said. In the project that I manage within the trade unions, we undertook a number of European visits and found that we had more to offer them, in terms of the exchange of information, than they had to offer us. I accept the point about interculturalism, however. There are certain variations but, overall, I think that the work that we are doing is slightly ahead of Europe.

Our project works with the trade unions. Back in 2005, we commissioned research into Scottish trade unions' approaches to equalities. We found that BME members, ethnic minority members and women were underrepresented among lay post holders in trade unions. The reason was that the trade unions mirrored the workforces of many institutions. If the institutions were led predominantly by white males, the trade unions

reflected that. The STUC black workers committee wondered whether the Scottish Government might be able to publish some sort of study of the location and grade of minority ethnic managers and minority ethnic members in the workforces in Scottish institutions. Such a study might map those findings against the population and see how that mirrored the demographics of Scotland.

For example, the black and minority ethnic managers whom I know work in black and minority ethnic organisations or agencies. I do not see many black and minority ethnic managers in—if I can use the phrase—white-led institutions. Why is that? Should not that be examined statistically and analytically? The data should be available. Many public sector organisations are accountable under the race equality duty to publish statistics and data. The EHRC should perhaps look into that. It is an area of work that we could consider in the future.

The Convener: Does anyone else want to pick up on the issue of good practice?

Simon Hodgson: To echo what Rami Ousta said, many of our colleagues south of the border and in Europe are envious of the situation in Scotland. That is not to say that we have not got work to do, but we are in a different place.

There are a couple of issues specifically to do with refugees and asylum seekers that we think have helped with that. One of them has been the Scottish Government's policy on integration. From the day that people arrive, they are allowed to do things that they are excluded from doing in England. Our colleagues in Wales have managed to have a version of the Scottish refugee integration strategy adopted by the Welsh Assembly.

The policy on integration has made a huge difference. It is not rocket science: if you treat people badly and exclude them from access to things like English language classes for a number of years and then decide one day that they can stay, they will have a lot of catching up to do. That is the situation in parts of England, where the policy is still that a refugee can start an integration programme only on the day that they are recognised as a refugee.

Scotland's policy is one that we share with our colleagues in the European Council on Refugees and Exiles, which represents most European Union countries and some of the surrounding countries. I do not think that another country has the policy in place in the same way as Scotland—we should be proud of our policy. It has also been hugely beneficial to have a national strategy that enables people to get round the table and discuss things. That is certainly the case with the refugee integration strategy, and I hope that it can be the

case with the Government's statement, too. If we can bring together public, voluntary and cross-Government departments, it will be the envy of my colleagues south of the border.

The second issue is political leadership and people not consistently misusing their position. That has an influence in lots of different ways, for example in the media. We monitor media coverage of refugees and asylum seekers on a daily basis and—since the early difficulties with dispersal—we have generally had quite measured, balanced and positive coverage in Scotland. A lot of that is to do with what journalists get when they phone people. Ministers, council representatives and officials from other bodies—depending on the topic—consistently comment in a measured, grown-up way. They do not use the opportunity to spout anything that either blames people or attributes the problem to the fact that people are using their services and so on. That is completely the opposite of the situation south of the border, and we should be proud of that. I hope that the strategy is a step towards us getting even better.

Jatin Haria: The treatment of asylum seekers might be an exception, but I am a bit concerned about where the debate is going. It is not a competition to see who is doing the best or, as I would say, who is doing the least worst. To compare Scotland with Europe, or wherever, is a false comparison.

Having said that, I believe that there are examples of lessons to learn. Why is it that, although there is full patient ethnicity monitoring in the national health service in England, we do not seem to have it in Scotland? I would argue that the ethnic population in both places is very similar and that the health service is very similar, so why is there a big difference in practice? Why is it that, despite the UK law that requires public sector employers to monitor their staff by ethnicity, the latest figures show that 60-plus per cent go unrecorded in the health boards in Glasgow and Lothian? That is not the case in England. What I am trying to say is that the debate should not be about good or bad practice but about learning from others.

Moving to a wider issue, we have not talked much about actual, physical, direct racism. The one Scotland, many cultures campaign has been mentioned, but lessons can be learned from Canada, for example, which has undertaken a lot of anti-racist campaigning with the public. A recent Home Office study shows that, unless we get things right, campaigning can sometimes make racism worse, so we need to learn from the relevant examples. We should learn from others, but we should not try to compete.

12:00

Colin Lee: I will make a general observation from the discussion. I sometimes feel uncomfortable with concepts and terms. Terms come in over the decades, such as interculturalism and multiculturalism, but they are just concepts and something of a fudge from the reality. For example, what do we actually mean by communities? Perhaps the idea of diversity came in because race equality was too painful for mainstream bodies—fudge is the issue again. Those concepts might have come from academics somewhere.

We have now moved on to mutuality as opposed to community engagement and empowerment. What do those terms actually mean? They might be great for thinking out of the box, but what do they mean in reality? To be honest, I think that they confuse communities because the goalposts are moved continually. Who sets the agendas? It is mainstream bodies that come up with the concepts.

We know what needs to be done in Scotland. It is great to learn from other countries, but there are a lot of things in Scotland that must be delivered—some examples are highlighted through the race equality statement. We need to get to the grass roots and to achieve an impact on the ground. Forget about concepts: they might be useful but they are very much another layer to confuse communities. You want to engage communities, but you will lose them if you keep changing the jargon. That is a fundamental point.

The Convener: It is just after 12 o'clock. Roseanna, I will give you the last word for now, before I go round the table and ask everyone to say something—very briefly—to sum up what they have taken from today.

Roseanna T McPhee: Zaffir Hakim commented that he does not see black managers anywhere except in black organisations. I have been attending equality organisations for years, and I have never met a Gypsy Traveller at any of them. We are starting with a big zilch.

Nobody has raised this but, under the employment tribunals system, only about 16 per cent of racial or ethnic minority complaints are successful. You cannot tell me that the people in the other 84 per cent of cases do not have reason to complain. In our case, only two Gypsy Traveller cases have ever come before an employment tribunal in Scotland. One of them was me, and the other was my sister. We both lost, apparently because the people on the panel did not know that we were Gypsy Travellers.

The employment tribunal system has to be overhauled and made fairer. People are not getting justice, and they cannot afford to pay for

legal representation. A lot of people are unemployed because they are being discriminated against when they go for jobs. When I went for an education post—that of Gaelic development officer—having worked as a head of department, it was given to a boy with one higher. Apparently, the employer had operated according to its equal opportunities policy. How do we contest that?

Why is the Scottish Government not utilising the European convention on human rights, which says that there is a duty on the state party to ensure that the popular press do not revile any minority or group. The Government could be using that as a tool to tackle and curb such tendencies in the press, but so far nothing has happened. The EHRC makes complaints to the Press Complaints Commission, but it says that there is no statutory duty on it because it is not covered under the Race Relations Act 1976. I do not think that that is good enough—there is a loophole to be closed.

The Convener: I will now move round the table and ask everyone for their final comments.

Rami Ousta: You said “briefly” before, and I have just three points to make arising from the discussion.

First, we have always said, and we will continue to say, that the Government's efforts are positive. Mistakes or gaps arise when policies or strategies are outsourced or the mechanisms are the responsibility of third parties at a local level. In those cases, they lose importance and the mechanism of achievement and there is no monitoring system in place.

Secondly, when the Government publishes such statements or action plans, there is no point in all of us having a purely reactive role in helping the Government to deliver on them. We should have a proactive role in alerting the Government to other complementary areas of development from where lessons can be learned. Rather than just wait for such documents and then jump or react to what the Government has said, we should help it by taking a proactive role in alerting it to other issues.

My third and final point is about the context in which the voluntary sector and academics work. We in the voluntary sector accuse the academics of not knowing anything, while the academics accuse us of not knowing the theoretical framework in which things operate. In my experience, having an alliance among the Government bodies, the voluntary sector organisations and the academics who provide the theoretical background to sociological changes is vital for any development of the race equality agenda.

Hugh O'Donnell: I thank all the witnesses who have attended today's session, which I have found very informative and interesting. Doubtless we will

have a list of questions to put to the Minister for Housing and Communities.

From memory, I do not recollect the Scottish Parliament having a debate on race in the current parliamentary session. Given the comments that witnesses have made, I think that we should press the Minister for Parliamentary Business to create space within the timetable for a full debate on the matter. The Government's race equality statement is all very good, but it is normal with such statements that the whole Parliament has an opportunity at least to question ministers. We have not yet had such an opportunity. I will take that idea away and pursue it to see whether the statement can be discussed on the wider platform of the Parliament's debating chamber.

Colin Lee: We have had an interesting debate today, but it is just a debate. The important thing that I want to take away is where things go from here. I hope that the Equal Opportunities Committee will take a key role in holding to account not only the Scottish Government but other bodies, such as local authorities, on their delivery of race equality. Committee members have an opportunity to be champions of implementing race equality. That is fundamental.

It is important that committee members engage in, understand and increase awareness of race equality issues. For example, the cross-party group on racial equality in Scotland, which is administered by GARA, provides an opportunity for furthering such debate beyond the committee. Such opportunities can ensure that, throughout the lifetime of the strategy, members get an increased knowledge of where race equality is at. That is also fundamental.

Malcolm Chisholm: It was obviously good to hear the positive things that have been said about the policy, but the more important thing was to hear about what more needs to be done and where problems remain. The various organisations play an important role, so I hope that dialogue will continue. Clearly, progress has been made, but the main point is that there is a lot more to do.

Jatin Haria: From what people have said, it appears that a lot more debate is still to be had before people have a better understanding of what racism is, how it is manifested in Scotland and how it involves issues of power. We have touched on the institutional stuff. It is within the power of the Scottish Government to exert an influence on that issue—that can be done more easily, or at least more readily—so more attention probably needs to be given to that.

We have talked about the need to learn from elsewhere, but we also need to learn from and build on what has happened in the past in Scotland. As I have said, the statement does not

have enough on what has happened in the past 10 or 30 years and how we can build on that.

Finally, we need to set realistic, achievable outcomes and monitor them to ensure that they happen. Otherwise, we will be talking about the same thing in five years' time.

Marlyn Glen: This has been a really useful session, but I agree that it has just pointed up the fact that we still have lots of work to do. I assure the witnesses that we will continue to work hard.

Willie Coffey: As the newest member of the committee, I have been delighted mainly to listen to today's discussions. As someone with a close link stretching back over many centuries to the community that Joe Bradley represents, and with a tenuous link—particularly in the south of Ireland—to the community that Roseanna McPhee represents, I feel some empathy with the issues that have been raised. I sense that there is a deep feeling of frustration around the table about the lack of progress and positive action.

Although we often hang our hats on strategies and action plans, there is sometimes a crying need for quicker and more positive action. I was encouraged by Roseanna McPhee's idea for drop-in centres, while Rami Ousta gave specific examples of positive action. One of the most telling comments came from Jatin Haria, who spoke about the need to focus on outcomes and what we want to achieve.

The statement indicates that a race conference is planned for 2009 and that a progress report will be produced in 2010, so it may be almost the end of the session before we deliver something that can be implemented. The lesson that I have taken from today is that we need another approach alongside the Government's strategy to enable us to address more quickly and effectively some of the concerns that exist in our various minority communities.

Simon Hodgson: I agree with Malcolm Chisholm that there is more for us to do. It is right to give the impression that we have a positive policy on the issue, but there is much more work to be done. The Scottish Refugee Council deals with a group of people whose lives are determined both by the Scottish Government and by the UK Government. We have some problems with the current legislation relating to refugees and asylum seekers and with the new legislation that is planned. We do not have time to debate that today but, if members of the committee want at any time to visit our office in Glasgow, we can discuss in more detail the policy issues that impact on refugees and asylum seekers.

Bill Kidd: It has been a very interesting meeting. Equality, by its nature, cannot be done to people: it must be done with people. It is important

that the organisations that are represented here—and others—are involved as much as possible in the Government's proposals and the actions that we take.

Roseanna T McPhee: I agree with Mr Chisholm that statements can be rather fluid and can change—I certainly hope that the section in bold print on Gypsy Travellers will change. We need something more formal to work to, such as an action plan, so that we have clearly identified outcomes and monitoring strategies. We should know who will monitor the plan and how they will consult properly with the communities for which they are supposed to deliver.

I agree with Mr Coffey that, instead of just producing bits of paper, we should have accelerated learning at the heart of the Scottish Government. We have that in schools, so what is wrong with having it in the Scottish Government? Is the Government not up to accelerated learning?

Bill Wilson: Beyond question, this has been a fascinating meeting. One point that stood out for me was the comment by several speakers that the agenda is sometimes driven more by agencies than by communities, which is obviously a source of concern. All of us agree that, generally, communities know better than anyone else what they need.

Zaffir Hakim: I thank the committee for inviting me and apologise for arriving late. It has been an interesting meeting.

The Equal Opportunities Committee can work to identify where gaps between policy and practice exist. Some of the key themes that I picked up were the lack of role models, which is an historical issue, the lack of robust data for monitoring, and the lack of positive media portrayals and civic participation of ethnic minorities. Engagement in the public procurement debate could also help to address race inequality. When seeking to identify gaps between policy and practice, the committee should engage to a greater extent with trade unions because of their involvement in the workplace and the wider community.

The Convener: I thank all the participants who have taken part in this positive and constructive evidence-taking session. Common threads that have run through our discussions include the need to start at ground level and examine the role of local government, the need for more data, and the need to examine how things are working in practice instead of simply having a statement on paper. After all, despite claims that such and such funding is available, people who have tried to access it have found that the money has not been delivered where it should have been.

I thank all the witnesses for their attendance. You can be confident that the material that you

have given the committee will help our questioning of the Minister for Housing and Communities and the positive follow-up work that we hope to do.

Decision on Taking Business in Private

12:15

The Convener: The final—and what should be very short—item on our agenda relates to our inquiry on female offenders in the criminal justice system. Now that the deadline for submitting evidence has closed, the committee has to decide whom to invite to give oral evidence. Do members agree to consider our timetable for taking oral evidence in private at our next meeting?

Members *indicated agreement.*

The Convener: With that, I close the meeting. Thank you all for attending.

Meeting closed at 12:16.

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