

## **National Strategy and Action Plan on Race Equality Response of the Scottish Council of Jewish Communities**

The Scottish Council of Jewish Communities welcomes the opportunity to comment on the draft National Strategy and Action Plan on Race Equality. We regret, however, that it has not been published more widely and that the timescale has been so short as to preclude many organisations from being able to prepare a response.

We strongly support the aims of the Strategy and agree that *'we will only create a Scotland which achieves all that it is capable of if we have equality for all who live here.'*

### **Terminology**

#### **Equality**

Views of what constitutes "equality" have become increasingly complex with the recognition that no single "strand" can be considered in isolation as individual people belong to many groups simultaneously and so may be affected by several equality strands, sometimes in contradictory ways. To avoid any misconception the Strategy should indicate that equality legislation addresses the elimination of inequality arising from membership of a particular group, not the establishment of "equality" between individuals. In addition it should state more clearly that "equality" does not mean that everyone should have or do the same but rather that there should be equal access to opportunities resulting in a fair or equitable distribution.

#### **Ethnicity**

We have been glad to participate in the ongoing consultations in relation to ethnicity classifications in the census and particularly welcome the acknowledgement (p4) that the use of colour to define ethnicity is offensive. It may be worth putting on record that the 2001 census categories were described by the Registrar General as "irrational".

"Ethnicity" should be understood as referring not to "race" but rather to identity, culture and descent, all of which are very positive and important aspects of most people's lives. The Strategy should, therefore, emphasise those values and activities (such as mutual respect and dialogue) that support cultural interaction, and should include a more explicit commitment to the promotion of cultural diversity and understanding.

We particularly welcome the recognition that there are many factors that may make minorities visible – i.e. noticeable. These include the public use of a language other than English, accent, and culturally specific practices such as eating kosher or halal, or interrupting other activities for regular prayers, as well as dress and skin-colour. It may be therefore that "identifiable minorities" would be a more inclusive term than "visible minorities" which suggests only visibility to the naked eye.

We welcome the fact that Jewish people are correctly included among the examples of Scotland's diverse minority ethnic communities. Since the Strategy comments explicitly on the legal status of Gypsies/Travellers it may be appropriate to point out that the status of Jews and Sikhs as both faiths and ethnicities was established by a ruling of the House of Lords in 1982.

Since 7/7 there has been much discussion of the negative connotations of ethnic identity. However, little attention has been given to its positive attributes, and the Executive should consider how this can be harnessed to achieve positive outcomes. (For example, fundraising for disaster relief in Kashmir has united otherwise disparate communities around a common goal.)

### **“Ethnic Minority”**

We welcome the Executive's preference for the term “ethnic minority”. The term “black” is used in at least some quarters in a deliberately discriminatory manner to exclude and so disenfranchise some minorities. We agree with Kay Hampton, the new chair of the Commission for Racial Equality, who has objected to “the blind acceptance that race is a black issue.” (Sunday Herald 26-11-2006)

As she pointed out, this is particularly important at a time when the largest communities of new immigrants are from Eastern Europe. It has to be recognised that this terminology has had the effect that some minority communities are excluded both from the majority and from the officially recognised minority, and that this may impact directly on the ability of Executive initiatives to reach their intended recipients. It is a matter of simple arithmetic that when there are fixed resources, the fewer beneficiaries there are, the greater the amount available to each; consequently the Executive must be particularly alert against vested interests which seek to reduce or restrict the scope of eligibility to participate in its initiatives.

We question the use of “majority community” as if there were a homogenous group with which the many minority communities may be contrasted. In particular, if the term is intended to include both Protestant and Catholic communities, this would appear to ignore the persistent problem of sectarianism, and so unfairly relegates sectarianism to a lower position in a hierarchy of racial and religious hatreds. The Strategy should be at pains not to convey a message that the suffering of any one group is less severe, or less significant, than of other groups.

(We suggest that the word '*kippeh*' (kippah) in the penultimate paragraph of p4 should be replaced by 'skull-cap' which is more widely understood.)

### **Racism**

The suggested definitions of racism (p5) all state explicitly or imply that racism is an abuse of power. This is not always the case and the suggestion risks being interpreted as exonerating racism on the part of the powerless. Racist attitudes may be expressed in situations in which power is simply not relevant, such as sitting alone in the house and hurling racist abuse at the television!

We agree that *'race and faith issues interact ... and that there can often be little difference between them.'* (p14). Not only do many minority groups identify themselves first in religious terms, but at a practical level, for new immigrants, including asylum seekers, religious organisations and communities are often the only bodies with which they are able to identify on arrival in an unfamiliar location.

Despite the fact that *'Relations with faith communities ... are currently very high on the political agenda'* (ibid) we are concerned that religious hatred appears to be regarded as less serious than racism. This is unfortunately implicit in the hierarchical definition of "equal opportunities" in Schedule 5 of the Scotland Act, and it is therefore particularly important to deny this interpretation expressly.

We know, for example, that the police are less likely to record allegations that offences were religiously aggravated than that they were racially aggravated. And we know that when they do record them, they are more likely to do so as racially motivated, even when the allegation referred to religion. This is to some extent understandable at a time when the law on religious hatred is in flux, but it signals the attitude that religious hatred is less serious in itself than racial hatred.

### **Multiculturalism**

We are concerned that "multiculturalism" appears to be viewed as a system of parallel and non-communicating communities sharing a single geographic location (p19). On the contrary, true multi-culturalism – as opposed to parallel monoculturalism – implies well-integrated – but not assimilated – communities living together whilst each still retains its own unique identity.

### **Monitoring**

We strongly support the necessity of monitoring to evaluate the Strategy and the Race Equality Policies of individual organisations. Monitoring is only useful if appropriate classifications are employed, since meaningless classifications can only result in misleading statistics.

The system being developed to publish data on racist incidents (p52) should be expanded to include analogous hate crime (such as religious hate crime). We would also draw attention once again to the fact that some incidents recorded as racist are in fact religious hate crime and that the true figures may, therefore, have been obscured.

### **Racism and racist crime**

We welcome the Executive's commitment to 'myth-busting' but there are a number of references to "myths" that could be misunderstood as actually reinforcing part of the myth (for example "*some ... suppose that racism is not a problem in Scotland due to the small numbers of minority ethnic communities*" (p3)) There are two distinct myths which must be clearly and separately countered: (1) that racism does not exist

in Scotland, and separately (2) that racism depends on the presence of significant numbers of minority ethnic people. Historic attitudes persist, and racism and religious hatred is as likely in a rural Scottish village without any minority ethnic residents as it is in Pollokshields.

We strongly endorse the Strategy's support for the Macpherson Report definition of racist incidents but not the wide misrepresentation of it as asserting that every incident that is alleged to have been racist necessarily was so. It must be clear that allegations themselves are not conclusive, and this must therefore be a question of fact for the courts to determine. Nonetheless, the fact that an allegation of racism is made by the victim or a third party should be sufficient to require that the allegation of aggravation, as well as of the primary offence, be robustly followed up by police and the courts in the terms in which they are made.

This approach – that allegations of aggravation by group hatred must be investigated at face value – must be extended to other contexts and other forms of hate crime. We are aware of two recent situations in which this did not occur: first the editor of a Scottish newspaper rejected an accusation that he had published antisemitic letters on the grounds that he received so many such complaints that he ignored them all; and secondly the outrageous decision by a student union that it would only entertain allegations of antisemitism that met its own preferred definition.

We would, therefore, like to see greater emphasis in the Strategy on responses to racist incidents and other hate crime, and to ensuring that, where applicable, legislation is enforced. This would send a powerful message to Scottish society, a concrete demonstration that racism will not be tolerated. There are many examples (eg drunk driving) where public attitudes have followed where properly enforced legislation has led, and we believe that this has to some extent already been the case in respect of racism following the original 1976 Race Relations Act, but that there is much still to be done .

This is not, however, to imply that education about racism, media campaigns and other 'hearts and minds' initiatives should not also be undertaken. On the contrary, they dovetail with strong law enforcement measures to create a society in which racism will gradually become as unacceptable as it is illegal.

### **Faith issues**

We appreciate that many people in the Muslim community feel particularly vulnerable at the present time. We do, however, question the advisability of singling out this community to the level indicated in the Strategy. We are concerned that this may be perceived by the Muslim community as being both patronising and offensive, and by other communities as signifying a lower level of concern for their own problems.

### **Representation of ethnic minority communities**

We strongly support initiatives to facilitate wide consultation with all communities across Scotland and welcome the Executive's recognition that minority communities

share responsibility for engaging with and supporting policy and its support for capacity building initiatives to enable communities to participate effectively. We are, therefore, interested to learn of the proposed Forum for Minority Ethnic Organisations and National Coalition. However, partly because of the risk of vested interests restricting eligibility to their own advantage, it is important that, whilst it should not retain control of either the Forum or the Coalition, the Executive should determine eligibility for membership to ensure that they are and remain fully inclusive and facilitate communities to speak for themselves. There are unfortunately too many self-appointed gatekeepers who claim to speak for the disenfranchised, while in fact further disempowering them.

We note that the Strategy (p58) commends CEMVO's Ethnic Minority Civic Congress as "*a visible structure for civic engagement*". Unfortunately, our experience of this initiative to date raises three grounds of concern:

(1) The briefing document issued by CEMVO defines the 'visible minorities' with which it is concerned purely in terms of physical attributes such as 'skin colour, facial appearance or hair type'. This is not an aberration: we were particularly disturbed at the first meeting of EMCC when we referred to an antisemitic attack on a young man wearing a skullcap – the very example cited on p4 of this Strategy – and the CEMVO and GARA facilitators objected that the attack could not have been racist because the young man in question was not black. This is clearly contrary to the Executive Strategy,

(2) The leader of this initiative has recently stated that his vision was that "the ethnic minority voluntary sector should disappear". This too runs entirely counter to the Executive's strategy of recognising and empowering the "Many Cultures" that co-exist in Scotland today. It also naively ignores the fluidity of the ethnic minority sector, with new minorities making their homes here all the time,

(3) The organisers have also made clear that they intend the EMCC to be the single "voice of the ethnic minority community". That clearly obscures the diversity of the minority communities, and as presently formulated is a recipe for the tyranny of the majority, in which minority views amongst the minorities will be further disenfranchised, disempowered, and alienated.

Unfortunately, as presently constituted, the Congress will be a gatekeeper purporting to represent communities that it has no authority to speak for rather than a medium to facilitate communities in speaking for themselves. We have experience of umbrella organisations that should know better misrepresenting our position, and it is obvious that this is not only offensive, but unhelpful to those seeking accurate information on the views of the community. The Executive should instead direct its efforts and resources into empowering communities to speak for themselves.

## **Scottish Executive supported initiatives**

We welcome the reference to support for the various materials and programmes developed around Holocaust Memorial Day, but wonder whether the Executive's contribution to this initiative has not been significantly larger than suggested here.

We also suggest that 'MEMO' should be added to the list of projects supported by the Executive to increase capacity and empower recipients to engage with the political process (pp57-8).

We are interested to learn of the short-life project with the NRCEMH to develop a good practice model for effective Health Board consultation with minority ethnic communities (p57). We would like to see similar initiatives rolled out to other sectors, but warn against the tendency to reinvent the wheel in each. We would therefore highlight similar initiatives already undertaken by, for example, Communities Scotland, which could readily be adapted for use in other sectors. (see [http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/scrcs\\_011444.hcsp#TopOfPage](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/scrcs_011444.hcsp#TopOfPage) and [http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs\\_006710.hcsp](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs_006710.hcsp) )

## **Action Plans**

There is a lack of correlation between the Strategy and the Action Plan and we are concerned that the latter is formulated in a manner that focuses on four discrete areas (two specific communities, one cross-cutting issue and one particular sector) rather than addressing the subject of Race Equality across the board. We question why employment should be prioritised over issues such as education, housing, welfare and voluntary activity, and are particularly concerned at the absence of any overall structure. There is also a need to address the negative and prejudiced views frequently expressed in open forums such as those provided by the online editions of some newspapers, (eg. the misrepresentation of positive action as positive discrimination).

Although there are clearly some issues that are specific to particular groups and which require to be addressed as such, most issues have a more general application and we do not believe it to be beneficial either to the groups concerned or to society as a whole to respond piecemeal. In addition the Action Plan does not adequately address the relationships between different minority communities, and the Executive should consider how to facilitate and improve inter-communal dialogue.

Moreover, there is a lack of consistency between the four plans at strategic and tactical levels and also in the level of detail. The conclusions from the four working groups should be reconsidered with a view to extracting overarching objectives such as access to justice, children, community cohesion, infrastructure, segregation and governance.

We are, however, concerned that some of the progress measures in the Action Plan are too vague and unspecific; for example, the Action Plan lists '*met x times*' as a

progress measure but unless the meetings are genuinely inclusive rather than just consisting of 'the usual suspects' the meetings may have achieved nothing and it will, therefore, be irrelevant how many meetings were held..

## **Conclusions**

We are very appreciative of the Scottish Executive's commitment to Race Equality as demonstrated by the One Scotland Many Cultures programme, by its ongoing engagement with minority ethnic communities, and by its support for initiatives to outlaw racism, to promote good community relations and to foster engagement with public issues. The Action Plan should, however, be revised to provide a clear and focused strategic level blueprint. We strongly believe that the appropriate - and most effective - way forward is to facilitate communities to speak for themselves, and that initiatives should be such as to support this aim rather than to foster the development of gatekeepers speaking, often inaccurately, 'on behalf of' those communities.

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Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

In preparing this response we have consulted widely among members of the Scottish Jewish community.