

***Title: Putting 'Race' Rights Back onto the Agenda In  
Scotland***

***Paper Presented by Professor Kay Hampton***

**CRER Symposium: 21<sup>st</sup> March 2013**

**Conference Theme: Race Equality in Scotland-The Next  
10 Years**

*To Mark UN Day for the Elimination of Racial  
Discrimination.*

**Introduction**

Good afternoon colleagues, it is a privilege to address you on this historic day. Given the theme of this symposium, my presentation is going to reflect on broader developments and provide an overview on the state of race equality in Scotland and point to the direction in which we are heading. Although this presentation might seem speculative and even supercilious to some, I can assure you that what I am about to say is based on thoughtful consideration, experience and hard evidence.

**The past**

I am a great believer that history shapes the present and the future. So with your indulgence, I would first like to spend a few moments on the past- in particular, the international significance of today, before moving on.

First, I would like to pay tribute to the 69 people who lost their lives and some 200 who were injured at, Sharpville, (small township in SA) on this faithful day, 33 years ago. Why? ...Simply because they had the courage to take a stand against injustice and human degradation

Being South African, the 21<sup>st</sup> March is of professional and personal significance to me. Although I was too young at the time to fully appreciate the significance of what happened that day, the shocking events of that faithful day, was to be narrated to me regularly throughout my early years. To the extent that it shaped who I became and what I do professionally.

On that faithful day, ordinary people as young as 8 years old, gathered close to a local police station to peacefully protest against the infamous Pass Laws-legislation which stripped anyone who was not “white” of the right to live as a regular Human Beings... while it might be hard for some of you here today to conceive, the law in question, at the very least, the pass laws dictated where people of colour were permitted to live, who they could marry and socialise with, how they sold their labour and the level of education they were entitled to.

The significance of this day not only marked a turning point in the struggle against apartheid and liberation of people of colour in South Africa but alerted the world to the irrational injustice faced by people across the world who are stripped off their fundamental right to develop, thrive and reach their full potential.

The massacre of innocent people, on that day, was a deliberate and calculated inhuman act that showed little respect for the dignity of those who were considered inferior because of skin colour. This severity of that incident triggered for the first time, the question of racism and xenophobia at the United Nations Security Council. It was a wake-up call to the world, ... the world could no longer ignore the discrimination, inequalities and abuse faced by people of colour.

As a tribute to the lives lost on that day and to celebrate the universal acknowledgement of Human Injustice based on skin colour, the 21<sup>st</sup> of March is marked as a public holiday in SA, and internationally, as a day for

highlighting the importance of the elimination of race discrimination and Xenophobia<sup>1</sup>.

Some of you might argue that this type of hard core racism is a thing of the past and suggest that such barbarism is unlikely to happen in contemporary western democracies like Scotland. You are right...perhaps not as stark and crude... but we cannot ignore the evidence which points to persistent racial inequalities in contemporary western societies, including Scotland.

### **The Present**

Special days like today demand a moment of sincere and bold reflection-this enables us refresh our thinking and allow us to give consideration to where we would like to be in 10 years time with regards to race equality. But first we must have a collective understanding where are today to enable us to plot an effective journey towards the progression of race rights.

On the positive side, in Scotland, there is undeniable evidence of extensive philosophical, theoretical, legislative, policy and pragmatic developments on matters of race post devolution. Alongside this, there is a remarkable growth in distinctive so-called '*BME work*', supported by government funding to empower, educate, support the promotion of "good race relations and the elimination of racial discrimination. Yet questions remain on the measurable success of these activities. Indeed, such overt activities have led many commentators to assume that race inequality is no longer a problem in

---

<sup>1</sup> The [International Convention on the Elimination of Racial Discrimination](#) (article 1) does not define "race" but it does define "racial discrimination" to mean "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." Ethnicity is explicitly subsumed under this definition by the term "race". Most human rights treaties simply refer to "race" and do not use the terminology of "ethnicity".

Scotland. It is also frequently claimed that issues of race are handled more effectively in Scotland, when compared with elsewhere in the UK.

On the contrary, I would suggest that post devolution, despite race equality being tackled through the Race Relations Act, the Scotland Act 1998, and Equality Act, evidence reveals that the progression of race equality in Scotland, is at best, erratic and discontinuous.

Despite notable developments in relation to race equality at the turn of the century, the social, cultural and political rights, as well as access to justice, for those defined by race remains inconsistent.

At the turn of the 21st century, Britain and by default, Scotland had its own wake-up call with the publication of the findings of the MacPherson Inquiry. This resulted in tighter legislation, an increase in “race” research and “race policy” accompanied by a stronger enforcement regime.

During this time activists and academics alike, strove to define and understand race and how it affected communities in Scotland. Much pressure was placed on public services to demonstrate the mainstreaming of race equality. Such activities were meant to support racially defined communities to, for example, realize their rights to appropriate education, housing and employment.

A number of Government supported organisations were tasked with the job of educating racially defined groups about their social, economic and cultural rights and to facilitate interventions to effectively address areas of contention through effective action.

Why then do patterns of racial inequality, identified some 30 years ago, still exist in Scotland?

While a number of explanations might be offered for the limited progression of race rights in Scotland, one thing is clear and that is, that previous approaches to addressing racial inequalities have been limited in success.

So while a feel good atmosphere prevails, measurable progression of race equality remains questionable and is reflected in the continuing evidence of social, economic and cultural disadvantage and discrimination faced by those defined by race.

So I would like to pause and ask WHY?:

Why, despite being the first in Europe to create a distinctive legal framework to realize race rights<sup>2</sup>, and the first to establish a dedicated agency<sup>3</sup> to monitor race inequality, promote good relations and eliminate racial discrimination, has progress has been so severely limited?

Is it because the race agenda has been predominantly led by successive governments rather than by a broad range of relevant stakeholders?

Or is it because government consultations on race rights have tended to be selective involving a small network of 'so-called' experts?

Despite a commitment to make a difference, did government inadvertently stunt the progression of race rights by creating a discourse around celebrating culture and ethnicity rather than the fundamental rights of racially defined communities?

By focusing on matters relating to identity, diversity and immigration, have we taken our eye off the primary goal to eliminate racial disadvantage?

---

<sup>2</sup> RRAA 1976, 2001

<sup>3</sup> CRE

Have we lost sight of the real agenda by highlighting the tolerant and welcoming nature of the Scottish nation instead of directly acknowledging lived experiences of everyday racism on the ground?

Some might argue that while the energy invested by all concerned contributed to developing positive cultural relations in Scotland, it was nevertheless misplaced as it did little to change the quality of life, personal circumstances and everyday negative experience of communities defined by race.

And what about the role of community based organisations?

Are they compromised by their dependency on government funding?

Are their appetite to challenge government on flawed strategies and policies diminished by fear of being excluded from political circles?

Contemplating questions like these lead to uncomfortable truths, but will provide some explanation for the erratic patterns noted in the progression of race equality in Scotland. While my observations might appear negative to some in the audience, I believe that to be progressive and forward looking, it is necessary to regularly scrutinize entrenched approaches to avoid complacency and to ensure that previously adopted strategies are still fit for purpose.

## **The Future**

So what is the future of race equality in Scotland? Given where we are now... the rights of those specifically defined by race is likely to completely disappear from government agendas and discourses. Many believe that 'race' is an outmoded concept in a post-modern Scotland. As a result, we no longer do 'race'... race rights have slipped off the agenda and there is currently a deafening silence on matters relating to race inequality in mainstream,

national and local, discourses, debates and policies. This dangerous direction can and must be interrupted before it is too late.

The first step in the journey to a sustained progression of race rights starts with an honest acknowledgement of where we are now on race equality-only then can we progress to facilitating effective interventions.

This requires the full participation of all relevant stakeholders, the collective acknowledgement of areas of contention and holding to account those responsible for delivering the progressive realization of race rights. In effect this means holding duty bearers to account in a constructive, supportive and realistic manner. Here I propose we take a Rights based approach.

This rights based approach which is currently adopted and promoted by the Scottish Human Rights Commission to address broader human Rights in Scotland and is proving to be successful.

There are also opportunities, to take collective ownership of the race agenda and lead it through meaningful interaction with all stakeholders. I believe that although we have travelled some distance in addressing race equality there is still a lack of collective ownership of the race agenda.

Race Rights needs to feature more overtly in national discussions on Equality and Human Rights. We are fortunate to have at our disposal, not one but two legal frameworks to guide the realization of race rights, The Equality Act and The Human Rights Act. They can be used individually or in a complimentary manner to progress the realization of the rights-

Both the acts provide guidance on the definition of and mechanisms for realizing race rights- while the Equality Act has special provision to enable race equality, the Human Rights Act provides a safety network as it is inherently underpinned by principles of equality and non-discrimination.

The equality Act provides stronger legal remedies, while the HR Act provides interesting models for non-legal interventions. Those working in other areas of equality and Human rights are already ceasing these opportunities.

For example, It is notable that post the establishment of the Equality Act and the establishment of the SHRC, discourses relating to Disability Rights, The rights of older People and Children Rights, have become more prominent. Yet Race rights rarely features in mainstream discourses- where are the voices on race issues? While a small number of academics and agencies continue to work in this area, the critical mass necessary for progressing the realization of race rights appears lost.

The future of race equality will depend on the development of this critical mass. At present there is no coherent movement-underpinned by common understandings, values and outcomes- to bring race rights back onto mainstream agendas in Scotland-leadership on this is urgently required.

In conclusion, Scotland and indeed, the UK are undergoing significant social economical and political changes. I believe that this provides an excellent opportunity for reflection and renewed action on race- there are opportunities to revitalize and reposition the issue of racial inequality within emerging discussions around the future of Scotland, irrespective of the outcome of the referendum.

If we are serious about creating a Future Scotland that is truly fair, inclusive and Just for **all** who live in Scotland - we must find ways to ensure that all vulnerable communities are equally represented in national discourses. The disadvantages of those defined by race must be an explicit part of ongoing national conversations. Race Rights must be shifted from the margins of debates on equality, Human Rights, culture or immigration and find its rightful place alongside other expressed rights.

Thank you



