

1. The Coalition for Racial Equality and Rights (which I will hereafter refer to as CRER) wishes firstly to express its heartfelt condolences to the family and friends of Sheku Bayoh. CRER is mindful of the hurdles that his family have faced from the day of his death to the opening of these Inquiry hearings, seven years later. As the Chair has rightly stated, Mr Bayoh's family must be at the heart of this Inquiry.

2. CRER welcomes the opportunity to make an opening statement to the Inquiry. Before turning to the matters with which the Inquiry is concerned, I would like to briefly set out who CRER are, and what they do. CRER is a Scottish strategic racial equality charity and anti-racist organisation, based in Glasgow. It is focused on working to eliminate racial discrimination and harassment, and to promote racial justice across Scotland. Taking a rights and evidence based approach to its work, CRER aims to tackle structural racism at all of the levels at which such racism occurs: personal; social; and institutional. Since its inception in 1999, CRER has had a relationship of trust with key stakeholders and public bodies across Scotland, as a critical friend and centre of expertise on race equality within organisations in their roles as employers and service providers. With its clear focus on tackling institutional and structural racism, CRER has been asked to undertake many projects focused on assessing equality performance and supporting improvement in approaches. Its specialism on race equality, in relation to organisational practice, theoretical and legal frameworks, and in working alongside grassroots community groups has enabled it to support organisations to identify and take action on these issues.

3. CRER thanks the Chair for his decision to appoint it as a Core Participant to the Inquiry. This Inquiry will be examining the circumstances leading to the death of Mr Bayoh, in particular the actions of the officers involved; how the police dealt with the aftermath of his death; and the subsequent investigation into Mr Bayoh's death. The Inquiry's terms of reference will require the Chair to consider the extent, if any, to which those events were affected by Mr Bayoh's actual or perceived race. Put short, the Chair will require to ask himself, would it have made a difference had Mr Bayoh been white?

4. It is this question, and the examination of the role, if any, played by Mr Bayoh's race in the events surrounding his death, which led to CRER seeking designation as a Core Participant to the Inquiry. CRER does not wish to speculate on or prejudge the evidence which may be led during the course of the Inquiry. It is not CRER's intention in this opening statement to make

submissions on the impact, if any, of Mr Bayoh's actual or perceived race. Rather, CRER intend to critically and robustly examine all the evidence led during the course of the Inquiry and consider whether the actions of the various individuals and institutions would have been different had Mr Bayoh been white.

5. CRER considers that the issue of race permeates all aspects of the Inquiry's work. It welcomes the Chair's decision to examine the possible role of race at each hearing, culminating in the final hearing focusing on race which will bring together and robustly examine the evidence led in order for the Chair to reach his conclusions and make any such recommendations as he sees fit. CRER is confident that the approach which senior counsel to the Inquiry has proposed will allow the Inquiry to understand the nuances of racism. Racism does not just extend to overtly racist language and behaviour. It is often indirect and understanding it requires consideration of how individuals, organisations, and societies behave, and the impact of that behaviour on people from minority ethnic backgrounds, rather than simply focusing on open expressions of prejudice. In this regard, CRER will seek to provide whatever assistance it can to the Inquiry in its consideration of the role, if any, played by unwitting or institutional racism. While the Inquiry will no doubt, should such evidence emerge during the course of the Inquiry, be able to easily identify examples of overtly racist language or behaviours, examples of unwitting or institutional racism may prove to be more difficult to recognise. The questions of both unwitting and institutional racism were considered by Sir William Macpherson of Cluny in his Inquiry into the death of Stephen Lawrence. While these are of course matters for the Chair, CRER would wish to raise at this stage Sir William's definition of unwitting racism:

"Unwitting racism can arise because of lack of understanding, ignorance or mistaken beliefs. It can arise from well intentioned but patronising words or actions. It can arise from unfamiliarity with the behaviour or cultural traditions of people or families from minority ethnic communities. It can arise from racist stereotyping of black people as potential criminals or troublemakers. Often this arises out of uncritical self-understanding born out of an inflexible police ethos of the 'traditional' way of doing things. Furthermore such attitudes can thrive in a tightly knit community, so that there can be a collective failure to detect and outlaw this breed of racism. The police canteen can too easily be its breeding ground."

6. Institutional racism can be seen wherever institutions fail to address racial inequalities and racism in their area of work. CRER note that institutional racism is not simply an accusation to

be levelled at any particular public service organisation. Rather, it is an explicit danger to the lives and wellbeing of Scotland's Black and minority ethnic communities. This issue of institutional racism was also considered by Sir William Macpherson, who considered that institutional racism was:

“The collective failure of an organisation to provide appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”

7. While there exists positive political rhetoric on racial equality in Scotland, CRER's research work demonstrates that the lived experience of Black and minority ethnic communities does not reflect these warm words. Black and minority ethnic communities and individuals continue to be held back by structural racism, resulting in ingrained inequalities in employment, income, health, and housing. Racist hate crime remains the most prevalent form of hate crime in Scotland, and under-reporting means that the true scale of this is likely to be far greater.
8. Scotland's Black and minority ethnic communities have high expectations of the Inquiry. This Inquiry is the first such inquiry in Scotland to consider a death following an incident with police where there are concerns as to the role played by the deceased's race. It is not, however, the first time that matters of race within the justice system in Scotland have been investigated; previous instances include those of Axmed Abuukar Sheekh, Simon San and Surjit Singh Chhokar. CRER is aware of the problems which can arise when it is felt that an Inquiry such as this is not properly considering the question of race. Where community confidence is lacking, this has a wider impact on community cohesion and on overall confidence in services.
9. CRER wishes to provide any assistance it can to the Chair and to the Inquiry to ensure that the expectations of Black and minority ethnic communities are met and that the matter of race is fully and properly considered. CRER will seek to bring its expertise and specific Scottish experience to assist in providing a rigorous and credible consideration of matters of race throughout the Inquiry. CRER seek to work with the Inquiry in a positive and constructive manner to enable it to carry out a thorough, critical, and fearless examination of the material

available to it, and to fulfil its terms of reference. To ensure that we remain focused on this task, we will not be making public comment outwith our input to the Inquiry at this time.

10. Finally, CRER again acknowledges the circumstances which make this Inquiry necessary. It commends Mr Bayoh's family, and others involved in the lengthy struggle in bringing this Inquiry forward. It can only be hoped that the Inquiry can fulfil its terms of reference, both in the interests of justice and for the potential future implications for racial justice in Scotland.