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Wednesday 6 June 2018

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Scottish Parliament

Wednesday 6 June 2018

[The Presiding Officer opened the meeting at 14:00]

Portfolio Question Time

Culture, Tourism and External Affairs

Music Tuition (Development and Promotion of Culture)

1. **Iain Gray (East Lothian) (Lab):** To ask the Scottish Government what the impact could be on Scotland's future ability to develop and promote its culture of the reported reduction in funding for music tuition in schools. (S5O-02177)

The Minister for International Development and Europe (Dr Alasdair Allan): The Scottish Government recognises the importance of the role that music, culture and creativity play in people's lives across Scotland, which is why our culture budget has increased by almost 10 per cent. Music tuition is of enormous benefit to young people, and contributes to Scotland's future ability to develop and promote its culture. The Scottish Government is actively providing leadership to encourage participation in music.

With regard to instrumental music tuition, local authorities are directly responsible for spending in schools. Overall funding to councils is increasing in real terms, despite continued United Kingdom Government cuts to Scotland's resource budget. Although we respect the autonomy of local councils, Scottish ministers are concerned about some local authorities' changes to the provision of instrumental music tuition, and have committed to working in collaboration with partners to find solutions that help to ensure that instrumental music remains accessible to all.

Iain Gray: The culture budget may have increased, but local authorities' budgets have fallen by more than 7 per cent in real terms since 2013, so it is no wonder that they struggle with such provision, and that many have had to increase or introduce charges for instrumental tuition. There is really only one solution. Will the minister suggest to his colleagues, the Cabinet Secretary for Finance and the Constitution and the Deputy First Minister and Cabinet Secretary for Education and Skills, that they provide new and guaranteed funding centrally, in order to deliver affordable or—better still—free instrumental tuition in our schools, for the sake of Scotland's cultural future?

Dr Allan: Although Iain Gray and I agree about the importance of music tuition in schools, I have to point out that the figure of 7 per cent that he mentioned is the real-terms cut in funding that this Parliament has received from the UK Government since 2010-11. Despite that, councils are receiving a real-terms increase in the share of the budget that we are able to give to them, as I mentioned.

However, it is important to say that some councils have increased their fees—not least Midlothian Council, which has increased its fees from zero to £205. Those councils will wish to consider their actions because—as, I hope, we can agree—music tuition should be accessible and councils should not prejudice its availability to anyone on the ground of income.

Liz Smith (Mid Scotland and Fife) (Con): Will the minister give Parliament a guarantee that the Scottish Government's working group on music tuition will look at private partnership deals, as well as at public partnerships? If it is a question of finding additional money, which it seems to be, such partnership deals could be very important.

Dr Allan: The Scottish Government always works in partnership with various agencies. It is worth saying, in the context of music tuition, that there has long been an agreement, since the days of the working group on instrumental music tuition in schools, that any course that leads to a Scottish Qualifications Authority qualification should be provided free. It would certainly concern me if there was evidence of that not happening around the country.

Bruce Crawford (Stirling) (SNP): Will the minister join me in wishing the Sistema Scotland chairman, Richard Holloway, all the best in his recently announced retirement? The minister might be aware that Richard Holloway spoke at a reception that I hosted recently here at Holyrood to mark the 10th anniversary of Sistema Scotland's big noise orchestras. Does the minister agree that one of Richard Holloway's legacies is transformation in the lives of children, young people and communities through an intensive and immersive musical experience, thereby significantly improving the potential of people from disadvantaged areas to live more enriched and fulfilled lives?

Dr Allan: Richard Holloway certainly deserves congratulations on that count. His vision and drive have been fundamental to creating and extending Sistema Scotland's outstanding work in our communities, which has benefited many children in the past 10 years.

Sistema Scotland has been a huge success in Bruce Crawford's constituency and elsewhere. It now reaches 2,500 children weekly, and independent evaluation has highlighted the fact

that, as well as increasing the confidence, aspirations and self-esteem of the children and young people involved, Sistema Scotland is making a real and positive difference to communities across Scotland.

Tourism (M74)

2. Oliver Mundell (Dumfriesshire) (Con): To ask the Scottish Government what steps it is taking to promote tourism in areas served by the M74. (S5O-02178)

The Minister for International Development and Europe (Dr Alasdair Allan): Transport Scotland has recently introduced signs on the M74 that signpost nearby towns including Dumfries, Lockerbie, Gretna and Ecclefechan.

VisitScotland currently has a £130,000 memorandum of agreement with Dumfries and Galloway Council to promote the region. VisitScotland will also receive £500,000 for marketing the south of Scotland region in 2018-19.

Oliver Mundell: I welcome the fact that towns across my constituency are finally on the motorway signs. However, will the minister undertake to put pressure on Transport Scotland to reconsider its rules on brown signs for tourist attractions? Many of the smaller tourist attractions and tourist businesses across Dumfries and Galloway are struggling to make their way through the bureaucracy.

Dr Allan: I cannot speak for Transport Scotland on the matter, but I will ensure that Oliver Mundell gets a response to that question. Suffice it to say that I think that the pressure that has been brought to bear by a number of members in the south of Scotland has been helpful in ensuring that the places that I mentioned are highlighted on signs on the M74. However, we should certainly also be open to all ideas to ensure that the beauty of Dumfries and Galloway and the Borders is much more clearly advertised to everyone who visits Scotland.

Emma Harper (South Scotland) (SNP): The Cabinet Secretary for Culture, Tourism and External Affairs is aware of my on-going campaign to encourage people to visit south-west Scotland, and now the minister is aware of it, too.

I echo Oliver Mundell's comments. Current signage on the M74 from the central belt going south gives the impression that there is nothing for 90 miles until Carlisle. Will the minister agree to meet me to explore options for adapting M74 signposts to feature Bonnie Dumfries and Galloway and the beautiful Scottish Borders, with the aim of encouraging more tourism, which will give the local economy a much-needed boost?

Dr Allan: As, originally, a native of the Borders, I would, similarly, take offence at the idea that there is nothing between Glasgow and Carlisle, if that is being suggested by anyone.

I give credit to Emma Harper, who has raised the issue with the Government and Transport Scotland, and has got results with regard to naming of individual towns and villages on signs. Her comments about naming the wider south of Scotland region, the Borders and Dumfries and Galloway are now on the record and will, I hope, be noted by all concerned.

Creative Scotland (Promotion of Scotland for Screen Production)

3. Tavish Scott (Shetland Islands) (LD): To ask the Scottish Government what its position is on whether the promotion of Scotland as a destination for film, television and other productions is best achieved through Creative Scotland. (S5O-02179)

The Minister for International Development and Europe (Dr Alasdair Allan): We backed the screen sector with an additional £10 million of funding this year and approved the joint proposal from Creative Scotland and its partner skills and enterprise agencies to set up a dedicated screen unit within Creative Scotland. That unit, which will be led by a new executive director with screen industry expertise, will bring increased focus and coherence to public sector support for the film and television industry. Plans for its delivery are well under way, and the promotion of film and television, which is already carried out by Creative Scotland, will sit best within the unit.

Tavish Scott: Parliament's Culture, Tourism, Europe and External Affairs Committee agreed unanimously and on a cross-party basis to support the promotion of Scotland as a film and television location by a separate, standalone organisation. Given the overwhelming evidence that we heard from industry in support of that position, why does the Government not accept it?

Dr Allan: The report certainly recognised the contribution of the work that the screen unit does, and I welcome that acknowledgement. I believe that, rather than creating a new agency, the method that has been set out and identified for supporting screen is the best one. Since 2007, record public investment has gone into the screen industry.

On the issues that Tavish Scott raised around structures, it is important to say that there are three industry reps on the advisory committee on screen and also that we are recruiting three new members to the Creative Scotland board specifically to represent expertise in film. I do not agree with Tavish Scott's view about a stand-

alone agency, but I am sure that we are agreed on the importance of supporting the industry.

Claire Baker (Mid Scotland and Fife) (Lab): Tavish Scott's question talks about "the promotion of Scotland" for film production. Back in 2013, Fiona Hyslop said that what was needed was

"a film studio, particularly with a very effective sound studio as part of that complex."—[*Official Report*, 23 May 2013; c 20220.]

We still do not have a film studio in Scotland. The new screen unit's action plans include finalising a business case for studio capacity and securing new space within 12 months. Is the minister confident that the screen unit can deliver that?

Dr Allan: We share the sector's ambition to see the creation of additional film and television infrastructure. Working with Creative Scotland and Scottish Enterprise, we continue actively to encourage proposals from developers, and stand ready to assist in any way appropriate to aid their delivery. We have welcomed, and continue to welcome, proposals from developers, and we are willing to assist in any way appropriate to aid progress on that front. Scottish ministers have granted planning permission in principle for a mixed-use studio development at Pentland on the outskirts of Edinburgh, which is one example of our commitment in this area.

Year of Young People (Cultural Legacy)

4. **Clare Haughey (Rutherglen) (SNP):** To ask the Scottish Government how it plans to support community groups to ensure that they leave a cultural legacy from their year of young people activities. (S5O-02180)

The Minister for International Development and Europe (Dr Alasdair Allan): A great deal of activity is currently under way to make this year a catalyst for new ways of working with young people at a local level. Through our create18 fund, the Government is supporting young people to work with community groups throughout Scotland to plan and deliver high-quality community events, helping young people to showcase their talents and contributions to their local communities and helping to change attitudes to and perceptions of young people.

We are also working with local authorities to give young people the opportunity to have their voices heard and to create a lasting cultural change by putting young people at the heart of local decision making and the co-design of the services that they use.

Clare Haughey: Groups such as the universal connections centres in Rutherglen and Cambuslang and terminal one in Blantyre have events planned throughout the year to mark the

year of young people, from the forever young event in Cambuslang to the musical showcase featuring children from across my constituency of Rutherglen. It is good to see local groups fully on board with this great initiative. Can the minister advise on whether a legacy evaluation will be undertaken to measure the success of this year of young people, in order to learn positive lessons for the next themed year in 2020?

Dr Allan: We are developing an evaluation framework for the year of young people, which will ensure that the aims, objectives and outcomes of the year are met, and that will also measure the success of co-designing Scottish Government policies to create a lasting legacy beyond 2018. All of that complements the evaluation that YoungScot is leading, which is looking at the overall co-design element of the year. The Scottish Government is certainly committed to ensuring that the programme of themed years engages with young people, and it will continue to invite representatives from children's and young people's organisations to join us directly and make sure that their interests are fully represented.

Liam McArthur (Orkney Islands) (LD): One community group that is already doing invaluable work to support young people on the islands that I represent is the Orkney Youth Cafe. Unfortunately, if funding difficulties are not resolved by the autumn, the doors of the youth cafe could close. Therefore, I ask the minister to ask his officials to engage directly with the board of the youth cafe to ensure that one of the legacies of the year of young people is not the closure of that vital facility.

Dr Allan: Although I have not been involved personally with that particular organisation, I am happy to accede to the member's request and ensure that officials meet him and the board to see whether there are any opportunities for a conversation that would be helpful.

Elaine Smith (Central Scotland) (Lab): For community groups to deliver invaluable cultural benefit, support from qualified youth workers is needed. However, is the minister aware that in evidence to the Local Government and Communities Committee last year, Unison Scotland stated that youth worker jobs have been substantially cut across Scotland? Does he agree that job losses in services will leave a negative legacy in communities that have suffered the brunt of those austerity cuts?

Dr Allan: Clearly, the contribution of youth workers is very important to a number of the programmes that we are mentioning. In some cases, they will be employees of local authorities, and I do not wish to repeat the points that I made earlier. However, the Scottish Government is always willing to work with all who seek to promote

the value of not just youth workers but the people with whom they work.

Culture and Tourism Industries (Ethnic Discrimination)

5. Ivan McKee (Glasgow Provan) (SNP): To ask the Scottish Government what its position is on organisations in the culture and tourism industries that discriminate on the basis of ethnicity operating in Scotland. (S5O-02181)

The Minister for International Development and Europe (Dr Alasdair Allan): Equality is at the heart of the Scottish Government's ambitions for a prosperous and fairer Scotland and is critical to how we meet the challenges and seize the opportunities that will allow us to thrive in the 21st century. We published the race equality action plan in December 2017, which outlines more than 120 actions that we will take over the course of this parliamentary session to secure better outcomes for ethnic minorities in Scotland.

Ivan McKee: The minister may be aware that Israeli airline Israir is commencing flights from Edinburgh to Tel Aviv shortly. Unfortunately, millions of people living in the area that the airline serves will be unable to board those flights at Edinburgh airport, solely on the basis of their ethnicity, because Palestinians living in the West Bank are not allowed to fly through Ben Gurion airport, unlike Jewish Israelis living in settlements next door to them.

Does the minister agree that such discrimination on the basis of ethnicity has no place in modern Scotland?

Dr Allan: The Scottish Government would clearly deplore and condemn any institution or business that discriminated against its customers on the basis of their ethnicity, religion or nationality.

It is up to the United Kingdom Government to decide which airlines fly to the UK, but the Scottish Government's views about the rights of the people of Palestine are a matter of record, and they are views that are widely shared across the chamber.

John Finnie (Highlands and Islands) (Green): Can the minister confirm that the Scottish Government, through, for example, its enterprise agency or VisitScotland, will not support financially or otherwise businesses or organisations that operate within a system of apartheid, such as the one outlined by Ivan McKee?

Dr Allan: As I understand it, the flights in question are weekly inbound charter flights. It is not a service that is promoted directly to customers in Scotland and VisitScotland does not have a relationship with the airline in question.

European Union Negotiations

6. Ash Denham (Edinburgh Eastern) (SNP): To ask the Scottish Government whether it will provide an update on its negotiations with the EU, following the First Minister's recent meeting with Michel Barnier. (S5O-02182)

The Minister for International Development and Europe (Dr Alasdair Allan): The First Minister visited Brussels on 28 May 2018 for a series of engagements, which included a meeting with Michel Barnier.

Michel Barnier showed an openness to listen to the Scottish Government's views on the Brexit negotiations. The First Minister outlined key issues of concern for Scotland, including the need for urgent clarity on the future EU-United Kingdom relationship and the strongly held Scottish Government position that Scotland and the United Kingdom as a whole should remain within the European Union single market and customs union.

Ash Denham: Does the minister agree that a no-deal Brexit would be catastrophic for Scotland and its economy? Does he share my concerns about the UK Government allocation of less than a day to debate and vote on all the amendments to the European Union (Withdrawal) Bill?

Dr Allan: As the member clearly appreciates and many other members will appreciate, it is important to understand just how helplessly confused the UK Government's present position is. I noticed on my way here, when watching Prime Minister's question time, that the Prime Minister seemed to be more willing and able to give an account of the House of Lords versus House of Commons pigeon race—important though the cause represented there was, I am sure—than she was able to offer any explanation of how either the Lords or the Commons would reach a conclusion about the hurried bill in question.

It is quite a situation for us all to have reached—to be debating some of the most dire consequences of a no-deal Brexit—and we should all work together to ensure that such a thing never happens.

Justice and Law Officers

Police Scotland (North-east Division) (Meetings)

1. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government when it last met the divisional commander for the north-east division of Police Scotland. (S5O-02187)

The Cabinet Secretary for Justice (Michael Matheson): I regularly meet the designated deputy chief constable of Police Scotland, Iain Livingstone, who has responsibility for operational

policing across Scotland. I understand that DCC Livingstone met representatives from Aberdeen City, Aberdeenshire and Moray Councils on 29 May to discuss a range of issues relevant to policing in the north-east of Scotland.

Gillian Martin: The north-east area can struggle to recruit people into public service because it has to compete in a relatively high-waged labour market that is in a stubbornly expensive housing market. Will the cabinet secretary outline what has been done to make policing an attractive career proposition and point to any discussions with the divisional commander on specific training and professional development initiatives in the north-east division? What has been done to enhance policing skills, particularly in a changing landscape in which crime is moving off the streets and going online?

Michael Matheson: There have been challenges with recruitment in the north-east due to the particular economic situation in that region. Police Scotland has made concerted efforts to enhance its recruitment approach there. I am pleased that Police Scotland has confirmed that it has a full complement in the north-east as a result of those actions.

Gillian Martin may also be interested to know that, in Police Scotland, police officer pay for new recruits is the highest in the United Kingdom. They receive a salary of more than £24,000 a year, whereas new officers in England and Wales currently receive just under £20,000 on starting, and I understand that there are proposals to drop that further to £18,000 for apprentice police officers.

Police Scotland's recruitment, training and development work is being taken forward by the interim chief constable, and a new leadership and talent team in Police Scotland is taking forward a leadership strategy, which will provide leadership development at all levels with new options for talent management and career development, including in the north-east of Scotland.

With regard to Gillian Martin's point about cybercrime and cyber capabilities, those are key elements of Police Scotland's 2026 strategy. Police Scotland is committed to recruiting suitably cyber-skilled specialists to counter the threat of cybercrime. A new cyberhub in Aberdeen has recently opened, in which cyber officers and staff are co-located with appropriate technology and equipment. That brings Police Scotland's overall investment in five cyberhubs to £5 million, to help to ensure that it can address the increasing threat from cybercrime.

Liam Kerr (North East Scotland) (Con): In the north-east, antisocial behaviour has skyrocketed. It is up 41 per cent in Aberdeen, 34 per cent in

Aberdeenshire and 20 per cent in Angus. Perhaps due to the issues that Gillian Martin highlighted, the number of local divisional officers is falling and the number of special constables has nearly halved since the formation of Police Scotland. The crime and justice survey tells us that fewer people than ever before are aware of a regular police patrol in their area. Does the cabinet secretary accept that there is a link between less visible policing and increased antisocial behaviour?

Michael Matheson: As ever, Liam Kerr tends to take a rather simplistic approach to such matters. We recognise that it is important that a range of agencies work in co-operation to tackle and deal with antisocial behaviour. Police Scotland is an important element of that, with local authorities and voluntary and community-based organisations working alongside it.

It is important that the local authorities in the north-east of Scotland work in partnership with Police Scotland in addressing issues relating to antisocial behaviour. I hope that Liam Kerr will be realistic and also rather honest in his approach to the issue, and that he will encourage local authorities in the north-east to ensure that they are working co-operatively with Police Scotland to address such issues effectively and responsibly.

The Presiding Officer (Ken Macintosh): Question 2 has not been lodged.

Rape Complainers (Anonymity)

3. **John Finnie (Highlands and Islands) (Green):** To ask the Scottish Government how the Crown Office and Procurator Fiscal Service ensures that the anonymity of rape complainers is protected during and subsequent to trial. (S5O-02189)

The Solicitor General for Scotland (Alison Di Rollo): The Crown Office and Procurator Fiscal Service is absolutely committed to supporting rape complainers in giving their evidence at trial. Section 92(3) of the Criminal Procedure (Scotland) Act 1995 enables the court to clear and close the courtroom during the evidence of the complainer in a rape or similar sexual offence case. Prosecutors routinely make that application to the court to support the complainer in giving her best evidence and to protect her identity. The decision to clear the courtroom is for the court, but it represents an important and appropriate departure from the general principles of open justice and the principle that criminal proceedings are held in public.

At the same time, the established practice of the Scottish media is that the identities of those making sexual complaints will be protected. Guidance is provided to the media in the published

Independent Press Standards Organisation's "Editors' Code of Practice".

John Finnie: I thank the Solicitor General for that comprehensive and reassuring response. She will understand that concerns exist about victims of rape being identified online, particularly on social media, and that the use of auto-complete functions by search engines such as Google can result in people who are searching for information on a case being presented with details of the complainer. Has the Crown Office and Procurator Fiscal Service held any discussions with Google, Facebook, Twitter or any other such companies regarding that issue? Have there been any convictions as a result of a person's anonymity being breached?

The Solicitor General for Scotland: The internet and social media in particular undoubtedly present a set of challenges for the administration of justice and, indeed, for all other aspects of civilised society in Scotland. So far as the protection of rape complainers' identity is concerned, the COPFS encourages any rape complainer to bring any matters of concern to the attention of the authorities. For our part, the Crown would consider the facts and circumstances of the individual case and the related post or publication in order to decide whether any prosecutorial action was available and in the public interest.

Fear of unwanted publicity is a natural and legitimate concern among rape complainers. The views, interests and welfare of those complainers are at the heart of the work that we do, as prosecutors, in bringing sexual offenders to justice. Equally, the Scottish Government is committed to supporting the needs of witnesses to help to ensure that they can give their best evidence with the minimum anxiety about the process, including anxiety about anonymity not being protected throughout their lifetime.

The issue is wider than simply the prosecution of crime. Cases will be examined to see whether individual criminal offences have been committed, but there is a bigger picture and a wider set of issues. I am confident that the Cabinet Secretary for Justice, who would be responsible for wider legislation in the area, would be interested to hear and give careful consideration to evidence about particular concerns and the way that the system currently operates.

Review of the Regulation of Legal Services

4. Linda Fabiani (East Kilbride) (SNP): To ask the Scottish Government when it will report on the consultation on its review of the regulation of legal services. (S5O-02190)

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): The member

will be aware that the review of the regulation of legal services is independent of the Scottish Government and is chaired by Esther Robertson. I am aware that the review undertook a call for evidence earlier this year, and I understand that the chair intends to publish the consultation responses shortly. I expect the final report in the autumn.

Linda Fabiani: I ask the minister to take careful cognisance of anything that is in that report about the Scottish Legal Complaints Commission and the ability of citizens to take complaints about solicitors and cases further on appeal. At the moment, constituents of mine are finding themselves disenfranchised, as they do not have the ability to appeal to anywhere other than the Court of Session, which of course is prohibitively expensive.

Annabelle Ewing: In light of that question, I should refer members to my entry in the register of interests, where they will find that I am a member of the Law Society of Scotland and that I hold a practising certificate, although I am not currently practising.

The independent review of the regulation of legal services is also considering how to improve the complaints process. I am quite confident that we will see recommendations along those lines when Esther Robertson presents her report. In the meantime, the Scottish Government is working with the Law Society and the SLCC to identify improvements that can be made in the shorter term. Those improvements will require secondary legislation, which we will bring to Parliament after the summer recess.

Gordon Lindhurst (Lothian) (Con): I remind members of my entry in the register of interests, which shows that I am a practising advocate.

Does the minister agree with the current SLCC chair, Jim Martin, who commented that the legal complaints system is

"simply not fit for purpose"?

Will the system now be overhauled to protect consumers and provide proper regulation?

Annabelle Ewing: I have had several conversations with the SLCC and the Law Society of Scotland, and it is fair to say that they do not always take the same view of these matters. As I said to Linda Fabiani, the review of the regulation of legal services that the Scottish Government has commissioned Esther Robertson to carry out will report soon. We will reflect carefully on its recommendations and thereafter engage in a wide discussion, in which I invite Mr Lindhurst to participate.

Recorded Crime Figures

5. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what the level of recorded crime was in 2006-07 and the last year for which figures are available. (S5O-02191)

The Cabinet Secretary for Justice (Michael Matheson): In 2006-07, 419,257 crimes were recorded by the police. The latest year for which national statistics are available is 2016-17, when 238,651 crimes were recorded. That represents a 43 per cent decrease, which includes a 49 per cent fall in non-sexual crimes of violence. The national statistics for 2017-18 will be published in September 2018.

Kenneth Gibson: I am delighted that, thanks to the hard work of our police officers, the policies of the Scottish National Party Government and the fact that people are generally becoming more law abiding, crime has fallen substantially, making our streets and communities safer. Does the cabinet secretary agree, however, that there is no room for complacency, and that a continuous focus on reducing all crimes, specifically domestic violence and crimes of a sexual nature, remains crucial?

Michael Matheson: I agree with the member. Although we should welcome the significant reduction in crime that we have seen, we can never be complacent. We need to maintain our focus on reducing crime levels further, including in domestic violence and sexual crime.

The Scottish Government has published "Equally Safe", our delivery strategy that sets out the range of actions that we are taking to tackle violence against women and girls. The member will also be aware that we took the Domestic Abuse (Scotland) Bill through Parliament. It introduced a new offence that criminalises a course of abusive behaviour towards a partner or ex-partner, and includes psychological abuse alongside physical harm. Alongside that, we provided £30 million between 2017 and 2020 to support a wide range of projects to tackle domestic abuse and violence against women.

The Solicitor General and I have established an expert group on sexual crime to look at the prevention of sexual offending involving young people. The group will identify fresh actions that we can take to prevent that harmful behaviour among young people and to mitigate its effects.

Daniel Johnson (Edinburgh Southern) (Lab): One concerning aspect of the most recent statistics on recorded crime was the continuing trend of falling detection rates. Detection rates in the capital continue to lag behind those in the rest of the country, with just one third of crimes being detected in Edinburgh compared to around a half in Scotland as a whole. In the context of the most

recent plan submitted to the Scottish Police Authority board, and given that local Scottish Police Federation members have told me that police time in Edinburgh is stretched more than ever, does the minister agree that, if capacity is created, that should mean more officers on the streets rather than fewer?

Michael Matheson: I recognise the concern that Daniel Johnson raises. In the past couple of years in the Edinburgh area, for example, there have been particular problems with housebreaking, which Police Scotland has taken action on, with specialist operations being mounted to address concerns where it has identified a problem. Local commanders in the executive team of Police Scotland will no doubt look at what further measures need to be taken in the capital and in other parts of the country where there are localised issues with detection and with particular types of crime.

Daniel Johnson referred to increasing operational capability. That is a key part of what Police Scotland and the SPA have set out in the policing 2026 strategy, and an important element of it is increasing operational capability to support front-line policing. I support that and, when the 2026 strategy was published, I recall that it was welcomed by Opposition parties, too. It will be important for Police Scotland and the SPA to continue to drive that work forward as they take forward the implementation of the 2026 strategy.

Liam McArthur (Orkney Islands) (LD): Bearing in mind what the cabinet secretary said about the welcome fall in the number of reported crimes and, in particular, the number of violent crimes, does he share my surprise and concern at Police Scotland's decision to train around 50 per cent of the police officers in Orkney in the use of Tasers for routine deployment?

Michael Matheson: Liam McArthur will be aware that the reason why the 520 specially trained officers were introduced was to improve resilience and provide greater protection to police officers in tackling violent crimes, crimes in which violence is involved or incidents that involve a bladed weapon.

Only last week, we saw the risks that some of our police officers face and the member will understand that those risks are shared in our rural communities, where, in addition, response times to support police officers can be longer than in urban areas. Tasers are one of the tools that could provide greater protection to officers, so I support the roll out of the specially trained officers around the country, including in our island communities. They will be used in a proportionate and appropriate fashion to deal with incidents that have an element of violence to them and where bladed weapons are involved. The specially

trained officers have been provided with training to use the devices as and when appropriate. It is about enhancing police officers' safety overall, no matter which part of the country they operate in.

Legal Aid (Expansion of Entitlement)

6. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the Scottish Government what plans it has to amend the entitlement to access legal aid. (S5O-02192)

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): Despite significant financial pressures, Scotland is one of the leading jurisdictions in Europe in the provision of legal aid in terms of scope, eligibility and expenditure per capita, as 70 per cent of our citizens are eligible to some form of civil legal aid funding in almost all areas of life. As noted in Martyn Evans's independent strategic review of legal aid, substantial cuts to legal aid entitlement in England and Wales have dramatically reduced the scope of the legal aid that is available in family, social welfare, debt and housing law cases. The Scottish Government will not follow that approach. Our vision is that Scotland is a global leader in supporting citizens to defend their rights, resolve problems and settle disputes.

Richard Lyle: I welcome what the minister says. What plans, if any, does the Scottish Government have to review, in particular, the support that is provided to those who face additional challenges, including those from low-income backgrounds, to ensure that they can access the justice that we all wish to see served?

Annabelle Ewing: The legal aid system in Scotland is already one of the most generous in the world—around 75 per cent of those who apply for legal aid receive it at no cost. The recent independent review, to which I referred in my first answer to Richard Lyle, made recommendations that would ensure that that high degree of support continues. Those proposals will certainly be a priority in our consideration of how best to proceed with reform of the legal aid system.

Scottish Courts and Tribunals Service (Interpreters)

7. Pauline McNeill (Glasgow) (Lab): To ask the Scottish Government what its position is on recent changes to the terms and conditions of interpreters used by the courts service. (S5O-02193)

The Cabinet Secretary for Justice (Michael Matheson): The Scottish Government has a framework agreement for interpreting, translation and transcription services, which is used by Scottish public sector bodies, including the Scottish Courts and Tribunals Service. There are

two suppliers on the framework agreement. There have been no recent changes to the framework terms and conditions. The Scottish Government does not contract directly with individual interpreters. Any terms and conditions of employment are a matter between the interpreter and the contractor.

Pauline McNeill: Is the cabinet secretary aware that a group of interpreters recently went on strike because of the imposition by Global Connects of new terms and conditions, whereby payment for travel time was removed? Does he not agree that there should be a public interest in the matter, given that it is governed by his office? In circumstances in which interpreters were not paid for travel time, they would, in effect, earn less than the minimum wage. Is the cabinet secretary not concerned about the possibility of interpreters who work in our courts—albeit that they are self-employed—earning less than the minimum wage? Surely the issue deserves scrutiny.

Michael Matheson: As I mentioned, Scottish Procurement is aware of the fact that one of its suppliers recently changed its terms and conditions for interpreters in relation to the allocation of work and the rates for travel and expenses that it provides. The fixed rates in the framework agreement that the Scottish Government has in place are inclusive of all hourly rates, travel of up to 70 miles, expenses and management fees. At the tender stage, suppliers are required to bid on the basis of the principles that are set out in the framework agreement. It was for the bidders to decide, in their responses to the tender, what fully inclusive fixed rates would be appropriate to cover hourly travel rates, including travel of up to 70 miles, expenses and management fees.

The Scottish Government does not contract directly with interpreters. It is for the contractors to agree rates of pay with their staff. However, if the member wants to write to me with more details on the matter, given that it relates to the Scottish Courts and Tribunals Service, I will ensure that the chief executive of that service responds to the concerns that she has raised.

The Presiding Officer: That concludes portfolio questions. I thank ministers, law officers and members.

Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill: Stage 3

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-12573, in the name of Michael Matheson, on the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill at stage 3.

Before the debate begins, I am required under standing orders to decide whether any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill does that, so the bill does not require a super-majority in order for it to be passed at stage 3.

I call Michael Matheson to speak to and move the motion.

14:42

The Cabinet Secretary for Justice (Michael Matheson): I begin by thanking the members and clerks of the Equalities and Human Rights Committee for their careful consideration of the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill.

I also thank the external stakeholders who took the time to engage in the development of the bill and in the Parliament's scrutiny of it. Their input has been valuable in helping to understand the benefits that the bill will bring and where improvements could usefully be considered.

In particular, I want to offer my thanks to Tim Hopkins of the Equality Network, who has been enormously helpful in sharing his knowledge with the Scottish Government and Parliament. *[Applause.]* As members will know, Tim has spent many years campaigning to bring about equality and to improve the human rights situation of lesbian, gay, bisexual, transgender and intersex people in Scotland, so he should take credit for his excellent work in helping to shape the final bill.

It is entirely right to thank the individuals who gave evidence to the committee on their experience of discrimination that happened simply because they are gay. I ask members to think for a moment about that: discrimination that people suffered simply because of their sexuality. It seems like a lifetime ago, but in fact the specific laws that perpetuated such discrimination were removed from the statute book only relatively recently. For example, the age of consent was equalised only in 2001.

During scrutiny of the bill, much has been made of the progress that has been made in Scotland in recent years in improving equality. However, much remains to be done. Parliament should continue to improve in areas in which discrimination exists, and should explore what actions can be taken to help to reduce and eliminate such discrimination. The bill is a part of that continuing process.

Members will be aware that the bill makes provision in two distinct but connected areas. First, it offers a pardon to people who were convicted of offences that historically criminalised sexual activity between men that is now legal. Secondly, the bill puts in place a scheme to enable a person who has been convicted of a historical sexual offence to apply to have that conviction disregarded, so that it will never be disclosed as part of an enhanced disclosure check, for example.

The distinction between the two provisions is, of course, important. The pardon is automatic and symbolic. If a person has received a conviction for a historical sexual offence, they will receive the pardon. There has been comment about whether a pardon is the correct approach, because to pardon something can be seen as to excuse it while still suggesting that what was done was wrong. I, and the Government, understand that concern, which is why the First Minister stood in Parliament in November last year and spoke for everyone in the chamber in formally apologising. It is worth remembering and reminding ourselves of some of the First Minister's comments on that occasion. She said:

"For people who were convicted of same-sex sexual activity that is now legal, the wrong has been committed by the state, not by the individuals—the wrong has been done to them. Those individuals therefore deserve an unqualified apology, as well as a pardon. That apology, of course, can come only from the Government and from Parliament. It cannot come from the justice system; after all, the courts, prosecutors and police were enforcing the law of the land, at the time.

The simple fact is that, over many decades, parliamentarians in Scotland supported, or at the very least accepted, laws that we now recognise were completely unjust. Those laws criminalised the act of loving another adult; they deterred people from being honest about their identities to family, friends, neighbours and colleagues; and, by sending a message from Parliament that homosexuality was wrong, they encouraged rather than deterred homophobia and hate. ... Nothing that Parliament does can erase those injustices, but I hope that this apology, alongside our new legislation, will provide some comfort to the people who have endured them."—*[Official Report, 7 November; c 8.]*

Let me briefly explain the disregard. The disregard scheme is a practical measure to address the fact that it is possible that people who were convicted for engaging in same-sex sexual activity can continue to suffer discrimination as a result of those convictions. Although it is likely that

any such convictions are now spent under the Rehabilitation of Offenders Act 1974, and therefore would not be disclosed routinely when a person applies for a job that does not involve working with vulnerable groups, we accept that there is a risk that such convictions could continue to be disclosed when a person applies for a role—for example, one that involves working with children or vulnerable adults—that requires an enhanced disclosure check, which includes information on spent convictions.

An application is required for a disregard. However, let me assure members that the Scottish Government, which will administer the scheme, intends to keep the bureaucracy in the process to an absolute minimum. The briefest of details—a person's name and contact details and any information about the conviction, such as its location—are all that will be required to allow an application to be made.

I know that, during the scrutiny process, concerns were expressed about the complexity that might be involved in applying for a disregard. That is not the Scottish Government's intention, so I confirm that the Scottish Government will work closely with the Equality Network and other stakeholders to make the process of applying for a disregard as straightforward as possible. From the information that is received with an application, the Scottish Government will explore with relevant record keepers including Police Scotland whether information is held about the conviction, in order to inform a decision on whether to grant a disregard.

As the Equalities and Human Rights Committee highlighted in its consideration of the bill, it is important that we emphasise that the pardon is symbolic, and that a person who wants to ensure that any conviction that they have for same-sex sexual activity that is now lawful is removed from the criminal history system must apply for a disregard. I assure members, including members of the committee, that the Scottish Government will issue guidance material to make that very point clear.

During stage 2, there was considerable debate about ensuring that people understand why a pardon was being offered and why the pardon had to be seen in the wider context of the legislation and the apology that the First Minister gave. I confirm that, when disregards are granted, the Scottish Government will make it clear to recipients what the First Minister said when she apologised, so that there is no misunderstanding of why the disregard has been granted and a pardon has been triggered.

In beginning my conclusion, it is worth highlighting the excellent cross-party support that the bill has received. All members of the Equalities and Human Rights Committee have been very

effective in their scrutiny of the bill, and they have always sought to improve it in a collaborative and helpful spirit. That is how legislation should be done, whenever possible.

No one needs to be reminded, of course, of the damage that has been done to people's lives by discriminatory and unjust laws, or that such damage cannot be undone. Unfortunately, for many decades parliamentarians in Scotland supported, or at least tolerated, laws that criminalised individuals because of their sexuality. A variety of people were harmed, of course. Men were completely unjustly convicted of offences, and lives were affected and probably, in some cases, destroyed. Men who were not convicted lived in a time when there was a risk that they would be criminalised. The families and friends of those men witnessed loved ones being unable to be their true selves.

The ramifications of those unjust laws spread far and wide. They deterred people from being honest about their identity to their families, friends, neighbours and colleagues, and they sent the horrific message that homosexuality was wrong. Therefore, they encouraged rather than deterred homophobia and hate.

A week after the independent review of hate crime legislation in Scotland reported its findings and recommended further action to tackle hate crime, it is pleasing that laws that are designed to protect individuals' identities are the focus of attention, rather than the overt discrimination that was captured in our old criminal law. However, that is also a sign that although we should all welcome Scotland's modern, open and inclusive approach to equality issues, discrimination still lurks. Sadly, that is why hate crime law continues to be necessary at all.

The bill makes it absolutely clear, through the pardon, that this Parliament acknowledges that the people who were convicted of offences for engaging in same-sex sexual activity did nothing wrong. By establishing a disregard process, we will also ensure that people can take steps to ensure that they do not continue to suffer discrimination as a result of such unjust convictions. When seen in the context of the apology that was offered by the First Minister and all the political parties in this chamber, this is a proud day for the Scottish Parliament and a proud day for Scotland.

I move,

That the Parliament agrees that the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill be passed.

[*Applause.*]

The Presiding Officer: I call Annie Wells to open for the Conservative Party.

14:55

Annie Wells (Glasgow) (Con): I am pleased to have the opportunity again to be part of the debate on the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill, which has had unanimous support in the Scottish Parliament since day 1. Without repeating much of what I said at stage 1, I note that this is a landmark bill that has a poignant message. Modern attitudes have changed and by supporting the bill we are setting it in stone that the policies of the past were wrong and that Scotland is on its way to becoming a more just, fair and equal society. We cannot right the massive injustice that took place, but we can, I hope, lift some of the burden of conviction and give gay men convicted of crimes for things that are no longer illegal the opportunity to move on with their lives.

I thank Tim Hopkins of the Equality Network, the witnesses and speakers who came before the committee, my fellow committee members and all the clerks and those associated with the Equality and Human Rights Committee for their tireless work on the bill.

As many have mentioned throughout the bill proceedings, it is difficult to believe that most of us here in the chamber remember those discriminatory laws. Up until 1980, same-sex sexual activity between men was an offence, regardless of where it took place, and it was not until the new millennium that the age of consent was brought into line with that for opposite-sex couples.

I am extremely pleased that the bill has built on the legislation south of the border by applying the pardon to both the living and those who have passed away, and by taking into account the sexual offences that were generic under common law, such as shameless indecency and breach of the peace, but which discriminated against men who engaged in same-sex sexual activity. It was not until I heard the personal testimonies of two anonymous witnesses during the committee's evidence sessions that I realised just how important that is. A witness, who was just 20 at the time, described how he was charged in the early 90s with intent to commit a homosexual act in a public place after having kissed a man in the street.

It is important that, as I said at stage 1, the purpose of the bill is not to delete those laws from our history books, but to draw a line under them by offering a pardon to gay men convicted of sexual acts that are no longer illegal. During the evidence sessions, it was quite clear that what victims widely sought more than anything was the symbolic acknowledgement that the laws themselves were discriminatory and we must remain aware of what took place.

The bill also provides for a system whereby those with convictions can apply to have them disregarded. The personal testimonies of two witnesses highlighted the lingering impact that discriminatory laws could have on someone's life, despite the laws having been repealed. Witness A spoke of the embarrassment that he feared in applying for jobs, something that ultimately held back his career; and Witness B spoke of the embarrassment that it had caused him as part of his work with voluntary groups.

As a committee member, I was also able to engage with the bill at stage 2. I wish to use the second part of my speech to address some of the more nuanced points that were raised then. At stage 1, I highlighted the need to advertise the existence of the disregard process, making it abundantly clear that, despite the automatic pardon, there would be a separate process in which to apply for a disregard.

The apology that the First Minister issued rightly received national media attention, but we cannot assume, following on from that, that information about the disregard process will naturally disseminate to the wider public. Again, that was evidenced in committee, as a witness flagged up that, before attending the meeting, he had asked his friends for their thoughts about the bill and they knew nothing about it.

I withdrew a stage 2 amendment that required the Scottish ministers to promote public awareness and understanding of the operation of the eventual act, because the Cabinet Secretary for Justice assured me that the Scottish Government will work closely with relevant stakeholders, including Stonewall and the Equality Network, to ensure that those with convictions are made aware of the pardon and the disregard scheme. That is particularly important for those who live in remote and rural areas, where word of mouth is far less likely, and for those who are not linked with LGBTI groups.

As the Law Society of Scotland pointed out, prospective applicants must be made aware through various social media platforms of their right to apply, and they must be actively encouraged to apply, particularly in the context of a highly competitive jobs market. Akin to that, we must have a disregard system that is simple, transparent and capable of being easily understood. As Tim Hopkins from the Equality Network pointed out at stage 1, it has been estimated that, in England and Wales, only 2 per cent of people who are eligible for a disregard have applied, because of the complicated application system.

Mary Fee highlighted at stage 2 that it is perhaps equally important to provide family members and partners of people who are now

deceased with something individual and personalised in order to provide comfort. I commend her for her efforts in that regard, and I was pleased to see the cabinet secretary's commitment to provide a letter of comfort signed by the First Minister to the relatives of those affected.

I also welcomed the cabinet secretary's reassurance that the Scottish Government will provide guidance to the bodies that will be responsible for the disregard scheme, including Disclosure Scotland.

If we look at the bill in the context of the journey towards LGBTI equality, we can see that we still have a long way to go. A recent report by LGBT Youth Scotland shows that young people still experience discrimination that negatively affects their health and wellbeing. For example, 71 per cent of LGBTI young people and 82 per cent of transgender young people have experienced bullying in school on the ground of being LGBTI, and 35 per cent of LGBTI young people and 41 per cent of transgender young people said that they had experienced a hate crime or hate incident in the past year. Across the world, gay relationships remain illegal in 72 countries. That is another reason why it is so important to send out the message that Scotland truly is a leader in LGBTI equality.

I again voice my support for the bill, which is now in its final stage. By achieving support for the bill today, we send out a message to the LGBTI community that equality really matters. We cannot undo the wrongs of the past, but we can symbolically mark the injustices that took place and lift the burden of conviction. In doing so, we continue the journey to true LGBTI equality.

The Presiding Officer: I call Daniel Johnson to open for the Labour Party.

15:03

Daniel Johnson (Edinburgh Southern) (Lab): Stage 3 debates can be slightly odd and—dare I say it?—disjointed. For those who have been involved in lodging and debating amendments, such debates can be hugely important and engaging. For everyone else in the chamber, they can be slightly bamboozling. Members watch their colleagues debating vigorously, but do not always share their enthusiasm.

Stage 3 of the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill is different, and not just because there were no stage 3 amendments. Indeed, that is an important sign of the bill's strength and its balanced approach, and I commend the Government and all those who were involved in drafting it for that. Nor is the biggest difference the degree to which the

proposals in the bill have such broad and unanimous support from all parties in the Parliament, although that is surely a mark of the progress that we have made on equality in Scotland.

For me, the biggest difference is the opportunity that the bill has given the Parliament to reflect on the progress that we have made, the need to resist complacency when it comes to equality and historical injustices, and the purposes and effects that legislation in this place has outside and will continue to have in the years to come.

Scotland decriminalised same-sex acts only in 1980 and the last anti-gay references in Scots law were removed only five years ago. I was particularly struck by Christina McKelvie's remarks in the stage 1 debate in which she outlined where Scotland sits in an historical context compared with other countries. France repealed its laws against homosexuality in 1791. Italy did so in the 19th century and Scandinavian countries did so just after the second world war. In passing the bill, we have to acknowledge how slow we have been to make progress in some ways. We should also commit to ensuring that in the future Scotland leads the world on equality for all and righting historical injustices. *[Interruption.]* I thank Christina McKelvie for her applause.

I thank the Equalities and Human Rights Committee and I echo the thanks to all the stakeholders who participated in giving evidence and scrutinising the bill, because that has enabled the fruitful debate that we have had so far and which we will continue to have this afternoon. The committee produced an excellent stage 1 report, which brought to life the many issues that surround these historical injustices.

Simple, basic human acts and behaviours were criminalised. Careers have been hindered to this day and people have been prevented from volunteering in their communities. Although those unjust laws might have been repealed, for too many people their effect is far from historical; they impact on lives today.

The bill not only takes an important step towards putting many of those issues right; it does so in a sensible and pragmatic way. It is to be welcomed that the bill will address the issue of those convicted for importuning and those convicted through discriminatory local byelaws. That shows that we have learned an important lesson from England and Wales, where the scope of the equivalent law is felt to be too narrow and there is disappointment in the level of uptake.

We also welcome the approach of creating an automatic pardon alongside a mechanism for disregards. That is sensible, because it will ensure that the law is both universal and effective. It is

only right that pardons are given by default, rather than people being required to apply for them. It is equally important to ensure that the effect of these historically unjust convictions does not persist, and that requires a robust and effective disregard system.

I echo the comments made by the cabinet secretary and others in saying that it is vital that we are clear and unequivocal about the meaning of the pardon. It is a pardon only in the strict legal sense. Let us be very clear that men who were unjustly criminalised under these laws did nothing wrong and are guilty of nothing—the pardon is simply an acknowledgement of that injustice. The only guilt, and the only apology, is on behalf of the state, which criminalised so many homosexual men and was the source and instigator of these historical injustices.

I also welcome the improvements that were made to the bill at stage 2. It is critical that the system of disregards is simple and straightforward to use. It is therefore welcome that the Government has responded to calls for the affirmative procedure to apply to the regulations that will be introduced. That will enable Parliament and the public to test and scrutinise how the system will work and to make sure that the legislation is as effective and impactful as possible.

I also acknowledge Stewart Stevenson's amendment, which will make sure that failure to accurately recall one's exact details will not prevent applications for disregards. Many people might well find it difficult to remember their exact former address or might have changed their name since they received the conviction. Stewart Stevenson's amendment will mean that they are not disadvantaged, for which we should thank him.

I also highlight my colleague Mary Fee's amendment, which she withdrew at stage 2, which sought to make provision for families to apply for a posthumous pardon. I understand the technical issues that that might have caused and I welcome the Government's commitment to implement such a scheme without legislation. I urge the minister to outline the progress made on that in summing up and to provide clarity on when the scheme is expected to be in place.

It is also vital that there is awareness of the legislation and how people can make use of it. The downside to the approach of providing an automatic pardon in conjunction with a system of disregard by application is the possibility of confusion, as the cabinet secretary noted. We do not want a situation whereby people think that by dint of the pardon, convictions will no longer appear on record checks.

An effective programme of public awareness is vital, so that there is understanding of the difference between the pardon and the disregard that are afforded by the bill and of how to apply for a disregard. I would therefore welcome further detail from the Government on its plans for public information and awareness raising.

This is a very welcome and much-needed bill, which has caused us all to reflect. The bill will have Scottish Labour's full support this evening as we seek to right the wrongs of the past.

15:10

Patrick Harvie (Glasgow) (Green): I echo the thanks that other members have offered to everyone who has contributed to the scrutiny of the bill, the evidence for it that was presented and the improvement of it during its passage through the Parliament.

There is a lot to celebrate in the passing of this bill. It is an attempt to right an historic wrong. The bill will not erase history or the hurt and harm that were done by the state, but, as the cabinet secretary rightly said, it will give some comfort to people who are living with the consequences of those hurts and harms that were done by the state.

I also echo the cabinet secretary's thanks to and admiration for Tim Hopkins, who has been a hugely important part of pretty much every step towards LGBTI equality that Scotland has made in all the time that I can remember.

There is indeed a lot to celebrate, and perhaps it would be better if we all simply joined together in that celebration and left the matter at that. I am afraid that I have to make some remarks that are of a less upbeat nature. In the stage 1 debate, I said:

"As we take this ... step, it is important that we make the statement that underpins it mean something. All of us should go back to our political parties and insist that prejudice and discrimination against LGBTI people should be no more acceptable in our policies or our candidate selection than racism, antisemitism, sectarianism or any other form of bigotry."—[*Official Report*, 18 April 2018; c 35.]

We are a long way from that point.

At the end of the stage 1 debate, every member of this Parliament nodded along with the happy consensus and the general principles of the bill were agreed to without a division. A few days after the debate, I was disturbed to receive an email from a constituent, whom I will not name, which contained a reply about the bill from John Mason MSP. John Mason had written:

"I am not sure that I really agree with retrospective pardons and apologies".

He went on:

“I do not see that we can go round pardoning and apologising for everything that other people did that does not conform to modern customs. Will the Italians be apologising for the Roman occupation?”

Where do I begin with that? Is it the flippant tone? Is it the complete absence of any attempt even to show some understanding of the arguments in favour of the bill? Is it the reference to ancient history? This is not ancient history; this is living history.

John Mason (Glasgow Shettleston) (SNP): Will the member give way?

Patrick Harvie: I will give way to the member in a moment, once I have torn another strip off him.

Many of the people whose lives were subject to untold harm by their own Government are living still, and they do not deserve to be dismissed in such a way.

More than any of that, it is the cowardice of a member in sitting here quietly assenting to something that he did not believe in and then sending that email to someone who he knew would share his views. I am not naive enough to think that John Mason is the only MSP who holds such views. I single him out on the issue only because I happened to be sent that email.

If the member or anyone else holds such views, let them have the nerve to vote against the bill at decision time tonight so that their constituents can see where they really stand, and let every political party have the nerve to say that there are consequences for saying one thing and doing another.

John Mason: I thank the member for giving way. I wonder whether he accepts that tolerance is an important virtue. Does he accept that people of many traditional faiths, and for other reasons, believe that it is wrong for a person to have a sexual relationship with someone of the same sex? Does he accept that that is a genuinely held belief for a range of people, and that some people believe that it is only within marriage that people should have sexual relationships?

Patrick Harvie: I acknowledge that homophobia exists within a religious context, just as a commitment to equality exists within a religious context. The question is one of consistency. Political parties whose leaders oppose racism would be condemned, and rightly so, for continuing to select racist candidates for election at any level. Political parties whose leaders oppose sectarianism would be condemned, and rightly so, for continuing to select candidates for election at any level who were sectarian. In the same way, political parties whose leaders oppose prejudice and discrimination on grounds of

sexuality or gender identity should be condemned for continuing to select homophobic, biphobic or transphobic candidates for election at any level.

I do not expect immediate perfection. Neither racism nor sectarianism has been wholly driven from our politics. However, our communities have the right to see political parties take the issue seriously, and at least begin to address it. However, has any member of the Scottish Parliament ever faced consequences for opposing LGBTI equality and human rights in this chamber? I am not talking just about historical matters such as those in today's bill, or how people voted decades ago on other issues. I am talking about recent matters, such as the right to marry. Would any MSP face consequences for opposing trans rights when that matter comes to the vote?

Passing the bill is important. It aims to set right an historic wrong—indeffensible actions by the state against its own citizens in defiance of their dignity and their basic human rights. However, passing the bill without also changing our culture and our practice in the here and now would not be enough. It is time, I believe, for a little less patience, both with those who oppose equality in their actions and with those who nod along with the consensus when their actions are on the record but then happily tell the bigots exactly what they want to hear when they think that there is nobody watching.

15:16

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank the Government for the tone that it has set for today's debate, and indeed for the journey that I and my fellow members of the Equalities and Human Rights Committee have taken through the passage of the bill.

Some days at work are truly righteous days, heart-singing days, days of hungry and unanimous commitment to a singular end, and this is one such day. Today, in the pages of the bill, we have the opportunity not just to unpick the injustices of the past that represent a stain on our national conscience, but to offer a profound and unreserved apology to those men, both alive and dead, who have been done incalculable harm by the policies and laws of the past. Today, it is right that we look back on darker days, and I am glad that they seem far, far behind us, although there are many frontiers that we still have to push back.

We were recently offered a glimpse into life in less-enlightened times. I am sure that many members will have watched the recent television adaptation of “A Very English Scandal”, which had the activities of my former party leader, Jeremy Thorpe, very much at the centre. It was somewhat uncomfortable viewing for me, but not for the

reasons that members might think. Obviously, there was a certain amount of shame attached to having a party leader undergoing a trial for attempted murder; that shame followed us for many years until it was eclipsed by the decision to enter the coalition Government. It was the atmosphere of rank homophobia and intolerance that characterised that political environment and establishment that really troubled me and made me realise just what we are doing by passing the bill today.

One scene depicted Boofy Gore, Earl of Arran, trying to canvas support for his bill in 1967 to decriminalise homosexual activity, which came off the back of the recommendations of the Wolfenden report some 10 years previously. Such was the glacial movement at the time towards gay rights. In the course of his efforts to pass that bill, Gore experienced derision and widespread persecution and homophobia at the highest levels of Her Majesty's Government. He was doing that to memorialise his late brother, who had killed himself as a result of the shame that he had felt attached to him as a result of his sexuality, and he was not alone. So many men—incalculable numbers of men—took their own lives as a result of the persecution and shame of an intolerant society whose attitudes were enshrined in the statute book, in the laws that we have happily struck down in the main, and for which we are atoning today. That is why I think that it was important that Mary Fee asked the Government to recognise the issue of those men who have left this world and the need of the families that they have left behind for that posthumous recognition.

The Sexual Offences Act 1967 represented the first stage in our journey, but the darkness did not leave these islands as a result of it. Since then, thankfully, successive generations have pushed that frontier ever backwards, with the decriminalisation of homosexuality in Scotland in 1980, which has been mentioned, the equalisation of the age of consent and the establishment of equal marriage. I am grateful to be part of that story today.

Rare are the occasions when a Government is so helpful and inclusive during the passage of a bill but, by necessity, the passage of this bill represents one of them. I said that I would not lodge amendments at stage 2, and nor did I, because the Government took us on such an inclusive journey to make the bill as good as it possibly could be. We talked about whether we should expunge the record entirely, but we heard quite powerfully from campaigners that to delete these criminal offences from the record would be a kind of revisionist history that would prevent us from looking on the stain of the past.

Further, because of the obscure nature of the crimes for which men had been sentenced, it was impossible to make the disregards automatic. We talked about compensation. I am gratified and humbled to say that not one person who came before the committee, whether they came as a representative of one of the stakeholder groups or as an individual, had ever thought about compensation. That was not what they wanted, and they felt that it would create an artificial hierarchy of victimhood. Finally, I am delighted to hear that, as a result of views that have been expressed, a scheme for posthumous recognition will be included.

At every stage, the bill has been delightful. I simply want to put on record my thanks to Tim Hopkins, Stonewall Scotland and the two men who gave us anonymous testimony with such grace, levity and humour, considering the obvious and measurable harm that their convictions had done to their lives and careers.

Today is one of those days in Parliament that I know I will look back on—I will perhaps even tell my grandkids about how I got to serve in a Parliament that, on a glorious afternoon in early summer, with the rainbow flag hanging at mast outside, struck down one of the last remnants of a more prejudiced era and sought atonement for the harm that had been done.

The Deputy Presiding Officer (Christine Grahame): We now move to the open debate. There is some time in hand for interventions from members.

15:22

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): This is quite an emotional day, but I will not say more about that because I might get too emotional and not get through the rest of what I need to say.

Having the chance, through the law, to right a historic wrong is not a regular occurrence for politicians—it is not an experience that we have every day. However, today, that is what we do: we stand up in this chamber, face the nation and say to the men who have been affected, “We were wrong. You were not a perpetrator. You were not a criminal. You were the victim of a system that treated you with discrimination and prejudice.”

Until only a few years ago, a man who loved or was attracted to another man was at great risk in our country, because it was only in February 1981 that the law in Scotland changed to partially decriminalise same-sex relations between men, and then only for men aged 21 and over. Although the age of consent for heterosexuals in Scotland has been 16 since 1885, it was not until 2001 that the age of consent between men in Scotland was

set at 16. Further, remarkably, it was only in December 2013—a few short years ago—that the very last anti-gay terminology was removed from the law in Scotland.

So, here we are at the final stage of the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill, and we are very proud to be here today. The bill began its journey through the Equalities and Human Rights Committee on 1 February this year. Appropriately, that coincided with the start of LGBT history month, so we were looking back on history while, we hoped, making history, too.

At this point, I thank the clerks, the Scottish Parliament information centre and everyone who gave us the evidence that we needed during our deliberation of the bill and helped to bring it to this historic point. I pay tribute to my MSP colleagues for their diligence, which was great, their care, which was deep, and their dedication to ensuring that this important bill made its way through the processes of the Parliament.

I want to pay particular tribute to the two men who told us their stories and about the impact that their convictions had on their lives. Their stories were profound. Alex Cole-Hamilton is right: they spoke to us that day with great levity and humility, but with real understanding of that lived experience and the impact that it had.

One man told us that he “dreaded” having to undertake his Scottish Social Services Council registration

“in case I was going to have to be interviewed and was going to be told I might not be fit to do my job because of my conviction. You just don’t know but these are the things that are in the back of your mind constantly.”

Another witness told us:

“I was fined 40 shillings for loitering nearly 40 years ago and it still shows up on my enhanced disclosure check today. Someone fined under the same bylaw for failing to clear snow from the path outside their door would also have been fined 40 shillings, but my guess is that that conviction wouldn’t show up 40 years later on an enhanced disclosure check for them. From my point of view this has been dredging up an incident from the past which is an embarrassment to me as many of the people I deal with in my charitable work are older and quite vulnerable. It just seems totally irrelevant to my experience.”

I agree—he was absolutely right.

Those stories are not unusual, but they have had a profound impact and influence on the lives of the men affected. We have heard many such stories today. This bill matters not just to those who faced the injustices of a system that treated them with contempt, but because we must never take for granted the progress that we have made in tackling discrimination. It can roll back just as quickly as we push it forward and we should never forget that.

The bill matters because it will help to improve the lives of men with unfair historical convictions by allowing them to have those convictions removed from their records. The disregard process will remove the discrimination that they face when applying for certain jobs, or serving as volunteers in their local communities. Let us not forget that men were imprisoned, fined, publicly shamed and bullied, and they lost jobs, opportunities, friends and family because the law at the time was prejudiced.

Many of them lost their lives—men like Alan Turing, an English mathematician, logician, cryptanalyst and computer scientist who was influential in the development of computer science. He took his own life following a course of female hormones commonly known as chemical castration, which he was given by doctors as an alternative to prison after he was prosecuted by the police because of his homosexuality. He was given an enforced medical procedure instead of going to prison. What a Hobson’s choice that would be for anyone.

When launching the bill, the First Minister gave an apology to the men who have been criminalised, marginalised and discriminated against by our law, and we all hailed that apology. That was the right and proper thing to do, and what we do today is the right and proper thing: coming together in Parliament to bring into force that apology and to make it real through the law that we will pass to take away the discrimination and to right that wrong.

Alan Turing, when talking about imagination, said:

“Sometimes it is the people no one can imagine anything of who do the things no one can imagine.”

He was talking about machines; I would like to think that he was talking about our Parliament. I wonder what he and many who went before him would say today. Would they see a Parliament maturing, growing and thriving on knowledge and understanding; the knowledge to know what needs to be done and the understanding to know how to do it; the humility to say that we were wrong and the good grace to say that we will fix it today?

The bill has been a long time coming. The Equality Network—with Tim Hopkins, to whom we have all paid tribute today—Stonewall and many others have given us, through their drive, determination and campaigning, the understanding that we needed as parliamentarians in order to bring the bill to its final stage.

This is a proud day for us all: a day when we say, “No more will we discriminate against you because of your sexuality. No more will the system work against you. No more will you be denied opportunity in your life and work by prejudicial

law.” Today we right that wrong and vote with pride.

15:29

Liam Kerr (North East Scotland) (Con): Like my party colleagues and—I hope and expect—colleagues throughout the Parliament, I will be very pleased to agree that the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill be passed at decision time.

I made the point at stage 1 that it is my view that the state should have as small a role as sensibly possible in adjudicating on or prescribing consenting adults’ business. The state has, for too long, taken far too great a role in exactly that proscription. It is extraordinary to think that the crime of sodomy attracted the death penalty in Scotland up to 1887, and, from then on, life imprisonment, and that in 1885, Parliament enacted the Labouchere amendment, which prohibited “gross indecency”.

Interestingly, we do not even know what “gross indecency” meant, because Victorian morality could not bring itself to state clearly what it was that it wished to prohibit. I will come back to that point later. Thankfully, attitudes have advanced and slowly the law has followed. Acts once considered illegal and immoral are now acknowledged to be consensual, adult, appropriate and legal.

Therefore, it is right that we pass a bill that not only offers a pardon but provides a mechanism to remove criminal records for behaviour that is no longer illegal. Whether the law should be used to send a message is a debate for another day—in fact, I may touch on that tomorrow in the analysis of Lord Bracadale’s hate crime report. However, it must be true that if—I hope that it is “when” rather than “if”—this Parliament stands united at 5 o’clock to say that it is right that all those who were convicted of same-sex sexual activity that is now legal are pardoned and that a mechanism be put in place to disregard the offence from criminal records, that will send a powerful message about the commitment of this Parliament to counter prejudice.

Incidentally, that message is very relevant. Annie Wells gave some statistics earlier on current discrimination. I would like to add to those. Sexual orientation-aggravated crime is up 5 per cent on last year and, with the exception of 2014-15, there have been year-on-year increases in the charges reported since the introducing legislation was passed in 2010. We must send a message that says clearly and unequivocally that such discrimination is not acceptable and that Scotland is moving on from the prejudices of the past.

Sticking with the message theme, in the stage 1 debate, I made the point about the importance of semantics, and indeed Kezia Dugdale intervened to make the important and valid point that language matters in such discussions. I also suggested—and the cabinet secretary acknowledged this point in his opening speech—that there is something to be said for the view that the use of the word “pardon” implies the forgiving or the excusing of a committed crime. I recognise the point made by an individual in the Equality Network’s briefing, who criticised the United Kingdom legislation. He said:

“To accept a pardon means you accept that you were guilty. I was not guilty of anything”.

I acknowledge and concede Jamie Greene’s response to me at the time of the stage 1 debate, where he stated that a pardon is:

“a cancellation of the legal consequence of an offence or conviction ... we need a pardon”.—[*Official Report*, 18 April 2018; c 62.]

However, I only concede that in the context of Daniel Johnson’s powerful and accurate comments on exactly this point earlier today.

I referred to the Victorian reluctance to define gross indecency. For all that that may seem bizarre to us now, I think that sometimes we remain reluctant to speak honestly and openly about society and people. Throughout much of this process and indeed the reporting on it, I have noticed that we sometimes talk about “men who are in love” and “loving another adult” or “men attracted to each other”. I understand that but, as Kezia Dugdale correctly made clear in her intervention on me in the stage 1 debate,

“there is no such thing as ‘gay sex’—it is just sex conducted by gay people.”—[*Official Report*, 18 April 2018; c 51.]

That is correct. Many gay people have sex for no other reason than because they want to; so does everyone else, and we rarely search for an affectionate adjective to in some way validate that decision. I do not think that we should do it in any other context either.

The second main limb of the bill, after the one that deals with the pardon, will give those convicted for these offences an opportunity to have them disregarded. That is important because although it is likely that they will be spent convictions, they may be revealed in a higher level disclosure application process.

As the Justice Committee is hearing at the moment, having a conviction buried in one’s record can have a significant detrimental impact on employment prospects. It makes sense that the record is not automatically wiped, as then matters that perhaps legitimately remain crimes could inadvertently be removed. However, that makes it imperative that the disregard process is

extensively and positively communicated, so that all those who could be impacted know that the step is necessary and how to take it. The Equality Network is right to say:

“It will be very important that the pardon and disregard, and the difference between them, is well publicised.”

Annie Wells sought at stage 2 to place the Scottish Government under a duty to raise awareness about the law, but she withdrew her amendment following an undertaking from the minister that such publicity would be considered. I am sure that that consideration will not take long and that the publicity will yield suitably positive results.

Furthermore, in committee evidence, Tim Hopkins suggested that, because of the complexity of both the application form and the system,

“We estimate that only ... 2 per cent of the people in England and Wales with those convictions who are still living have applied for the disregard.”—[*Official Report, Equalities and Human Rights Committee*, 1 February 2018; c 4.]

Therefore, whatever system is set up, it should be designed by the Government along with the key stakeholders to ensure that it is user friendly. That means a simple application form, a confidential, transparent and easily understood process and a speedy resolution. I am encouraged by the cabinet secretary’s undertaking to keep the bureaucracy of the process to a minimum.

I am happy to support the bill and I look forward to voting in favour of its passing. There should be no doubt that the passing of this bill will mark a hugely important step—although only one step—in the fight to address, and show that Scotland is no longer willing to accept, discrimination against LGBTI people in Scotland.

15:36

Fulton MacGregor (Coatbridge and Chryston) (SNP): I remind the chamber that I am the parliamentary liaison officer to the cabinet secretary, and I am proud to be a member of the Equalities and Human Rights Committee—at least, I have been since stage 2—which scrutinised the bill.

I am proud that the legislation that we will vote through this afternoon is a given in today’s Scotland, but only 30 or 40 years ago very different attitudes resulted in the unfair and unjust prosecution of gay and bisexual men. As other members have said, same-sex sexual activity between men was considered a criminal offence in Scotland as recently as 1980, the year in which I was born. I find that outrageous and I am thankful that we now live in a country that knows how wrong it was to criminalise that activity.

I recently read a story about how being homosexual was still officially considered an illness in Sweden by the National Board of Health and Welfare in the late 1970s. Sweden was fairly forward in decriminalising homosexuality in the 1940s. However, protesters began to call in sick to work because they were gay, with one individual even being able to claim benefits for being gay. Needless to say, it was swiftly recognised that being attracted to the same sex is not an illness. That may now sound ridiculous to many but, sadly, Scotland was years behind that, which is simply inexcusable.

Understandably, the bill will not right that massive injustice. However, it sends out the message that it is not acceptable in today’s society and individuals will no longer be hindered simply because their sexual partners are of the same gender. Our attitudes have changed, but we still require the bill to pardon automatically the estimated 994 gay and bisexual men who were convicted under historical discriminatory laws and to allow those past convictions to be legally disregarded.

As the cabinet secretary said, we must remember that some people feel that accepting a pardon means accepting that, in some way, there is guilt. That is not the aim of the bill and anyone who was affected by those convictions has not done anything wrong—it is important to get that message out. That is why the inclusion of an apology as well as a pardon is crucial, and I again applaud our First Minister for her apology in November. We cannot erase those injustices, but the bill fully recognises that the convictions were wrong and discriminatory and it will ensure that disregards will be provided to those who wish to have them. The wrong has been committed by the state, not individuals; although the hurt and harm that was caused cannot be undone, we can certainly now continue to work towards ensuring that such unjust practices will never happen again.

Sadly, there are those who are not alive today to see their convictions condemned and pardoned, but the families of those deceased people will now have the opportunity to apply to the Scottish ministers for a letter that will explain the pardon and when it applies and set out that the pardoned convictions were wrongful and discriminatory. It will also include the First Minister’s apology, as was discussed in the stage 2 debate in committee. I hope that that will provide comfort to those families who are affected.

We must also consider the definition of “sexual activity”. In England and Wales, the legislation does not allow for the holding of hands and kissing in public to be considered as part of the pardon and disregard provisions. This bill allows for that by providing a broader definition of sexual activity,

so a balance has been sought that allows flexibility to ensure that the bill covers all those who were affected by previous convictions.

I was not a committee member at the time, but the committee heard evidence that was both shocking and heartbreaking. Individuals' lives, careers and future prospects have been hindered because of something as simple as showing affection to their partner in the street. The committee convener, Christina McKelvie, summed up some of that evidence very well. For example, the committee heard from a witness who in the 1980s was charged under a byelaw with loitering in a public convenience. The witness detailed how, although the law did not specifically apply to homosexuals, he believed that the intention of the regulation was clearly aimed at gay men. Forty years later, much to his shock and surprise, the conviction came up in an enhanced disclosure that he was required to submit as part of charitable work. It is indeed shocking that a fine that he was given that equates to around £2 in today's money was still affecting his employment or volunteering opportunities 40 years on. The witness detailed that he would be pursuing a disregard.

We still have work to do towards LGBTI equality, but I believe that we are taking the correct steps every day and that society is changing. It is worth reiterating the point that I made in the stage 1 debate that the Scottish social attitudes survey reported that the percentage of people in Scottish society holding a positive view of same-sex relationships rose from 37 per cent in 2000 to 69 per cent in 2015, which shows progress. In addition, the percentage of people holding negative views towards those in same-sex relationships decreased from 48 per cent to 18 per cent over the same period. There is no denying that we have made progress, but I still consider 18 per cent to be far too high. It is simply not good enough that, for someone who identifies as LGBTI, almost a fifth of the people they meet do not support their sexual orientation.

As Annie Wells mentioned, it is a global problem. In 72 countries, having a gay relationship is still considered a criminal offence. More shockingly, in a third of those countries, those in same-sex relationships can be prosecuted and jailed or even executed. We have a responsibility to set an example to those countries, to lead the way and to continue to raise the issues. We have ensured that the legislation will reflect equality and show that discrimination is unacceptable. We should now reflect that in wider society and show Scotland as the fully inclusive and equal country that it has the potential to be. We must ensure that the bill is well publicised. Those who choose not to apply for a disregard will still have the comfort of knowing that they have received the pardon and the First Minister's apology. We live in a Scotland

where we celebrate our diversity. In pride month, let us pass the bill and move forward to true LGBTI equality.

15:42

Monica Lennon (Central Scotland) (Lab): As Scottish Labour's equalities spokesperson, I am pleased to be part of the debate. I pay tribute to organisations such as the Equality Network, LGBT Youth Scotland and Stonewall Scotland for their tireless campaigning for equality for the entire LGBTI community.

It is right to stress, as others have done, that the men involved did nothing wrong and that wrong was done to them. As has been pointed out, the word "pardon" might indicate that those men have committed a crime to be absolved of, but that is not true. A man loving another man has never been wrong—it was the state that was wrong. I therefore commend the First Minister's unqualified and unreserved apology for the laws and for the hurt and harm that they caused so many people, and I thank her for that.

In introducing this positive piece of legislation, we must not forget the very real and destructive impact of the historical convictions. Men who were convicted under the laws were not able to live the life that they would have chosen had they been free to do so. Although women were not criminalised in the same way, the laws further reinforced discrimination against lesbian or bisexual women, and they are part of the story, too.

We have heard what it was like to live with a criminal record or the fear of one and about the incredible stigma that went with such convictions. The Equalities and Human Rights Committee heard witness A describe how he felt that his employment chances and progression were hindered by his conviction, which was for merely kissing another man. Witness A did not apply for other jobs, because he would have been forced to detail that distressing information. What a missed opportunity and injustice. We should all be upset, angry and sorry that countless men had their careers limited by such reprehensible legislation.

The actual convictions tell only part of the story. Gay and bisexual men lived in fear of conviction in a society that did not accept them. As Tim Hopkins of the Equality Network said,

"People lived in the shadow and fear of being discovered and prosecuted, so they had to live double lives."—[*Official Report, Equalities and Human Rights Committee*, 1 February 2018; c 2.]

It is a sad fact that, for many men, this remains an untold story because they have now passed away, as stated by my colleague Daniel Johnson and others. My colleague Mary Fee has fought

passionately for the rights of families to have their late relatives' convictions pardoned. That includes, devastatingly, the families of men who say that their loved ones died by suicide as a consequence of the stigma of homosexuality.

It is a terrible fact that nothing can be done to change that past. I am glad that, today, we live in a Scotland that condemns discrimination and intolerance towards the LGBTI community. However, we should not be complacent, because intolerant attitudes remain.

Most LGBT people would say that they make a quick calculation about the environment that they are in before deciding whether to display even the smallest hint of affection towards a partner. The recent social media video for the BBC "Time for Love" showcases that very experience. It features a young man, Sean, and his partner holding hands as they walk through a park in Glasgow before having to decide whether to kiss goodbye in public. The video shows their mental calculations, the looks from strangers, and their consideration of what the reaction might be. All that has to be processed before any action is taken. It reveals, in a very effective way, the pressure that is still exerted on young gay people, even today. Kissing your partner goodbye should be a spontaneous act. People should not have to carry out a risk assessment before they do it.

Just this week, I was horrified to read in the press about the experience of a gay couple in Coatbridge in the region that I represent. They were physically attacked in a nightclub while they were out celebrating their engagement. Homophobia and intolerance in Scotland, unfortunately, still exist in many parts of society, and we all have so much work to do to stamp out such unacceptable behaviour.

The time for inclusive education—TIE—campaign found that 90 per cent of LGBT people experience bullying at school, and more than a quarter of those attempted suicide as a result of the bullying. We need LGBTI inclusive education and many of us wonder what we are waiting for. I share Patrick Harvie's sentiments about the need for less patience on such matters.

More must be done to tackle discrimination against the LGBTI community in Scotland. Scotland's improving record on legal equality is an important step. Since the establishment of the Scottish Parliament, Scotland has reached a high point for LGBT rights, being recognised in 2015 and 2016 as the best country in Europe for LGBTI legal equality. From the introduction of civil partnerships for same-sex couples in 2005, to marriage equality in 2014, Scotland's achievements in LGBT rights have been hard fought and hard won. They should be an immense

source of pride for all Scots, especially the LGBTI Scots who led the way.

I welcome the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill and hope that its passing, accompanied by the First Minister's apology, is of comfort to the countless men who were affected by harmful legislation, and the members of the LGBTI community today who continue their fight for equality in Scotland and across the world.

15:48

Gail Ross (Caithness, Sutherland and Ross) (SNP): As a member of the Equalities and Human Rights Committee, I have been honoured to take part in all three stages of the bill. It is a privilege to speak in the debate, after which the bill will become law.

I also take the opportunity to thank everyone who has helped us to get to this point: my fellow committee members, the clerks, the Scottish Parliament information centre and the bill team. Most of all, I thank the people who gave evidence in person and in writing.

I also record my recognition of Tim Hopkins of the Equality Network. I certainly found his help and input invaluable, and I know that my committee colleagues did, too. Monica Lennon mentioned the TIE campaign—I know that Jordan Daly and Liam Stevenson do fantastic work in our schools and society. They are all in the gallery today, so I say to them, "Thank you." [*Applause.*]

Throughout the process, I have been struck by the consensual approach at each stage of the bill. During stage 2 last month, all members who lodged amendments did so with the betterment of the bill in mind and, in almost every case, the cabinet secretary gave assurances of the action that the Government was taking to resolve remaining issues. It is a testament to that approach that many amendments were withdrawn or not moved.

During stage 2, the cabinet secretary confirmed a number of further actions that the Government will take, which include providing a mechanism for letters of comfort to be written to the close relatives of deceased men who cannot apply for disregards and are not alive to receive a pardon. It is unquestionably a tragedy that not all those who were wronged can be pardoned while they live, but such letters will give families physical evidence that when it comes to historical sexual offences it was the state that was wrong, and not their relative. I thank my colleague Mary Fee for that.

At stage 2, we were grateful to be joined by Stewart Stevenson, whose insights assist consideration of any legislation. His amendment

provided for the situation in which the person who is applying for a disregard cannot supply the name or address that they were using at the time of their wrongful conviction, because circumstances and the passage of time might mean that they do not have that information. As a result of the amendment, that will not act against people when applying for disregards, for which I thank Stewart Stevenson.

In my stage 1 speech, I touched on the question of wrongfulness in the context of pardoning. That was discussed again at stage 2, when Mary Fee raised the story of 94-year-old George Montague. On the pardoning legislation in England and Wales, he said:

"I will not accept a pardon. To accept a pardon means you accept that you were guilty. I was not guilty of anything."

As I said before, a pardon is the correct legal remedy to apply in this situation. However, for the sake of men such as George, it is crucial that we do everything that we can to go beyond the pardon. We must take every opportunity to explain that the proposed legislation seeks to put right the misconduct of the state, not to excuse the misconduct of the individual. George said,

"I was not guilty of anything",

and, like the First Minister, we must respond,

"I categorically, unequivocally and whole-heartedly apologise." —[*Official Report*, 7 November 2017; c 8.]

I want to raise again an example of the power of the proposed legislation, which I was pleased that the Law Society described as

"the strongest evidence for change"

in the law. The example is the case of Witness A, who had the bravery and selflessness to come before the committee and give evidence.

Like Witness A, people whose jobs require that protecting vulnerable groups—PVG—checks are made still live in fear that they are one promotion or job application away from a part of their personal lives being on display to their employers. Once the bill has been passed, such men can apply for disregards that will not only confirm the wrongfulness and discriminatory nature of their convictions, but will consign to the past the historical wrongs that were done to them, and will prevent those wrongs being a part of their futures. Once they have disregards, they will no longer have to put off applying for promotions for fear of employers finding out about their unjust convictions, and they will no longer have to choose between their careers or protecting their personal lives.

We will never be able to compensate fully for the historical wrongs that have been done to men such as Witness A and many others, but we must

make it as easy as possible for them to move on. We must sweep that remnant of the past from our law and we must continue to say that we are sorry.

This is an historic day, but we still have a long way to go, as many of my colleagues have said. I commend everyone who works for equality and acceptance in society. I will be exceptionally proud to vote to pass the bill at decision time today.

15:54

Oliver Mundell (Dumfriesshire) (Con): When we get to a bill's stage 3 debate and there is broad consensus in the chamber, the debate often loses a bit of passion. However, one of the most powerful things that I take from listening to members from right across the chamber today is how strongly members feel about the issue. I have just joined the Equalities and Human Rights Committee, but from listening to members who sat through witnesses' evidence, how they have been affected by what they heard is evident. The stories are truly appalling.

The tone that the cabinet secretary set at the start of the debate was welcome. It would be very easy for us to pat ourselves on the back. It is right that we look at today as an historic and highly significant moment of which the Parliament as a whole can be very proud, but if we were to adopt solely that approach, we would be missing something.

As several members have touched on, there are many people for whom today's decision comes too late. In common with Daniel Johnson, I recognise that the bill represents an opportunity for reflection. It is quite sad to look back at the changes that have taken place in my lifetime, because I imagine that in 28 years there will be members in the chamber who will look back on today's decision and wonder why it took so long for it to be made. There is no real answer to that or justification for it. When I apologise to people who have been affected and who have had their lives destroyed by the laws of our country, that is what I am saddest and most sorry about, because there is no reason why it took so long to change. It has been widely accepted for several decades that such discrimination is wrong, so it is sad that we got into another millennium without addressing it.

However, I do not want to undermine the incredible work that has been done by people across the Parliament and the Government. As many members have done, I welcome the constructive approach that the Government has taken to listening not just to members from across the parties, but to external stakeholders, many of whom have brought real-life knowledge from beyond Parliament.

It is important to acknowledge that there is still far more to do. As a new member of the Equalities and Human Rights Committee, I am looking forward to working collaboratively in that spirit with other members to drive forward equality, because there is no room for complacency.

We are joined in the gallery by representatives of the TIE campaign. As several members have mentioned, the level of homophobic bullying in schools in Scotland and the experiences of some young people today are truly shocking. I cannot believe that such bullying still takes place, but it does. Fulton MacGregor drew attention to some of the results of the social attitudes survey. I cannot understand why such results are obtained, because we do not hear people talking in that way. Bigoted views have been pushed out of the public domain.

I have a point to make to Patrick Harvie about that. I fully agree with many of the points that he made; my views in this matter are not dissimilar to his. However, I say sensitively to him that we need to be very careful as a Parliament and a society not to push bigoted views out of the limelight.

One of the good things about our system here is that people's voting is publicly recorded. Quite frankly, I will take anyone's vote, provided that it moves equality forward; I do not care what their justification for that vote is. That transparency is telling, because people are now under pressure from the public to justify the stances that they take. As a society, I do not think that we are that far from the point at which it will not be up to party leaders to prevent people with bigoted views from continuing to stand for election—the population as a whole will be ready to force those people out of public life.

Patrick Harvie: I appreciate the tone of Oliver Mundell's remarks, but is there a reason in principle why the view of someone who sincerely believes that interracial marriage is wrong and should be forbidden by law should be unacceptable in the political realm, but the view of someone who believes that same-sex marriage is wrong and should be forbidden by law should be more welcome? Is there a reason for a difference in how we value those positions?

Oliver Mundell: In my view, no, there is not: I am inclined to agree with Patrick Harvie. However, if we are to win people's hearts and minds and to move such causes forward, we need to be big enough and tolerant enough to have the debates in public. We should not make people feel that they cannot express their moral views. Again, it is important to recognise the distinction between views that people hold within their moral compass or conscience and views that are recognised in our laws.

We need to have a debate. We will not convince the significant percentage of people who have problems with LGBT rights to change their minds simply by shouting them down. We need to make the positive case for equality, which is what we will be voting for tonight. I am very proud that Parliament as a whole has come to that point, and I hope that tonight's vote will be unanimous.

16:01

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am an accidental participant in the debate. Before the stage 1 debate, the whips found that they were one short in volunteers to participate, so I got the tap on the shoulder to do so. I did what I always do in such circumstances, particularly as I was the last member to speak, at the end of the debate: I read the bill. That is how I was able to identify a little something that I was delighted to bring forward at stage 2—and I have heard acknowledgements from two colleagues for that little bit.

When members have attended 266 Justice Committee meetings, as I have, they will have learned how to read bills quite quickly and spot where the elephant traps are. There is no special skill; it is just length of service. Members will all be able to do that when they have been to 266 Justice Committee meetings—I wish them well with that prospect.

This stage 3 debate is very unusual. There are no amendments—that, in itself, is not particularly unusual. However, the Parliamentary Bureau has served the Parliament well by extending the time for the stage 3 debate to fill a full debate slot. That might be unique; it is certainly pretty unusual. I very much welcome the comprehensive opportunity for a much wider range of members than usual to participate in the stage 3 debate.

We are not here to rewrite the past, because we simply cannot do that. Any attempts to do so would require the most careful of considerations. I do not much like the renaming of streets, for example, in an attempt to rewrite history, but I might support the removal of celebratory statues. For example, the statue of Felix Dzerzhinsky, who used to gaze across Dzerzhinsky Square, at the back of Red Square, to the Lubyanka, is no longer there. The street is no longer called Dzerzhinsky Square, and that is proper, given the abuses of human rights that he oversaw as the founder of the precursor to the KGB.

However, I like righting the effects of wrongs that were done in the name of the state. We do not forget what has happened, but we can offer some redress. We should bear in mind that, although we might be striking the official record from public gaze, the newspapers will still carry many reports

of convictions and prosecutions. We cannot legislate for that in any meaningful sense, but I hope that that will not interfere with what we are doing today.

I will touch on some of the preceding debate. It is worth saying that we are all making a journey. My parents were both Edwardians who were born well before the first world war, and their moral compass and view of society would have been very different from mine and the views that we are expressing this afternoon. My youngest grandparent was born in 1872, at a time when women could not even own property. The world changes, and society evolves.

I gently engage with Patrick Harvie in that context. I do not think that we can bully anybody into changing their point of view; that just does not work in politics or in life. There is a five-stage process that we might consider. I have just jotted down that process, so it can be criticised. Step 1 is to get people to recognise that there is a difference. Step 2 is to get people to acknowledge that difference. Step 3 is to get people to engage with that difference. Step 4 is to get people to celebrate that difference. Step 5 is to get people to promote the positive values of difference. That is not simply about today's debate; it is how we progress people, step by step, to a new view of the world. I encourage Patrick Harvie to consider that we should find a way of engaging with those who have a particular viewpoint rather than bully them.

Patrick Harvie: Will the member give way?

Stewart Stevenson: I am not going to give way. I am sorry.

It is worth returning to Alan Turing, who is one of my great heroes. Alan Turing lives on in computer science in the Turing test, which is the test of a machine's ability to exhibit intelligent behaviour. That is exactly what we are doing today: we are exhibiting intelligent behaviour.

I very much welcome the bill and the work of Tim Hopkins, who was probably the first lobbyist I met when I came to the Parliament in 2001. He does not look a day older.

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): Neither do you.

Stewart Stevenson: Now, now. Presiding Officer, I hope that you did not hear that.

Tim Hopkins does not look a day older, but he should because of his indefatigable efforts to help us and to help me, as someone who came from an Edwardian family and was not naturally equipped for today's debate, not only to engage in all the stages of the debate but to vote for the bill at decision time with gladness in my heart.

16:07

Pauline McNeill (Glasgow) (Lab): I, too, confess that I had a tap on the shoulder. I have never counted how many Justice Committee meetings I have been to, but I have been to a lot.

I also confess that I did not read the bill. However, I have heard the news all day and have followed the debate since it started. To some extent, what I have to say is about my emotions and feelings about what we are doing.

In many ways, this is a sad day because we are hearing about the tragedy of our history. We are hearing stories of gay men who were wrongly criminalised for living their lives freely and about the role that the state played in criminalising them and destroying their lives. However, this is also a significant day, as we are using the Scottish Parliament's powers to right a serious wrong in our society and our history.

I am learning what a wonderful job the Equalities and Human Rights Committee has done in ensuring that the bill that we will pass is probably just right.

I agree that it has been difficult to find the right words to use in the debate, and I recognise how we have wrestled with that. No words are adequate to describe what we really mean by passing the bill, but we have settled on an automatic pardon for all those who were convicted. Those words are hugely significant to all of us in the Parliament, because we know that the bill addresses a shameful past and addresses the misery and heartbreak that our society has cost men living and deceased as well as their loved ones and families. As other members have said, we can never change that, but we can recognise how very wrong our country was in those times, and we, as politicians, can fight to ensure a better future.

The First Minister, the cabinet secretary and many others deserve praise for the formulation of the legislation that they have produced, because it is wider than the equivalent legislation in England and Wales. The Equality and Human Rights Committee, the Equality Network, former Labour leader Kezia Dugdale and the many other politicians who made an early call for action deserve praise. Every time that we debate equality in terms of sexual orientation, it brings home how recent and disgraceful the discrimination was in our country. Many members have spoken about that. However, it also reminds us of how hard we still have to work to be a modern society that is free from discrimination.

There are many upsetting stories from that dark past that expose the horror of the state crimes against individuals and the insanity of their treatment. I am the third member to mention the

wonderful Dr Alan Turing, but I hope that Christina McKelvie will not mind if I mention him again. That wonderful man, whose work was released to public scrutiny only in 2012, decoded messages from the Enigma encryption machine and helped us to win the second world war. We know what happened to him, but we also know now that he was given a royal pardon by the Queen.

Today, while debating the motion to pass the bill, we remember not just Alan Turing but all the men who were wrongly convicted. I believe that, tonight, we stand together as a Parliament of people rather than of parties. There might be one exception—I do not know—but the rest of us will vote on the motion as individuals, because we believe that what we are doing tonight is right.

Derek Mackay: I do not have the privilege of being able to speak in the debate. Because of my ministerial position, I am not one of the ones lucky enough to have a speaking slot. However, I appreciate the opportunity to make an intervention, and I thank Pauline McNeill for that.

This is an opportunity to right the wrongs of the past, but there is something else that is important for today and going into the future: setting the cultural norms. Parliamentarians do not normally set those—we set the laws. Nevertheless, in this case, culture is important because we are addressing the past mistakes of the state and saying as a Parliament—I am sure that we are united in doing so—that it is okay for gay and lesbian couples to walk as partners down the street and not live in fear of being ridiculed, spat on or otherwise attacked, although that unfortunately still happens to this day. This is our opportunity to unite as a Parliament to address our future as well as our past.

The Deputy Presiding Officer (Linda Fabiani): I can allow you extra time, Ms McNeill.

Pauline McNeill: Thank you, Presiding Officer.

I thank the cabinet secretary very much for that important intervention. I think that we all share the view that we must be leaders at whatever level we serve. I agree with the cabinet secretary's fundamental point that every person has the right to live the life that they choose and that the state should protect that right in every way, which is why we must stand together as a Parliament and take that on.

I learned today for the first time—I did not realise this—that the so-called past offences were appearing in disclosure checks. I was quite shocked to learn that that was still happening in recent times. Other members have talked about how recently those past laws existed. For example, we criminalised sex between men under 21 until the 1980s, and it was only in 2001 that we

equalised the age of consent. That really shows us how lax we have been on the question of equality.

I will mention another great day in this Parliament that some members will remember. In June 2000, we reversed the section 28 provision that prevented any local authority from funding the promotion of homosexuality. I will never forget that date and that period in our history, because, in some ways, it was a dark time. Those people who remember it will remember the swell of opinion against this Parliament reversing section 28, and there was big money behind that campaign. I am glad to say that we have moved on substantially from that time, but we cannot forget what happened.

My final point is that 37 per cent of United Nations member countries have laws that discriminate against lesbian, gay, transgender, bisexual and intersex people. We have not had a chance to discuss that discrimination. In fact, lesbians are not really mentioned in the legislation, but perhaps that is a matter for another day. There is still work to do across the globe, but tonight I will be proud to vote with members of all parties in the Parliament to pass the motion, and I will be proud to be doing something worth while.

16:15

Stuart McMillan (Greenock and Inverclyde) (SNP): I am happy to be speaking in this important debate and I thank everyone who has been involved in bringing the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill to this stage.

At the outset, I want to quote from the briefing that we received from the Equality Network. I believe that this quote says so much, not only about the bill and the journey that society has been on but, more important, about the journey that our fellow citizens have made to make Scotland a more inclusive and tolerant country.

“This bill, together with the First Minister's apology, are an important and appropriate response to the wrong that was committed against so many people under these past discriminatory laws.

The bill cannot of course undo the harm already caused by that discrimination, not only to those who were convicted, but also to all those who lived under the shadow of criminalisation, and to LGBT people more widely, through the law giving the green light to widespread discrimination and prejudice.

Nevertheless, the bill is a very welcome piece of the jigsaw of measures needed to address the discrimination of the past and present.”

For me, that statement alone highlights exactly why the bill is needed. I welcome the cross-party support for it, and also the recognition that it is long overdue.

As other speakers have mentioned, section 1 is a clear statement of intent about what the legislation aims to achieve. It states:

“The purpose of this Act is to acknowledge the wrongfulness and discriminatory effect of past convictions for certain historical sexual offences by—

(a) pardoning persons who have been convicted of those offences, and

(b) providing for a process for convictions for those offences to be disregarded.”

Again, the briefing from the Equality Network is hugely supportive of that, and it highlights how far the bill goes compared with the Westminster legislation.

The unreserved apology from the First Minister in November laid out in no uncertain terms how important the bill is to the Government, and it was something that the whole Parliament could support. Although nothing that the Scottish Parliament does could erase the injustices of the past, it is hoped that the First Minister’s apology, alongside the bill, will provide some comfort to those who endured them. Where people were convicted of same-sex sexual activity that is now legal, the wrong was committed by the state and not by the individuals. They deserve the unqualified apology as well as the pardon, and that is why section 1, in addition to the First Minister’s unreserved apology, is so important.

Scotland has come a long way in many aspects of life. There are, of course, challenges daily, and there always will be in every country, with every Government and every legislature. However, we in Scotland sometimes seem to be the world champions in beating ourselves up. Even when we do something remarkable, many people will just shrug their shoulders and say, “We did all right.” I am sure that we have all said that. Today, every member of this Parliament who votes for the bill at 5 o’clock will do something that is more than just all right. We will do something remarkable—knowing full well, however, that the journey to equality is not yet complete.

The bill has been possible due to political leadership across all the parties, but also due to societal change. The Scottish social attitudes survey has shown that the number of people in Scottish society who hold a positive view of same-sex relationships rose from 37 per cent in 2000 to 69 per cent in 2015, while those holding negative views decreased from 48 to 18 per cent over the same 15-year period.

Considering how recently discriminatory laws were in force, it is remarkable but also inspiring that Scotland is now considered to be one of the most progressive countries in Europe when it comes to LGBTI equality. ILGA-Europe’s annual rainbow Europe index does not rank Scotland

separately from the UK, but in 2018 it would place Scotland second based on current laws and policies. In the 2015 rainbow Europe index, Scotland was the best country in Europe for LGBTI legal equality.

It was this Scottish Government that introduced the historic same-sex marriage legislation, which was recognised by many as being among the most progressive in the world. It was this Scottish National Party Government that committed to reviewing and reforming gender recognition law so that it is in line with international best practice for people who are transgender or intersex. If any other party had undertaken those actions I would be equally proud of them, because those are the right things to do.

During the stage 1 debate, I concluded my comments by highlighting a person I knew. He sadly passed away a few years ago and was an intensely private man. We had no need or desire to know anything about his business, but we all knew him to be committed to two things. The first was independence and the second was the fact that he was gay. He would have been delighted today. He would have been in the gallery smiling and quietly reflecting on his journey and that of his friends, and the journey ahead, but he would also have been on the phone tomorrow to tell me what was next to be done. Tonight, at 5 o’clock, I will be voting for him, the respect that he always showed others and the respect that he is due from society and the political class that was once so intolerant but is now moving forward.

The comments made by the Law Society of Scotland during an earlier part of the bill process are accurate and just. It stated:

“Scotland is a tolerant society and is fully committed to respecting, protecting and implementing human rights and demonstrating equality, dignity and respect. The introduction of the Bill endorses that position.”

That is the type of Scotland that I am proud to live in. That is the type of Scotland that I want my daughters to grow up in and that is the type of Scotland that I want every citizen of our country to experience.

16:21

Maurice Corry (West Scotland) (Con): I extend my thanks to everyone who has brought the bill to stage 3 this afternoon.

I welcome the chance to speak in the stage 3 debate on this most important piece of legislation. At stage 1, I spoke in the debate about Parliament taking the next step in the process of righting a wrong. We will take the final step on this particular journey at decision time this evening.

Although of course this is an important step—and could be considered an historic moment—it is worth reflecting that it comes too late for many and that the hurt and discrimination felt by those affected, their families and their loved ones can never be removed.

I am also sure that those who receive disregards and pardons will be able to take some solace from the fact that we and the whole of society recognise that what they went through was wrong and that we are doing the very best that we can on behalf of society to show contrition.

At stage 1, I spoke about the changing attitudes that we are seeing towards equality in Scotland. During that debate, I spoke about the Scottish social attitudes survey of 2015, which showed that in just over 15 years the number of people in Scottish society holding a positive view of same-sex relationships had risen to 69 per cent and that the number holding negative views had decreased to 18 per cent, as has been mentioned.

In the stage 1 debate, I and others spoke about ensuring that the needs of the families of the men who were convicted and who have sadly passed away were considered, whether through the creation of a certificate or a letter of acknowledgement of the pain caused, so that some comfort and closure for the loved ones of deceased men with such convictions could be offered. I was glad that Mary Fee lodged an amendment to that effect at stage 2. The amendment was withdrawn after the cabinet secretary confirmed that the Scottish Government will put an administrative, rather than statutory, scheme in place to enable relatives of a deceased person to receive a letter of comfort. That is a good and positive conclusion to this part of the debate for all involved and it will bring comfort and closure for families.

In addition, I was glad to read in the *Official Report* of the stage 2 debate that the letters to families and relatives will be signed by none other than the First Minister. Having those letters signed by the most senior member of the Scottish Government sends a clear and strong signal of the importance that this country places on righting this wrong.

As the bill moves from being a proposal towards becoming the law of the land, the focus is on the Scottish Government to ensure that the administration of the disregards and pardons system is sound. Raymond McIntyre, criminal records manager at Police Scotland, told the Equalities and Human Rights Committee:

“it is about getting the right people involved in deciding how we structure the process and go about it.”—[*Official Report, Equalities and Human Rights Committee*, 8 February 2018; c 10.]

It is therefore important that the Government should co-operate and work closely with stakeholders in the design of the system, as the committee recommended. Police Scotland has said that the system needs to be clear and efficient. Detective Superintendent Houston said that, when an application comes in for a records search in respect of a disregard,

“there should be a clear, efficient and quick process”.—[*Official Report, Equalities and Human Rights Committee*, 8 February 2018; c 7.]

I agree, as I am sure that all members do. When the minister sums up the debate, it would be interesting to hear what discussions have been had in that regard, what steps have been taken and whether additional resources will be made available to Police Scotland to set up the system and do the work.

The work with stakeholders will need to ensure that the disregards scheme is as user friendly as possible, so that no one is put off applying. The amendment that Stewart Stevenson lodged at stage 2, which added a caveat to the requirement that applicants for a disregard provide their name and address at the time of the conviction, will be helpful to people who are unable to remember exactly where they were living such a long time ago. I commend him for making the scheme easier to access.

I am glad to have had this opportunity to speak in today's important debate and to vote this evening for a bill that will take Scotland a step further towards true equality for all our citizens. I am sure that Alan Turing would be proud of us.

16:26

Richard Lyle (Uddingston and Bellshill) (SNP): I welcome the opportunity to contribute to this most important debate, at a historic moment for Scotland on our journey towards creating a more equal country for all.

I have heard people ask why we introduced the bill. The answer is simple: it is clear and it is absolutely right that we in this Parliament want to address the injustice that people experienced simply because of their sexual orientation—for being who they are; for being themselves—and the bill will ensure that, together, we address that historical wrong.

How does the bill do that? It provides a form of redress against the discriminatory effect of men having been convicted of same-sex sexual offences in the past, for activity that is now legal. The bill has a symbolic and a practical value. It provides an automatic pardon to men who were convicted for same-sex sexual activity that is now legal and it enables those men to apply to have

the convictions removed from central criminal conviction records.

The bill provides for a pardon for those who were convicted of criminal offences when engaging in same-sex sexual activity that is now legal; it will also put in place a system to enable a person with such a conviction to apply to have it disregarded, so that information about the conviction that is held in records, which are generally maintained by Police Scotland, does not show up in a disclosure check.

That is so important to so many people. The information that is held on police records is a matter of great concern. Just recently, I dealt with a case that related not to the subject of today's debate but to the records that were held on a young woman who is seeking to become a teacher. A historical conviction was incorrectly recorded as an adult conviction, as she should have been dealt with as a child. That had happened many years ago, but the conviction would show up time and again and was hindering her in her ambitions to become a teacher. I am thankful that as a result of my persistence Police Scotland has changed its weeding and retention rules. My constituent can look forward to the information no longer being displayed and to getting on with her life. I was very happy to help her.

Many men who were historically convicted of discriminatory offences will also feel relieved that they can get on with their lives. The bill sends an unequivocal message of pardon to everyone who was convicted of an offence for activity that is now legal. The law should not have treated them as criminals and they should not now be considered to be criminals. The Scottish Parliament recognises that a wrong was done to them.

I am proud that Scotland is a very different place than it was 30 or 40 years ago in terms of the attitudes held by much of the population towards same-sex sexual activity, but the discriminatory effect of those laws lingers on. Indeed, until recently, criminal law in Scotland discriminated against same-sex sexual activity between men, with such activity, in itself, a criminal offence in all circumstances as late as 1980. That law applied wherever the activity took place, including private homes. It was only in January 2001 that the age of consent for sexual activity between men and sexual activity between opposite-sex partners was equalised at 16. There have been many other examples of laws that could have been used in a discriminatory manner, including in common law.

As I said, although it is overwhelmingly likely that such historical convictions will be spent convictions under the Rehabilitation of Offenders Act 1974, and so would not be disclosed on a basic-level disclosure, it is still possible that they

would be disclosed when a person applies for a role for which a higher-level disclosure certificate is required. That cannot be accepted in our modern, progressive Scotland.

During the time that I have been a parliamentarian, this Parliament has done some amazing things and has passed legislation that truly changes lives. I hope that today will be another example of that. It also provides an opportunity, beyond legislation, to send a clear message to communities across Scotland, and I believe that our First Minister, as has been said, did something that legislation in itself cannot do, by providing an apology in Parliament. In that apology, the First Minister stated:

“Those laws criminalised the act of loving another adult; they deterred people from being honest about their identities to family, friends, neighbours and colleagues”.— [Official Report, 7 November 2017; c 8.]

I am proud to be in the SNP that has committed to reviewing and reforming gender recognition law so that it is in line with international best practice for people who are transgender or intersex. When considering that action, I often think of a speech that I heard at an SNP conference, made by a young person who spoke of their requirement to identify as either a man or woman on a form and of not knowing what to put down, because they did not necessarily identify as either. We need to deliver for our communities and ensure that that is not a situation that young people, or anyone else, has to face. That is why I will certainly support the Government in the further legislation that I am sure will be introduced in regard to transgender identities.

I valued hearing the contributions to today's debate from colleagues from across the Parliament, and I look forward to supporting the bill later on this afternoon.

The Deputy Presiding Officer: We now move to the closing speeches. I call Mary Fee to speak for a relaxed seven minutes.

16:33

Mary Fee (West Scotland) (Lab): Thank you kindly, Presiding Officer. As a member of the Equalities and Human Rights Committee, I am pleased to have the opportunity to close on behalf of the Scottish Labour Party in this debate on this historic piece of legislation. I, too, would like to take this opportunity to thank my fellow committee members and the committee clerks for their diligence throughout the legislative process.

As others have done, I would also like to record my personal thanks to Tim Hopkins of the Equality Network for his continuing help and support. Throughout the passage of not just this piece of legislation, but any piece of LGBTI legislation, Tim

Hopkins is very much our go-to person. I thank him particularly for the support that he gave me during the passage of this bill, especially in the amendment stage.

This afternoon's debate has been a consensual one and has shown the power of the Scottish Parliament to make real and meaningful change when there is a clear commitment from and consensus on all sides of our chamber. We have heard a range of emotional and passionate speeches in support of the bill. It would be difficult in the relatively short time available—I know that it is relaxed, Presiding Officer, but it is still relatively short—to fully reflect on all the contributions in today's debate.

I can say that speeches from across the chamber have reflected the support that this legislation has and the fact that we clearly recognise the need to correct a historic wrong, and I would particularly like to mention Derek Mackay's very brief intervention, which gave an accurate description of where we have been and what we still need to do. I know that Derek Mackay does not get the opportunity to speak very often—

Derek Mackay: Not on these matters, anyway.

Mary Fee: I am grateful that he took the opportunity to intervene today.

I share the concern that Patrick Harvie raised about the pace of change and how long cultural change takes, and I, too, would like to see changes moving at a faster pace. However, we are on a journey, and I think that we are moving along apace.

I do not think that I have ever stood to close a debate for the Labour benches and said that I have felt honoured and proud to be part of the debate. However, today, that is what I am.

I take this opportunity to place on record my thanks to the Cabinet Secretary for Justice for his constructive engagement in relation to my proposed amendments at stage 2. As others have mentioned, I proposed an amendment that would have required the Scottish Government to provide a letter of comfort to the families of deceased people with convictions for historical sexual offences. I had raised that issue throughout our evidence-taking sessions, and the hurt and the damage that has been done to individuals and their families is something that the Equality Network and I were keen to find a way to resolve. After receiving assurances from the Cabinet Secretary for Justice and an assurance that dialogue with the Equality Network would continue on the matter, I withdrew my amendment. I am extremely pleased that the Scottish Government will look to put in place an administrative process that will provide the relatives of the deceased person with a letter of comfort. Most important is

that each letter will be personally signed by the First Minister, which gives a clear statement that a wrong was done to the family's relative.

The Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill is a historic and critically important piece of legislation. It is right that we acknowledge that Scots law acted in a repressive manner in its treatment of gay men. Until recently, the law in Scotland actively criminalised and discriminated against thousands of men on the basis of their sexual orientation. The bill admits that the state was unequivocally wrong to treat gay men as criminals. However, the bill also says much about the country that we aspire to be. It makes an important statement that Scotland is a country that firmly rejects discrimination and celebrates our LGBTI community, and supports them to be full and equal citizens who are treated with respect.

In a global context, it is important to remember that, although progress has been fought for and won by the LGBTI community, same-sex relationships are still criminalised in 72 countries and are punishable by death in eight countries. Even in countries where same-sex relationships are legal, such as Egypt and Russia, gay men and gay women continue to experience significant discrimination, harassment and stigmatisation. The battle for LGBTI equality has no borders, and it is important that Scotland continues to play a constructive role on the international stage by promoting LGBTI equality and by denouncing all examples of homophobia, biphobia and transphobia.

It is also important that the pardon and the disregard in the bill, and the difference between them, are well publicised. As the Equality Network pointed out in its briefing, there will be many people with these convictions who are not in contact with LGBTI organisations, so I welcome the cabinet secretary's commitment to work with LGBTI organisations to publicise the pardon and disregard, including to those who live in rural and remote communities.

It is evident that the legacy of convictions, fines and warnings as a result of the discriminatory laws that prohibited sexual activity between two men in Scotland has had an enduring, damaging and hurtful impact on thousands of men's lives. The bill cannot undo the discrimination and persecution experienced by those men. However, I hope that the pardon and disregard system outlined in the bill, and the letter of apology from the First Minister that the Scottish Government has committed to providing, can provide those men and the families of deceased men with a small degree of comfort.

I will be proud to cast my vote in favour of passing the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill at decision time.

The Deputy Presiding Officer: I call Jamie Greene for an equally relaxed eight minutes.

16:40

Jamie Greene (West Scotland) (Con): I am very relaxed, thank you, Presiding Officer.

I open my comments today, perhaps unusually, by reading from a book. I cannot recall whether I picked it up in a Soho bookshop after a few too many sherries or whether it was gifted to me by a friend with a sense of dark humour, but this little book is called "Homosexuality". It was written by Dr Donald J West, a renowned psychiatrist, in 1955, and published by Penguin Books, the well-known publisher that produced greats such as "Pride and Prejudice" and "Alice's Adventures in Wonderland".

As far as gay guides go, it is not a great read, but I dare say that in the 1950s it was all rather enlightening, educational and perhaps even ground breaking. Let me read from chapter 10, which is entitled "Cause, Cure and Treatment":

"Given a simple choice, no one in his right mind would choose to be a homosexual. However strongly they protest their freedom from conventional morality, sexual deviants cannot escape a lurking guilt. The fact that many decent folk regard them as moral lepers renders them furtive and unsure, or else forces them into flaunting bravado. Though they wear no visible crutches, their disability is real enough. The large number of otherwise respectable men arrested for loitering in public lavatories gives some indication of the depths of frustration to which many sink."

We cannot go back and change the past, neither deeds nor attitudes, and it is fair to say that the views in this 60-year-old book, which seem so absurd to us, were quite normal then. Indeed, as I read the book there is a tone of sympathy about it—perhaps even an earnest desire to understand the condition of homosexuality. Dr West looked at it from a medical, psychoanalytical, or perhaps even Freudian, point of view.

Today, the slogans on the T-shirts that we wear at pride say, "We're gay, get over it", and, as Liam Kerr said, quoting Kezia Dugdale,

"there is no such thing as 'gay sex'—it is just sex".—
[*Official Report*, 18 April 2018; c 51.]

In passing the bill today, we should remember the gross injustices faced by tens of thousands of men who suffered at the hands of legal, social and political discrimination on the grounds of who they chose to love, kiss, meet or sleep with. If Mr George Montague will not accept our pardon, I ask him to accept our apology, at the very least.

The bill is what it is—a pardon, a disregard and an apology. To some, the bill we will pass this evening is nothing more than symbolic, and it is right for that to be the case. However, to others the bill is also a practical step forward to alter

criminal records that have held them back in life and even today are causing pain and misery to so many.

This afternoon, as we sit here in our modern Parliament, being televised live, it is easy to scorn and mock the lawmakers of the past. However, it is misguided simply to look back with a sense of 21st century moral superiority and some sort of faux confusion about how on earth people could have said things like that or acted in such a way. What seems old-fashioned to us was right and relevant to many in bygone years.

Perhaps we will look as draconian and unacceptable to the next generation as the people of the duffel-coated, bowler-hatted generation of this book look to us. They were different times and different people, but these are different times and we are different people—most of us, anyway. I say that not in mitigation of the appalling views that we seek to make amends for today, but to point out that at 5 o'clock this evening our job is not yet done—it has only just started.

Names eponymous with the history of gay rights, such as Lord Montague of Beaulieu, Alan Turing, Oscar Wilde, Harvey Milk, John Wolfenden, Karl Ulrichs, Larry Kramer, Audre Lorde and Barbara Gittings have been joined by modern names such as Terrence Higgins, Peter Tatchell, and Albert Kennedy—even modern icons and role models such as George Takei and Ellen DeGeneres as well as organisations such as Stonewall, the Equality Network, LGBT Youth Scotland, and the TIE campaign. For that matter, let us add Scotland plc to that list. We may have lost our spot at the top of the ILGA-Europe report on equality—to Malta, I should add—but we have made legal progress in Scotland, if not social progress.

At this point, I will touch upon the only thorn in the bush of today's debate, which has otherwise been quite consensual. That is the important issue of moral choice, religious freedom, the law and how we vote as individuals in this Parliament. I have been out for 22 years and it is fair to say that I have come across many people in my life who hold strong religious views against my sexuality. Those views are not restricted to the Christian faith, either. Some of those people have been business clients; some have been colleagues; and some have been neighbours, or even acquaintances. As intolerant as I find their views, I have always found a way to find a mutual common ground for respect with the majority of those people. I do not throw my private life in their face, but nor do I expect them to throw their views in my face. We must listen to each other if we are to make progress.

Patrick Harvie rose—

Jamie Greene: I have a lot to get through, Mr Harvie.

The passing of today's bill is a chapter in righting the wrongs of the past and it is important, but it is not enough in itself. We may think that we are beacons of modern liberalism and acceptance today, but perhaps in decades to come people will look back at us and wonder why we were still having debates in this Parliament about a society and a culture in 2018 in which a third of young LGBTI people in Scotland have been victims of hate crime as a result of their sexuality; where 43 per cent of young LGBT people have self-harmed and, astonishingly, over half have had suicidal thoughts; and where 71 per cent of young LGBT people have experienced bullying in school as a result of their sexuality—a level of bullying that has gone up by 10 per cent in the past 10 years. Shame on us if we think that our job is done today.

Patrick Harvie: I am grateful to the member for giving way on one of the few issues that we debate in here on which we are probably on the same page, pretty much 100 per cent.

However, does he agree that because we do not just have private lives—we are also in public life—it is absolutely essential, if we want to see the further progress that he is talking about, that our voters know where we stand on these issues when they look up the record of how members in this Parliament have voted so, on issues such as this one, members should vote in accordance with what they truly believe?

The Deputy Presiding Officer: I can give Jamie Greene the time back for that intervention.

Jamie Greene: Yes; the record will show members' voting patterns. I like to think that people in this place vote according to what they believe. Yes, we have party whips, and yes, we have conformity with party views. However, it is absolutely down to individuals who have to face the public after today to say, "This is how I voted and this is why I voted in that way." I hope that people will vote for what they believe in rather than just vote because they think that it is the right thing to be seen to be doing.

The term "gay" used to mean happy in the days when that book was written. However, it has also been used as a way to describe deviance and immorality, and sexual choice or preference. It morphed from a sexuality and an adjective into a noun and a label. Today, there are young people sitting at home who are too scared to go to school because they are still being called gay as an insult on a daily basis, just as people did in the 1990s, when I was at school. In that respect, nothing has changed.

Our job will be done when being gay once again means to be happy, because everyone has the

right to be happy and the right to live their life as they please, to sleep with who they please, to marry who they wish to marry, to apply for the job that they are qualified for, and to look back with no sense of shame or remorse.

Just as we are putting an end to the stigma of wrongful past convictions through this bill, we must also put an end to the stigma that sexuality still has in today's society. Future generations may not need legislation to pardon our legal wrongdoings, for there are none, but they may need to apologise for the way in which we are failing our young people today.

I add my voice to those who have spoken to the people whom this bill seeks to pardon. We apologise for the actions of others in the past. We are sorry. I am sorry.

However, what better way to pay tribute to the people whose lives were ruined by discrimination than by committing today—collectively, as politicians, as parties and as a Parliament—to eliminate stigma and discrimination from the lives of every LGBTI youth in Scotland. Just as we judge the actions of those in the past, so we too will be judged by our actions.

16:50

Michael Matheson: I welcome the many positive contributions to the debate from across the chamber. Often when we have stage 3 debates, we talk about the value of legislation and the direct impact that it can have on individuals. We can miss the point about how legislation can itself inspire change and send out a clear message, which can often be its most lasting legacy.

That brings me to Derek Mackay's point, which he made in his intervention on Pauline McNeill. His point was that an important element of the bill, apart from its seeking to right the wrongs of the past, is that it sets our course for the future—a course on which we will not tolerate any form of discrimination in our society. The bill should not be about looking to erase the past—Patrick Harvie was correct to point that out—but about putting right a historical wrong that took place over many years. Many members have today apologised and have expressed their support for righting that wrong.

Daniel Johnson spoke about our opportunity to reflect on where we are as a society, and on the values that we seek to set for a modern Scotland. He also reflected on how it has taken us so long to arrive at this point in the journey of ensuring that we deliver equality in our society. I agree that it has taken too long to arrive at this point, but although we have been in the slow lane for many years, we all recognise that Scotland has been in

the fast lane in recent years in making sure that we address the deficits of the past in order to create a modern inclusive Scotland.

A key part of that is not just that we get it right in Scotland, but that we stand up internationally to recognise the value of equality in every society. Pauline McNeill made the point that 37 per cent of countries continue to have legislation that discriminates against individuals based on their sexuality. Part of our effort should be to add our voice to international voices about the need for greater progress in those areas.

I will turn to specific aspects that have been raised in the debate. Although we can right the wrongs of past state-sponsored discrimination that legislation forced on individuals, we cannot always address the pain that has been caused to families and individuals as a result of those actions. I recognise that although we are creating a system that enables and provides for those who will have the opportunity to apply for a disregard and to have the conviction removed from their criminal record, for those who will not be able to do so, it will leave a difficult legacy.

The amendments that were lodged by Mary Fee at stage 2 therefore provided a good opportunity to set out the posthumous disregard arrangements that we will put in place. There will be provision for family members to make representations and to set out what they understand was the nature of the incident, and for us to give consideration to that. A letter of comfort can be issued that will set out clearly that it is a conditional disregard that is based on the information that they have provided. That will be on the basis that, had the deceased person been in a position to apply for a disregard, it is likely that they would have been given one.

I emphasise the importance of having a simple application process. It will be critical to success that people feel that the system is user friendly and easy to access. To give added assurance about our commitment to ensuring that the system works as effectively as possible, we are making legal aid provisions available to those who seek legal representation in making an application to the disregard scheme and, should they seek to appeal a disregard decision that is not in their favour, to allow them to challenge that decision.

It is important that we ensure that people who could benefit from the scheme are aware that it is in place. Those of us in the Holyrood bubble who are aware of the bill, and those who are involved in different forms of politics in their local communities may be able to spread the word, but the reality is that many people are not involved in that environment and will not be aware. That is why I am absolutely committed to ensuring that a central part of the implementation of the legislation will be the public information campaign that we will

run to try to reach as many people in Scotland as possible to make them aware of the provisions. We will do that in a way that reaches not just our cities and towns, but which goes right into our rural areas and island communities to ensure that people are aware of the scheme and how it operates.

Jamie Greene: On that specific point, will the cabinet secretary commit to keeping Parliament up to date as the strategy is produced, detailing what it will involve and how the message will be got out to people, including information on any budget that he may put behind it?

Michael Matheson: I am more than happy to do that. If it would help, I am more than happy to ensure that information is provided to the Equalities and Human Rights Committee on an on-going basis on the progress that we are making in a number of areas that need to be taken forward, following the passage of the bill. There are the public information elements and, obviously, regulations will be introduced on the legal aid provisions and the posthumous disregard arrangements. We will ensure that Parliament is kept informed of progress that we make on this important matter.

Annie Wells said in her opening comments that the bill is “a landmark”. She is right. From my perspective, it is somewhat unusual to arrive at stage 3 with no amendments having been lodged, but that in itself is symbolic of how Parliament has come together and is united in its determination to take forward the legislation.

I am grateful for the way in which the Equalities and Human Rights Committee has considered the bill. As Christina McKelvie said, the bill matters, because today we have an opportunity to vote with pride to ensure that we right a wrong. The bill matters because we are improving the lives of people who have been discriminated against by legislation as a result of their sexuality.

It is right that, at decision time tonight, we will right the wrongs of the past, as we set our course for the future modern Scotland that is tolerant, inclusive and outward focused in sharing our stories and experiences with other parts of the world, and in seeking to spread equality and opportunity across all countries. Tonight, we have an opportunity to put right that wrong with pride and, as Stewart Stevenson said, with gladness in our hearts by voting for the bill.

Business Motion

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-12597, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business

Tuesday 12 June 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: National Council of Rural Advisers

followed by Ministerial Statement: Scottish Greenhouse Gas Emissions 2016

followed by Scottish Government Debate: Improving the Lives of Scotland's Gypsy Travellers

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 13 June 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills

followed by Scottish Liberal Democrat Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 14 June 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Parliamentary Corporate Body Questions

followed by Ministerial Statement: Human Trafficking – First Annual Progress Report

followed by Standards, Procedures and Public Appointments Committee Debate: Sexual harassment and inappropriate conduct inquiry

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 19 June 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 20 June 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Health and Sport

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 21 June 2018

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and (b) that, in relation to First Minister's Questions on 14 June 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".—[*Joe FitzPatrick*]

Motion agreed to.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-12599, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which is on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Environmental Authorisations (Scotland) Regulations 2018 [draft] be approved.—[*Joe FitzPatrick*]

Decision Time

17:00

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-12572, in the name of Michael Matheson, on the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill at stage 3, be agreed to. As this is a question on legislation at stage 3, members will have to vote and should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 119, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill be passed.

The Presiding Officer: The second question is, that motion S5M-12599, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Environmental Authorisations (Scotland) Regulations 2018 [draft] be approved.

Citizen Girl Initiative

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-12252, in the name of Ruth Maguire, on the citizen girl initiative. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the launch by Girlguiding Scotland and Women 50:50 of the female empowerment campaign, Citizen Girl, which aims to help empower girls to use their voices and become the next generation of leaders in politics and beyond; notes that it coincides with the celebrations to mark 2018 as Scotland's Year of Young People and the 100th anniversary of the first women gaining the right to vote; believes that, despite much progress, gender stereotypes still exist and that these negatively impact on the life experience of young girls, including by affecting their ability to both speak out and participate in class discussions; notes that it will see Girlguiding Scotland's 50,000 members learning about equality, representation and how powerful their voices can be; understands that it will do this through a range of fun, hands-on activities, including creating their own edible parliament and holding Citizen Girl summits; notes the initiative's call for political parties to commit to gender equality by ensuring that at least 50% of their candidates in local, Scottish and UK elections are women, for politicians at all levels to consult with young people on decisions that impact on their lives and for businesses, public bodies, and voluntary organisations to commit to increasing female representation in management, including through creating opportunities for the next generation of girls to take the lead; notes the calls for Members to support the campaign by sharing a #CitizenGirl selfie on social media and visiting a local Girlguiding Scotland group, and acknowledges Citizen Girl's efforts to create a more equal society for women and girls in the Cunninghame South area and across Scotland.

17:03

Ruth Maguire (Cunninghame South) (SNP): It is a pleasure to have time in the chamber this evening to debate Girlguiding Scotland and Women 50:50's citizen girl campaign. I thank all the members who signed the motion to make that possible and look forward to hearing contributions from across the chamber.

I would like to acknowledge some of the visitors in the public gallery. We have Carolyn and Talat from the 50:50 campaign. Along with Mairi, we have Girlguiding representatives from Edinburgh and Stirling, and from Graeme Dey's constituency in Angus. We have Girlguiding representatives from Queensferry and Girlguiding young spokeswomen.

I would like to say this to our visitors and all girls and young women like them: this is your Parliament and politics is for you. You are powerful and important, and your voices, ideas and opinions matter.

Citizen girl is a campaign that is led by two fantastic partners and champions of girls and women—Girlguiding Scotland and the Women 50:50 campaign. In the year of young people and the 100th year since the first women in the United Kingdom got the vote, citizen girl is about ensuring that the 50,000 girl guides in Scotland know that their voices matter and know how they can speak up, campaign and take action on things that are important to them. Citizen girl is also about calling for meaningful change to ensure that today's girls and women can look forward to a more equal future.

Research from Girlguiding's girls' attitudes survey 2018 backs up why the campaign is important by highlighting the impact of a lack of female representation on the views and experiences of girls and young women. For example, 57 per cent of girls aged 11 to 21 think that politicians do not understand the issues that girls face today, and 53 per cent think that political parties should make sure that half their politicians are women.

To tackle underrepresentation in politics, at the same time as we dismantle the structural barriers in girls' way, we need girls to see that politics is for them. We have a female First Minister and Prime Minister, but there is no getting away from the fact that women remain stubbornly underrepresented in politics and public life. Women make up 52 per cent of the population but only 35 per cent of MSPs, 25 per cent of local councillors and 16 per cent of council leaders, so it is fair to say that there are still not enough of us in the room.

It is hard for girls to be what they cannot see, so those of us who are here have to do everything in our power to remedy that. It is not enough just to get here ourselves; we have to take the lead and be powerful, persuasive, tenacious and strong advocates for change in the Scottish Parliament, in our political parties and in our communities.

Women—in particular, young women—and girls face sexism and objectification at frankly horrific levels these days, and even our First Minister and Prime Minister do not escape that. When they met to negotiate significant and important business for our countries, a newspaper thought that it was okay to run a front-page splash that focused on their legs. It focused not on their views or their political positions but on a part of their bodies. That sends a very poor message to young women and girls.

The situation is worse, not better, than when I was a young woman, and it is completely unacceptable in 2018, when we are making such strides towards equality. The online abuse that any woman who puts her head above the parapet faces can seem terrifying, and I understand why that would be off-putting for many. The abuse is

designed to keep women down, and to make us feel unimportant and feel that we have no business in politics. I know first hand that it is not always easy but, girls, we cannot let them win. We must not accept it. We have to block, mute, unfollow and unfriend, as our voices are too important to be silenced.

Here is the good news: if girls surround themselves with brilliant friends, supporters, allies and people who value them even if they disagree with them, and if they find a mentor to learn from and to teach, they will do it. Each time they speak out, it will get a little less scary and the voices of folk who would do them down will feel a little less important. If girls stick together, they will be unstoppable.

I remind colleagues that, whether or not they contribute to the debate tonight, there are a couple of ways in which they can get involved. Parliamentarians and councillors can show their support by doing something that we all love doing: taking a photo of themselves. They can take a selfie with the citizen girl sign and endorse the campaign online through their social media channels.

Also, I know that Girlguiding Scotland members in colleagues' constituencies would be delighted to meet them and show them some of the great work that is going on. I understand that Daniel Johnson experienced that and received the gift of a pink cape, which I was intrigued to learn about—I have not seen him wear it yet. That is the sort of thing that members might experience.

On the centenary of some women getting the vote and in the year of young people, it seems just about perfect that 50,000 girls and young women are growing in confidence, reaching for the stars, having fun and being a powerful force for good. To them, I say again: politics is for you—your voices are important. Go for it, girls—you'll be awesome! *[Applause.]*

The Deputy Presiding Officer: I gently say to the people in the gallery that applause by those in the public area is not permitted, although I understand why you do it.

17:10

Ash Denham (Edinburgh Eastern) (SNP): I thank Ruth Maguire for securing time to debate the important citizen girl initiative.

Full disclosure: I was never a girl guide. I was a brownie, but not a girl guide. It was quite a long time ago and I do not remember much about it, but I remember sewing my new badge on to my uniform whenever I achieved one—I always found that very exciting—and I remember going away to camp. Whether through the brownies or guiding,

girls are enabled in learning and working together to develop skills and grow their independence, which is always a good thing.

The story of the girl guides illustrates that very well. Girl scouts gatecrashed the first rally of the boy scouts and demanded “something for the girls”, refusing to believe that scouting was just for boys. Out of that direct and collective action the girl guides were established.

We can also look close to here. In the 1870s, the Edinburgh seven were trailblazers for the right of women to practise medicine, and their campaign resulted in legislation that allowed women to qualify as doctors in the United Kingdom and Ireland. As we celebrate the 100th anniversary of the first women gaining the right to vote, we can see how far we have come in that time but recognise how much we still have to do.

A more recent example of things that the girl guides have been doing is the support that they gave to the campaign to end page 3, which finally—through pressure—came to an end in 2015. That is why I am delighted to see the citizen girl initiative, which encourages girls and young women to use their voices to enact change in Scotland, to become directly involved in changing the world around them and to know their place, which is in the science lab, the editorial office, the boardroom or—perhaps especially—this chamber. Nevertheless, telling girls and young women that their place is wherever they want it to be can sometimes ring a little hollow when, in 2018, only 35 per cent of members of the Scottish Parliament are female. That is why it is crucial that all political parties commit to a 50:50 split among the candidates that they put up for elections.

As some members will know, the Scottish National Party brought in gender-balancing mechanisms for candidates for the 2016 elections. That was certainly not universally accepted—there were many people in the party who did not think that it was a good idea—but the results speak for themselves. The SNP group in the Parliament went from being 27 per cent female to being 42 per cent female. That was a huge step forward and shows that such measures really work. I encourage any parties in the Parliament that do not currently have any gender-balancing mechanisms to consider that approach as a matter of urgency.

One of the aims of the girl guides is to build confidence in girls and to raise expectations. As someone who lacked confidence at times as a girl and as a young woman, I have learned—I share this in case it is helpful to anyone else—that confidence comes through doing. I therefore say to young women: join that club or that political party; say yes to giving that speech; run for election in student politics. It is true that giving that

first speech is really scary, but the next time it gets a little bit easier, and so on. In that way, confidence builds up.

I congratulate the girl guides and the Women 50:50 campaign on the citizen girl initiative, and I look forward very much to seeing what they will achieve together.

17:14

Alison Harris (Central Scotland) (Con): It is my pleasure to speak in this evening's debate. One hundred years after some women were first given the right to vote and stand for election, we are still underrepresented in many areas of our political and business life. The number of women who serve on our councils and in our two Parliaments is still far below the equal balance to which we should all aspire. I join other members in welcoming any initiative that highlights that politics needs more women, especially young women.

It is particularly good that we are celebrating the citizen girl initiative. It is good and very appropriate that, in this year of young people, one of our largest and most respected young persons organisations, Girlguiding Scotland, is highlighting the empowerment of women to show that the voice of a young woman matters and to encourage them to use that voice in all walks of life.

Young people are the future of our country and we need to encourage every person to play a part in civic life. However, we must acknowledge that there are unnecessary hurdles—real and perceived—that are still waiting to be removed for women and for young women, in particular. The citizen girl initiative will play a part in removing such hurdles.

Despite the fact that we have had two female Prime Ministers and the fact that two women are currently serving in this Parliament as First Minister and leader of the Opposition, it is obvious that work still needs to be done to bring more women into public life. Political parties might have different approaches on the best way to achieve that, and we might disagree in some areas, but we are united in the belief that a Parliament needs to look like the country that it represents. Therefore, we need to strive for a balance of genders in both our Parliaments.

My party welcomes the launch of the women2win initiative. It is leading the campaign to elect more Conservative women to Parliament and it aims to increase the number of Conservative women in Parliament and in public life. It is committed to identifying, training and mentoring female candidates for office. As MSPs, we regularly go into schools and discuss politics. We tell pupils what it is like to be an MSP and we answer questions, but those questions often

reveal the perception and stereotyping that the women2win initiative sets out to challenge.

Although we can all play our part in convincing others to follow in our tracks, it is great to have an organisation such as Girlguiding trumpeting the same message that opportunities are there for women to play an important role and make their mark, not only in politics but in business and the media, too. We need to encourage more young women to realise their potential.

Women remain woefully underrepresented in senior management roles and on the boards of public companies. Only 28 per cent of the board positions of the FTSE 100 companies are held by women. Although there has been an improvement over the years, much more still needs to be done.

Though I am never complacent, I want to finish on a positive note. In 1998, Mary Pitcaithly became the first woman to hold the post of chief executive of a Scottish local authority, and that local authority was Falkirk Council, which is in my region. This month, more than two decades after she blazed the trail for women at the top level of local government, Mary will retire from that post. However, she leaves knowing that there is now almost an equal gender split among the ranks of the chief executives of Scotland's councils.

I congratulate Girlguiding Scotland on its campaign and my colleague Ruth Maguire on securing the debate.

17:18

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Ruth Maguire on securing the debate, and I pay tribute to Girlguiding Scotland and Women 50:50 for starting the citizen girl campaign.

It is very important that we encourage girls to put themselves forward to become future leaders. Although our society instinctively does that with boys, girls are often left behind. We legislate for equality, but we also need to understand that societal norms still promote inequality and that they are deeply ingrained.

From a young age, girls are given messages about being homemakers, mothers and carers. We need only look at children's toys. The next time we are in a shop, we should look at the toys that are meant for boys, which will be blue, and the toys that are meant for girls, which will be pink, to see how we brainwash children into taking those roles. I have struggled to buy toys that do not gender stereotype children. Surely that cannot be right. It needs to stop.

How can we say to girls that they can be leaders when everything else that they see and hear tells them that they cannot? To counteract that, we

need to empower girls, so that is what the campaign is doing. It has its work cut out, however, given the societal stereotyping that tells girls that leadership roles are not from them, but the citizen girl initiative activities will help to build leaders for the future. Girls will learn about politics and how they can become legislators and politicians, and they will meet councillors, MSPs and MPs.

The campaign is working to empower girls, but it also calls for change from today's leaders, and it calls on political parties to put forward gender-balanced lists of candidates. I am proud that the Scottish Labour Party in the Scottish Parliament is gender balanced, but it has taken positive action on our part to achieve that.

The campaign calls on politicians to ensure that young people are consulted on decisions that impact on them. I argue that young people should be consulted more widely than that, because they will inherit what we put in place. Although they may lack life experience, they should have a say on the direction of travel. That lack of life experience can often make young people idealistic, which we sometimes lack in modern-day politics. We need to aspire as much as we need to manage.

The campaign also calls for increased female representation in all walks of life. If female representation is increased, that will give girls role models not just in politics, but in every career choice. There should be no barriers to what a girl or a woman can aspire to. Girls need those role models in order to be able to see their own roles as leaders in the future. If all that they see is men in suits, they immediately discount such roles for themselves; they do not identify with such people.

What struck me as the most devastating thing in the Girlguiding Scotland briefing for the debate was the information that, between the ages of seven and 10, 86 per cent of girls think that they could be successful in their chosen career, but the figure falls to 35 per cent between the ages of 17 and 21. That group believes that employers prefer to hire men. What on earth happens to girls as they grow up? Why do young girls have an ambitious outlook, and how is it destroyed? Is that the reality that they face?

Our aim must be to ensure that there are opportunities for girls to be what they want to be. They should be encouraged and not discouraged as they get older, and that is a task for all of us.

I am glad that Girlguiding Scotland and Women 50:50 have taken on the campaign, and I hope that they will continue to work with young girls and today's leaders to ensure that we really do change the world for girls and the next generation of women.

17:23

Alison Johnstone (Lothian) (Green): I, too, thank Ruth Maguire for securing the debate.

For full disclosure, I say that I was a brownie and a girl guide—but it was only yesterday, so I remember it very well. I am also a proud co-founder of Women 50:50 and am involved in the campaign to increase representation of women in political life.

I have said before, and will say it again, that as a councillor in Edinburgh and as an MSP who represents Lothian, I have found it notable that when schools, nurseries and hospitals have been under threat and there are big issues to be debated, my surgeries and meetings have been absolutely full of women; indeed, often the majority of people there have been women. However, where are the women when it comes to voting? The numbers of women who should be there are absent from the chamber and from our town halls, so we must take action.

I am proud that Women 50:50 has linked up with Girlguiding Scotland. I wish that the initiative had been available when I was a girl guide; I did not get involved in politics until I was in my 30s. The initiative will help young women to engage and it will give them the courage and confidence to do so. I will always remember that, in my first-ever council meeting, a senior male councillor referred to a senior woman councillor across the chamber as “a fishwife”. That would be absolutely unacceptable today, so change is under way, but we should be in no doubt that that change is due to recent campaigning. The initiative is an important step in the right direction.

The Girlguiding Scotland girls' attitudes survey shows us exactly why the citizen girl initiative matters. It shows that more than half of girls and young women feel that gender stereotypes have a limiting effect on the activities that they can do now, and on how they can express themselves, and it shows that they feel the influence of those stereotypes in most areas of their lives, from teachers' beliefs and expectations to messages in the media.

I should say that one of the least pleasant experiences that I have had on social media was when I dared to speak in the “No more page 3” debate. It is therefore important that we continue to challenge those who would like us to be quiet and that we speak up loudly.

The survey also showed that 57 per cent of girls and young women aged 11 to 21 do not think that politicians understand the issues that face them today. It is clear that we have to get better at listening and that we ensure that we are engaging fully.

The citizen girl initiative helps girls and young women to learn about the political process, to amplify their voices and to realise how they can make changes happen. As part of that, one of the outcomes that citizen girl is calling for is for politicians at all levels to consult young people on all the decisions that impact on their lives. It is fair to say that we do not do that well enough. The year of young people in Scotland should be a real impetus to change that and to ensure that we incorporate the perspectives of young people from all backgrounds in the decisions that we make.

The resources that have been developed for the citizen girl initiative give young people a great starting point for understanding the responsibilities of councillors, MSPs and MPs and the kinds of issues that they can help with. They also provide a great starting point for understanding actions that young people can take—from sending an email, to starting a petition, to organising events, to raising funds for a cause that they believe in. There is no substitute for political engagement, so I am delighted to support the campaign, which encourages young women and girls to become directly involved in politics.

To change the conversations that we have about representation of women in society, we have to think about what opportunities women have to develop careers in the media or even to be represented in the media as experts, because the media influence the debate. Last year, the BBC launched its expert women initiative, looking for women who would like to contribute to news content as experts. That initiative acknowledged that the vast majority of voices that we hear on the radio and television are male, so in some ways it is a welcome step towards redressing that imbalance. However, the initiative was criticised—rightly, in my view—because it required interested women to submit a CV and a short film showing them presenting on their area of expertise, and then to pitch an idea for a story that the general public would find interesting. Why should women but not men be required to prove their expertise in that way? Why is women's specialist knowledge in doubt until proven? Why should interested women have to do so much unpaid labour to generate contacts for media organisations?

A real bugbear of mine is the absolute lack of visibility of women in sport. Anyone who looks at the back pages of their newspaper today will be hard pressed to find a woman on them. They might, however, if the woman is some sportsman's girlfriend. However, we must do better. I met a newspaper to discuss that lack of coverage of women as sports role models and was asked to do that very same thing: could I contact them when I had details of a successful woman or could pitch a story to the paper? Do members think that that happens with male sports events and efforts? In

many cases, the achievements of women are at a higher level.

I know that the Presiding Officer would like me to close; I am pleased to do so. I very much hope that the citizen girl initiative and initiatives like it fill young women with the confidence to act on the issues that they care about, and to play an ever fuller part in public life as they grow older.

The Deputy Presiding Officer: If I had more time, you could have gone on for 10 minutes, but I do not. I call Gillian Martin, to be followed by Rachael Hamilton, who will be the last speaker in the open debate.

17:28

Gillian Martin (Aberdeenshire East) (SNP): I thank Ruth Maguire for getting this debate into the chamber.

The girl guides certainly have come a long way. Last night, as I was thinking about this debate, I had a wee smile to myself as I thought about the badges that were sewn on to my guide uniform and remembered one with a picture of an iron on it: the laundress badge. I was a girl guide not in the Victorian era, but in the 1980s, and I was taught how to wash and iron clothes. Do not get me wrong, because I have used those skills and I know how to get chewing gum off a jumper. Having had a wry smile thinking about my quite old-fashioned girl guide achievement, I gave myself a bit of a telling off, because I also remember how empowering the guides have always been and that being a girl guide for seven years empowered me.

It is obvious that Girlguiding Scotland should join Women 50:50 in leading the charge for the empowerment of the next generation of female representatives.

The girl guides taught me how to be independent and how to lead a group of other girls and take responsibility for them. Most memorably, they taught this formerly quiet and shy girl—yes, that was me—to use her voice without fear. That voice was always there. It just needed the right conditions to come out.

My parents still tell the story of how open-mouthed they were to turn up at the 1st Newburgh guide concert to find their awkward, shy girl not at the back dressed as a tree or something, but as an exuberant, confident master of ceremonies for the evening, like a 12-year-old Doric Liza Minnelli. My former guide leader, Pat Begg, had not told them beforehand because she wanted to see their faces, and I thank her for that. The guides gave me the space to find out that I could stand up in front of a crowded hall, and they are largely to be

either thanked or blamed, depending on one's perspective, for me standing up in this room now.

I have spoken many times on the empowering nature of women-only spaces, and the girl guides have been that for decades. I am 100 per cent behind the three asks of the citizen girl campaign. On the ask for 50 per cent of election candidates to be female, I say yes, yes and yes again. However, as the campaign recognises, we will never get to that stage without early work with girls to ready their aspirations and confidence to look on candidacy as an option. I say that as someone who spent a great deal of last winter cajoling excellent but reluctant women into going forward for council candidacy—women who are now elected, are making a difference in their local communities and are refreshing a rather stale council group. I am sorry if anyone takes offence at that, but it is true.

Those who know me will know that I have been a strong advocate for the increase of female representation in management and on boards, both as a member of the Scottish Parliament and in my working life before election. This week, I am writing to every girl guide group in my constituency and offering to come and meet them to discuss their work on the issues. That will not be easy, as most girl guide sessions are held midweek, when I am 160 miles away in Edinburgh, but we will work something out. Perhaps I will be able to work out how to get some of Aberdeenshire East's guides into the gallery, where so many of their fellow guides are today.

As for girl guides' voices, they are stronger than ever. The closed focus group discussion on sexual harassment and bullying that I joined courtesy of an invitation from the convener of the Equality and Human Rights Committee, Christina McKelvie, featured some of the most engaging, persuasive and assertive voices that I have heard in this place, and they were the voices of girl guides.

The girl guides' work alongside those of us who are campaigning—quite successfully, I might add—to take down the barriers to period products is absolutely inspiring. I saw their new end period poverty badge online this week, and I wish that I had been able to sew that on instead of the laundress one all those years ago. It shows how far we have come in overturning stigma and recognising the powerful voices of girls and young women, and what a force to be reckoned with the girl guides continue to be.

That badge and the citizen girl campaign are proof that the girl guides are not just moving with the times, but leading change. I cannot wait to watch a debate in this chamber and see a new female MSP stand up and say that it was the citizen girl campaign that inspired them to go for election.

17:33

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I will try to do a Minister Michael Curry and use my tablet, like he did for the sermon at the royal wedding. I am going to try to be modern.

I apologise to Rhoda Grant for wearing pink, but I love pink.

I really welcome the debate and I congratulate my colleague Ruth Maguire on securing it. As a former girl guide, I am proud to be associated with the citizen girl campaign, which aims to bring girls' voices together and empower them to become the next generation of leaders in politics. Together, our voices are louder and stronger. By bringing debates such as this to Parliament, we can knock down the barriers that women and young girls face.

One hundred years ago, not all but some women got the right to vote for the first time. The anniversary is fitting because 2018 is also the year of young people. Women have come so far, but are we truly equal? Is it not staggering that, in 2018, women still battle against inequality and sexism and the gender pay gap still exists?

The Fawcett Society, a group that campaigns for equality, says that caring responsibilities can play a big part. Women often care for young children or elderly relatives, which sometimes holds them back. That also means that women are likely to work in part-time roles that are often lower paid or present fewer opportunities for progression.

I am proud that, under a Conservative Government, a requirement has been introduced for UK companies that employ more than 250 people to publish their gender pay gap. When it comes to equality in politics, the Conservative Party has an outstanding leadership record. However, we acknowledge that we have a steep hill to climb and our party is ready to work towards greater diversity and gender equality.

As my colleague Alison Harris said, we in Scotland have set up a group of women to win, with the objective of attracting more female candidates to step forward, coining the phrase on social media “#askhertostand”. Through engagement with women's groups, we want to identify, recruit, train, mentor, support and advance women into elected positions at all levels of Parliament and local government.

Minority groups and women will experience different journeys into politics; there is not really a standard approach. However, we aim to give individuals confidence by mentoring, training and supporting them.

Baroness Nosheena Mobarik is heading up a commission to ensure greater gender and ethnic diversity in the party's ranks at the next Holyrood election. If we want to be the next Government, we need to demonstrate greater diversity.

I represent a Borders constituency and was recently invited to join a women in leadership event organised by the principal of Borders College, who is of course a woman. Every woman was asked to bring a young person to the event. We were asked to join together to agree common goals and make commitments such as pledging to mentor a young woman. The involvement of young girls is crucial. Girlguiding Scotland plays an important role in encouraging young females to speak up, speak out and be heard. That means that politicians have to listen to those young female voices.

The girls attitude survey revealed that 55 per cent of girls aged seven to 21 said that gender stereotypes affect their ability to say what they think and 57 per cent of girls aged 11 to 21 do not think that politicians understand the issues that girls and young women face today. It is vital that politicians engage with those young voices, take note of what they have to say and take action. Those voices are threatened by online trolls, who are often male, chauvinistic, misogynistic, sexist and aggressive. Set to defeat those trolls, who target female politicians and candidates, I am working with other MSPs to create a platform to combat those instances of abuse and work with social media platforms to make sure that such voices do not drown out our own.

I and all my colleagues continue to do all that we can to support and encourage young women both inside and outside politics. It is important to keep promoting female and young female voices. We need to give young women the confidence and means to achieve success in any role and in anything that they want to do. I thank all those involved in the citizen girl campaign and, as a former girl guide, I pledge my support to it.

17:38

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): I add my thanks to Ruth Maguire for securing this very important members' business debate. I also thank all members for their speeches. Alison Johnstone gave a complete and utter rant, which I enjoyed every minute of, and it was interesting to hear the reflections of Rachael Hamilton, Ash Denham and Gillian Martin on their time as girl guides.

I will completely gloss over my very brief career in the girl guides, the brownies and the Girls Brigade. I am afraid that I was not involved in any

of those organisations for long enough—for reasons that I will not go into—to sew a badge on to any uniform.

It is remarkable how Girlguiding Scotland has changed over the years. Nevertheless, Gillian Martin was able to speak powerfully about how her time as a girl guide helped her to blossom into a confident young girl and a confident young woman.

On that note, I am really pleased to add my congratulations, on behalf of the Scottish Government, to Girlguiding Scotland and Women 50:50 on the launch of their citizen girl campaign, and I extend a warm welcome to our visitors in the public gallery. This is, of course, their Parliament as much as anybody else's.

I also thank everyone who volunteers with Girlguiding Scotland. This week is volunteers week, and volunteers ensure that girls and young women can take part in the guiding movement and participate in activities such as the citizen girl challenge. I understand that more than 2,000 girls have achieved or are working on their citizen girl challenge badge, which is a remarkable achievement.

As many members have said, this is absolutely the right moment for the citizen girl initiative. It is 100 years since some women won the right to vote and to stand for election, and it is Scotland's year of young people—a year in which we celebrate young people's achievements and tell them that their voices are not just important but central to the future of this country.

I absolutely agree with the motion that, although women's rights have advanced considerably over the past 100 years and there is a lot to celebrate and be proud of, we must acknowledge that inequality still exists. Ruth Maguire was right to say that we must be in the business of meaningful and lasting change. When she said that, although many things are much better for women and girls today, some things are worse, she struck a chord. Like her, I fear that that is the case. The objectification of women and online abuse are pertinent in that regard.

Like Rhoda Grant, I was deeply struck to learn that, although girls between the ages of seven and 10 are hopeful and confident that they have the same chance of success as their male peers—some 86 per cent of girls in that age group think they can be up and at it at the same level—when the same questions are put to young girls and women aged between 17 and 21, the proportion is reduced to 35 per cent. As Rhoda Grant said, that leads us to ask why. What knocks are happening in life? What is putting our girls and young women down? What is still oppressing them today?

It is clear that women's representation in Parliament, in local government and in other senior positions is not where it should be. It is not enough to say, "We're here; we're okay"; we must think about the women who are absent and the future generations of women who should step into our shoes—and into shoes that are currently occupied by men.

We must take action to address the issue, as it requires action and not just words. At the end of last month, the BBC ran a story online in which it highlighted the worst excuses that FTSE 350 companies had given for not appointing women executives. It made for depressing reading. We saw a whole list of the same old excuses and mythologies, one after another. For example, people said:

"I don't think women fit comfortably into the board environment,"

and,

"There aren't that many women with the right credentials and depth of experience to sit on the board—the issues covered are extremely complex".

Someone even said:

"We have one woman already on the board, so we are done—it is someone else's turn."

Reading that makes one think that it is 1918, not 2018. I am proud that, last year, I worked with other members in this Parliament to take through the bill that became the Gender Representation on Public Boards (Scotland) Act 2018.

It is important to acknowledge that, for some groups of women, progress is seriously slow or lacking. We must improve our understanding of the particular experiences of women who live with a disability and women from ethnic minority communities, so that we can challenge the specific issues that they face. On a very basic level, Parliaments are meant to serve the people, and, if the parliamentarians who serve the people look and sound pretty different from the people, something is quite clearly not right.

A positive development of the past few years is the extension of the franchise in Scotland to 16 and 17-year-olds, which has shown young people's interest in and energy for political engagement. Giving young people the vote piques their interest and can keep people engaged in politics throughout their lives. By empowering girls to use their voices and to see and feel the impact that that can have, citizen girl taps into that energy. It does so in a way that is fun and accessible for young women and girls, and it also does so by what Ash Denham described as growing confidence through doing, thereby giving young women the confidence to challenge and change the community around them.

I know that many girl guide units have visited the Parliament. I understand that the average is currently one unit visit per week. That is wonderful, and I commend Girlguiding Scotland, its local leaders and volunteers for engaging with the Parliament in that way. I am particularly intrigued by the concept of an edible Parliament, and I hope that members might get a chance to sample a bit of Parliament as we have never seen it before. If there is a competition to judge the edible Parliaments, I would certainly be happy to oblige.

I thank Ruth Maguire again for bringing the debate to Parliament. It is a great message to send to young women and girls that their voices can and will make a difference and that politics is something that they can get involved in. They can be members of Parliament, members of the Scottish Parliament, local councillors or even a future Prime Minister or First Minister, but they can also use their voices in lots of different ways to make a difference. On international women's day this year, we held a debate in which the focus was very much on young women and girls, and we highlighted a number of examples of young women making a huge difference in their communities—the Glasgow girls being one such example.

Bessie Watson is another example. Often considered to be the youngest suffragette, Bessie was also known for playing the bagpipes. She grew up in Edinburgh and she played her bagpipes at suffragette marches and rallies. Her parents were big supporters of the suffrage movement, and she even played outside the old Calton Hill jail to keep up the spirits of the women who were being held there. Of course, we will see the procession in Edinburgh on Sunday, which will be another aspect of the celebration of 100 years since some women got the vote.

Presiding Officer, I thank once again Girlguiding Scotland, Women 50:50, Ruth Maguire and other colleagues who have contributed to the debate this evening.

The Deputy Presiding Officer: As one of the female Deputy Presiding Officers of the Parliament, I have pleasure in saying that that concludes the debate, and I close this meeting of Parliament.

Meeting closed at 17:47.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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