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Wednesday 26 September 2018

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Scottish Parliament

Wednesday 26 September 2018

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

Portfolio Question Time

Government Business and Constitutional Relations

“Scottish Government Intervention—Assessment Report” (Action)

1. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government what action it has taken since the publication of the Scottish Information Commissioner’s “Scottish Government Intervention—Assessment Report”, which found that it was operating a two-tier system for managing freedom of information requests, which discriminated against journalists, MSPs and researchers. (S5O-02389)

The Minister for Parliamentary Business and Veterans (Graeme Dey): The commissioner’s report explicitly acknowledges that the Scottish Government has made changes in the past 12 months that have already resulted in significant improvements to our FOI performance. On the day on which the commissioner published his report, we updated our guidance to state unambiguously that clearance should be based on the sensitivity of information that is requested, rather than on the identity of the requester. The guidance states explicitly that

“not all requests from journalists, political researchers or MSPs will be for sensitive information”.

On 13 September, we published a draft action plan for the commissioner’s consideration that aims to address all his recommendations and to build on our improving performance. I look forward to the commissioner’s feedback on the plan, and to working with him during its implementation.

Annie Wells: As the minister will be aware, the report found that a number of cases featured

“unjustifiable, significant delays and disregard for the statutory timescales.”

Is the Scottish Government now fully compliant with FOI legislation?

Graeme Dey: As I said, the Scottish Government is in dialogue with the commissioner, having provided the information that was required in response to the recommendations. Performance over the past six months in turnaround of FOI requests is significantly higher than it was. In

short, the answer is that the Government is fully compliant.

The Presiding Officer (Ken Macintosh): I call Annie Wells—I am sorry, I call James Dornan.

James Dornan (Glasgow Cathcart) (SNP): Thank you, Presiding Officer. I hope that you were not getting us mixed up. [Interruption.] No disrespect was intended, Annie.

Is it not the case that the Scottish Information Commissioner acknowledges that the Scottish Government has taken the steps that the minister has mentioned to improve and monitor its performance, and that

“the improvement should be judged against a backdrop of increasing numbers of requests”?

Graeme Dey: Paragraph 20 of the commissioner’s report highlights the “significant improvement” in the Scottish Government’s performance

“against a backdrop of increasing numbers of requests.”

In 2017, we received 3,046 requests, which was 41 per cent more than the previous high in 2015. The number of requests shows no signs of diminishing. We are on course to receive about 3,500 requests in 2018. A specific example of what is being dealt with is that on the afternoon of 12 September, one individual submitted 84 requests in the space of 56 minutes—one every 40 seconds.

Despite the continued high volume of requests in the first seven months of 2018, we have responded to 93 per cent of requests on time, which is more than the target of 90 per cent. I pay tribute to the diligence and hard work of staff across the Government for delivering that response.

Jackie Baillie (Dumbarton) (Lab): The Scottish Government’s draft action plan on FOI handling includes the creation of criteria

“to define sensitive or ... complex cases.”

What measures will be used to identify a case as “sensitive”? How will the minister ensure that the identity of the requester is not known?

Graeme Dey: I will come back with further detail on that in due course. I give a commitment to Jackie Baillie and other members that we will continue to work closely to satisfy the commissioner on the nature of our response. I am extremely hopeful that we will reach that point and meet all the recommendations that the commissioner has made.

Brexit (United Kingdom Referendum)

2. **Willie Rennie (North East Fife) (LD):** To ask the Scottish Government what its position is on

there being a United Kingdom-wide referendum on the final terms of the Brexit deal. (S5O-02390)

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): I assure Willie Rennie and the Parliament that the Scottish Government is not opposed to a second referendum on the final negotiated deal, if that is the will of the UK Parliament.

However, we are concerned that those who are in favour of such a vote have not demonstrated how they would address the serious democratic challenge of the people of Scotland still facing being removed from the European Union against their will, should they vote clearly and decisively to remain in the EU, as they did in the 2016 referendum.

Last week in the chamber, the First Minister said that, if the Scottish Government

“is to get enthusiastically behind the campaign for another EU vote, surely it is not unreasonable to ask for a guarantee that Scotland would not find itself in”

the same

“position all over again”—[*Official Report*, 20 September 2018; c 21.]

if it votes to remain in the EU.

Willie Rennie: The problem for the cabinet secretary is that time is running out. He has been talking about these talks for months, and he and I have had talks on several occasions. To be brutally honest, I say that he wants me to agree to back independence if he backs a people's vote on Brexit. That is what he is trying to achieve, but it is not going to happen.

Therefore, the cabinet secretary has a decision to make. Will he sit on the sidelines or will he get behind the best chance of stopping Brexit, which is a people's vote? Will he stop hiding behind the talks and do the right thing?

Michael Russell: I am not sure that Mr Rennie is doing his case much good by in essence saying, “Back us, or else.” Fortunately, there are more reasonable and sensible voices who are arguing for such a vote. For example, this morning I had a constructive discussion with Hugo Dixon from the people's vote campaign, which was an interesting and informative step forward. I commend that type of constructive engagement to Mr Rennie.

I note that Mr Rennie's party leader, Vince Cable—I think that he is still the leader—demanded at the start of the recent Liberal Democrat conference that the SNP back a people's vote, but also demanded that the people of Scotland never be allowed to support independence again. That is no way to win friends and influence people.

Joan McAlpine (South Scotland) (SNP): This week, we learned that, post-Brexit, pet owners who wish to take their animals to Europe will face barriers in acquiring a pet passport. In the event of a no-deal Brexit, they will need to have met a vet by November this year to guarantee travel after March 2019. Does the cabinet secretary agree that that is callous and disruptive and that it should have been avoided?

Michael Russell: Yes. The United Kingdom Government's technical notices, the third tranche of which were published this week, expose more starkly than anything else we have seen how disastrous and ridiculous a no-deal Brexit could be. The UK Government's guidance could not be clearer about the chaos and disruption that will ensue. It can and should be avoided.

The Prime Minister should put an end to her brinkmanship and commit to the only feasible option short of continued EU membership—which I favour, as does Mr Rennie—which is to stay in the European single market and the customs union.

Kenneth Gibson (Cunninghame North) (SNP): Does the cabinet secretary agree that, if remainers such as Willie Rennie had voted yes in the independence referendum four years ago, Scotland would not now be leaving the European Union and that the only way Scotland will have a future in the European Union is as an independent sovereign nation?

Michael Russell: Yes, and I hope that Mr Rennie has voter's remorse and considers that he made a major mistake—although there is no sign of that. Perhaps he was misled by another party leader, Ruth Davidson, who in response to the point that was made by Patrick Harvie—unfortunately, he is not here—that

“No means out and Yes means in”,

said that the opposite is true. She said that

“No means we stay in”.

That was the view of the leader of the Scottish Conservatives, which turned out not to be true. In the circumstances, Mr Rennie would, if he had the conviction that he claims to have, be backing independence all the way.

Welsh Government (Contact)

3. **Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government whether it has been in contact with the Welsh Government since last week's joint ministerial committee meeting. (S5O-02391)

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): The Scottish Government

routinely engages with counterparts in the Welsh Government on a range of business between both officials and ministers. Since the meeting of the joint ministerial committee on European Union negotiations on 13 September, the Scottish ministers met the Welsh ministers at the ministerial forum on EU negotiations and at the quadrilateral ministerial meeting in London involving the Department for Environment, Food and Rural Affairs and the devolved Administrations, on 17 September. Officials have been in touch since those meetings.

Finlay Carson: I note that the Scottish Government's programme for government pledges obstinacy on all further legislative consent memorandums regarding Brexit legislation. Has the cabinet secretary had the chance to discuss that position with the Welsh Government?

Michael Russell: The Welsh Government is fully aware of our position on the Sewel convention. It is a reasonable and reasoned position. The Sewel convention is broken: the UK Government has not operated it as it was meant to be operated. In the circumstances, it is important that it comes back into play in an effective way. The Sewel convention never said that consent meant either voting for something, not voting for it or saying nothing. Until the Sewel convention has meaning, we cannot go along with any process that involves it.

However, I am not an unreasonable person and, as Finlay Carson might know, in recent weeks I have suggested to David Lidington a means by which we could resolve the issue. The Welsh Government knows that, and the last time that we discussed the matter it indicated that it supports the solution. If we could all agree on it, we could move forward.

Brexit (Impact on Fish-processing Industry)

4. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what discussions it has had with the fish-processing industry regarding the impact of Brexit on people from the European Union working in the sector. (S5O-02392)

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): On 16 August, the First Minister convened a seafood sector round table on Brexit at which she met key stakeholders in the seafood industry to discuss the impacts of Brexit on their sectors, including the processing sector. One of the main concerns expressed related to future access to migrant labour, given the processing sector's reliance on it; figures show that 58 per cent of the workforce are non-United Kingdom European Economic Area workers. That is why it is vital that any future trading

arrangements for our seafood exports to the EU continue to be free of tariff and non-tariff barriers.

Maureen Watt: Does the cabinet secretary agree that the recommendation in the Migration Advisory Committee's report that low-skilled workers should be encouraged to enter the UK on a youth mobility scheme could lead to all lower-paid workers being paid even less, and that it needs to be revised in order to protect those who work in vital industries such as the fish-processing industry in Aberdeen South and North Kincardine and elsewhere?

Michael Russell: I agree with Maureen Watt on her issues with the MAC report, which is immensely disappointing. Yet again, MAC has refused even to acknowledge the existence of a separate Scottish economy and its separate labour force needs. It is not the first time that that has happened: I hope that it might be the last.

In the circumstances, some of MAC's proposals are, frankly, risible; for example, it suggests that the solution that could be adopted to some of the labour shortages is to change the retiral age. The prospect of people who are ready to draw their old-age pension being sent out into the fields of Angus to pick fruit is ridiculous. The Migration Advisory Committee needs to take a jump to itself, as my old granny would have said. It needs to look at the situation in Scotland and to understand the Scottish labour market; then its contributions might be of some help.

Peter Chapman (North East Scotland) (Con): I echo the concerns of Maureen Watt and the cabinet secretary—labour is vital for the future success of those industries. Conservative members support the UK Government in getting the best deal for our fishermen, and we support the fishermen's desire to take back control of our waters and catch a fairer share of the fish within our 200 miles. With that in mind, we need to ensure that Scotland has the capacity to process increased fish landings. There is a 34 per cent decline in fish processing in Scotland due to high business rates driving business down south. What will the Scottish Government do to encourage those businesses to remain in Scotland?

Michael Russell: There are none so blind as those who will not see. The facts of the matter were laid out by Maureen Watt. It would be useful if Peter Chapman listened to those facts and did not bring garbage and prejudice to the chamber, which is what we have just heard. The reality is that Brexit is bearing down on the processing sector in terms of an available labour force. Unless Peter Chapman recognises that, his contributions will be worthless.

Veterans (Support)

5. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government what support it provides for veterans. (S5O-02393)

The Minister for Parliamentary Business and Veterans (Graeme Dey): Yesterday, the Scottish Government published its report, “Scottish Government support for Veterans and the Armed Forces Community in Scotland”, which highlights the work that is being taken forward across Government, including in the areas of health, housing and employability. The report also recognises that 2018 marks the 10th anniversary of investment in the Scottish veterans fund and the recent appointment of our new Scottish veterans commissioner, Colonel Charlie Wallace, who will continue the important role of providing strategic advice and scrutiny that was previously undertaken by Eric Fraser.

Tomorrow’s debate will fulfil our promise to update Parliament annually on the topic, and afford members an opportunity to discuss our report and highlight how we have taken forward the recommendations in Eric Fraser’s report, “Veterans’ Health & Wellbeing”.

Emma Harper: I welcome that answer and look forward to hearing more in due course. Southwest Scotland RnR, which is a charity based in Castle Douglas, aims to help veterans by empowering them to access employment in civil life. Recently, it has been providing funding for veterans to obtain heavy goods vehicle and Security Industry Authority licences, as well as providing practical support for access to interviews and other social activities. Given that important work, does the minister support such a project and will he accept my invitation to visit Southwest Scotland RnR to see its important work that benefits veterans in the south-west of Scotland?

Graeme Dey: Aiding veterans into employment so that they have a fulfilling life after they leave the armed forces is a priority for me and my colleague, the Minister for Business, Fair Work and Skills. I will be delighted to consider an invitation to visit RnR.

European Union Withdrawal Agreement

6. **James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government whether it will provide an update on its involvement in negotiations on the EU withdrawal agreement. (S5O-02394)

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): Since the European Union referendum, we have sought to engage meaningfully with the United Kingdom Government on withdrawal from the EU. However,

we have been frustrated by the quality of that engagement to date.

There have been 11 meetings of the joint ministerial committee on European Union negotiations—including one on domestic issues, including frameworks—four meetings of the ministerial forum and three meetings of the JMC plenary.

I remain concerned that some critical issues are outstanding, including finding an acceptable backstop on the Northern Ireland border and the crucial issue of maintaining protection for geographical indicators. Further, it is vital that EU citizens know that their rights are secured. They still do not have that certainty.

I attended the last meeting of the JMC(EN) on 13 September. I went on to make it clear that, if we do not remain in the EU, the least-damaging outcome for the UK is retaining membership of the European single market and customs union.

James Dornan: The level of discussion is disappointing. Given the state of the two main parties with regard to Brexit and the uncertainty that that is creating, there are still some significant issues outstanding, not least finding an acceptable backstop for the Northern Ireland border with the Republic of Ireland, as Michael Russell mentioned. If there were to be a special deal for Northern Ireland, should there also be one for Scotland, which did not vote for Brexit?

Michael Russell: Quite clearly, the issue of Northern Ireland has to be treated in two ways. The first is that we would do nothing at all to prejudice a deal for Northern Ireland that secured peace. That is what this is about, as the Good Friday agreement is at risk. Nobody who knows Northern Ireland in any way—James Dornan knows it as well as I do—doubts that the danger here is a return to violence, and the issue of the border is crucial. There has to be a deal in Northern Ireland, and that deal has to respect and take forward the Good Friday agreement.

Any deal for Northern Ireland is a deal of differentiation. We have argued for a differentiated deal for Scotland since the beginning of this process, and we have published extensively on that. A differentiated deal for Northern Ireland that did not recognise the need for a differentiated deal for Scotland could be economically and socially damaging. Although we continue to recognise the special circumstances of Northern Ireland, we also recognise the special circumstances of Scotland in terms of our economy and the arguments that we are making.

Another thing that joins Scotland and Northern Ireland is that both countries voted decisively not to leave the EU, so there is a democratic imperative, too.

James Kelly (Glasgow) (Lab): What impact assessments has the Government carried out for the different scenarios that might flow from the Supreme Court decision on the challenge to the Government's UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill?

Michael Russell: I think that James Kelly was present at the meeting of the Finance and Constitution Committee when Mr Tomkins suggested that it was not a good idea to speculate about the outcome of a court case. I will not speculate, but I assure the member that the Lord Advocate and I will be more than ready whatever the outcome is.

Adam Tomkins (Glasgow) (Con): On negotiations with the UK Government about Brexit, why does the cabinet secretary not understand that demanding a series of vetoes on the exercise of powers that are properly reserved to Westminster is not an approach that is likely to achieve consensus with UK Government colleagues?

Michael Russell: Perhaps Adam Tomkins should advise his UK Government colleagues to stop demanding vetoes on their part, because the Scottish Government has never demanded a veto of any description on any item. We have simply said that there should be consultation and that agreement should be found. The veto has been exercised by the UK Government with regard to, for example, our continuity bill and its reference to the court. It is the UK Government that believes that it has the right to veto anything that this Parliament does and it has done that in its redefinition of the word "consent".

The reality is that the UK Government, through the UK Parliament, is attempting to veto the rights, duties and obligations of this Parliament. I would be entirely happy if we sat down and worked in partnership towards a solution. I remain open to that and I hope that the UK Government is, too—it should stop vetoing.

United Kingdom Government Bills (Discussions with UK Government)

7. Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government when it last met the UK Government to discuss UK bills that contain proposals that impact on Scotland. (S5O-02395)

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): The Scottish Government is in regular contact with the United Kingdom Government about proposed UK legislation that might impact on Scotland.

On 13 September, I attended a meeting of the joint ministerial committee on European Union

negotiations. At that meeting, the Scottish Government noted that, although progress continues to be made in areas in which frameworks might be agreed, it would not bring forward further motions for legislative consent on EU exit-related bills without action being taken by the UK Government to protect the Sewel convention. That does not mean that engagement on the policy content of such bills is not taking place. It is clearly important that Scotland's perspective and the devolution settlement are taken fully into account when bills are being prepared.

Rachael Hamilton: We recently saw the publication of the UK Agriculture Bill. The Welsh Government consented to the UK Government legislating on its behalf to allow a new regime to be created, but the Scottish Government has refused to do that. The Scottish Government will now need to pass a separate bill at Holyrood to create a new subsidy programme. Given that that is such an important bill, why have Scottish farmers been left in the dark? Why are there no plans for an equivalent Scottish agriculture bill in the programme for government?

Michael Russell: For a representative of the Conservative Party to talk about people being left in the dark on Brexit defies parody. The reality is that the Welsh Government has objected to issues in the Agriculture Bill, as we have. There are certain issues, such as World Trade Organization issues, that require resolution. We are trying to have a constructive discussion with the UK Government—*[Interruption.]*

Strangely enough, Adam Tomkins finds the idea of constructive discussion with the UK Government funny. I sometimes find it funny to think of the UK Government as constructive but I am doing my best, and he should try.

We will continue to have discussion, but we need to have a proper exchange. A bill cannot simply be imposed. That is the profound issue here. The Scottish Conservatives wish the Scottish Government and Scottish Parliament to accept that anything that is said or done at Westminster will simply be imposed on us. That might be how they do business; it ain't how we do business.

Culture, Tourism and External Affairs

Short-term Lets (Effects on Tourism)

1. Tom Mason (North East Scotland) (Con): To ask the Scottish Government what assessment it has made of the impact of short-term lets on tourism levels in Aberdeen and other local authority areas. (S5O-02399)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): There is no single definition of a short-term let in Scotland, so there is no single official or definitive source of data that can be used to gauge the number of properties that are let on a short-term basis.

I understand the pressure in some parts of the country for new controls over short-term letting of residential properties. We want to address that, which is why, in our programme for government, we have committed to working with local government, communities and business interests to ensure that local authorities have appropriate regulatory powers. That will ensure local authorities can take decisions that balance the needs and concerns of their communities with wider economic and tourism interests.

A national solution—one that allows local authorities to protect the interests of local communities while providing a safe, quality experience for visitors—must be based on the best possible evidence.

We have already established a short-term lets delivery group of officials from across Government to examine the issues. The group will consider local authorities' existing powers and gather evidence about whether further measures are required. We would welcome any evidence from Aberdeen City Council or others.

Tom Mason: As the cabinet secretary will be aware, short-term lets give those on low incomes and in larger families the opportunity to stay in Aberdeen, as well as adding to a diverse range of flexible and low-cost accommodation. Does the cabinet secretary agree that, for Aberdeen, short-term lets are essential in boosting the local economy, especially given the slump in the oil industry?

Fiona Hyslop: That example is why the short-term lets group has to work with all areas of local government to understand the pressures within different areas.

One of the main issues that we must consider is safety in short-term lets. The issue affects everyone who needs a short-term let, whether they are a visitor or, as in the example that the member gave, someone working in the oil industry. I am sure that that will be one of the issues that is considered by the group that we have established.

Andy Wightman (Lothian) (Green): This summer, I ran a consultation on an amendment to the Planning (Scotland) Bill to strengthen the planning system in relation to short-term lets. In its response to that consultation, Aberdeen City Council said that, in the absence of licensing powers, it would welcome guidance from the Scottish Government on short-term lets. It also

said that it recognises the pressure that short-term lets place on housing without the checks and balances that come with the planning system. Does the cabinet secretary recognise the pressures that short-term lets place on housing? Does she recognise that there have to be limits to tourism development in certain areas?

Fiona Hyslop: There are a number of aspects to the issue. In my constituency, one reason for short-term lets is a lack of affordable social housing. The Government has made considerable strides, particularly in comparison with the rest of the United Kingdom, on building houses to ensure that we have the required housing supply.

Andy Wightman made an important point about considering the balance between tourism needs and the need of city residents to have accommodation. The short-term lets delivery group is deliberating on that.

I also understand that Andy Wightman has lodged amendments to the Planning (Scotland) Bill that have not yet been considered.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Will the cabinet secretary confirm that the Government's work with local authorities will look at options to limit the number of days for which someone can rent out an entire property and at seasonal systems with flexible rules to meet, for example, periods of high tourism demand in local areas?

Fiona Hyslop: I understand that the short-term lets delivery group will discuss those considerations. The City of Edinburgh Council has an interest in the issue, and the experience of other places in limiting short-term lets to 90 days a year has been part of the debate. The group needs to do its work and I am sure that it will report to Parliament at the appropriate time.

Scottish Tourism Alliance (Meetings)

2. **Claudia Beamish (South Scotland) (Lab):** To ask the Scottish Government when it last met the Scottish Tourism Alliance and what issues were discussed. (S5O-02400)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): I met the Scottish Tourism Alliance as recently as 5 September, and the Minister for Public Finance and Digital Economy met the alliance on 6 September. The Scottish ministers have a number of formal and informal discussions and meetings with the Scottish Tourism Alliance and its membership organisations as part of our engagement with what is a key economic sector. We discuss a variety of issues, all of which support the ambition of achieving sustainable tourism growth that we share with Scotland's wider tourism industry.

Claudia Beamish: The cabinet secretary knows that the Scottish National Party leader of the City of Edinburgh Council supports the introduction of a tourism tax, as does the Convention of Scottish Local Authorities. Among others, Berlin has it, Amsterdam has it and Vienna has it, but Scotland does not. Analysis that the City of Edinburgh Council released today shows that a year-round charge would raise an extra £11 million a year for the council. With that in mind, has the Government researched the impact of a transient visitor levy on tourism across Scotland? If not, does it intend to do that? If so, when will the results be available?

Fiona Hyslop: Claudia Beamish raises an important point, which I discussed with the City of Edinburgh Council's leader last week—I know of the discussions that that council has had. As she said, a levy would have national implications. She identified some tensions and issues, because the cities that she cited do not have the 20 per cent VAT rate that applies to the tourism and hospitality industry in Scotland.

On the wider picture, UK Hospitality and the STA have invited us to engage in a national debate, rather than having a local approach. Claudia Beamish also referred to COSLA, which wants the issue to be considered as part of the local governance review.

We are conscious of the issues. Our position remains that we are not in favour of introducing a visitor levy unless the tourism industry is involved from the outset. However, a healthy and informed debate would be helpful for local authorities and, most important, for COSLA and the national bodies that the STA represents.

Gail Ross (Caithness, Sutherland and Ross) (SNP): Given the recent announcement that no special arrangements will apply to European Union citizens post-Brexit, what impact does the cabinet secretary expect the United Kingdom Government's migration plans to have on the tourism sector in Scotland?

Fiona Hyslop: The tourism industry is one of our key sectors, and 13 per cent of those who work in it come from EU countries. We want to support those who are here and to ensure that we can in the future continue to attract such workers, who are vital to our sector.

We understand that the UK Government has agreed with the Migration Advisory Committee's recommendation that, post-Brexit, applications from EU citizens should be treated in exactly the same way as those from other citizens. That means that someone would have to earn £30,000 to work in the tourism sector in Scotland. That is unsustainable. The sector has said that what we understand to be the UK Government's decision

this week will have a catastrophic practical effect on one of our economy's key sectors.

That is why it is absolutely essential that the UK Government listens and that it understands that it is possible to have a Scottish policy within a UK immigration system, to ensure not only that we can address the interests of sectors such as tourism but that we can consider our different and challenging population background. That is essential. Brexit is suddenly getting very real for many sectors, and tourism is certainly one of them.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I draw members' attention to my entry in the register of members' interests, as a shareholder in a small hotel. Claudia Beamish asked about the tourism tax, but I would like to ask the cabinet secretary whether she supports a transient visitor levy and when she will launch a Scottish Government consultation, because today the Scottish Tourism Alliance expressed its concerns about the introduction of a transient visitor levy by the City of Edinburgh Council.

Fiona Hyslop: As I said, we have no plans for, and we do not support, a transient visitor levy. We do not think that it should be introduced unless there is involvement from the tourism sector right at the start and the sustainability of the tourism sector is considered. As I said in my previous answer, a 20 per cent VAT rate means that, in terms of comparators, we are perceived to be a high-cost location. Given that the low level of the devalued pound is supporting tourism and given the pressures and costs in other areas that the industry is facing, I do not feel that this is an appropriate time to consider a levy. I understand that there are strong arguments both for and against a levy, but I would like there to be, and would encourage, an informed debate.

Claire Baker (Mid Scotland and Fife) (Lab): Is the cabinet secretary aware of the Unite hospitality charter, which aims to improve conditions for those working in the hospitality sector? Has she discussed the charter with the Scottish Tourism Alliance in order to improve working conditions for those working in hotels and restaurants across Scotland?

Fiona Hyslop: As Claire Baker will know, the First Minister and the Scottish Government are very supportive of the fair work agenda. Indeed, in our programme for government, we outline steps that we would like to take, particularly in the hospitality and tourism sector, in relation to the fair work agenda.

Claire Baker referred to the campaign. I would need to check my notes, but I think that I have raised the issue in the wider context of taking

forward the fair work agenda in a sector that is one of our key industries. However, it is a sector in which, although some people earn £30,000 a year, that is not the average salary. We need to find mechanisms and policies to support the sector and make it an attractive career to be part of, but also to ensure that people are treated fairly. There is a specific reference to that point in our programme for government.

Arts and Culture Funding (South of Scotland)

3. **John Scott (Ayr) (Con):** To ask the Scottish Government what plans it has for the funding of arts and culture to the south of the central belt. (S5O-02401)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): A range of arts and cultural activity south of the central belt is being funded by the Scottish Government's grant in aid to Creative Scotland. That includes three-year regular funding for the Wigtown Book Festival, the Stove Network in Dumfries and Galloway, and Alchemy Film and Arts in the Scottish Borders. Local authorities in the south of Scotland also receive central Government funding for cashback for creativity and the youth music initiative programme.

In addition, the Scottish Government has provided direct funding of £2.5 million towards the development of the new purpose-built facility in Galashiels to house the great tapestry of Scotland and £1.375 million towards the redevelopment of the David Livingstone centre in Blantyre. Other Government initiatives include supporting the Ayrshire and borderlands growth deals and the south of Scotland economic partnership, from which cultural funding is a possibility.

John Scott: The cabinet secretary will be aware that, for reasons that are best known to Creative Scotland, funding has not been available for Ayrshire companies such as the Ayr Gaiety Partnership in her home town, or across southern Scotland more generally. Notwithstanding what she has just said, can she give assurances that that disparity of funding allocations will be investigated and addressed in Creative Scotland's review, as well as in the Scottish Government's culture strategy, which it is consulting on before it produces its final report?

Fiona Hyslop: The member will be aware that the Ayr Gaiety has received more than £3 million of capital and revenue support in the past six years, directly and indirectly, from the Scottish Government. I have been very supportive of Ayr Gaiety and will continue to be so. He will be aware of the independence of Creative Scotland's decision making, but I will ensure that his remarks are drawn to its attention as part of its review.

The member is quite correct to consider the culture strategy as a means by which to recognise the importance of place and the dispersed nature of Scotland's geography. That has come through in our consultation to date. The final consultation has just closed, but I expect to see a strong place agenda forming part of the culture strategy when it is published.

Visitor Experience (Action on Improvement)

4. **Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government what action it is taking to improve visitor experience by working with local authorities to enhance facilities such as car parking. (S5O-02402)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Last year, the First Minister announced the establishment of the £6 million rural tourism infrastructure fund to help local authorities to provide immediate infrastructure support at tourist sites across rural Scotland. I am glad to say that the first tranche of successful projects, which are worth up to £3 million, will be announced shortly, bringing much needed infrastructure improvements such as toilets and parking to benefit visitors and local communities alike. That is in addition to three pilots that have already been progressed to deliver facilities on Skye and Orkney.

Jackie Baillie: That is indeed welcome, but the minister might be aware that Argyll and Bute Council is increasing car parking charges by 900 per cent in Arrochar and is considering introducing charges for the first time at Duck Bay as a means of increasing revenue. It is a charge on tourists and local people alike; it denies people—particularly people on low incomes—access to our countryside. Does the cabinet secretary believe that that is in keeping with the Scottish Government's approach to outdoor access?

Fiona Hyslop: Clearly, we want to encourage outdoor access, both for visitors and locals. I am not aware of the detail of the case that Jackie Baillie raises. The funding that we are providing should be in addition to having a successful and sustainable way of supporting the agenda of making sure that our outdoor spaces are accessible. I encourage all local authorities that are expecting to receive additional Scottish Government support to take a holistic view; the funding is not to replace or indeed be contradicted by other activity that they are involved in. I encourage all local authorities to take that holistic view if they are expecting the Scottish Government to provide additionality to their current provision.

Steam Train Tourism (East Coast)

5. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government what analysis it has carried out of the potential for developing steam train tourism on the east coast. (S5O-02403)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): A train journey around Scotland can be one of the best ways of admiring our stunning landscapes. There are already a number of steam train routes across Scotland, including the Borders steam charters, which are now operated by the Scottish Railway Preservation Society. As recently as this month, the A1 Steam Locomotive Trust announced the Aberdonian, which is a brand new programme of five steam-hauled trains between Edinburgh and Aberdeen, which will launch in March 2019. The Scottish Government encourages requests from steam operators to visit Scotland and, each year, many trips through Scotland take place on the east coast line from London, York and Newcastle to Edinburgh and other parts of the country. In each of the past two years, the Flying Scotsman has traversed the route very successfully and has been well patronised.

Lewis Macdonald: I agree with the cabinet secretary that the launch of the Aberdonian on the east coast line between Edinburgh and Aberdeen, starting next year, is to be welcomed. Does she agree with me that it would be even better if passengers were able to board the Aberdonian in Aberdeen as well as in Edinburgh, so that people from both ends of the country can take full advantage of this fantastic initiative?

Fiona Hyslop: My remit is wide but, unfortunately, it does not extend to the operation of railway timetables. However, the member makes a reasonable point and I will draw it to the attention of those who are operating the service.

Stuart McMillan (Greenock and Inverclyde) (SNP): Would the cabinet secretary support the idea of a special one-day James Watt service involving Inverclyde and potentially the east coast to celebrate the bicentenary of the death of James Watt in August 2019?

Fiona Hyslop: That is an interesting suggestion. I would strongly encourage potential operators to have early engagement with Network Rail, as the industry normally uses a planning horizon of at least nine months. I would be interested to hear of any proposals to recognise that important bicentenary of the death of James Watt.

The Presiding Officer: Question 6 is from Rhoda Grant, who alerted me to her late arrival in the chamber.

Skye Tourism (Support)

6. Rhoda Grant (Highlands and Islands) (Lab): I thank the Presiding Officer for allowing me to arrive late.

To ask the Scottish Government what it is doing to support tourism on Skye. (S5O-02404)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): The Scottish Government remains committed to ensuring that tourism on Skye—a vital part of the island's economy—remains sustainable. In November, at a tourism summit on the island, I announced the establishment of a Skye tourism task force. Work is being led by Highlands and Islands Enterprise, which is assisting the local industry group, SkyeConnect, to develop a strategy and prioritise projects that will benefit tourism on the island.

As I mentioned in my previous answer, I am about to make announcements about the £6 million rural tourism infrastructure fund. Two of the initial three pilots are on Skye. The car park at Neist Point has already delivered much needed benefits to visitors and the local community alike, and work on developing facilities at the fairy pools is progressing.

Rhoda Grant: Is the cabinet secretary aware of visitors' behaviour around the fairy pools? We have seen photos of cairns that have been built in fields all round the fairy pools. Stones have been displaced and small cairns built. Locals have tried to rectify that situation, but what information are visitors given when they visit the area about how to behave to protect the environment?

Fiona Hyslop: What Rhoda Grant has said raises concern about how people behave at important outdoor sites. People engage with locations to visit through digital media, and I encourage all those who advertise the fairy pools to indicate what is and is not acceptable, to make sure that there is protection for a very precious and beautiful place.

The Presiding Officer: I am afraid that that answer concludes today's portfolio question time.

Edward Mountain (Highlands and Islands) (Con): On a point of order, Presiding Officer. Far be it from me to criticise, but we have had very long answers today, which has stopped back benchers such as me from getting a chance to ask the questions that we have prepared as a result of applications from constituents. I have a question on Skye and I eventually had question 9, although there was little chance to get there. Presiding Officer, would it be possible to get cabinet secretaries and ministers to give shorter answers to questions, so that we can answer more of the

questions that are important to the Scottish constituents whom we represent?

Fiona Hyslop: On a point of order further to that point of order, Presiding Officer. With regard to management, I work very hard to answer as many questions as possible. The Presiding Officer has discretion to take supplementaries—there were a number today and they were extensive. If Edward Mountain wants to make sure that constituency issues are addressed, perhaps if John Scott had asked specifically about his constituency, I could have given a shorter answer rather than covering the whole of the south of Scotland.

The Presiding Officer: I thank members for both points of order, which illuminate a difficult issue for everybody in the chamber, which is to keep the balance right between progress through written questions and taking supplementaries. I merely emphasise that today, in particular, there were some long questions as well as long answers. I urge all members, as well as ministers, to be concise.

Common Agricultural Policy

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Fergus Ewing on the common agricultural policy. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:43

The Cabinet Secretary for the Rural Economy (Fergus Ewing): For the whole of this Parliament's lifetime, farm policy and support in Scotland have been determined by the common agricultural policy, and been part funded by the European Union. There is no doubt that the year ahead will be difficult, which is why the Scottish Government has made it clear that no matter what else happens, farm and rural businesses will receive their current payment entitlements largely as they currently are, and not just in 2019 but in every year until 2022. The commitment is at the heart of our transition plan, "Stability and Simplicity—proposals for a rural funding transition period", which sets out the most detailed proposals of any United Kingdom Administration to provide certainty and stability on farm and rural support. I will return to the transition plan shortly.

However, I want to update Parliament on the progress that we have made on this year's payments, and on improvements to our business and information technology processes.

A key objective this year was to help more farmers and crofters to get online. We undertook a campaign around the single application form application window to offer support to help more customers to switch from paper-based to online applications. Our approach has worked; the ratio of online to paper SAF applications has increased, and the online percentage has gone up from 78 per cent last year to 88.6 per cent.

In the coming year, we will continue to seek ways of further enhancing our business approach and payment system with a core purpose in mind: to improve our ability to make payments efficiently.

We have achieved the target of making 95 per cent of 2017 pillar 1 payments by the deadline of 30 June. We have now completed 99 per cent of basic payments, greening payments and young farmer payments, and 97 per cent of Scottish suckler beef payments and upland sheep support scheme payments.

We have started making payments on all 2017 pillar 2 schemes and are ahead of where we were at this point last year. Notably, we reached our 95 per cent land managers options payments target two months ahead of schedule.

To ensure that our most marginalised farmers and crofters receive their less favoured area support scheme support on time, in April we provided more than 8,000 farmers and crofters with 90 per cent of their entitlement through the 2017 LFASS loan scheme, which was worth more than £53 million to them and the rural economy. Since then, we have completed processing of more than 89 per cent of full LFASS 2017 payments. Furthermore, we are working hard to deliver all pillar 2 payments by the end of December—and before then, if possible. We will, of course, continue to update the Rural Economy and Connectivity Committee monthly on our progress.

One thing for which we had not planned this year was the adverse weather that impacted considerably on farming in Scotland. However, we have acted swiftly and, I hope, effectively to provide extra support. That includes the national basic payments support loan scheme to provide financial support early this winter for our farmers and crofters. Loan offer letters have now been issued to more than 14,500 businesses, and we expect to begin making payments from early October. Eligible farmers and crofters will be offered up to 90 per cent of what they are due as part of the 2018 basic payments scheme. A similar scheme in 2017 delivered payments of more than £317 million to more than 13,500 farmers and crofters, and to Scotland's rural economy. I expect the new scheme to have a similar effect.

We know that there will be pressures on winter forage, so we have also sought and received approval from the European Commission to allow farmers and crofters flexibility in implementation of the 2017 greening rules regarding ecological focus areas. We have also made arrangements to extend to all farmers and crofters the planned beef efficiency scheme workshops on livestock nutrition this autumn.

With the potential disruption of Brexit looming, I want to give our farmers, crofters and land managers as much funding certainty as is possible. I am also determined that we will continue to pursue our aims for the current rural development programme.

I can announce today that we will launch a further round of the agri-environment climate scheme early next year. Since 2015, the scheme has provided more than £140 million of support for land managers to deliver environmental actions. We expect this round to allocate in the region of £40 million to successful applications, in line with previous years. Anyone who is considering activity to protect and enhance their land assets and our environment through, for example, improving water quality, managing flood risk and mitigating

and adapting to climate change, should start preparing their funding application now.

This certainty is in stark contrast to the lack of clarity on key funding questions from the UK Government. One of the most pressing of those is the basis on which Scotland's future funding allocation will be made. It cannot be made on the basis of the current low rate per hectare—the lowest in the UK. Since 2013, the Scottish Government, with the support of Parliament, has been trying to get that resolved. The failure of successive Tory Westminster Governments to honour their promises on convergence funding is problematic in two key ways. First, Scottish farmers have been short changed to the tune of £160 million. That amounts to about £14,000 for each hill farmer or crofter in this land.

Secondly, it means that our farmers and crofters could continue to lose out in the future if the historical payment rates are used to determine funding allocations beyond Brexit. I welcomed the most recent promise from Michael Gove to review that situation, but I have been less welcoming of the unwarranted delay in getting that review under way. Let me make it clear that I will not stop pressing until it is under way, and until Scotland is guaranteed a fair funding allocation in the future.

We must also focus our resources on planning for the future. In June, I launched a public consultation proposing a five-year transition period for farming and rural support under the theme of the "Stability and Simplicity" document. The consultation closed on 15 August with more than 120 responses. I thank all who responded. The responses are currently being analysed carefully and a report will be published later this autumn.

However, I advise Parliament that we will get on with establishing a task force to produce measures that will simplify the farm and rural support payments system from 2022 onwards. The task force will be led internally and will involve external stakeholders and contributors. Crucially, we want to ensure that the future of farming is represented through the inclusion of young farmers on the task force.

I am acutely aware that we must also start to shape a longer-term approach to future rural support. We already have many thoughtful propositions and innovative ideas to work with from stakeholder organisations, the Government's agriculture champions and Professor Russel Griggs's greening group. The final report from the national council of rural advisers is also expected imminently.

It is important that Parliament is given an opportunity to contribute its views. I therefore undertake to discuss with all parliamentary groups how best to achieve that, and to lodge a motion

that will allow us to debate and, I hope, to agree the principles that will underpin Scotland's future farm policy.

We all face an uncertain future. The prospects, especially if there is a no-deal Brexit, are not great. That is why, in our programme for government, we committed to providing as much certainty and stability in the short term—a term of five years—as we can. This year, we have focused on improving our approach to the CAP, not least in order to make payments more efficiently. We have made significant progress and we will continue to seek to do more in the coming year.

By the end of this year, not only will the vast majority of farmers, crofters and land managers have received their 2017 CAP payments, but most will have received 90 per cent of their 2018 basic payments, too. In all, we have paid over £500 million into Scotland's rural businesses and economy, which clearly demonstrates this Government's determination to deliver for rural Scotland.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I hope to allow about 20 minutes for questions, after which we must move on to the next item of business.

Donald Cameron (Highlands and Islands) (Con): I thank the cabinet secretary for advance sight of his statement, and I refer to my crofting and farming entries in the register of members' interests.

I looked forward to the statement because I thought that, at last, we might begin to see some detail of a system of support for Scottish agriculture, so it was with a sense of deep frustration that I listened to the cabinet secretary again failing to outline specific policies in that regard. Instead, on the back of the several reports, expert groups and consultations that we have already had, we have now had the announcement:

“we will get on with establishing a task force”.

That can only mean further delay.

I listened with disbelief to the accusation that there has been a lack of clarity from the UK Government on funding. The real lack of clarity lies at the cabinet secretary's door, and Scotland is being left behind among other nations in the UK when it comes to the future of farming support.

Let me be clear that we welcome the progress that has been made with payments this year and the various commitments in relation to the mitigation of poor weather and pressures on winter forage. We continue to want to play our part in assisting with the creation of a new support

system and we are more than happy to meet the Scottish Government.

However, given the absence of an agriculture bill in this year's programme for government, will the cabinet secretary tell us when we will see primary legislation in this Parliament to mirror the UK Agriculture Bill, or will he continue to keep Scotland's farmers and crofters in the dark?

Fergus Ewing: I am pleased that Mr Cameron recognises the progress that has been made. I had expected that he might welcome the announcement that I have made today of around £40 million for the agri-environment climate scheme—AECS—which I know some of his colleagues have rightly advocated. As I have already said, I welcome the prospect of our working together. However, I am afraid that I do not accept the premises that underlie his questions. In particular I do not accept that we have not set out a plan. We have set out a plan for five years, and it is the most detailed one in the UK. The documents that have been produced by the Department for Environment, Food and Rural Affairs say not what will happen but what it will stop doing.

Interestingly, an editorial in *The Scottish Farmer* of 22 September asked Mr Gove whether he really thought that British—and especially Scottish—farmers could survive without financial assistance for producing food. The UK Government proposes to scrap direct payments to farmers for support for food production. I profoundly believe that that is wrong. I very much hope that Parliament will agree with me that such support, as well as support for the environmental role, is absolutely essential for the sustainability of our farming, as *The Scottish Farmer* argues—frankly, it is in a position to do so with some authority.

As to the question about publication of the bill, a week ago last Monday, my colleague Mairi Gougeon and I attended two further meetings with Mr Gove and other UK ministers. I made the point that, unfortunately, the current UK Agriculture Bill impinges on devolved powers in three respects. I did so despite the fact that we received a copy of the final bill only on the eve of its publication. Notwithstanding that, we have received very strong advice that the UK Agriculture Bill conducts a power grab over significant devolved powers. That is completely unacceptable to us, and we will continue to seek to reason with Mr Gove to amend the bill accordingly.

Colin Smyth (South Scotland) (Lab): I, too, thank the cabinet secretary for advance sight of his statement.

Today's statement is telling more for what it does not say to us than what it does. Although I welcome any progress on payments, and

especially those relating to LFASS, will the cabinet secretary say exactly what progress the Government is making on pillar 2 payments, given that the most recent update earlier this month showed progress in some schemes as being as low as 30 per cent? There will be scepticism about his claim that payments will be delivered by December.

The cabinet secretary announced that there will be a further round of the agri-environment climate scheme, which is welcome. Will he tell us when applications for it will open, and whether there will also be a further round of the food processing, marketing and co-operation grant?

Finally, the cabinet secretary now says that he wants to have a debate on long-term reform. However, will he not accept that that debate should have happened a long time ago? The clock is ticking towards Brexit. The sector wants clear, detailed proposals from the Government for support for the rural economy—and it wants them sooner rather than later.

Fergus Ewing: To answer Mr Smyth's questions directly, across pillar 2 as a whole, we have now paid 81 per cent of claims and 70 per cent of total anticipated value. I continue to provide the Rural Economy and Connectivity Committee with details of every single payment, and I am very pleased that progress has improved significantly since last year.

Secondly, Mr Smyth asked when the AECS will open for applications. It will open early next year, and I repeat that we welcome submissions for that scheme, which has been undersubscribed in the past.

Thirdly, I will return to Mr Smyth about the food processing, marketing and co-operation grant. I know that there is still some funding left, but I will check the position. Again, I urge those who wish to make applications to contact my officials with regard to that.

I respectfully disagree with Mr Smyth's final point. I repeat that our plan for the next five years, "Stability and Simplicity", has been broadly welcomed. Its fundamental tenet is to continue to provide certainty and stability by continuing, so far as we can, with the current schemes as they are. Such schemes support farmers in producing high-quality beef and lamb, which I would have thought was an objective of this Parliament that was self-evidently beyond party politics.

There are no other plans in the UK. There is "Health and Harmony: the future for food, farming and the environment in a Green Brexit", which sets out what the UK Government will not do, which is to continue to support farmers with direct payments. However, it does not say how much funding there will be, as has been pointed out by

The Scottish Farmer, the reading of which I recommend to Conservative members, among whom there are lots of farmers.

We have set out a plan for five years. It is difficult to know what the plans of the UK Government are for five months, or even five days.

The Deputy Presiding Officer: Eleven members want to ask questions and I have 11 minutes, so I can get somewhere with those questions only with your assistance.

John Finnie (Highlands and Islands) (Green): Obviously, I welcome the £40 million for the agri-environment climate scheme and oppose any power grab.

We welcome that the cabinet secretary is finally committing to involving the Scottish Parliament in drafting the principles of Scotland's future farm policy. In his statement, the cabinet secretary mentioned the various bodies that were put in place to look at that, which date back several years. Was it not within the remit of those groups to develop sound principles for farm policy? If not, what was the purpose of their being constituted in the first place?

Fergus Ewing: I thank Mr Finnie for his support for the announcement on the AECS, which will make a substantial contribution to carrying out vital environmental schemes throughout the country, as, indeed, it has done. I am very pleased that we share common ground on that.

I turn to Mr Finnie's comments on those who have been appointed to guide us all on the future of farming policy in Scotland post-Brexit—if Brexit happens: who knows about that? With respect, those who have done that have not done so for several years, as Mr Finnie said. They have done so at the express behest of the Parliament. A motion that was, I think, amended by Mr Rumbles called on the Scottish Government to appoint a group of people who would have the remit of considering those matters. That is exactly what we have done. We did exactly what Parliament asked us to do, and that group's report will be published imminently.

I am extremely grateful to all the members of the National Council of Rural Advisers, the agriculture champions and Professor Russel Griggs. The NCRA comprises people from all walks of life in rural Scotland, who have a wealth of knowledge and experience. I sincerely hope that, when the recommendations are available, they will be taken seriously by all colleagues around the chamber so that we are able to reach consensus on the best path forward for Scotland's rural policy.

Mike Rumbles (North East Scotland) (LD): On 19 January 2017, my amendment called on the Government

“to provide advice as to the principles and policies ... for ... rural support beyond 2020”.

That amendment was agreed to unanimously—even the cabinet secretary voted for it. However, in his statement, he said:

“I ... undertake ... to lodge a motion that will allow us to debate ... the principles that will underpin Scotland’s future farm policy.”

Just how long is this taking?

Fergus Ewing: I commend to Mr Rumbles a good reading of “Stability and Simplicity”, which sets out a five-year plan on the financial future. I speak to farmers, and they say that that is exactly what they want. They want to know where they stand, not for a period of a few months—they do not know that under the shambles or boorach of Brexit policy in the UK, of course—but for a long, sustained period in which they can plan for the future after that.

I will respond formally in due course to the NCRA report and the more than 120 responses to “Stability and Simplicity”, but I can say initially that there has been broad support for the fundamental plank of our document.

I mentioned Mr Rumbles and gave him credit for his amendment. Sometimes, I think that he does not take yes for an answer, which is a bit unfortunate. I am delighted that we did exactly what we all voted for and convened a group of people to do the work. For goodness’ sake, let us wait until the reports are published, which will be very soon, and have the debate after that. Surely that is the sensible approach.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I apologise to members for having to leave after my question.

Last Wednesday, at the meeting in the Parliament of the cross-party group on food, which was chaired by John Scott and attended by Peter Chapman and myself, the chief executive of the UK Food and Drink Federation, Ian Wright, painted a very bleak future for Scottish agriculture and for sheep farmers in particular as a result of Brexit. It appears that that is compounded—

The Deputy Presiding Officer: I am sorry, Ms Watt, but please be disciplined and ask a question.

Maureen Watt: —by the comments of Carmen Hubbard of Newcastle University and Professor Wallace of University College Dublin on the proposals in the UK Government’s Agriculture Bill.

What reassurances, if any, can the cabinet secretary give sheep farmers in Scotland—those on the hills, in particular—who make a vital contribution not only to food production, but to our landscape?

That took less than a minute, Presiding Officer.

The Deputy Presiding Officer: That may be, but I asked members to be fair to one another, so, from now on, let us just have questions, please.

Fergus Ewing: Ms Watt is right to raise an extremely serious issue. We are absolutely committed to continuing to provide vital support to our hill farmers. The LFAS scheme is the one that they hold most dear. It is the most significant scheme for them, and it is absolutely essential. There is a growing volume of evidence that suggests that the impact of Brexit could be so great that it could result in modern-day clearances in rural and Highland Scotland. The situation is extremely serious. Report after report from bodies such as the National Audit Office, the Fraser of Allander institute and the Highlands and Islands agricultural support group—none of which is politically affiliated—says the same thing: the threat to our hill farming community in Scotland is very real indeed. I hope that the Scottish Conservatives will decide whether they stand on the side of the Scottish hill farmers or on the side of the UK Government, which plans to withdraw its direct support.

John Scott (Ayr) (Con): I declare an interest as a farmer and a food producer.

Farmers and crofters will welcome the cabinet secretary’s update and the further funding of £40 million for the AEC scheme, but the statement will do little to help to resolve the problems that they face as they go into the winter with animal feed shortages already looming and overdrafts growing to unsustainable levels; indeed, many upland livestock farmers and crofters are actively considering whether they have a future in farming in the face of the constantly reducing profitability of the red meat sector.

What immediate practical financial help that is different from the help that has been provided in years past can the Government give to the sector, before many more farmers leave the industry and Scotland’s rural landscapes become still more depopulated?

Fergus Ewing: Mr Scott raises a very serious point. I agree that the impacts of weather—the heavy rain and snow in the first part of the year, and the drought in the second part of the year—have been extremely severe. I am acutely aware of that, as he is. I attended a great number of agricultural shows around the country, at which I had a number of lengthy conversations with farmers who were taking the issue very seriously. We take it seriously, too.

In fact, it was after meeting a group of farmers at the Black Isle show, that, on 13 August, I made the early announcement that we would bring forward to as early a date as possible payments

as part of the national loan scheme at a rate of up to 90 per cent. Of course, that is money that farmers are due, but I thought that enabling them to get it as early as possible was the most practical thing that we could conceivably do. If it had been possible to introduce the scheme earlier than the week commencing 8 October, we would have done so, but we have not been able to do that because the payments cannot be calculated until the euro exchange rate has been calculated, and that is based on a basket of figures for the month ending on 30 September. The earliest date on which we can make payment is 8 October, and I am hopeful that payments will start to go out then. More than 14,000 loan offers have been issued and 81 per cent of eligible claimants have had loan offers. That is the most concrete thing that we can do.

In addition, we have had the agricultural weather advisory panel meet regularly. It has provided very useful advice, as has the NFU Scotland in its excellent campaign on such practical matters. Other specific measures are being taken, about which I undertake to write to Mr Scott, because I am probably going a bit over my time.

I take the issue very seriously indeed. I understand that it is not over yet and that more problems might be experienced down the line early next year with animals that are not as well nourished as they should be in ordinary circumstances.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I declare that I have a small registered agricultural holding.

I sat next to Michael Gove at the Turriff show, and he promised me that the Scottish Government would be consulted on the UK Agriculture Bill and that the convergence review would go ahead—

The Deputy Presiding Officer: It is interesting to hear that you sat next to him, but I want to hear your question.

Stewart Stevenson: Does the cabinet secretary have any information on who in the Conservative UK Government is blocking the very honourable promises that Mr Gove made to me and to the rest of us?

Fergus Ewing: I am reminded of an old saying: just because we are sitting side by side does not mean that he is on our side.

I have sat opposite Mr Gove at numerous meetings and called on him to implement his publicly made pledge—a pledge that was welcomed by the Conservatives; indeed, they claimed credit for it. However, he has not delivered yet. There is substantial support from stakeholders, including the NFUS, tenant farmers

and the Scottish Crofting Federation, for the review; I believe that they continue to support it.

The review must look back at what happened about our claim for £160 million, which our farmers and crofters should have received—they have been denied £14,000 per head. It is essential to allocate Scotland's future share of funding, if Brexit goes ahead.

Next year, when we compare the amounts paid per hectare to farmers all over the European Union—we will include Scotland and the UK in that for the time being—we will see that the amount paid to Scottish farmers will be the lowest, not just in the UK, but in every single one of those 29 countries. Therefore, the review is essential. It is time that the Tories in London started to implement their promises, not break them.

The Deputy Presiding Officer: I call Claudia Beamish, to be followed by Angus MacDonald. They will have to be brief.

Claudia Beamish (South Scotland) (Lab): As the cabinet secretary knows, agriculture is one of the heaviest greenhouse gas emitters in Scotland. Will he reassure the chamber today that future plans will tackle that issue, which the UK Committee on Climate Change highlighted this week, by having a just transition to agroecology with a clear advice and support system for innovation, which must play a big role in sustainable farming in future?

Fergus Ewing: I am happy to confirm that we will continue to encourage and, in some cases, require farmers to carry out measures that will contribute to reducing their overall carbon footprint. A great amount of work has been done, which I acknowledge. Sometimes, farmers and crofters do not get the credit for the things that they do. In many cases, such things—using less fertiliser, for example—can be not only good for the environment but good economically. As I understand it, carbon testing, for example, is mandatory in the beef efficiency scheme and in other areas.

The direction of travel is to encourage farmers to do even more. I am very happy to discuss the matter further with Ms Beamish, as I know that she takes a close interest in it.

Angus MacDonald (Falkirk East) (SNP): The further round of AECS funding is very welcome. However, those are long-term grants, as are those for tree planting. Will the cabinet secretary assure grant applicants about the long-term sustainability of the proposals? To put it simply, will they get their grants post-Brexit.

The Deputy Presiding Officer: Cabinet secretary, please be brief, too.

Fergus Ewing: We would not launch a further round of the AECS or continue to encourage forestry grant applications if we were not committed to paying people the grants over the long term.

I welcome the UK Government's commitment to continue to make payments for pillar 2 applications for a further year. It was only after that decision was intimated to us, which was relatively recently, that it was possible for us to announce that, as a result, we were able to go forward with the AECS.

The answer to Mr MacDonald's question is yes.

The Deputy Presiding Officer: Thank you. I am sorry, but I must conclude questions on the statement. I apologise to Peter Chapman, Alasdair Allan, Iain Gray and John Mason. The ability to get through all the questions is, to some extent, in members' own hands and in the hands of front-bench members.

I move straight on to the next statement, so that no more time is wasted.

Social Security

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-14075, in the name of Christina McKelvie, on supporting and protecting—I beg your pardon, I am getting ahead of myself. Sorry, Ms Somerville, you must have been wondering what I was up to—I am wondering what I am up to!

The next item of business is a statement by Shirley-Anne Somerville on dignity and respect in Scotland's social security system. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions. Cabinet secretary, you have 10 minutes—and my apologies.

15:14

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): I could not possibly comment, Presiding Officer.

It is a pleasure to address the chamber in my new role as Cabinet Secretary for Social Security and Older People.

It is just 30 months since the passing of the Scotland Act 2016, which devolved powers over social security to the Scottish Parliament. However, in that time, we have put in place the legislative framework for delivering benefits through the Social Security (Scotland) Act 2018, which was passed unanimously by Parliament five months ago; we have delivered our first benefit payments, with carers receiving the carers allowance supplement, which will increase their financial support by £442 a year; and, assuming the Department for Work and Pensions keep to pace and plans, we will deliver the first best start grants by Christmas, more than six months ahead of schedule. In addition, we are establishing a new social security chamber, we are making provision for an upper tribunal in the Scottish tribunals system to hear devolved benefit appeals and we have launched our consultation on young carers grants.

None of that has been simple or straightforward. We are carrying out a difficult and complex transfer of benefits and powers that will impact on 1.4 million people across the country. Therefore, I pay tribute to the stakeholders, our expert groups and our engagement panels, which have done so much to support the Scottish Government in keeping up the pace to deliver the social security system that Scotland needs and deserves. Their hard work is very much appreciated. I also pay tribute and record my thanks to my predecessor, Jeane Freeman, for her commitment and dedication in getting us to this point.

A key point that Jeane Freeman made over and over again is that social security is an investment in our people and a public service. That principle is so important that it is enshrined in the Social Security (Scotland) Act 2018. It is also why, in April last year, she announced her plans to establish a Scottish social security agency to deliver benefits. I am pleased to say that, this month, the new public service—Social Security Scotland—is up and running, and I have had the privilege of meeting staff recently in our headquarters in Dundee.

I am delighted to announce to the chamber that, in line with the important principle of public service, I have decided that our new public agency, Social Security Scotland, will deliver assessments to determine eligibility for disability assistance, fully supported by public sector healthcare professionals. I want to ensure that disabled people can access a flexible, person-centred assessment service the length and breadth of the country, and it is clear to me that Social Security Scotland is best placed to deliver that.

That decision has been taken after an extensive period of research and analysis to consider how assessments for disability assistance should be delivered, and after careful consideration of all the evidence. In a clear demonstration of the trust that we want people to have in the system, our five criteria for determining the assessments process were dignity and respect; equality and poverty; efficiency and alignment; implementability and risk; and economy and environment. That work has shown that an in-house approach will deliver on our principles.

We have also consulted with stakeholders and sought advice from the expert advisory group on disability and carers benefits, which is led by Dr Jim McCormick and which fully backs our in-house approach. As we further develop our model over the coming months, that engagement will continue, and I greatly value all the group's input in ensuring that we deliver a service that is right for the people of Scotland.

To deliver a successful disability assessment process, we have considered what is needed for a social security system that ensures dignity and respect at every stage. We have also looked at what does not work for people. Throughout our engagement with individuals, we have heard repeatedly about the stress and trauma caused to ill and disabled people by the United Kingdom Government's current assessments system. That system is failing people and has been widely criticised, including by the Westminster Work and Pensions Committee inquiry and by the United Nations Committee on the Rights of Persons with Disabilities. We have learned the lessons of the

UK Government's failures. We have also taken account of the two independent reports by Paul Gray on the failures of the UK Government's personal independence payment assessments, and his subsequent recommendations.

The Scottish Government ruled out the use of private contractors in the delivery of disability assessments in April 2017, and in April 2018 that commitment was enshrined in the Social Security (Scotland) Act 2018 by ensuring that no one will be forced to undergo an assessment that is carried out by a private sector provider. It is clear that the UK Government is content with an approach that sees private sector assessment providers prioritise profits over people. This Government puts people first and foremost, so individuals' assessments will not be farmed out to private companies.

The experience that people have when trying to access disability assistance is the Government's responsibility. From application to award, we will provide a service and will manage performance, quality and outcomes. It is that approach that will embed dignity and respect throughout and ensure that people can trust in the benefits system.

The Scottish Government remains committed to significantly reducing the proportion of people who are required to attend a face-to-face assessment. It is enshrined in legislation that individuals should not be required to do so unless it is the only practicable way to make a decision about their entitlement. I will make sure that, when a face-to-face assessment is carried out, the process is right for people. I would therefore also like to update the chamber on four clear actions on that process. The actions have again been developed following consultation with stakeholders and extensive engagement with experience panel members and our expert advisory group.

It is clear to me that the current UK Government disability assessment system has not been designed to prioritise the needs of the individual who is being assessed; instead, it is structured to maximise case volume, deter flexibility and ensure rigid compliance. We have heard from a great many people about their dissatisfaction with the way in which assessments are organised. We have heard about people having to travel for hours to get to assessments; those who are too ill to leave the house being refused home assessments; and those who unavoidably miss their assessments being told that they must start the entire application process again.

The first of four actions that I want to outline is that we will put the needs of the individual at the centre of our system by providing greater choice and control. Therefore, I can announce that individuals will be provided with choice and flexibility, taking into account the distances that

people are expected to travel and their location preferences. When people are invited to assessment, it will be at a time that suits them. Secondly, for those who have difficulty travelling to an assessment centre, I will ensure that we have a service that can deliver home-based assessments to those who need them.

The third action aims to build trust among people who currently have no trust in the DWP assessment process, which is exacerbated by a lack of transparency. I can announce that we will introduce the audio recording of assessments as standard. We want people to be confident in the knowledge that there is an accurate record of all that has been said during their assessment. Recording will also provide assessors with an additional tool that they can access when writing assessment reports, ensuring that reports are an accurate reflection of the assessment.

It is our intention that a properly functioning assessment system, robust decision making and a thorough redetermination process will bring about a marked reduction in the number of decisions that are taken to appeal. However, we recognise that, in any social security system, there will still be instances when individuals challenge the decision that is made about their entitlement, and they should do so. We want to get appeals right, so my fourth action is that we will ensure that the tribunal can also use the audio recording to inform its determination.

I am proud of what has been achieved so far and of the actions that I have outlined. They are a further demonstration of how we will embed dignity, fairness and respect in everything that we do. I look forward to further updating the Parliament on progress towards delivering Scotland's system of disability assistance. The Scottish Government will continue with the kind of innovative engagement that has led to the proposals that I have outlined. We will continue to build a social security system that the people of Scotland want and deserve.

The Deputy Presiding Officer: We now have 20 minutes for questions.

Michelle Ballantyne (South Scotland) (Con): I thank the cabinet secretary for the advance sight of her first statement. We welcome the commencement of the delivery of devolved benefits, and we thank all those who have helped in the process.

Last October, a Scottish Government report highlighted the clear divergence in PIP award rates between local authorities across Scotland. The report stated that, for new claimants, award rates varied between 52 per cent in East Dunbartonshire and 37 per cent in Dundee city. Has there been any investigation into, or

evaluation of, why the success rates of PIP claimants varied across Scotland? Can the cabinet secretary assure the Parliament that there will be a robust on-going analysis and quick response to any such variations in the new system to ensure equality of outcome for claimants?

Shirley-Anne Somerville: As I said in my statement, we will ensure that the social security agency ensures that we have a process in place to keep a very close eye on what is happening across the country. That is exactly why we believe that the assessments should be delivered in-house.

I gently point out to Michelle Ballantyne that the problems with the current PIP awards under the UK Government are an exact demonstration of why the news that the Scottish Government will be looking at disability awards in the future will be gratefully received by people across the country. Our challenge at the moment is that it is not within the Scottish Parliament's gift to do anything. It will be soon, and we will see a very different system when it is.

Mark Griffin (Central Scotland) (Lab): I welcome the cabinet secretary to her new role. Her statement is very welcome. It seems only yesterday that I was arguing with her predecessor that it was possible to include a legal ban on the private sector performing the assessments. I am glad that the Government has finally listened to Labour members and is now moving on to delivery.

The cabinet secretary spoke at length about the assessment process, which is very important, but disabled people are also desperate to know what criteria they will be assessed against and the value of the assistance. Can the cabinet secretary set out a timetable for when the qualifying criteria and the value of disability assistance will be publicly available? Finally, the Government recently began a tender process for the design of the new assessment process. Can the cabinet secretary tell us today, in line with the spirit of the law, that she will block any involvement of the private sector in the design of that assessment process?

Shirley-Anne Somerville: As Mark Griffin well knows, and as I said during my statement, the Scottish Government and Jeane Freeman made the commitment that there would be no private sector involvement a year before the Social Security (Scotland) Act 2018 went through Parliament. It is now acknowledged that the Parliament wished that to be in statute, which was absolutely the right decision.

Today's statement lays the foundations for what the disability assessment process will look like, but we still have some work to do on the details. For

example, the expert advisory group is working through details on sources of evidence for making benefit decisions, the meaning of “suitably qualified” assessors and the duration of the award. Those are the next steps that will come from the advisory group, which is due to give me that advice by the end of this year and we will respond in due course.

We are on a journey in delivering the assessment process and, as I made clear in my statement, there is no place for the private sector in the delivery of that process in Scotland; the Government will hold that very dear.

The Deputy Presiding Officer: Eleven members wish to ask questions, so I am going to be tough on preambles. You have been warned—I do not want long preambles; I want questions.

Alison Johnstone (Lothian) (Green): I thank the cabinet secretary for advance sight of her statement. The statement is welcome both for its broad vision for disability assessments and for many of the specific proposals. We know that those assessments have caused—

The Deputy Presiding Officer: No—I said what I said, Ms Johnstone. You must ask your question.

Alison Johnstone: Thank you, Presiding Officer. The assessments have, literally, worried people sick, so I ask the cabinet secretary how far her ambitions run in terms of reducing the need for unnecessary face-to-face assessment. Is the very high number of above 80 per cent of applications—

The Deputy Presiding Officer: Thank you.

Alison Johnstone: —going to carry on, and what—

The Deputy Presiding Officer: I said “Thank you.” Please sit down.

Shirley-Anne Somerville: This morning I met colleagues from Inclusion Scotland, many of whom talked to me very vividly about their personal experience of going through that process—the stress and ill health that it has exacerbated. I made the commitment to them, and make it to the chamber, that we are absolutely determined to bring down markedly the number of face-to-face assessments that take place. We need to reach the right decision earlier in the process, rather than waiting for that assessment. I am meeting Alison Johnstone soon and I will be happy to discuss that in more detail with her then.

The Deputy Presiding Officer: I call Mr Cole-Hamilton. I do not want to be Mrs Nasty again.

Alex Cole-Hamilton (Edinburgh Western) (LD): I welcome the cabinet secretary to her role. The flexibility that has been outlined in the new proposals is welcome. What assurance can the

cabinet secretary give people who are waiting for assessment that the flexibility will not lead to extended waiting times?

Shirley-Anne Somerville: I assure those who will go through the process that we are determined to get it right for them, which includes the amount of time that it takes to go through the process. I heard this morning about the stress and anxiety that are caused by waiting for the assessment process to conclude, and about the further stress that is caused when people have to go to appeal because the assessment process has gone against them. Flexibility will be in-built and we provide an assurance that Social Security Scotland will be adequately staffed and funded to deliver that for the people who go through the process in due course.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Assessments for PIP and employment and support allowance under the UK Government have had a negative and distressing effect on my constituents. Will the cabinet secretary set out the next steps that the Scottish Government will take to ensure that the new Scottish system gets that right for people? Importantly, will she provide assurance that disabled people and the disability expert group will be meaningfully involved in the process, including on the criteria, on an on-going basis?

Shirley-Anne Somerville: I give that assurance to Bob Doris. One of the fundamental problems with the current system is that it is not designed for the people who use it. People talk about fighting the system, rather than being supported by it, which is why the engagement that we have had with our experience panels and expert advisory group has been critical. We have ensured that they are at the heart of everything that we have done in designing and building the system, including the work on what that system feels like as people go through it.

I am more than happy to assure members today that we will continue that inclusive engagement, as it is exactly what it is needed to ensure that we deliver a benefits system that is right for the people whom we serve.

Jeremy Balfour (Lothian) (Con): I remind members that I am in receipt of PIP and have been through the assessment process.

I welcome the fact that the new agency will do assessments in-house. How will we retain the independence of assessments, so that an assessment is seen as an independent document and not as something that is used by the agency? Secondly—

The Deputy Presiding Officer: You get only one question. Sorry.

Shirley-Anne Somerville: The process that individuals will go through has to be something that they have faith in and that they can trust looks at their application and the impact on their lives as a whole. We have brought the process in-house to deal with the challenges that Jeremy Balfour raised.

The decisions that we have taken about how we deliver the assessment process will give assurance to people. The transparency that we are building into the system—for example, people being able to see assessment reports, and to hear the audio recordings of assessments, which I announced today—along with the in-house assessments will, I hope, take on board points that Jeremy Balfour has brought up.

Shona Robison (Dundee City East) (SNP): I welcome the in-house approach to assessment that has been announced. Will the cabinet secretary set out how assessor performance will be ensured and monitored by the Scottish Government?

Shirley-Anne Somerville: The most important issue with assessor performance is that how assessors are recruited and trained ensures that they have the right attributes and attitude for the job. We need to ensure that everyone who works for the agency, including assessors, embraces its ethos of dignity, fairness and respect. That is the reason behind the criteria and why we chose to make the service in-house. As the agency has direct oversight of assessor performance and the assessments that they carry out, we will be able to make improvements, where necessary, in a swift and positive manner.

Pauline McNeill (Glasgow) (Lab): The cabinet secretary says that she wants to get the appeals system right. When will she report to Parliament on the number of appeals that might drop off following unsuccessful redeterminations? Will she appoint new judges to refresh the tribunal system?

Shirley-Anne Somerville: I believe that I will be attending committee—if not next week, then the week after—to discuss some of the secondary legislation around tribunals. I will be happy then to go into much more detail than I might be allowed to go into today.

It is important that we get the appeals process right. I refer to the point that I made earlier about trying to ensure that we have fewer face-to-face assessments, that we have the right decision making in place to ensure that we do not need as many redeterminations and appeals, and that the tribunals process is less in demand. All that action has to be followed through.

The tribunals process will be set up if the regulations are agreed by Parliament. Until we have full devolution of all benefits to Scotland, we

will ensure that that process is fully staffed. We are sure that the judiciary is in a good place to deal with the cases that it has without our building up a system that is bigger than it needs to be for the small amount of benefits that we have at this time.

As I said, I will be happy to go through that in further detail as the regulations go through committee.

George Adam (Paisley) (SNP): Is the cabinet secretary aware of the House of Commons Work and Pensions Committee's inquiry into the UK Government's PIP and ESA, which found that a "pervasive" lack of trust has undermined the operation of PIP and ESA assessments? How does the cabinet secretary plan to build trust into what is thought of by many people who are living with disabilities as—

The Deputy Presiding Officer: No, that is fine. Point made.

George Adam: —a failed system?

The Deputy Presiding Officer: No, Mr Adam. Sit down.

George Adam: It is quite important, Presiding Officer.

The Deputy Presiding Officer: I beg your pardon.

George Adam: It is important, Presiding Officer.

The Deputy Presiding Officer: Everything is important in life, but when I tell you that you are finished, you are finished.

Shirley-Anne Somerville: George Adam raised an important point about trust. As I said during my statement, there is no trust in the current system that is run by the DWP.

I recognise that we need to ensure that we have trust in our system. That is difficult when we are starting a new service, but that is also, in essence, the answer to the question. We are not making slight changes to a faulty system; we are not tinkering around the edges as the DWP has done and will continue to do. We are building a new system. We are building our own system, which will be based on dignity, fairness and respect. In that way, through our action, we will demonstrate to the people of Scotland that they can trust in what we are doing.

Graham Simpson (Central Scotland) (Con): How will the staff who carry out assessments be recruited, from where will they be recruited, and will they be on permanent full-time or part-time contracts and on specified hours?

Shirley-Anne Somerville: That is one of the areas that the expert advisory group will look at in

great detail. For example, it will look at what is a suitably qualified assessor and who that will be. It is right that I wait for the expert advisory group to look into that.

We are also ensuring that discussions are ongoing with the ill-health and disability benefits stakeholder reference group, which includes representatives from the British Medical Association and the national health service. There has also been significant ministerial engagement with key individuals from the medical profession. Now that we have made the decisions that I have announced today, we will be able to open that up further.

I await the recommendations and advice of the expert advisory group, which will build more detail on the foundations that I have set out today.

The Deputy Presiding Officer: If members continue to be brief, I can get the final three questions in.

Ruth Maguire (Cunninghame South) (SNP): Given the stigma that is attached to the DWP's work capability and PIP assessments, and the current high turnover rates for healthcare professionals undertaking PIP assessments for the DWP, does the cabinet secretary foresee any issues in recruitment and retention?

Shirley-Anne Somerville: I am well aware of the high turnover rate among people who provide assessments on behalf of the DWP. We are committed to building an entirely different system and culture to those of the DWP. That is important not just for people who undergo assessment, but for those who carry out assessments.

It is vital that staff are properly supported, that they have the time and resources that they need to do their work and that they feel valued. Through Social Security Scotland, I am determined that we will achieve that.

Alex Rowley (Mid Scotland and Fife) (Lab): I very much welcome the statement. Will the cabinet secretary guarantee that the healthcare professionals who support assessments will be specialists who are qualified to assess individuals' conditions?

Shirley-Anne Somerville: I am aware that that subject was discussed very much during the Social Security (Scotland) Bill's progress through Parliament. The expert advisory group is looking into the subject, which we are also discussing with healthcare professionals.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): How will assessments be delivered in island and other rural areas to meet the distinctive needs of people who live in those areas?

Shirley-Anne Somerville: The DWP system presents many challenges, but there are specific challenges that affect people who live in rural and remote areas. No matter where people live, Scotland's social security system must deliver and must give people access to the same quality of service. That is why, as I have said, we will wherever possible make desk-based assessment decisions, which will reduce the requirement for face-to-face assessments.

When a face-to-face assessment is necessary, we will ensure that the person's needs are considered. As I said in my statement, that will include taking account of distance and the person's ability to travel, and ensuring that the location and time of appointments fit people's needs. I hope that that reassures Dr Allan's constituents.

The Deputy Presiding Officer: That concludes questions. I was a bit hard on members, but we managed to get everyone in, which was fair to those who were later on the list.

Human Rights Defenders (Support and Protection)

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-14075, in the name of Christina McKelvie, on supporting and protecting human rights defenders.

15:43

The Minister for Older People and Equalities (Christina McKelvie): It is a great pleasure to open the debate in my new role as the minister with responsibility for human rights. The debate is important for our Parliament and we should all be proud of it. I am delighted that former colleagues from the Equalities and Human Rights Committee will participate in the debate and I look forward to working with the committee. I am sure that its members will be just as gentle with me as we were with the previous minister.

One of the committee's great strengths is that its members share a common commitment to all the fundamental principles of democracy, human rights, equality and the rule of law. That is also an attribute of the Parliament as a whole, which we should be proud of. That is important, because we will in the debate recognise the work of those who promote and uphold human rights, often in very different environments from those in which we operate—environments in which personal risk is an everyday reality and the consequences of speaking out can literally be life threatening.

In opening the 39th session of the United Nations Human Rights Council a few weeks ago, the new UN High Commissioner for Human Rights, Michelle Bachelet, described human rights as

"a powerful medicine, which heals wounds and develops resilience."

That striking metaphor is made all the more powerful by the personal experience that informs it. Having survived the Pinochet dictatorship, Ms Bachelet went on to become Chile's minister for health and then its first woman President.

She understands, from that first-hand experience, the power of human rights as a source of strength and healing. However, as members around the chamber are well aware, that progressive, positive view of human rights is not universally shared. In far too many countries around the world, state authorities are more likely to see human rights and those who work to defend them as the problem rather than the cure. The voice of those who speak up for dignity, equality and human rights is not heard in some places as a call to build a better future for us all; instead, such

voices are feared for the challenge that they present to vested interests and corrupt systems.

Even in more progressive countries, those who speak truth unto power can sometimes find that the messenger is blamed for the message. Criticism—even constructive criticism—can be uncomfortable and unwelcome. As politicians, we all know that.

Alex Cole-Hamilton (Edinburgh Western) (LD): I welcome the minister to her post, and I think that she will be a human rights defender in the Government. As such, what learning will she take from the missteps by the Scottish Government over the memorandum of understanding that was signed with Chinese companies, for which it failed to do due diligence, and what steps will she take to ensure that that does not happen again?

Christina McKelvie: I might have an offline conversation with Alex Cole-Hamilton on that matter, because today I want to focus on human rights defenders and the fact that we have now committed to the Scottish human rights defender fellowship. The issue that he raises could change the tone of today's debate slightly, so I hope that we can have a proper conversation about it another time.

Verbal attacks may well lay the foundation for physical attacks. State reluctance to hear the truth readily becomes overt state action to close down debate, and far from confronting the reality of abuse, the powerful seek to silence those who draw attention to the failings of state institutions. To understand the scale of the problem, it is enough to let the figures speak for themselves.

In 2017, Front Line Defenders, one of the leading international non-governmental organisations working to support human rights defenders globally, reported that 312 human rights defenders had been killed in 27 countries. Since 2015, there have been 400 killings and 1,200 documented attacks on human rights defenders working specifically on business abuses of human rights. Those figures are startling. Thousands more activists have been detained on fabricated charges, subjected to lengthy, expensive and unfair legal processes, or sentenced to long terms of imprisonment.

Some cases are high profile and attract international attention. Myanmar's recent jailing of two Reuters reporters, Wa Lone and Kyaw Soe Oo, for reporting human rights abuses against the Rohingya people is a case in point. Hundreds of others pursue their work in much lonelier and sometimes even more perilous circumstances, and they all deserve our support, in this Parliament and across Scottish society. We should

stand in international solidarity with human rights defenders around the world.

This year we mark the 70th anniversary of the Universal Declaration of Human Rights and 20 years of the UN declaration on human rights defenders. Both are explicitly inclusive in their approach. The universal declaration reminds us that all people are born free and equal in dignity and in rights, and that human rights are for all people, everywhere, all of the time. Anyone who acts to promote or protect human rights is a human rights defender.

That is why I am delighted that the new Scottish human rights defender fellowship has been established. The fellowship was born out of a desire to express solidarity with everyone who steps up to that universal responsibility to defend human rights. It reflects a shared commitment, not just on the part of this Government, but across civil society and Scotland's universities, to take action to provide practical support for individual human rights defenders.

The purpose of the fellowship is to enable human rights defenders to come to Scotland for a three-month sabbatical, between September and December. Once here, they will have freedom to continue their work, develop their skills and extend their networks in a place of safety—some might say “sanctuary”. The University of Dundee is hosting the fellowship, and I would like to thank Kurt Mills, professor of international relations and human rights at Dundee, and Jaclyn Scott, who have both worked tirelessly to make the fellowship a reality.

I also want to thank Amnesty International for the particular contribution that it has made as a partner, including through in-country support to the fellows and legal advice to them when they apply for United Kingdom visas.

Kezia Dugdale (Lothian) (Lab): I am grateful to the minister for mentioning the work of Amnesty International. She will know that today's briefing from Amnesty encourages her to ensure that the human rights agenda is embedded in the Scottish Government's international development work, and she will also know that many of the countries that we work with have poor records on lesbian, gay, bisexual and transgender rights. What sort of approach will she take to that when she meets the leaders of countries such as Malawi?

Christina McKelvie: I thank Kezia Dugdale for that important intervention. I have a round-table meeting tomorrow with all the LGBT organisations in Scotland to look at what we are doing here, how we can share that learning, how we can learn from others, and how we can impress on others the importance of the good work that we are doing

here. I would definitely be happy to take forward that issue.

Participants in the fellowship are nominated by our four partner NGOs: Amnesty International, Beyond Borders, Front Line Defenders and the Scottish Catholic International Aid Fund. The high quality of the nominations reflects the long track record of front-line work on human rights done by all four partners. That direct experience and expertise has been instrumental in enabling the scheme to be established.

This is the first year of the fellowship and we have invited three human rights defenders from three very different countries, who have a diverse range of interests. As you will understand, Presiding Officer, given the risks that some human rights defenders can face, it is important that we respect the privacy of participants. Not everyone wants, or can afford, a high public profile.

I want to make it clear that the scheme does not criticise specific countries or Governments. All nations, including Scotland, have human rights challenges to address and we should take to heart the principle that I have already mentioned: that anyone who acts to promote or protect human rights can be a human rights defender.

In debating the global challenge, we should also recognise that we have human rights defenders here in Scotland. I think that we have just heard from some of them in this chamber. Their work is something that we should encourage.

I have already had an opportunity to meet all three of this year's fellows, and two of them also recently met the First Minister. I was deeply moved by their experiences and insights. Their account of their work and the challenges that they face has left a deep and lasting impression on me.

I know that they have a busy programme of activity planned, and I suspect that we in Scotland will learn as much from them as they will take from their experience of the fellowship. Our three fellows will return to their home countries at the end of the year to continue their work. Here in Scotland, the intention is that our work will also continue, and I sincerely hope that the fellowship will grow.

I am delighted that, in addition to the NGO partners that have been central to delivering the fellowship, and Dundee university, in its role as the host institution, representatives from the universities of St Andrews, Edinburgh and Glasgow have been able to contribute. I thank them for their invaluable support.

I am also delighted that the scheme has secured support from ProtectDefenders.eu, the EU human rights defenders mechanism, which plays an essential role in providing training,

support, capacity building and emergency assistance to human rights defenders and has generously contributed match funding to support the Scottish fellowship scheme.

In conclusion, I formally welcome to Scotland the three fellows participating in this year's scheme. On behalf of the Scottish Parliament, I extend our warmest regards and express our deepest respect for their work as human rights defenders. On behalf of us all, I wish our fellows every success as they settle in and enjoy life in Dundee and every success when they return home in December, refreshed and equipped to continue their essential work.

I move,

That the Parliament notes that 2018 marks the 70th anniversary of the adoption of the Universal Declaration of Human Rights and the 20th anniversary of the UN Declaration on Human Rights Defenders; commends the vital work that human rights defenders undertake around the world, often at considerable risk to themselves and their families; welcomes the establishment of the Scottish Human Rights Defender Fellowship and acknowledges the contribution made by all of the Fellowship partners, which are the Scottish Government, Amnesty International, Beyond Borders, Front Line Defenders, SCIAF and the universities of Dundee, Edinburgh, Glasgow and St Andrews; notes in particular the central role played by the University of Dundee in hosting the Fellowship; commends also the work of ProtectDefenders.eu, the EU Human Rights Defenders mechanism, in providing training, support, capacity building and emergency assistance to human rights defenders, including through its financial support for the Scottish Fellowship, and wishes the 2018 Fellows every success during their time in Scotland and on their return home.

15:53

Alexander Stewart (Mid Scotland and Fife)
(Con): I welcome the minister to her new role. I am delighted to have the opportunity to open on behalf of the Conservatives in today's debate on supporting and protecting human rights defenders. Their efforts to defend civic, political, economic, social and cultural rights can make a difference to the lives of some of the world's most vulnerable people.

As we have heard, there is no typical human rights defender. They may be lawyers, politicians, teachers, students, farmers or healthcare workers, and the issues that they tackle include torture, executions, female genital mutilation or healthcare access. What unites this group of people is the desire to protect and promote human rights and democracy across the globe.

Sadly, being a human rights defender is not without its risks—far from it. The sensitivities of their work mean that they put themselves in danger. They can be harassed, intimidated, imprisoned, subjected to violence or detained. As we have heard, in 2017 alone, 312 of these brave

individuals were killed, which is a stark reminder of the risks that they take every day. In fact, Amnesty International has hailed human rights defenders as “some of the bravest people in the world”, and I echo that sentiment.

The debate marks the 20th anniversary of the UN declaration on human rights defenders, which recognised the importance of these individuals and the crucial role that they play in ensuring that the UN Universal Declaration on Human Rights is fully recognised. In recognition of the serious risks that human rights defenders face, it is important that it is the UN member state that ensures that defenders are protected. The declaration says that defenders should have the right to defend human rights, to associate freely with others, to document abuses of human rights and to criticise offending Government bodies—it is right that they should have those rights. Although in recent years individuals have been attacked for what they have tried to do, it is vital that we ensure that they get that support. Many human rights defenders, particularly those in countries with poorer records on human rights, remain significantly at risk.

I will highlight the extremely important work that has happened across the United Kingdom recently. We should note that the UK was one of the first states to adopt a plan with specific commitments to protect human rights defenders. The national action plan, which was adopted in 2013, explicitly instructed our embassies and high commissions across the globe to support businesses and individuals involved in human rights issues. The protection of human rights defenders remains a priority for the UK Government, as was reflected in an updated national action plan in 2016. It outlined the work that is carried out by the International Service for Human Rights to deliver an intensive training and advocacy programme for human rights defenders in Colombia, Mexico and Brazil, which the UK Government supported.

In 2017, the Foreign and Commonwealth Office looked at human rights and work that was being carried out around the world. To that end, the FCO has collaborated with the centre for applied human rights at the University of York to run a protective fellowship scheme that aims to support human rights defenders who are at risk. Over several years, through the FCO's Magna Carta fund for human rights and democracy, the UK Government has also provided assistance for human rights defenders. That fund has supported projects run by civil society organisations and human rights defenders themselves.

Although there is always work to do, the UK Government's record on supporting human rights defenders politically, organisationally and

financially is a strong one, which it is important we recognise. I also commend the work of many organisations, including the church organisations Open Doors, Release International, Aid to the Church in Need and Christian Solidarity Worldwide. They look at what happens to Christian individuals, including how they are being persecuted across the world for their faith. Christians and people of other faiths are experiencing increasing intolerance and are attacked daily because of their faith.

As we heard from the minister, there is outstanding work in Scotland, which I commend and echo. I welcome the lead of the Scottish human rights defender fellowship at the University of Dundee, which I commend and congratulate for what has been achieved so far. I look forward to seeing what can be achieved in the future. The collaborative nature of the project brings together Scottish universities, the Scottish Government and campaign groups, and it will give participants an opportunity to meet and learn about how to fight for human rights daily.

Scottish Conservatives are very happy to support the Scottish Government's motion and we look forward to a very focused, passionate and consensual debate on the vital work that is carried out by these brave individuals who defend our rights. They take the risks and they should be supported.

15:58

Daniel Johnson (Edinburgh Southern) (Lab):

I, too, welcome the minister to her position. I will make a few remarks about the importance of human rights.

Speaking in 1941, Franklin D Roosevelt made a groundbreaking and world-changing speech on four freedoms. The importance, simplicity and power of the ideas that he set out have changed the world. He said:

"In the future days ... we look forward to a world founded upon four essential human freedoms ... The first is freedom of speech and expression ... The second is freedom of every person to worship god in his own way ... The third is freedom from want ... The fourth is freedom from fear ... That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation."

FDR's words were important because they changed the world. The prevailing view in the age of the great powers was that people were subjects of the state in which they lived and the laws that were set, no matter how diabolical or monstrous those laws were. His idea was that human rights are inherent entitlements that are based not on where one was born or on what one does but on one's existence as a human being. Human rights were developed in part as a response to the

atrocities of war and the Holocaust. The words uttered by FDR led directly to the Universal Declaration of Human Rights 70 years ago and to the development of international institutions such as the International Criminal Court, which means that, today, limits are placed on what states can do and there are consequences for those who perpetrate crimes against humanity, even though that system does not work as perfectly as we might wish it to.

Human rights have changed the world, but they have also changed our country. There is much that we can be proud of. It was a Labour Government that enshrined the rights and freedoms that are contained in the European convention on human rights into UK law, which marked the birth of the Human Rights Act 1998. On a similar basis, we must welcome the Scottish Government's commitment to bring the UN Convention on the Rights of the Child into Scots law, which will be welcome progress in the advancement of human rights in Scotland.

If we believe in human rights, we can never be complacent. We must challenge our Governments and, as parliamentarians, we must challenge ourselves on whether we are upholding those principles. For example, article 25 of the Universal Declaration of Human Rights states:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family".

However, new statistics that were published yesterday show that almost a fifth of those living in the worst-off areas were worried about running out of food. On housing, the most recent statistics show an increase in homelessness and rough sleeping. It is one thing to deliver human rights in law but quite another to deliver them in practice, which is what we must all strive to do.

We must challenge and defend human rights, not just because they are important here in Scotland but because we live in a time when the international rule of law and the international institutions that underpin it are under attack and threat. Superpowers ignore international institutions and withdraw from international conventions on the basis of the narrow interests of their leaders.

Closer to home, dogmatic Euroscepticism, while currently focused on European Union institutions, flirts with quitting the Council of Europe and questions the legitimacy of the European Court of Human Rights. We must be willing to speak up and challenge other nations that seek to undermine the international rule of law and the human rights institutions that guarantee them.

Human rights had to be fought for and we must therefore fight to preserve and maintain them. Ultimately, we can have legitimacy in challenging

others on human rights only if we are committed to challenging ourselves, too.

In that context, I welcome this debate to celebrate human rights defenders and their important work around the world. We on the Labour benches welcome the fellowship as an important step towards making a contribution to the effort to advance human rights around the world and challenging ourselves to ensure that they are advanced and honoured here in Scotland.

It is right that the motion acknowledges the risks that human rights defenders take. I acknowledge the partner organisations that have worked with the Scottish Government to make the fellowship possible: Amnesty International, Beyond Borders, Front Line Defenders, SCIAF and the universities of Dundee, Edinburgh, Glasgow and St Andrews.

Scottish Labour is very happy to support the motion, because it is vital that we do not just make a gesture towards human rights but take practical steps to argue and fight for them.

16:03

Andy Wightman (Lothian) (Green): I thank the minister for bringing this debate to Parliament and I congratulate the Government and its partners on the important work that they do in this area.

As the motion says, this is the 70th anniversary of the Universal Declaration of Human Rights and the 20th anniversary of the UN declaration on human rights defenders.

Those who know me might regard me as a bit of a messy person. When I was clearing out my living room the other day, I found a book that was influential to me, which was about the Brazilian rubber tapper, environmentalist and trade unionist Chico Mendes, who died 20 years ago. He was not alone in the world, obviously, as someone who cared passionately both about the environment and about his people and defending them against the gross human rights violations that took place against them. Ultimately, he paid for that with his life.

It is such barbarous acts that drive human rights defenders today to act in defence of human rights. I want to touch on two broad areas that are core to the work of human rights defenders—journalism and indigenous rights. Journalists are at the forefront of recording events and sharing them with the world, and oppression of the press remains a powerful instrument for many regimes throughout the world to deny human rights. The minister mentioned the two Reuters journalists, Wa Lone and Kyaw Soe Oo, who were detained by authorities in Myanmar for their reporting of the massacre of the Rohingya Muslims by security forces. After a protracted court case that lasted, I

think, over nine months, they were sentenced to seven years in jail under a colonial-era official secrets act.

The “Mapping Media Freedom” report that was produced by Index on Censorship in partnership with the European Federation of Journalists and Reporters Without Borders states that, last year, there were 1,089 reports of limitations to press freedom in Europe and neighbouring countries. A majority of those violations came from official or governmental bodies, with particular concerns in countries such as Russia. The report also states that 220 media workers were arrested or detained, 178 were physically assaulted and 367 experienced incidents such as psychological abuse, sexual harassment, trolling, cyberbullying and defamation. Furthermore, there were 192 cases of criminal charges or civil litigation, and 112 legal measures were raised against journalists in 2017.

The freedom to openly criticise those in authority and to instigate debate on topics of national, regional and local interest is one of the freedoms that we enjoy and cherish in Scotland. However, as Daniel Johnson said, it is not something that we can ever take for granted, and indigenous communities certainly cannot take it for granted.

I have long promoted and been an advocate for transparency in land rights. Regrettably, there are people across the world who are not so fortunate. They are routinely oppressed by Governments and corporations that exploit land and natural resources for the sake of turning our environment, water and land into commodities to be sold to the highest bidder.

This week, the Global Land Forum is holding its international conference, led by the International Land Coalition, in Bandung in Indonesia, to discuss the principles of people-centred land governance. Just yesterday, I listened to Gillian Caldwell, the chief executive officer of Global Witness, provide moving testimony on the human rights abuses that are occurring in Laos, Nigeria and Cambodia and the work of human rights defenders in those countries.

Such threats remain constant. Indeed, Michel Forst, the UN special rapporteur on human rights defenders, has recognised the significance of the work that such people carry out to protect and conserve our fragile environment, particularly in areas of the world where fundamental human rights are routinely disregarded.

I welcome this debate. I commend the work of human rights defenders around the world and the efforts made here in Scotland to establish the Scottish human rights defender fellowship.

16:08

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank the Government for bringing the subject to the Parliament today, and I welcome Christina McKelvie to her role as Minister for Older People and Equalities. Christina and I served together on the Equalities and Human Rights Committee for the best part of three years. She is a person with tremendous command of the issues, and although she might have felt that my intervention was unkind or irreverent in today's context, I remind her that it is important for human rights defenders—she is undoubtedly ours within the Scottish Government—to always speak truth to power and to ask awkward questions of powerful bodies.

I have been involved in human rights all my life, from leading Amnesty International letter-writing groups at school, and then at the inception of this Parliament, when I was working for the Liberal Democrats, at the start of devolution. I worked in children's rights as convener of the Scottish Alliance for Children's Rights and I sat on the leadership panel for the Scottish national action plan for human rights. That has culminated, I think, in my role on the Equalities and Human Rights Committee.

The subject is in my DNA, so I am deeply gratified that the Scottish Government has created the fellowships in Dundee. As Amnesty tells us, there is still a toxic and hostile environment for human rights defenders the world over. Globally, some 300 human rights defenders have been killed in the past year alone. Amnesty has identified the six riskiest professions that people undertake as human rights defenders. Unsurprisingly, they are professions that we would always associate with the hallmarks of a free and open society—such as labour activists, journalists, lawyers, judges, LGBTI rights campaigners, indigenous peoples activists and women's rights campaigners. They face imprisonment and, in some cases, summary execution. They deserve our support.

There are threats to human rights across our world—even in societies that we had assumed had cracked the human rights balance and got it right. In Russia, 58 journalists have been killed since 1992, and gay rights activists are still being persecuted to this day. In China, the meticulous and systematic persecution of Falun Gong has occurred entirely on the ground of religious intolerance. There are even threats in cultures that we thought were liberal. For example, in the USA we have seen an erosion of rights—especially LGBT rights, and those of immigrants and refugees. I pick out those examples because those are countries with which we seek to do business and with which we foster developing

relationships. We must use that position of power and influence to speak truth to power: we must insist on human rights observance.

I admit that I may have been making mischief in my intervention. However, my point was absolutely accurate: we need to get our own house in order first, and to challenge ourselves by asking whether we are doing due diligence on contracts that we sign on behalf of our people. As regards making rights real, I am delighted that we will finally incorporate the United Nations Convention on the Rights of the Child, but I am still anxious that we will not give our children access to justice in that regard.

Daniel Johnson: Will the member take an intervention?

Alex Cole-Hamilton: If it is quick; I do not have a huge amount of time.

Daniel Johnson: I have read the report on education rights for autistic children that was published yesterday by autism societies. Such rights are important on that very point, given the lack of access that many suffer.

Alex Cole-Hamilton: Absolutely. Full incorporation of the United Nations Convention on the Rights of the Child would address exactly those issues.

I hope that we will recognise the rise of fake news and news outlets that constantly apologise for or cover up systematic human rights abuses. I call on all parties to follow Liberal Democrats in our party-wide boycott of outlets that peddle such untruth.

I support human rights fellowships, which are vital for our own learning and for international human rights observance. I will finish with a quotation. In June 1966, at the height of apartheid, Bobby Kennedy delivered a speech to human rights defenders at the University of Cape Town, in which he said:

“Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.”

I again thank the Scottish Government for bringing the motion to debate this afternoon.

The Deputy Presiding Officer: We move to the open debate. Speeches should be of up to four minutes, please.

16:12

Ruth Maguire (Cunninghame South) (SNP): The year 2018 is one for celebration. It marks the 70th anniversary of the Universal Declaration of

Human Rights, which, alongside the international human rights treaties, guarantees the enjoyment of all human rights by all people, without distinction. This afternoon's debate focuses on the 20th anniversary of the declaration on human rights defenders, which emphasises that we all have a role to fulfil as human rights defenders in a global human rights movement.

I acknowledge the many hundreds of human rights defenders who were rallying peacefully at Faslane last weekend, and I thank them for all that they do to further the cause of peace and justice. In some places in the world, human rights defenders face death for standing up for their rights peacefully. Amnesty International estimates that 3,500 people have been murdered for their human rights work over the past 20 years—an average of 175 people each year.

Women who speak up are seen as being a threat to tradition, and are often subjected to forms of gender-based violence, in addition to the attacks that other defenders may face. Those can include sexual violence, stereotyped smears and defamation campaigns. Hina Shahnawaz was shot dead in Pakistan in February 2017. She worked with HelpAge International, which is an organisation that advocates for the rights of older people. She was a professional woman, financially independent and her family's main provider, so she challenged socially accepted norms and gender roles for women in her country.

The partnership between the Scottish Government and the University of Dundee to provide the Scottish human rights defender fellowship is an important undertaking. I wish it every success and thank the campaign groups—Front Line Defenders, Amnesty International, the Scottish Catholic International Aid Fund and Beyond Borders Scotland—that support it.

Scotland has a proud tradition of campaigners, from trade unionists and suffrage movements to equality groups, who have fought for the fair treatment of people who can face discrimination because of their race or disability, for example. I am sure that all of Scotland's activists will be enthusiastic and keen to share their experiences. I wish the fellows good luck with their studies and hope that they return to their countries refreshed after their respite and ready to continue their really important work of progressing human rights in their countries.

There is, of course, work to be done in Scotland, too. We face our own challenges of poverty, inequality and Brexit. The Human Rights Act 1998 and the Scotland Act 1998 share their 20-year anniversary with the declaration on human rights defenders. Those acts are fundamental to ensuring that human rights are placed at the centre of our democracy, and this year offers an

opportunity for reflection on where Scotland is in promoting and progressing human rights.

The Equalities and Human Rights Committee's inquiry into human rights and the Scottish Parliament has been looking at how the Parliament enhances its role as a human rights guarantor. The report, which should be ready in the late autumn, will set out a range of actions or road map for human rights in our Parliament. If those steps are taken, they will not just make the Scottish Parliament a human rights leader of legislatures in the UK; they will make it an exemplar globally.

One of the key objectives for the anniversary of the declaration on human rights defenders is to raise the profile of defenders around the world. I look forward to all the contributions in the debate and hope that it will go some way to contributing to that aim.

16:17

Oliver Mundell (Dumfriesshire) (Con): I join colleagues in welcoming Christina McKelvie to her new role. Although I did not serve on the Equalities and Human Rights Committee with her for as long as Alex Cole-Hamilton did, I am absolutely sure that if anyone is going to shake things up and take into Government the passion that they showed in committee, it will be Christina McKelvie. I eagerly anticipate her help and support in ensuring that the committee's recommendations in our forthcoming report are accepted. That will really help.

I also warmly welcome the fellowship, which is a very positive move.

I slightly disagree with a remark that Alex Cole-Hamilton made: he said that it is important that we get our own house in order first. I understand the sentiment behind the remark, but it is important that we do not wait to get everything perfect and right in Scotland before we share internationally the considerable expertise that we have developed.

It is important for all of us, as members of the Scottish Parliament, to remember that people have died in our own country—in the United Kingdom—over decades and centuries to defend human rights, and that there are many people who still feel persecuted and vulnerable. Just because we do not take our freedom for granted, it is not the case that we cannot get started on helping to build capacity worldwide. We should remember that, by having the fellowship based in the University of Dundee, we are also expanding our own expertise and knowledge.

Having made that distinction, I am conscious that I do not want to fall into the same trap as Alex

Cole-Hamilton of being a pest and asking difficult questions, but I want to highlight in particular “Not included, not engaged, not involved: A report on the experiences of autistic children missing school”, which Daniel Johnson mentioned. Sitting at an event last night, I found it very difficult listening to parents who face the prospect of their children not being educated. I heard stories of young people in Scotland having been dragged along corridors and locked in padded rooms without windows in place of education. We have a lot of well-developed mechanisms and well-trodden pathways that we can use to tackle such issues, and we have the Children and Young People’s Commissioner Scotland. Many of those issues could be taken on. The day after hearing from the parents of the children in question, it would be wrong not to highlight some of the issues that they face and the battles that they have to fight.

Such problems are often far more complicated than they appear. It is by having debates such as this, in which we take some of the politics and the heat out of the discussions that we have on human rights, that we will enable Parliament to make progress.

I pay tribute to human rights defenders worldwide. It is horrifying to think that 300 people have been killed in the past year just for trying to make the world and their community better places. I think that that number might be just the tip of the iceberg: many more people will have been subjected to gruesome abuse and death at the hands of human rights abusers. Even as we speak, there will be many more people who are living in fear. We have a duty to do everything that we can to support those individuals and to strengthen the international human rights network.

I am pleased to have spoken in today’s debate.

16:21

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I, too, welcome Christina McKelvie to her new role.

In yesterday’s news it was reported that the “proud Ness” event will take place on 6 October. That is news, of course, because the very idea that Inverness would host a pride event was recently challenged by a member of the Free Church, who wanted to stop it on

“biblical, religious and moral grounds”.

The petitioner had managed to amass some 600 signatures—a number that horrifies and serves to remind us all that human rights, and the freedom of assembly and association, can still be threatened in Scotland in 2018. Perhaps it is a timely reminder for us all.

Today’s motion calls on Parliament to note the 70th anniversary of the adoption of the Universal Declaration of Human Rights. Attentive members might recall that 2018 marks the same special birthday for the largest town in my constituency—Glenrothes.

I first met Chantal Mrimi in January while attending a digital stories event that was run in conjunction with the Scottish Book Trust and supported by the Scottish Government. The event showcased a selection of stories about the people of Glenrothes. We Fifers are not always known for our cheerful disposition, but here was Chantal Mrimi, a former Rwandan refugee, taking to the stage one dreich January night in the Rothes halls to tell her tale.

Chantal’s parents were Tutsis who fled Rwanda during the massacres of the 1950s. The family came back from exile in Congo in the early 1990s. Chantal lost 27 members of her family in the Rwanda genocide. Her life was constantly under threat from grenades and mines, and she nearly lost both her siblings to malnourishment. When she first arrived in the UK, she had only about £40 to her name and spoke no English. She settled in Glenrothes in 1999 as a refugee. She suffered from post-traumatic stress disorder.

Here is what Chantal told us one cold January night in Glenrothes:

“The investment in me by the health service, the countless therapy sessions, social services assistance and the availability of education have all enabled me to grow with human dignity and fulfil my potential. The opportunities offered to me by the people of Fife and their willingness to accept strangers have all been powerful to restore my faith in humanity. For that reason I will always feel an immense sense of gratitude towards Glenrothes as my home and place of work.”

We often take for granted the human rights to freedom from discrimination and to freedom from torture, and the right to life. The motion makes specific mention of the 20th anniversary of the UN declaration on human rights defenders, which was officially adopted in a UN charter in 1998. The UN declaration defines a human rights defender as

“anyone working for the promotion and protection of human rights. This broad definition encompasses professional as well as non-professional human rights workers”.

In 1998, Chantal was still in Rwanda, and nearly 1 million of her fellow citizens had been killed in the genocide. Their right to life had been denied them. Chantal is a human rights defender. Since settling in Scotland, she has completed a degree, bought her own house and raised her family. She regularly sends money home to her parents in Rwanda to support the orphans whom they have taken in since the genocide. Chantal has worked as an interpreter locally, translating English into

French, Swahili and Rwandan, and today she is employed at Fife Council in Glenrothes.

In June, I held an event in Parliament to commemorate the 70th anniversary of Glenrothes, and was delighted to welcome Chantal as a guest speaker. Earlier this month, she was recognised as Scottish woman of the year for her work with the Scottish Rwandan community. She regularly shares her story at local schools and with students.

Today's motion speaks of the invaluable work of a number of organisations in defending and supporting human rights, but every community in Scotland has individuals like Chantal Mrimi who have had their human rights denied.

The Universal Declaration of Human Rights is often described as a milestone in the history of human rights, but we have moved on since 1948. Indeed, the declaration may have been monumental when it was published 70 years ago, but we should all be asking how its values are upheld today. Human rights, whether the right of minority groups to protest or the basic right to life, are everyone's business. We must not look the other way.

16:25

Kezia Dugdale (Lothian) (Lab): I start by welcoming the minister to her place, and by recognising her long-standing commitment to the human rights agenda. I have heard her give many speeches about human rights and equality from the back benches. Now she sits on the front bench. I remind her that, with great power comes great responsibility. Although she does not have the powers that she might like to have, she has a voice. I encourage her to use it with the same tenacity that she has demonstrated thus far.

Amnesty International, in its briefing on the debate for members, encourages us to focus on women human rights defenders, which is what I intend to do.

I will start with naming some of the rights that are enshrined in the Universal Declaration of Human Rights: the right to be protected; the right to freedom of association; the right to criticise Government bodies and agencies, and to make proposals to improve their functioning; and the right to provide legal assistance or other advice and assistance in the defence of human rights.

Those human rights are exercised every day by a woman called Bakira Hasečić, whom I have had the privilege of meeting on a number of occasions. People can read her story in the exhibition outside the MSPs block. She is a Bosnian citizen from a town called Višegrad. In April 1992, there was a knock at the door. At the time, her town was 60

per cent Muslim. A local police officer called Milan Lukić and 12 fellow officers forced their way into her house and raped her daughter. When she tried to stop them, they raped her. Milan Lukić set up a rape camp in Bosnia, which was used to ethnically cleanse Bakira Hasečić's town. That forced many of the women and, in fact, all the Muslim community to flee and to seek refugee status, many of whom did so in bordering Croatia.

Bakira Hasečić has devoted her adult life to defending the human rights of her fellow citizens. The first courageous and incredible thing that she did, in 1998, was to lead the return march to her hometown after the Bosnian war. When she got there, she said that she had nothing to fear, to feel ashamed of or to be embarrassed about, because it was not she who had committed the evil.

When she returned home, she went around in her car, wound down the window and took photographs of the men who had raped her, her neighbours and her fellow citizens. She started to build case files about the men in her town who had committed those horrendous war crimes and atrocities. Her work eventually led to her setting up the Association of Women Victims of War, which she runs to this day.

One thing that she did in the early days of setting up the association was chain herself to a building in her home town, where 22 people had been murdered by the Serbian army. She did so because she knew that the Serbian forces were going to try to demolish the building, which contained evidence of their crimes. She chained herself to the front door and called the world's media. The Serbian army was unable to knock down the building, and the men who committed the atrocities were tried.

To this day, Bakira Hasečić lives under threat to her life. Many Serbians who live in her home town would like her to discontinue her work of advancing the rights of women in their country and around the world. She was one of 25,000 to 50,000 women who were raped in Bosnia during the war, and she seeks justice for them every day by collating evidence about the crimes that were committed against them. It was a document that she collated that went to the Hague that led to many of those men being convicted of war crimes.

It is a great honour to have met Bakira Hasečić on several occasions. I last saw her in July, when she went to Glasgow Caledonian University to receive her honorary degree, which I hope the Parliament will recognise and celebrate. On that day, she was asked what her hobbies are. She said that her two favourite things in life are smoking and capturing war criminals. I am sure that we can collectively agree with at least half of that statement.

16:29

Gail Ross (Caithness, Sutherland and Ross) (SNP): I, too, warmly welcome the minister to her new post. I am one of the members of the Equalities and Human Rights Committee of whom she speaks, and I can promise her a very enjoyable experience when she comes back to visit us in the near future.

The year 2008 marks the 20th anniversary of the UN declaration on human rights defenders and the 70th anniversary of the UN Universal Declaration of Human Rights. The UN declaration on human rights defenders tells us that we all have a role to fulfil as human rights defenders, and it emphasises that there is a global human rights movement that involves us all.

The declaration's full name is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. It is perhaps a bit wordy, but it encapsulates the importance of the concept across our society.

I am sure that everyone in the chamber will be aware that human rights defenders are people who act to promote or protect human rights, but perhaps some of us are unaware that they include children and young people. Children and young people are working together or on their own the length and breadth of Scotland to tackle issues such as bullying, homophobia, sectarianism and disability discrimination.

In my constituency, several schools have developed new equalities groups that are driven by young people and which actively tackle issues in their schools. The ethos is very much about what we do, not who we are. There are children and young people in Scotland right now who do not even realise that they are human rights defenders and are not aware of the impact that their contributions will make—and are already making—on others.

In the Scottish Parliament earlier this year, I, along with Johann Lamont, had the honour of officially accepting the strategic plan for 2018 to 2020 from the Children and Young People's Commissioner. The plan, which was put together with huge input from children and young people, covers three main topics:

"To be a successful Children and Young People's Commissioner ... To establish a culture of children's human rights"

and

"To make sure that children's human rights are at the centre of laws, policies and practice".

I thank Bruce Adamson and his team of inspirational young advisers.

I also thank all the teachers and staff who give up their valuable time in schools to support young people who are defending human rights. They are not only making a difference to the young defenders but having an impact on those whose rights they are upholding.

Children and young people are crucial to the promotion of human rights in Scotland. They are assisting the culture change across Scottish society that is empowering and educating children to have a compassionate approach to life. By encouraging them to help others to defend those rights, we will start to bring down the walls that we have built for ourselves—bigotry, religious divides, racism, homophobia and, dare I say it, even political differences.

Normalising respect for and dedication to human rights from a young age is already empowering adults to see one another from a more human point of view. I am proud that, as a nation and a Parliament, we are actively committing ourselves to that approach and that young people are involved, too.

Many of our young human rights defenders are off to Geneva this week to discuss human rights. I know that others will join me in wishing them all the best for their trip.

This week, Glasgow hosts a massive conference on adverse childhood experiences. Human rights are violated when a child is subjected to adverse experiences, some of which can affect them for the rest of their lives. What better way of helping our children and young people through an adverse experience than to take a human rights approach to it? Human rights defenders—be they old or young, and wherever they are on the globe—are invaluable and cannot be commended enough. Human rights are for everyone.

16:33

Jamie Greene (West Scotland) (Con): I welcome the minister to her place on the front bench. We do not always see eye to eye politically, but I have absolutely no doubt that she will be a forthright defender of human rights in Parliament and in Scotland. I welcome her prompt engagement with, for example, the LGBT community.

Yesterday, as part of Amnesty International's "Brave" campaign, a mural was unveiled in Kabul to pay tribute to some of the human rights defenders who have lost their lives, particularly a group of 10 journalists who were killed earlier this year while reporting a bombing. I am sure that members will join me in paying homage to those valiant photographers, who paid the ultimate price

in reporting on the conflict in Afghanistan. Their story is one of many.

Schemes such as the UK Government's national action plan and the Scottish Government's human rights defender fellowship are indeed welcome moves. However, I caveat that by making the point that it is not always in statutory bodies that we find extraordinary actions. Charities, NGOs, Government agencies and well-organised action groups are important, but so, too, are the often-forgotten voices of the individual.

When I was a member of the Parliament's Equalities and Human Rights Committee, the thing that struck me the most was the notion that human rights are other people's rights. There is a perception that defenders of human rights live in war zones, challenge dictators or fight against brutal regimes, and that they fight high-profile campaigns in a high-profile manner. However, the reality is far from that. I have seen defenders of human rights in Leith in Edinburgh at a meeting with a group of residents who were fighting their local authority for better housing because the status quo breached their human right to basic and adequate housing. Human rights are, indeed, everyone's rights.

In the brief time that I have—it is a shame that I have only a few minutes—I also want to talk about the modus operandi of human rights defenders in the modern day, what it means to be a human rights defender and how much that has changed, principally through changes in technology. I am curious about how tech can be used to help activists with self-protection and to spread truth and propagate the horrors of the world to the world. However, technology can also be the downfall of human rights defenders. It can be used to monitor, trap and in some cases capture activists.

On the positive side, tech has been used in innovative ways. Members may recall Amnesty International's Panic Button app, which ran for three or four years. The app sent out a distress call and enabled GPS function so that the person could be tracked. That was a good use of technology, but unfortunately the project was shelved due to a lack of funding and resource, which is a shame.

The downside is that technology is used to expose weaknesses in activism. It can expose people's whereabouts, identities and networks, and it is used to build up mountains of data and evidence against people through leakages, digital traces, surveillance and, on occasion, physical interception. Protection International is an organisation that educates people in best practice in the protection of human rights defenders. It produces a manual, which details the ways in which technology can be used to hack, monitor

and abuse defenders. Recently, Amnesty International was the victim of a cyberattack through malware that was disguised as positive communication, which unfortunately led to some Saudi Arabian rights activists being compromised.

In the context of 21st century human rights defence, technology can often make the difference between freedom and capture or, in some cases, life and death. Let us have a debate to praise state-sponsored programmes and initiatives and let us commend new bodies and agencies, but let us remember that it is in the everyday that we also find the extraordinary.

16:38

Gillian Martin (Aberdeenshire East) (SNP): I welcome my friend Christina McKelvie to her role as minister. She already knows how delighted I am that she has the role that she was born to have.

I am standing in for Sandra White, who is a human rights defender herself. I know that she wanted to use a Palestinian example and that she was going to speak about Awni Abu Shamsiyya from Hebron in Palestine. When I had a quick look at what he does, I discovered that his whole family are human rights defenders, and that he follows in the footsteps of his mother Faiza and his father Imad. The family have been documenting and filming human rights abuses in Palestine for many years and bearing witness to them so that we can understand them.

I will read out an extract from something that Imad wrote in 2016. He said:

"Two ... ambulances rush to the scene. They offer no assistance to the two critically injured Palestinians (one of them was in fact probably dead at this point), and do not even attempt to assess their situation. All their efforts focus on the soldier, whose condition"

is

"far from critical. At this point another soldier—an army medic, as it turns out—walks forward a few paces, hefts his rifle, and casually shoots the still moving"

Palestinian

"in the head. Nobody present appears to be surprised or disturbed in any way by what they have just seen. But I was present. And I was disturbed. My name is Imad Abu Shamsiyya. I shot that video."

The recording of such violations helps the rest of the world to see what is really going on. Imad initially decided to start filming because his own family was being attacked. As time went on he began to record things that he saw, although he knew that by doing so he was making his family more of a target. He said:

"As time went on, the attacks against the family continued. Our younger daughter, Marwa, had her hair set

on fire. Saleh, the baby of the family, was stabbed in the hand ... there have been the attacks against the whole family. About a year ago I woke up after midnight and realised that there was a fire burning outside of the house which had already reached one of the rooms. The neighbours rushed to help us put it out. Two months after that, by a lucky coincidence, I happened to see a settler on our roof. He was trying to poison our water tank. The video camera meant we were able to document these attacks. And by this time the whole family had started to film, and much of the neighbourhood."

The testimony of the Shamsiyya family is an indication of the danger into which those who record and observe can put themselves in order to let the rest of the world see what is going on. Their bravery in doing that should not be underestimated. In addition to some of the attacks on the family, Awni, Imad's son, who is another film maker, was falsely accused of crimes and imprisoned. Thankfully, he has now been released, but that was due to him again bearing witness with a camera.

Imad said:

"As Palestinians, we never feel safe. We have lived all of our lives in a country where we are made to feel that we are always in the wrong place at the wrong time ... Whenever there is trouble, people call on us to come round with our cameras ... When Faiza stands filming, fearlessly, in front of a gang of violent settlers, it helps to show that we still have our resolve. When you have a camera in your hands, you feel that there is at least something you can do to take control of a situation in which you can easily feel powerless."

The empowerment that those people feel by doing something when they feel that they are up against it is really important. The Shamsiyya family embody the most potent power that there is, which is determination—determination in the face of danger, non-violent involvement where violence is all around and using words and pictures, which is the most powerful weapon in the defence of human rights.

16:42

Mary Fee (West Scotland) (Lab): I welcome the minister to her new post. I know that she will be a vocal and determined advocate across all areas of her portfolio. There is little time for me in closing for Scottish Labour to cover the excellent contributions from across the chamber. This has been a short but nevertheless powerful debate, showing what human rights mean to us as parliamentarians and as free citizens.

We are fortunate in Scotland to have a strong and varied number of human rights organisations that campaign and provide advocacy for those who feel oppressed or suffer discrimination. Since its formation in 1999, this Parliament has shown that we are all human rights defenders. Today, in many countries, there are millions of people without the basic human rights that we expect,

whether that is the right to shelter, the right to food, the right to be gay, the right to be transgender or the right to be political or religious. We in Scotland and the UK have a role to play in protecting and advocating human rights around the world.

The Universal Declaration of Human Rights must be true to its title and be universal and available to all. It is fantastic that the Scottish human rights defender fellowship is working in partnership with global and national human rights organisations. We welcome the fellowship and the potential that it has to educate and liberate people. Albeit with a very small budget, it is money well spent in the battle to promote human rights around the world.

The human rights leaders of the past—the giants of history—would be ashamed at the role of some of our world leaders today with respect to human rights. We have seen Donald Trump in America, Vladimir Putin in Russia, Aung San Suu Kyi in Myanmar, Nicolás Maduro in Venezuela and Recep Erdoğan in Turkey attacking the human rights of their populations and the minorities within those populations, so it is more important than ever that we show leadership in human rights.

It was a Labour Government that enshrined in the Human Rights Act 1998 the rights and freedoms that are contained in the European convention of human rights. I welcome the progress that has been made by the Scottish Government to safeguard existing human rights. However, despite the Scottish Government being a human rights guarantor, there are areas of its policy that fail to protect and deliver the rights that we take for granted.

For example, I welcome the First Minister's intention to

"incorporate the principles of the UN Convention on the Rights of the Child into domestic law",

but cuts to local authorities and education are hampering the rights of the child as we speak.

The recent report by the Equalities and Human Rights Committee found that disabled people are being denied their rights to accessible housing due to a severe shortage of accessible homes. Disabled people are being robbed of dignity with the limited access to suitable toilets. I hope that we strengthen rights for disabled people by delivering "changing places" toilets all around Scotland.

We also have a serious homelessness problem with the number of rough sleepers increasing for the second year running. We need more social housing.

I cannot speak in a debate about human rights and not mention Gypsy Travellers in Scotland,

who are a group of people who face obstacles and discrimination that few other minorities face in this country, such as in access to healthcare, education, housing and sites.

I welcome the Scottish human rights defenders fellowship and the potential that it has to promote human rights in other parts of the world. The Scottish Parliament and the Scottish Government have crucial roles as human rights defenders to ensure that cuts to public services that disproportionately impact children, the poorest, the elderly and the disabled do not restrict the freedoms and rights that have been hard won over decades.

16:47

Annie Wells (Glasgow) (Con): Like other members, I welcome Christina McKelvie to her new role. I know that she will be determined and full on when it comes to fighting for equalities and human rights in her portfolio.

As other members in the chamber today have said, it is great to have the opportunity to mark our support for human rights defenders around the globe. They are at the forefront of the work to promote human rights and democracy, often at great personal risk. In many places, they are persecuted, imprisoned, attacked or even killed because of their work. It is very humbling to have a debate and come together as parliamentarians to recognise the huge sacrifices that are made by those promoting and protecting the human rights of others.

Around the globe, there are people defending the basic human rights that we often take for granted. They address all human rights concerns, standing against torture, arbitrary detention and FGM, and campaigning for better access to housing, healthcare, education, food and water.

Human rights defenders are described by Amnesty International as

“some of the bravest people in the world”,

because the sensitive nature of their work means that they and people close to them are targeted with all kinds of abuse. In 2017 alone, more than 300 human rights defenders were killed and, concerningly, Amnesty International has noted a recent surge in repression and attacks on human rights defenders. Significantly, their repression is enforced not only by individuals but by Governments, security forces, businesses and armed groups—organisations that are threatened when their authority or reputation is called into question.

Human rights defenders can come from all walks of life and might include journalists, teachers, farmers, lawyers and health

professionals. We heard Kezia Dugdale speak passionately about the horrendous crimes that were committed against women during the Bosnian war and about the amazing work that Bakira Hasečić continues to do.

I am a member of the Equalities and Human Rights Committee, which carried out an inquiry on how to embed human rights in the Scottish Parliament so that it can be a guarantor of human rights. I found the inquiry extremely enlightening and informative. We met some amazing people whom I would certainly call human rights defenders in their communities, as Jamie Greene mentioned.

Significantly, 2018 marks the 70th anniversary of the adoption of the Universal Declaration of Human Rights, which is a milestone document in the history of human rights. Proclaimed by the United Nations General Assembly in Paris on 10 December 1948, it set out for the first time a common standard of fundamental human rights to be universally protected. Fifty years later, the UN adopted the declaration on human rights defenders, which recognised the importance and legitimacy of defenders and the vital role that they play in making the Universal Declaration of Human Rights a reality.

Although the declaration is not legally binding, several states have recently adopted laws that explicitly protect human rights defenders and have established their own national protection programmes. In Scotland, I am pleased to see the creation of the Scottish human rights defenders fellowship, which is a partnership that will see international human rights campaigners come to Scotland to study at the University of Dundee and build relationships with Scottish human rights and equalities organisations. I sincerely hope that the initiative succeeds in giving participants a place of safety to harbour the skills and networks that are necessary to continuing their work. I was also pleased to hear Alexander Stewart speaking in detail about what the UK Government is doing to protect human rights.

There is always more that we can do. As Daniel Johnson and other members said, we cannot be complacent. As Oliver Mundell said, we also need to look at ourselves when we are speaking about children who have autism and their rights to education. I was also at last night's event and I found it unbelievable to hear what children are going through in schools just now.

Internationally, it is great to see the joint hosting of a human rights defenders world summit in Paris next month. That event will bring together 150 human rights defenders from around the world to discuss and debate with global leaders from Governments, the UN and the private sector.

In closing, I again note my gratitude to human rights defenders around the globe. As we go about our daily lives, we should all take a moment to think about those who put themselves at great personal risk to protect and promote the rights of others. It would be a minimal sacrifice compared to what those people go through to defend human rights. I wish the 2018 fellows every success during their time in Scotland and on their return home.

16:52

Christina McKelvie: I thank members for their contributions to the debate today, and for their kind words to me. I believe that as a band on the committee, we became the defenders of human rights in this place. I am sure that if we work together, we can make more of a contribution.

Jamie Greene reminded me about cybercrime, which we do not think about a lot. We covered so many issues today. I hope that I get through them as I go through my summing up.

The situation for human rights defenders around the world reminds us that it is unacceptable for any of the rights that are contained in the universal declaration to be denied to a person simply because of the country or region in which they happen to live. Daniel Johnson reminded us never to be complacent and of the importance of FDR's four freedoms, which reminded me to go back and look at them again and make sure they are further entrenched in my thinking.

We heard the poignant testimony of Imad in Palestine—I have heard Sandra White talk about Imad on many occasions—and we heard about the attacks on his human rights defender family.

We also heard why documentation is important to human rights defenders. Andy Wightman reminded us about the job that front-line journalists do in ensuring that that documentation is kept.

That is why the Scottish Government is committed to embedding human rights, dignity and equality at the heart of everything that we do, and doing so in a way that has a practical and meaningful effect on the lives of the people of Scotland as well as the international community, which is why we have the fellows here.

Embedding human rights means not just having the laws that we have heard about today on the statute book, but taking whatever action is necessary to make them real for each and every one of us. I reassure Kezia Dugdale that I will keep my voice raised in the debate when I am in Government meetings.

The Government is already taking action across a range of areas to advance gender equality, promote fair work, make progress on disabled

people's rights and build a social security system in Scotland that places people at its centre. Our work to secure legislation on pardons for men from the LGBT community who were convicted of historical crimes that are no longer crimes was a high point for me in this chamber. We faced up to the fact that we had done wrong; we took responsibility for that and fixed the situation. We were all human rights defenders on that issue.

As members know, the First Minister has established an independent advisory group to ensure that, whatever the outcome of Brexit—I hate to mention it, but we have to—Scotland can keep pace with European Union standards and continue to lead on human rights. Our programme for government commits us to responding in full to the advisory group's recommendations and to incorporating the principles of the UN Convention on the Rights of the Child. I am sure that Ruth Maguire and Alex Cole-Hamilton await that eagerly.

In recognising the vital role that human rights defenders play around the world, I am heartened by the range of activity that is taking place. Alongside our fellowship, great stuff is going on to demonstrate practical support for such work. This year, the Faculty of Advocates launched the Scottish bar international human rights award to honour men and women overseas who have championed human rights in the most challenging circumstances.

I am sure that Gail Ross and Alex Cole-Hamilton will be interested that the UN Committee on the Rights of the Child is to hold a day of general discussion on the theme of children as human rights defenders. I thank Gail Ross for her work to bring adverse childhood experiences to the forefront in the Parliament. We take seriously that important work, and John Swinney engaged with a conference today on the subject.

Many civil society organisations, including organisations in Scotland, have expressed support for the global community of human rights defenders. They want that community to be awarded the 2018 Nobel peace prize and I am sure that we can support that.

Our colleague from Glenrothes, Jenny Gilruth, told us a story with a lovely ending. She talked about the work of Chantal Mrimi as a human rights defender not only in the country that Chantal came from but in the country that she now calls home. What a champion Jenny Gilruth is for Chantal, who reminds us of the genocide in Rwanda, which took place not long ago in the grand scheme of things.

As the minister with responsibility for older people—as well as equalities and human rights—it would not be appropriate for me to close the

debate without talking about older people. On 1 October, we will celebrate the UN's international day of older people, in the year when the Universal Declaration of Human Rights has its 70th birthday. The theme this year is celebrating older human rights champions. The Scottish Pensioners Forum will hold its annual demonstration to mark older people's day outside Parliament tomorrow, when I will meet some of its members to discuss their issues.

To return to the human rights defender fellowship, I am genuinely excited about the role that it can play in developing the skills of individuals who campaign for human rights among some of the most marginalised and disadvantaged people. Alexander Stewart talked about funding, which is always welcome, and the more that it comes from the UK Government, the better. That would be helpful. I thank again Amnesty International in Dundee for its support, which has included funding.

The fellowship's potential goes far beyond the chamber. As our fellows share what they have learned in Scotland with people with whom they are working at home, and as their work takes root in their communities, we will start to see changes in attitudes and improvements in people's lives through the realisation of basic human rights.

Kezia Dugdale asked me to raise my voice, which I reassured her I will always do. Mary Fee reminded me that rights can sometimes be undermined in so-called developed countries, so we must never be complacent. I very much assure her that, as the new chair of the Gypsy Traveller ministerial working group, I will champion that cause and look for her support to do that.

The fellowship can be a crucial part of Scotland's contribution to global development. As a small country that shares its ideals, its experiences and its vision to make the world a better place, Scotland is well placed to contribute.

In the short minute that is left, I will address a few women's rights issues that were raised. Amnesty International has highlighted that women human rights defenders face additional attacks because they have dared to be women who stand up for rights. Kezia Dugdale gave us a clear insight into the impact on women in Bosnia during the Balkans war, when rape was used as a weapon of war. I hope that Bakira Hasečić's work, which I welcome, will mean that such attacks diminish. I encourage Kezia Dugdale to raise that in the chamber, as she always does.

The Scottish Government's position on such threats is unequivocal—we do not accept them. Our commitment to equality for women and girls is steadfast and will always remain at the heart of our vision of a fairer and more equal Scotland.

That is why the First Minister's announcement on tackling period poverty in Malawi is welcome.

Ruth Maguire reminded us that we also face our own challenges here, and she reminded us of the work of the Equalities and Human Rights Committee. I eagerly await the publication of the committee's report on how we can take forward the Parliament as the human rights defender that we all want it to be.

We have had a great debate today. It has been a good outing for me and I look forward to working with everybody. There are so many areas where we can all work together. I give the fellows my best wishes and this Parliament's best wishes, and I hope that they have a great experience in Scotland.

Business Motion

17:00

The Presiding Officer (Ken Macintosh): The next item is consideration of business motion S5M-14087, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 2 October 2018

2.00 pm Time for Reflection

followed by Motion of Condolence: Sir Alex Fergusson

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Building a Social Security System Together: Co-designing the Social Security Charter

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 3 October 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills

followed by Ministerial Statement: Health and Care Update

followed by Justice Committee Debate: Remand

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 4 October 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 Debate: Women and Girls in Sport Week

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 23 October 2018

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Culture, Tourism, Europe and External Affairs Committee Debate: Making Scotland a Screen Leader, Report Examining the Scottish Screen Sector

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 October 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Health and Sport

followed by Scottish Labour Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 25 October 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

(b) that, in relation to any debate on a business motion setting out a business programme taken on Wednesday 3 October, the second sentence of rule 8.11.3 is suspended and replaced with "Any Member may speak on the motion at the discretion of the Presiding Officer"

and (c) that, in relation to First Minister's Questions on 4 October 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".—[*Graeme Dey*]

The Presiding Officer: Members will recall that the Parliament has agreed to vary the rule on business motions to allow any member to speak on the motion, at my discretion. In this case, I call Ross Greer.

17:01

Ross Greer (West Scotland) (Green): I do not wish to speak in opposition to the business motion, but I wish to use the new procedure allowing members to comment before it is agreed.

Over recent weeks, the Greens have been pressing the Scottish Government to hold a

debate on the recent eviction threats against asylum seekers in Glasgow. Members across the Parliament will be aware of the situation and the wave of anger that it has provoked. Hundreds of asylum seekers, many of whom have a very real chance of pursuing an appeal, were faced with the threat of arbitrary evictions and lock-outs by the United Kingdom Government's private contractor, Serco.

That was not merely the result of a private, profit-driven landlord deciding to pursue its own self-interest by kicking vulnerable people out on to the street. It was also the result of despicable UK Government approaches to asylum policy, under which destitution is not an unfortunate side-effect but a deliberate policy choice. It is worth restating that: it is the deliberate use of destitution as a weapon of public policy.

There will be those who remind us that asylum is a reserved issue. That, of course, ignores the fact that the cross-party Smith commission called for further work to explore new asylum arrangements for Scotland—something that the UK Government has refused to do. More to the point, it ignores the fact that housing, education, healthcare and other services critical to the wellbeing of asylum seekers are very much devolved. These are our constituents. Almost every one of us represents asylum seekers, from Baillieston to Bute.

We have been seeking a debate on the situation and on the potential crisis that is still threatened. I know that the Government is deeply concerned about the issue, and I understand the reasons for not yet setting a date, as there is still some uncertainty about legal proceedings, but it is important that we do not let the matter slide indefinitely. I hope that the Government can give a commitment tonight that a debate about this serious situation will be brought forward in the near future, and that this Parliament will not allow the prospect of a new crisis of destitution in Scotland to pass unremarked.

The Presiding Officer: I thank Mr Greer and Patrick Harvie for giving advance notice of the point that they wished to raise. I call Graeme Dey to respond on behalf of the Parliamentary Bureau.

17:02

The Minister for Parliamentary Business and Veterans (Graeme Dey): As Mr Greer is aware, the Scottish Government is keen to have a parliamentary debate on asylum, given the range of current concerns around asylum accommodation and dispersal. We are aware that the main issue on everyone's mind at the moment is the planned eviction of people at the end of the asylum process from their asylum accommodation

in Glasgow. As Mr Greer has noted, the matter is the subject of on-going legal proceedings in the Court of Session and the evictions have been paused, pending the outcome of the court case. However, subject to discussions with you, Presiding Officer, in relation to sub judice considerations around the on-going legal proceedings, and, of course, with the agreement of the Parliamentary Bureau, we are happy to commit to bringing forward a debate following the October recess.

The Presiding Officer: The question is, that motion S5M-14087 be agreed to.

Motion agreed to,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 2 October 2018

2.00 pm Time for Reflection

followed by Motion of Condolence: Sir Alex Fergusson

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Building a Social Security System Together: Co-designing the Social Security Charter

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 3 October 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills

followed by Ministerial Statement: Health and Care Update

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followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time
 Tuesday 23 October 2018

2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Culture, Tourism, Europe and External Affairs Committee Debate: Making Scotland a Screen Leader, Report Examining the Scottish Screen Sector

followed by Business Motions
followed by Parliamentary Bureau Motions

5.00 pm Decision Time
followed by Members' Business

Wednesday 24 October 2018

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Health and Sport
followed by Scottish Labour Party Business
followed by Business Motions
followed by Parliamentary Bureau Motions

5.00 pm Decision Time
followed by Members' Business

Thursday 25 October 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

(b) that, in relation to any debate on a business motion setting out a business programme taken on Wednesday 3 October, the second sentence of rule 8.11.3 is suspended and replaced with "Any Member may speak on the motion at the discretion of the Presiding Officer"

and (c) that, in relation to First Minister's Questions on 4 October 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".

Parliamentary Bureau Motions

17:04

The Presiding Officer (Ken Macintosh): The next item is consideration of Parliamentary Bureau motion S5M-14088, on approval of the Debt Arrangement Scheme (Scotland) Amendment Regulations 2018.

Motion moved,

That the Parliament agrees that the Debt Arrangement Scheme (Scotland) Amendment Regulations 2018 [draft] be approved.—[*Graeme Dey*]

The Presiding Officer: The question on the motion will be put at decision time.

The next item is consideration of Parliamentary Bureau motion S5M-14089, on approval of the Public Appointments and Public Bodies etc (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2018.

Motion moved,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2018 [draft] be approved.—[*Graeme Dey*]

The Presiding Officer: Does any member wish to speak against the motion?

17:04

David Stewart (Highlands and Islands) (Lab): This is a technical instrument that would, in short, remove two public bodies from the remit of the Commissioner for Ethical Standards in Public Life in Scotland. Members will know that the post of commissioner was initiated by Parliament and is independent of the Executive. That independence is a vital check on the Executive, irrespective of the party in power.

The consultation exercise for the Scottish Advisory Committee on Distinction Awards came up with an interesting result: of the nine responses, only two supported the move, while six were against. That does not strike me as an overwhelming vote of confidence in the proposal.

This issue is not about technical instruments alone. It is about a fundamental separation of powers and it is about checks and balances in our parliamentary system. I ask the cabinet secretary to confirm two quick points—first, that the new public health Scotland body, when it comes into being, will come under the remit of the commissioner; and, secondly, that the commissioner will still have an advisory role over any potential breach of standards by members of either of the public bodies that are referred to in

the order. Subject to the cabinet secretary's reply, I am minded to support the order.

The Presiding Officer: I call Jeane Freeman, the Cabinet Secretary for Health and Sport, to respond on behalf of the Government.

17:05

The Cabinet Secretary for Health and Sport (Jeane Freeman): I thank Mr Stewart for raising this important issue. I put on the record my absolute support and the support of the Government for the principles that he outlines regarding the importance of the Commissioner for Ethical Standards in Public Life in Scotland and of the separation of powers.

I am happy to give Mr Stewart and other colleagues the assurance that the new public body, public health Scotland, will be subject to the commissioner's remit and that, should any issues arise with respect to standards in the existing body and in the Scottish Advisory Committee on Distinction Awards in the interregnum between the passing—I hope—of the order and the appearance of the new body, I would immediately seek the advice of the commissioner on how to deal with it, because the commissioner will still have that role. We expect both bodies to continue to comply with the principles and standards that the commissioner has rightly set.

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:06

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-14075, in the name of Christina McKelvie, on supporting and protecting human rights defenders, be agreed to.

Motion agreed to,

That the Parliament notes that 2018 marks the 70th anniversary of the adoption of the Universal Declaration of Human Rights and the 20th anniversary of the UN Declaration on Human Rights Defenders; commends the vital work that human rights defenders undertake around the world, often at considerable risk to themselves and their families; welcomes the establishment of the Scottish Human Rights Defender Fellowship and acknowledges the contribution made by all of the Fellowship partners, which are the Scottish Government, Amnesty International, Beyond Borders, Front Line Defenders, SCIAF and the universities of Dundee, Edinburgh, Glasgow and St Andrews; notes in particular the central role played by the University of Dundee in hosting the Fellowship; commends also the work of ProtectDefenders.eu, the EU Human Rights Defenders mechanism, in providing training, support, capacity building and emergency assistance to human rights defenders, including through its financial support for the Scottish Fellowship, and wishes the 2018 Fellows every success during their time in Scotland and on their return home.

The Presiding Officer: The next question is, that motion S5M-14088, in the name of Graeme Dey, on approval of the Debt Arrangement Scheme (Scotland) Amendment Regulations 2018, be agreed to.

Motion agreed to,

That the Parliament agrees that the Debt Arrangement Scheme (Scotland) Amendment Regulations 2018 [draft] be approved.

The Presiding Officer: The last question is that motion S5M-14089, in the name of Graeme Dey, on approval of the Public Appointments and Public Bodies etc (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2018, be agreed to.

Motion agreed to,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2018 [draft] be approved.

The Presiding Officer: That concludes decision time.

European Atomic Energy Community (Impacts of Leaving)

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-11849, in the name of David Stewart, on the impact of leaving the European Atomic Energy Community. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes what it sees as the importance of the medical isotopes that are used in radiotherapy for the treatment of cancer, diagnostic work and therapy throughout Scotland and the rest of the UK; understands that, because of Brexit, the UK will be leaving EURATOM, which is an international body that is legally joined with the EU to regulate nuclear material; believes that the UK does not produce any of these isotopes and that two-thirds of the countries that it imports them from are EU member states; understands that transporting them can be difficult, as radioisotopes have a very short half-life and cannot be stored for long periods of time; believes that any delay can lead to a decrease in useable material and, subsequently, the cancellation of appointments; understands with concern that leaving EURATOM could result in shortages of medical isotopes, increases in cost, and more medical operations in place of radiotherapy; believes that this would have a negative affect for people in the Highlands and Islands and across Scotland who rely on such treatment, and, in order to continue the necessary trade arrangements around the isotopes, notes the calls for the UK Government to come to an agreement that allows the country to remain a part of EURATOM.

17:09

David Stewart (Highlands and Islands) (Lab): I thank all members who have stayed behind tonight to support this motion and all those members who signed my motion. For those who have not yet signed the motion, I of course always welcome sinners who repent.

On the surface, the debate may seem to be a surrogate for another round of Brexit speeches plus a seminar on an arcane institution—Euratom—or a poor man's lecture on nuclear physics. However, I am sorry if any member is here under false pretences. The issue is very simple: the future treatment and care of cancer patients and the security of supply of radioisotopes.

Notwithstanding my opening statement, I will attempt to set the context of the problem. The United Kingdom joined the European Atomic Energy Community, which is better known as Euratom, on 1 January 1973. The UK gave notice to leave Euratom as part of the article 50 process, and the European Commission is clear that

"the Euratom Treaty will cease to apply to the UK on 30 March 2019".

Why is that a problem for health services and cancer patients? Euratom is a crucial and essential vehicle for the management of radioisotopes. As the Euratom Supply Agency mission statement makes clear, its job is to support

"secure and safe supply and use of medical radioisotopes."

Members will be aware that medical radioisotopes are used in radiotherapy for treatment of cancer and in nuclear medicine for both diagnostic work and therapy. The principal radioisotope used worldwide is technetium, which is derived from a parent element that has a half-life of 66 hours. The element is obtained from a small number of research nuclear reactors, none of which is located in the UK. The Hinkley Point nuclear research facility, which is planned for 2027, could produce medical isotopes, but the jury is out as to when that facility will be completed. The bulk of the UK's supply is from the European Union and is facilitated by the Euratom supply operation. For example, the High Flux reactor in the Netherlands supplies the UK and has capacity for a third of global demand. However, it is estimated that it will cease operations in 2024.

Therefore, the context is that we have a world shortage of medical isotopes. A key provider, Canada, has just ceased production, so the EU is home to four of the top six global producers. The distances to Australia and South Africa, which are also significant players, mean that they are problematic providers, because supply would be limited by the decay of medical isotopes during transportation.

The key issue is that isotopes have short half-lives, which means that they decay rapidly and cannot be stored. That creates an urgent need for a constant, reliable and predictable supply, but that has failed in the past and created global shortages. Euratom has a central and crucial leadership role, because it supervises the supply chains. There was a crisis in 2008, with the closure of the Channel tunnel, and a crisis again in 2015, when industrial action in Calais caused chaos in the transportation of isotopes and the cancellation of treatment across the UK.

I argue today that there is a clear and present danger to the national health service in Scotland and beyond. The loss of frictionless borders post-Brexit could result in a traumatic failure to deliver medical isotopes on time to cancer patients. As the Royal College of Radiologists has said,

"Navigating Brexit is undoubtedly a huge task for ministers, but our access to these vital materials for diagnosing and treating cancer must not be left to slip down the negotiations list."

Radioisotopes are essential tools for nuclear medicine that combine with a drug that guides

isotopes to a particular part of the body. The scale of use is immense and invaluable. In the UK, about 700,000 nuclear medicine procedures are carried out each year, of which around 70,000 are in Scotland. They are essential in diagnosing coronary disease, detecting the spread of cancer to the bones and biomedical research. As the British Nuclear Medicine Society has said,

“patients will be poorly served by not having a cheap, plentiful supply of”

technetium, which is the most commonly used medical isotope.

What are our options? On a simplistic level, if it ain't broke, why fix it? We could stay in Euratom. However, with the current UK Administration that decision is unlikely.

Secondly, we could look at having associate status of Euratom under article 206 of the Euratom treaty, which sets that out with reciprocal rights and special procedures. The best example is Switzerland, which joined in 2014. That status gives access to funding for nuclear research.

Thirdly, we could join the USA, Australia and Canada in having third-country status under article 101 of the treaty. The advantage of that is that we would have common research on a shared-cost basis.

I apologise for the technology, but we could create more cyclotrons in Scotland. That is not from a recent episode of “Dr Who”; a cyclotron is a linear accelerator that produces radioisotopes for positron emission tomography and computerised tomography scanners, better known as PET and CT scanners. There are three in Scotland—in Glasgow, Edinburgh and Aberdeen—but there is no spare capacity for the PET scanner in Dundee. While I am on my feet, I must campaign for a PET scanner in the Highlands, which spends £300,000 on scans alone. However, in my view, a large-scale switch is expensive and probably unlikely.

Fifthly, what about waiting for Hinkley Point C to be up and running in 2027? As I said earlier, the big question is whether it will be on time. Further, what will its capacity be? We still need to organise the supply chain management.

During the debates in the House of Commons on the European Union (Withdrawal) Bill, many MPs made telling contributions saying that, if we withdraw from the club—the Euratom Supply Agency—during a global shortage of medical isotopes, why should the club care for us? As the old saying from Capitol Hill goes, if you are not at the table, you are on the menu.

One does not need the predictive powers of the Brahan seer—who, incidentally, in the 17th century, predicted the second world war—to divine the future in this area. We have a global shortage

of radioisotopes; we produce none of our own; and we are leaving the market that produces the majority of the world's supply. This is not an obscure academic debate but something that will influence the quality and quantity of life for cancer patients in the UK now and in the future. As Jimmy Dean once said,

“I can't change the direction of the wind but I can adjust my sails to always reach my destination.”

17:16

Emma Harper (South Scotland) (SNP): I congratulate David Stewart on bringing this extremely important debate to the chamber. In his opening remarks, he clearly outlined the purpose of Euratom, which was created in 1957, and its importance. The Euratom framework has enshrined the regulation of and safeguards for the transportation and use of radioactive materials. It is worth repeating that the agency has been established for more than 60 years.

Brexit poses a threat to Scotland's access to the international pool of research knowledge, skills and expertise on the subject of nuclear energy and medicine. For our nuclear industry, rapid withdrawal from Euratom spells disaster. Many experts in the field of nuclear energy, including the British Nuclear Energy Society, have suggested that, following the UK's departure from Euratom, many power stations across the country might not be able to source nuclear fuel such as uranium 235 or plutonium 239. If the UK does not have an agreement, we will not have the necessary isotope material to provide services for our patients.

Given my health background, I will focus my speech on the health implications of leaving Euratom. David Stewart mentioned the shipment and stock of radioactive medical isotopes that are used for X-rays, magnetic resonance imaging scans and PET scans; they are essential in the provision of cancer treatment for some of the patient population, but that is under threat. That means that there might be significant delays for patients who are looking to access life-saving medical treatments in a timely manner, which might lead to premature and unnecessary deaths.

Earlier this year, my colleague Dr Philippa Whitford spoke on this subject in a debate in the House of Commons. She has first-hand knowledge of medical isotopes as she is a breast surgeon. I echo her saying that the Royal College of Radiologists is concerned that

“an inability easily to bring isotopes into the country could affect half a million scans and 10,000 cancer treatments. Isotopes cannot be stored, because they have a short half-life, so we need Euratom.”—[*Official Report, House of Commons*, 12 July 2017; Vol 627, c86WH.]

These are not pharmaceutical medicines that can be stockpiled, as has been suggested of other medicines. The scans and treatments to which Dr Whitford referred will in many cases have saved lives.

As many will be aware, medical isotopes are very particular products and their transportation must be carried out safely and in line with international guidelines—alternatives to them are limited. In a letter dated 6 September 2018, the president of the British Nuclear Medicine Society, John Buscombe, indicated that in addition to the potential logistical issues with transportation and supply of radiopharmaceutical products, including medical isotopes, the cost of importation and customs clearance is likely to increase significantly. In the same letter, President Buscombe urged local health boards across the UK to make preparations for that increase in cost, which I find extremely concerning.

What can the Scottish Government do to support our NHS boards to address the challenges of leaving Euratom? The 60-year-old treaty supports the safe supply of much-needed medical isotopes that save lives. It is really important that we bring the matter to the Parliament's attention today.

17:20

Donald Cameron (Highlands and Islands) (Con): I, too, welcome the opportunity to debate this important subject, and I thank David Stewart for allowing us to have this discussion tonight. I cannot pretend to match his scientific expertise, but I am told that Brian Whittle has a chemistry degree, so I ask members to save their questions for him.

I promise not to do a standard Brexit speech, not least given the very serious implications that the matter has for cancer patients. I do not represent the UK Government, but I feel it is only fair to put its position to the Parliament.

A significant amount of discussion has already taken place at UK level on our membership of Euratom. I believe that, on all sides, whether people voted to leave or to remain, there is some consensus. The Prime Minister stated in a speech in May that she wants

“the UK to have a deep science partnership with the European Union”

and that the UK

“would like the option to fully associate ourselves with the excellence-based European science and innovation programmes—including the successor to Horizon 2020 and Euratom R&T.”

Last year, the Secretary of State for Business, Energy and Industrial Strategy, Greg Clark, said:

“The Government's ambition is to maintain as many ... benefits as possible through a close ... association with Euratom in the future”.—[*Official Report, House of Commons*, 11 January 2018; HCWS399.]

There has been recognition of the need to protect the significant progress that has been made over the years between the UK and the EU in respect of nuclear research and nuclear decommissioning expertise, for example, and Brexit must not hinder that in the future. The Chequers proposal includes continued

“cooperation and information-sharing with the European Observatory on the Supply of Medical Radioisotopes.”

The UK Government has prioritised ensuring that a close relationship with Euratom exists after we leave the EU.

Although I recognise that much of David Stewart's motion is on radioisotopes, there are some important points to make about the Nuclear Safeguards Act 2018, which is an important aspect, for several reasons. First, it allows the UK Government to make regulations for and to implement international agreements in relation to nuclear safeguarding, which will be required once the UK leaves Euratom. Secondly, it allows existing legislation to be amended by regulation in relation to withdrawal. Thirdly, it extends to the whole of the UK. Ultimately, I believe that it will allow for continuity.

On the main issue of medical radioisotopes, there have been assurances that leaving Euratom will not affect the UK's ability to import medical radioisotopes. A paper that was published by the Department for Business, Energy and Industrial Strategy notes that

“The Euratom Treaty refers to medical radioisotopes ... and prohibition of customs duties”

et cetera, and that

“These references do not set any restrictions or limitations on trade in such materials with countries outside the EU.”

I submit that nothing in the Euratom treaty will impede the UK's ability to continue to access medical radioisotopes from the EU when the UK is no longer a member state. The UK's ability to import medical radioisotopes will not be affected by our withdrawal from Euratom.

Emma Harper: There are issues around the Euratom treaty, which means that there is a free flow and movement of scientists. Is that part of Theresa May's red line whereby we are not going to allow migration of workers? That would impede the ability to continue with research in Euratom.

Donald Cameron: I do not accept that. I am not going to get stuck into a debate about migration, but there has been a very clear commitment to EU citizens even in the event of a no-deal Brexit. The

UK Government has made its position more than clear.

As I said, I welcome this opportunity to have the debate. Leaving the EU is clearly the most important political moment of our lifetimes and it is right that we have a frank debate about it. However, it is in the interests of the UK and the EU to ensure that the trade in medical radioisotopes is as frictionless as possible for the benefit of patients here in Scotland—and, after all, they are the people who we must keep in mind more than anyone. I hope that, given that significant forward planning has taken place, that will be realised in the months and years ahead.

17:25

Lewis Macdonald (North East Scotland) (Lab): I, too, congratulate David Stewart on securing this debate on an important topic that was highlighted in a report by the Health and Sport Committee earlier this year. I am pleased to support the debate, both as the convener of the committee and because of the important role that my home city of Aberdeen has played in the field of medical physics. Members will know that credit for the invention and development of MRI and of PET scanners belongs to pioneers such as the late Jim Hutchison and John Mallard at Foresterhill.

Aberdeen royal infirmary is also one of several centres of nuclear medicine in Scotland's cities that provide vital diagnostic and treatment tools for cancer patients in particular. The delivery of those services depends on nuclear physicists, radiologists and radiographers, all of whom are highly skilled, high-value staff; some of them, sadly, are in short supply, not just in Aberdeen but across the Scottish NHS.

Hospitals such as ARI also have radiopharmacies, whose staff are responsible for procuring the isotopes and managing the radioactive material that are essential to those medical uses. Those pharmacy specialists are also much to be commended for their essential contribution, and the good relationships that they have built up with the manufacturers of the isotopes in Europe have played an important role in ensuring the reliability of supply, on which patients depend. That said, that is, by definition, not a perfect market, or even a medically focused business model. The suppliers of radioisotopes did not go into business to meet medical need; their core business is typically military or involves civil nuclear power generation or related research. It is therefore a credit to all concerned that what is essentially a sideline to other much larger business activities has become so valuable in its own right, to the point where Britain leaving

Euratom carries such significant risk for medical treatments.

The reason for the British Government giving separate notice of the UK's intention to leave Euratom, as part of the Brexit process, is simply that the members of the European Union are signatories to the relevant treaty but—as David Stewart and Emma Harper mentioned—Euratom is technically separate from the EU itself. There is, therefore, nothing to prevent UK ministers from seeking to protect the many benefits of Euratom membership, including access to radioisotopes, as part of the wider negotiations on our future relationship with the European Union. Of course, that depends on ministers putting forward serious and credible proposals across the board, in particular around the terms of trade, in order to avoid tariff and other barriers between the United Kingdom and the EU. The prospects of that happening remain to be seen.

As has been said, the building of Hinkley Point C, perhaps in 2027, will resolve those critical supply issues, but that is no consolation to those who will need access to radioisotopes in the next few years. Supply from EU countries such as France, Belgium and the Netherlands remains essential, and securing that supply well into the 2020s must be a high priority for the UK Government.

If UK ministers are able to address those issues in the next few weeks or months, their negotiating position will be strengthened by the fact that EU countries rely on being able to import radioligands, which are manufactured in the UK by GE Healthcare. However, if ministers do not solve the problem, not only will patients here lose out, but there is a risk that GE Healthcare will ultimately choose to relocate that high-value, high-technology business to somewhere else in the EU.

A lot is at stake, in economic and health terms, and the UK Government must do everything that it can to resolve the issue as early as possible, for all our sakes.

17:29

Brian Whittle (South Scotland) (Con): I thank David Stewart for bringing the debate to the chamber.

In the maelstrom that currently consumes British and Scottish politics, with Brexit and the continued constitutional bunfight, today's debate should allow us the opportunity to have a much-needed balanced and informed debate on the potential fall-out—excuse the pun—from Brexit. It also serves to highlight the importance of the negotiations that are currently under way and what our role could and should be in ensuring that

important issues such as the impact of leaving Euratom are not allowed to fall through the cracks.

I was going to make interventions in a couple of speeches. I do not underestimate the need to establish the movement of isotopes across our borders. However, I wanted to note that, although there are isotopes that have a very short half-life, which David Stewart mentioned, we also use isotopes that have a very long half-life. I have scribbled down strontium-90, which has a half-life of 30 years, cobalt-60, which has a half-life of five years, and iridium, which has a half-life of 74 days. They are also used in the process. It is important that we are having the debate to ensure that we stay factual, but I say that without underestimating the need for isotopes with a very short half-life.

Euratom has responsibility for establishing a single market for trade in nuclear materials and technology across the EU. It provides a key role in facilitating a secure and constant supply of radioisotopes, which are used across a range of sectors, including the medical, industrial and scientific fields.

My colleague Donald Cameron looked at the response from the UK Government. It is welcome that it seeks to continue to support the organisation and that it seeks continuity of co-operation and standards. I think that that includes the wish to maintain the UK's mutually successful civil nuclear co-operation in the European Union. That is good news, and the intention has been very clearly outlined in the industrial strategy in order to support the scientific community and build as much support for it as we can after we leave the European Union.

We have discussed medical isotopes. Contrary to what has been said in some reports, medical radioisotopes are not classed as special fissile material and therefore are not subject to the same nuclear safeguards. Therefore, the UK's ability to import medical isotopes from Europe and the rest of the world should not be affected.

David Stewart: I am very reluctant to argue with people who have degrees in industrial chemistry, but I knew that that issue would come up, and I have a letter from the European Commission, which has made it quite clear that radioisotopes, as in the case of other goods, are covered by the Treaty on the Functioning of the European Union concerning the single market. That means that their import or export is still subject to customs procedures or regulatory checks. Therefore, irrespective of the issue involving Euratom, which is the main supply agency, the European Commission has a vital import and export role, and a locus, in the area.

Brian Whittle: I will not argue with that; I merely pointed out that medical radioisotopes are not

classed as special fissile material, so I think that they can be imported from around the world, including Europe.

The British Medical Association has suggested that the UK Government should negotiate a formal agreement with Euratom that is similar to agreements that are in place with non-EU countries, such as Switzerland. A precedent has already been set for collaborative working with countries outside the EU.

For the UK, negotiating a formal agreement with Euratom would ensure consistent and timely access to radioisotopes for medical purposes and facilitate close collaboration on radiation research and support. From the EU's perspective, negotiating a formal agreement with the UK would underpin continued collaboration with UK nuclear research institutions and facilitate continued access to UK data that supports EU involvement in research projects. Should there be a failure to agree a withdrawal agreement by March 2019, the UK would have to operate outside Euratom and source radioisotopes from outside that framework. I agree that that would be problematic, but we must also remember that that would close off a market for countries that supply such products, and the UK market is a major one. In the longer term, it would also restrict the ability of the UK and the EU to benefit from sharing expertise in radiation research, radiation protection and the disposal of radioactive waste.

In the blizzard of political posturing that surrounds Brexit, we have a responsibility to ensure that issues such as our relationship with Euratom remain high on the agenda in the Brexit negotiations. I would prefer us to do that in a public forum, so that we can inform the public of the work that is being done, but I understand why political parties might be reluctant to act on such issues in public. Therefore, I ask that, at the very least, we, as a Parliament, do so behind closed doors.

I again thank Dave Stewart for giving us the opportunity to keep Euratom on the agenda.

17:35

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): I join members in congratulating Dave Stewart on securing this important debate.

In 2016, 62 per cent of voters in Scotland indicated their wish to remain in the European Union. Despite the clear and decisive wishes of the Scottish people, the UK Government has pressed ahead regardless with its intention to take the whole UK out of the EU.

In our analysis, “Scotland’s Place in Europe”, the Scottish Government demonstrates that staying in the EU is the best option for Scotland’s future. Our analysis also shows that, failing that, continued membership of the European single market and the customs union is essential for our economy, our society and our people. It was good that Lewis Macdonald brought the economy into the discussion.

The potential consequences of leaving the EU are far reaching and damaging. It is only as the negotiations have progressed and become more complex that everyone can see just what is at stake. We must ensure that the Scottish voice is heard throughout the negotiations, and that we continue to push to be given meaningful input to them.

Last week, the First Minister called on the UK Government to seek an extension to the article 50 negotiations, and to reconsider our proposal to remain in the single market and the customs union in order to mitigate the worst damage of Brexit.

It is crucial that the UK Government ensures that there are robust contingency plans in place to safeguard an uninterrupted supply of medicines and medical products, including medical isotopes, that are sourced from the EU. Many of the practical issues related to the supply of medical isotopes, such as entry and customs controls, are outside the Scottish Government’s control, but we will continue to press the Department of Health and Social Care to co-operate and to engage fully with us on the Brexit preparation plans.

Members can be assured that we are preparing for all eventualities related to EU withdrawal. Officials have been working closely with NHS Scotland boards over recent months to mitigate the risks and potential implications, where possible. NHS boards are also doing their own planning for Brexit: I assure Emma Harper that we are supporting them in that work, in the context of what is a fluid and rapidly developing situation. All boards have consistently identified concerns relating to the obvious workforce issues. They have also identified issues to do with medicines, medical isotopes, medical devices, clinical trials, access to future EU funding and the right of Scottish citizens to access state-provided healthcare across the EU.

In August this year, the UK Government announced plans to secure supplies of medicines, medical devices and clinical consumables in the event of a no-deal Brexit. Those plans include its intention, in order to ensure that there is an additional six-week supply, to stockpile medicines that might be impacted by delays at the UK border. Officials are working with the Department of Health and Social Care on that issue and are

discussing preparedness plans with NHS Scotland.

Emma Harper outlined the medical uses of medical isotopes. Those that are used for diagnosis and treatment of diseases including cancer are all made outwith the UK. As Dave Stewart said, those products cannot be stockpiled, because they decay rapidly. With the benefit of his industry experience, Mr Whittle was able to highlight one or two medical isotopes that do not decay rapidly; however, many have short half-lives and do decay rapidly. Therefore, it is critical that they reach hospitals as soon as possible and are not held up by customs delays.

The UK’s membership of the European Union is inextricably linked to its membership of Euratom—the European Atomic Energy Community. Although it might be possible to have some other arrangement, it is clearly better for the UK to be part of that community than for it to be a bystander. By leaving the EU and, by extension, Euratom, the UK Government risks future production and supply of medical isotopes for the whole of the UK.

David Stewart: This is probably the first time that I can say that I agree with every word that the minister has said. Does the Scottish Government have a contingency plan in case of shortages? Has it considered asking, for example, Healthcare Improvement Scotland to carry out an analysis?

Cyclotrons are important, and we have control over them. However, the minister’s city of Dundee does not have the raw material that is needed. I make a plea for decentralisation, because the need is real, in particular in Raigmore hospital in Inverness.

Joe FitzPatrick: As the implications of Brexit become clearer, we need to look at all the options, to make sure that we try to mitigate what is a really bad situation.

In contrast to the rosy picture that was painted by Donald Cameron and Brian Whittle, stakeholders including the British Nuclear Medicine Society and the British Medical Association have significant concerns. Considerable uncertainty remains. As such, we are clear that the UK Government is playing with the lives of the people of Scotland and, indeed, the lives of people in the rest of the United Kingdom who depend upon these life-saving products.

Brian Whittle: I want to clarify that in no way was I trying to paint “a rosy picture”. I am an ardent remainer—one of the 62 per cent in Scotland, or the 48 per cent in the UK. We all make political points, but all that I was trying to say was that, within the Brexit environment, it is massively important that we get the opportunity to

raise such issues continually and keep them on the agenda.

Joe FitzPatrick: Brian Whittle is correct, but many risks are associated with Brexit and many of them fall in areas that are reserved to the UK Government, which makes it difficult for us. As he said, it is important that we have these discussions as, indeed, Mr Stewart has brought this Euratom debate to the chamber.

There are huge risks to supply of medicines, medical isotopes and medical devices. If the UK Government persists with its position of leaving the single market and the customs union, it will be doing so knowing the harm that that will do to our invaluable NHS.

We are clear that all people living in Scotland, including those who have to deal with life-changing diagnoses, deserve clarity and reassurance from the UK Government—especially clarity that supplies of crucial medical products including isotopes that are used in diagnosis and treatment of diseases including cancer will not be disrupted.

Members can be assured that we will continue to push the UK Government for those assurances. Scotland did not vote for Brexit. As the potential consequences become clearer by the day, it is time for the UK Government to wake up and to start working to retain Scotland and the UK's place in the single market and the customs union, and to keep us in Euratom.

Meeting closed at 17:42.

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