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Scottish Parliament

Thursday 8 December 2022

[The Presiding Officer opened the meeting at 11:40]

General Question Time

Health Portfolio Ministers (WhatsApp Messaging)

1. **Sandesh Gulhane (Glasgow) (Con):** To ask the Scottish Government whether it will confirm whether WhatsApp messaging by the health secretary and his ministers are covered by freedom of information legislation and the processes that are in place to archive these to prevent them being inadvertently lost or otherwise deleted. (S6O-01668)

The Minister for Parliamentary Business (George Adam): All recorded information that is held by ministers or officials that relates to the business of the Scottish Government is subject to freedom of information law, irrespective of its format or the platform on which it is held.

The Scottish Government has in place a robust information management policy that governs how we retain documents of record for Government business. The policy covers any exchanges on WhatsApp, or any other form of digital communication that Government ministers undertake. Any policy or business discussions must be transcribed or copied into an email or text document using the SCOTS platform and stored in the central corporate record.

Sandesh Gulhane: Given that the First Minister had no minutes of her meetings regarding ferries and that the cabinet secretary is potentially conducting ministerial business by text, we are obviously concerned that there is no paper trail and that things are hiding. I hear the minister's answer, but we feel that business should be conducted via Government emails or by official correspondence. We are concerned that we keep seeing secret Scotland under this Scottish National Party-Green Government.

Will the Scottish Government commit to releasing all WhatsApp messaging, with any personal messages being redacted by an independent party?

George Adam: It would perhaps be helpful for Dr Gulhane if I explained the process again. Given his supplementary question, I feel that I probably did not articulate the situation.

Substantive Government business and communications among ministers and officials are

normally conducted using email and the SCOTS information technology platform. Scottish Government policy is clear that staff and ministers who use any digital platform have a responsibility to consider issues such as security and general data protection regulation compliance.

Mobile messaging apps can be a useful tool, but there is a clear expectation that any information that relates to the substance of Government decision making should be transposed into the official record and retained.

Public Financing (Assessment of Financial Health of Businesses and Viability of Projects)

2. **Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government what assessment is made of the financial health of businesses and the viability of projects prior to the award of a grant of public funds. (S6O-01669)

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): The Scottish Government has established extensive guidance and processes that are available to Scottish Government staff to ensure that adequate due diligence is conducted around all organisations that receive public funds via public sector grants.

The guidance also requires all projects to be assessed for viability via a business case to ensure that the regularity, propriety and value-for-money principles of the Scottish Government are adhered to. Public bodies are also expected to observe the guidance in the Scottish public finance manual in relation to grants and adhere to the principles of value for money, regularity and propriety.

Murdo Fraser: In September, the company Recycling Technologies went into administration with £22.8 million in liabilities and just £1 million in assets. In 2018, the company was given a grant of £1.7 million of taxpayers' funds by Zero Waste Scotland. However, according to Companies House, accounts for the company that were lodged on 11 October 2017 raised concerns about the company's ability at that point to continue as a going concern. Why was the grant of £1.7 million of taxpayers' money paid to a company about which there were concerns over its on-going viability, will any of that money be recovered for the taxpayer, and what lessons have been learned from this sorry episode?

Ivan McKee: As I have already indicated, processes and procedures are in place in the Scottish public finance manual in relation to grants. Those processes adhere to the principles of value for money, regularity and propriety.

If the member had been serious about getting an answer to that specific question, he would have let me know in advance, so that I could have come

prepared with the answer. Of course he does not expect me to know the ins and outs of every company that has been awarded a grant. If he seriously wants an answer, I will take that on board, find out the information and reply to him with the specifics in regard to that business—the situation that applied, why that grant was made and the background work that was done to check the business case under the principles that I have just outlined.

Willie Rennie (North East Fife) (LD): The recent Audit Scotland report on the consolidated accounts was quite revealing. The Scottish Government wasted £50 million of public funds in return for zero jobs at BiFab. If the Government had its time again, would it make the same decision about BiFab?

Ivan McKee: When we go into any situation, we are not sure what the outcome will be. That is the whole point and why the public sector steps in. If a win was easy and clear-cut, the private sector would be investing and there would be no need for public sector involvement.

The public sector gets involved where we think that there is a case and that public money can be used adequately to support an economic outcome. In addition, we would have a strategic intent that said that it would be important to Scotland's economy for a situation to be pursued. We do that within the bounds of the public sector finance manual and the other regulations and business case requirements that are in place.

We will not go through all such scenarios and come out the other end with them all being financially successful; that is absolutely and obviously the case. However, the Government will not be in a position in which we will not intervene for fear of failure. We will win some and lose some; that is what it is all about. It is important that we intervene where we think that the numbers make sense but, of course, the outcome is not guaranteed in any scenario.

Dementia Strategy (National Conversation)

3. Kaukab Stewart (Glasgow Kelvin) (SNP): To ask the Scottish Government whether it will provide an update on the next steps for the national conversation to inform a new dementia strategy, which closed to responses on 5 December. (S6O-01670)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): I am grateful to all the organisations and individuals who have taken the time to input into our national conversation. We have heard the priorities of people who are living with dementia, their families and carers, and of individuals and organisations that are interested in dementia policy. Final engagement events are

continuing throughout this week. We will take the responses and, working with our national dementia lived-experience panel, the strategic advisory group and other key stakeholders, we will develop an outcomes-focused strategy, with publication planned for spring 2023.

Kaukab Stewart: The discovery of the breakthrough drug lecanemab is exceptionally welcome news and offers real hope for Alzheimer's sufferers and their families. Professor Tara Spires-Jones and the research team at the University of Edinburgh are to be congratulated on that development.

However, is the minister familiar with childhood dementia, a condition that is caused by more than 70 genetic disorders that, together, account for almost as many deaths in children as cancer? There is no cure and there are very few treatments that can even slow it down. Will Kevin Stewart commit to taking cognisance of that devastating but little-known condition when developing the new dementia strategy?

Kevin Stewart: Childhood dementia is a term that is sometimes used to describe a very rare group of neurodegenerative disorders that require referral for specialist paediatric assessment and then care within specialist neurodegenerative disorder services as required. The national health service will always use the best international clinical evidence and research to inform best practice. I am grateful to the member for raising awareness of this very important issue in the chamber.

Social Care Staff (Retention and Recruitment)

4. Alex Rowley (Mid Scotland and Fife) (Lab): To ask the Scottish Government what progress it is making on addressing the reported care staff retention and recruitment challenge within social care. (S6O-01671)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): The Scottish Government acknowledges the pressures that are faced by the social care sector at present. To address those pressures, we plan to launch an adult social care recruitment campaign in January next year, and we have approved funding for the myjobscotland.gov.uk recruitment website to enable all organisations to advertise vacancies free of charge. We continue to push the United Kingdom Government for an improved migration system, and we are working with stakeholders to develop resources and support to recruit international workers. We also plan to host further job fairs with the Department for Work and Pensions across Scotland, and we continue to work with employability partners and the Scottish Social Services Council to deliver career events that target young people.

Alex Rowley: The fundamental problem at the heart of our retention and recruitment issues is the gap between what care workers are paid in the private sector and what they are paid in the public sector. The private sector's low pay and poor terms and conditions mean that workers walk out of the sector, which makes the matter more difficult. All care is paid for by the Government, so does the minister agree that that gap is the fundamental issue? If he agrees, why is he not addressing it? Unless we address the poor pay and poor terms and conditions of care workers who work in the private sector, which is paid for by the public sector, we will not address the problem.

Kevin Stewart: The Government recognises the pay and conditions issues in the care sector, which is why it has given not one but two pay rises to adult social carers in the past year. We are looking to see what more we can do on that front.

I highlight to Mr Rowley and to other members that adult social care workers in Scotland are paid much more than those in Labour-controlled Wales or Tory-controlled England are paid.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I refer to the Scottish Government-commissioned research entitled "The Contribution of EU Workers in the Social Care Workforce in Scotland 2022", which was published in August. Further to those findings, although I accept that Covid has had its impact, does the minister agree that Brexit has made the situation relating to the retention and recruitment of European Union workers worse?

Kevin Stewart: I completely agree with Christine Grahame. The sector is deeply concerned about the impact that the post-EU exit loss of freedom of movement is having on recruitment to critical front-line social care roles. The UK Government's immigration policy fails to address Scotland's distinct demographic and economic needs, and it completely disregards the key sectors on which we have relied during the pandemic, including social care.

We believe that Scotland's social care services benefit greatly from the staff who join the workforce through international recruitment. I wish that we had control over immigration policy, so that we did not have a situation in which some services have lost loads of staff—I talked to one service that had lost 40 per cent of its workforce because of Brexit—which is not good enough.

Agricultural Support Schemes (Argyll and Bute)

5. **Jenni Minto (Argyll and Bute) (SNP):** To ask the Scottish Government what its latest assessment is of the potential impacts of the United Kingdom Internal Market Act 2020 and the

Subsidy Control Act 2022 on future agricultural support schemes in areas such as Argyll and Bute. (S6O-01672)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): Our farmers and crofters face challenges that are not found elsewhere in the United Kingdom, so we have tailored our current agricultural support to help to address those through schemes such as the less favoured area support scheme.

The deeply damaging United Kingdom Internal Market Act 2020, which was imposed on Scotland without our consent, allowed UK ministers to introduce the Subsidy Control Act 2022. We have serious concerns about that, not least because the principles that are set out in schedule 1 to that act risk constraining our ability to tailor support to the specific needs of Scottish farmers and crofters in the future.

Jenni Minto: In 2021, 739 businesses in Argyll and Bute received LFASS payments. Those payments provide vital investment for hill farmers and crofters, who are a crucial part of our agricultural sector. NFU Scotland has noted that 97 per cent of the Scottish Government's budget for agricultural schemes is derived from Westminster. The legislation that I have mentioned has left the door open to future policy decisions threatening the Scottish Government's ability to offer focused support of that nature.

What would the cabinet secretary say to the hill farmers and crofters whom I represent, who are concerned that the Tory Government in Westminster would be prepared to sacrifice necessary support, such as LFASS, in pursuit of its mission to undermine devolution?

Mairi Gougeon: I absolutely agree that that UK legislation could threaten our ability to support farmers and crofters in constituencies such as Jenni Minto's through vital schemes such as LFASS. We are committed to maintaining the support for the people who farm and steward the land in our most challenging areas, but that will depend on getting certainty of UK Government funding and on the guarantees being honoured in the future.

European Union exit means that we no longer have long-term certainty of funding, and the unilateral choices that are being imposed by the Treasury provide insufficient replacement EU budget. We have been clear and consistent in our position: we expect full replacement of EU funds to ensure that there is no detriment to our finances, and we expect the UK Government to fully respect the devolution settlement in any future arrangement. However, as it stands, I have no clarity about the future budget, and we already

face a shortfall of £93 million because those guarantees have not been honoured.

The Presiding Officer (Alison Johnstone): Let us have more succinct questions and responses, please.

Swallow Roundabout Dundee (Development)

6. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what its position is on the reported delays to the development of the Swallow roundabout in Dundee. (S6O-01673)

The Minister for Transport (Jenny Gilruth): Transport Scotland is working with representatives of the developer on a minute of agreement, which will provide the Scottish ministers' consent to make changes to the A90 trunk road in the vicinity of the Swallow roundabout in Dundee. That work is not straightforward, but every effort is being made to bring matters to a conclusion.

Michael Marra: Residents in Dundee's western gateway have been waiting for more than seven years for those vital upgrade works on the Swallow roundabout. At long last, the minute of agreement that the minister referred to is sitting on a desk at Transport Scotland. Will the minister say when the agreement will be signed? What more can the minister do to lock down a timetable for those vital safety measures?

Jenny Gilruth: I know that Mr Marra takes a keen interest in the issue and that he has previously been in correspondence with Transport Scotland on the matter. Delivery of the improvements that are needed is a planning requirement, and the developer is obligated to deliver junction improvements at the Swallow roundabout, which will address the impact of the development on the trunk road network for which Scottish ministers have responsibility.

I have discussed the issue with my officials in Transport Scotland, who advise that they are in regular contact with the developer on the matter. They will continue to work constructively with Springfield Properties to progress the outstanding issues, which include the completion of the minute of agreement as soon as possible. In the interim, I am happy for my officials to meet Mr Marra and other interested parties to ensure progress on the issue. I recognise that it has been going on for a number of years, as he has said, and that there is a need for the local community to have a timetable.

Great Risk Transfer Mitigation (Engagement with United Kingdom Government)

7. Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government, with regard to flooding in Scotland, what engagement it has had with the UK Government to mitigate the great risk transfer, as described in a recent David Hume Institute report. (S6O-01674)

The Minister for Environment and Land Reform (Màiri McAllan): The DHI report explores risk and where it falls between individuals and institutions. The report highlights Flood Re, which is a re-insurance scheme to help people to access affordable flood insurance, and sets out that it is a best practice example of how institutions can underwrite risks that are not realistically within individuals' control. The scheme now benefits 16,500 properties in Scotland.

Flood Re supports the build back better approach, whereby home owners install property flood resilience measures when repairing their properties after a flood to ensure that they are better prepared. The Scottish Government is working with Governments across the United Kingdom to ensure that flood insurance remains widely available and affordable.

Audrey Nicoll: With several areas of Scotland, including my Aberdeen South and North Kincardine constituency, now at increased risk, the Flood Re scheme to which the minister referred offers some hope to householders. However, too few people are aware of the scheme, and it excludes properties that have been built since 2009. What steps is the Scottish Government taking to publicise the Flood Re scheme and ensure that home owners are aware of the possibility of affordable insurance through it?

Màiri McAllan: We will continue to work with Flood Re, the insurance industry and others to promote flood insurance. Since 2009, we have funded the Scottish Flood Forum, which works with communities and advises people about property flood resilience and insurance issues such as Flood Re. I am always happy to work with and speak to Audrey Nicoll about ways in which we can ensure that her constituents know that they have access to that support.

The majority of homes in areas with a high flood risk are eligible for Flood Re. Properties that have been built since 1 January 2009 are not covered, but that is because it is important not to incentivise home building in areas with a flood risk. Scottish planning policy takes a precautionary approach to ensure that new properties are built outwith areas of significant flood risk, and the revised draft national planning framework 4 includes updated

policy on flood risk, which aims to strengthen resilience to flood risk and reduce the vulnerability of existing and future development.

First Minister's Question Time

12:00

Accident and Emergency Waiting Times

1. Douglas Ross (Highlands and Islands) (Con): This week's health statistics show that almost two in three patients who attended accident and emergency at Glasgow's Queen Elizabeth university hospital were not seen within the target time. In just one week, more than 1,000 people at the Queen Elizabeth alone were not treated within four hours. Across Scotland, the number of people who waited beyond the target time was more than 9,500. That is the worst-ever performance in Scotland's A and E departments.

What specific actions is the First Minister taking to prevent people from waiting for hours on end at A and E departments over Christmas?

The First Minister (Nicola Sturgeon): First, I will talk specifically about the Queen Elizabeth university hospital in Glasgow. Obviously, it faces the same challenges that other hospital sites face. The performance there—as is the case in hospitals across Scotland—is not where we want it to be, and it is certainly not where patients have a right to expect it to be. That said, the most recent statistics show that performance at the Queen Elizabeth had improved. However, we know that performance will fluctuate, and for the national picture, as well as for individual sites, the monthly figures give a clearer depiction of performance.

Through the overall urgent and unscheduled care collaborative, the Queen Elizabeth has a range of actions under way, including opening additional wards on site and reconfiguring its surgical and medical capacity balance. It is also working to improve performance in the minor injuries flow for patients who need care but not necessarily admission to hospital, and it is optimising its discharge process by rolling out discharge without delay, which has the potential to result in an additional two to three discharges per ward per day. The intensive work that is under way at that hospital reflects some of the work that is under way across Scotland.

The situation is of concern to me and to the Government, and we are working hard to address it by supporting the health service. Of course, the situation is not unique to Scotland; the same pressures are being experienced by health services in all parts of the United Kingdom and, indeed, further afield. We will continue to take steps to support the NHS to address the issues here in Scotland.

Douglas Ross: The First Minister focused on the Queen Elizabeth hospital, which is what I

asked about, but I also said that the statistics that I mentioned are the worst statistics on record for A and E departments across Scotland. I think that people who are watching would like to hear what the First Minister plans to do across Scotland in the lead-up to the critical Christmas holiday period.

Let us look at other hospital departments beyond A and E departments. The First Minister mentioned discharges. The number of beds that are occupied because of delayed discharge is also at its worst-ever level. The most recent month of data shows that, every day, 1,900 beds were taken up in Scotland's hospitals by patients who had been medically cleared to leave. They could safely have gone home but, instead, they were occupying beds.

Is it not the case that, if the Scottish Government had kept its promise to end delayed discharge, we would have 1,900 extra beds to treat patients right now?

The First Minister: I will go through all those points as quickly as I can.

First, I concentrated on the Queen Elizabeth university hospital in my previous answer for the simple reason that Douglas Ross asked me about the Queen Elizabeth university hospital. However, I also referred to the urgent and unscheduled care collaborative, which is a national initiative that is backed by £50 million of investment. That is supporting the implementation across Scotland of a range of measures to drive down waits in our accident and emergency units. Those measures include offering, where appropriate, alternatives to hospital, such as hospital at home, directing people to more appropriate urgent care settings and scheduling urgent appointments to avoid long waits in accident and emergency. As I said, the examples that I gave in relation to the Queen Elizabeth reflect that wider national work.

I also made a point that I think is worth repeating: although there are very serious issues in Scotland, which this Government is extremely focused on addressing, they are not unique to Scotland. In England right now, more than 10 per cent of patients going to A and E are waiting for more than 12 hours. Health services across the UK and in much of the world are facing similar issues right now. We continue to focus on those issues.

I will turn briefly to delayed discharges. Again, that problem is replicated across all health services in the UK right now. Of course, not all delays are in the acute sector, and it is important to point out that, in the most recent year for which we have data, 97 per cent of all patients were discharged without delay. However, we are taking significant steps, working with health boards and integration joint boards to target investment this

year. That includes investment to enhance care at home, to increase the hourly rate of pay for those who work in social care, to support interim care arrangements and to enhance multidisciplinary teams.

The Presiding Officer: Please be brief, First Minister.

The First Minister: I will be as brief as possible. This is important stuff, Presiding Officer. Serious questions have been asked and I am seeking to give detailed answers.

The final point that I want to make is that a ministerial—*[Interruption.]* I would have thought that, having raised those really serious issues, the Conservatives would want to hear the information that answers the questions. Even if they do not, I suspect that people watching at home do.

The Presiding Officer: Please be brief.

The First Minister: My final point is that, in response to winter pressures, we have established a ministerial assurance group to provide advice on the deployment of options that support the resilience of the health and social care system. That group currently meets weekly.

Douglas Ross: The concerns from Conservative members were to do with the First Minister apparently disrespecting the Presiding Officer, who was asking her to focus on the issues. Perhaps the First Minister would have more time to focus on issues in and questions about Scotland's national health service if she did not try to place the blame elsewhere around the United Kingdom.

The unique issue here is that Nicola Sturgeon and her Government are in sole control of the NHS in Scotland. I have asked about the problems in our A and E departments and I have asked about the issue of delayed discharge. Let us look at another issue that is happening in a part of our NHS where patients are really struggling to get treatment: general practices.

This week, Dr Andrew Buist of the British Medical Association Scotland said:

"my real fear is we are at a tipping point and what we are going to see is areas of Scotland that are under-doctored".

He continued:

"And that is more likely to happen in areas of higher deprivation and the care of these patients is going to suffer."

First Minister, are doctors right that someone who is poorer will receive second-rate healthcare in Scotland's NHS?

The First Minister: A great deal of what this Government does in the health service, and, of course, what it does more generally, is designed

to tackle and address inequalities, not least of which are the steps that we are taking through our social security system to lift people out of poverty and to mitigate the actions of a Tory Government at Westminster that is pushing so many more people into poverty.

On the NHS, I was giving, as I think is right and proper, detailed information about the actions that this Government is taking to address the challenges that our NHS is facing. I was making the point—it is an important one—that the challenges are not unique to Scotland and that they are not even unique to the United Kingdom right now. If Douglas Ross wants to say that this is all specifically about this Scottish National Party Government, that is okay. Notwithstanding the challenges that our NHS is facing, A and E units in Scotland are the best performing anywhere in the UK. Delayed discharges, although they are far too high, are lower than they are in England and Wales.

Before I come on to the question about GPs, I will mention head count. There are more GPs per 100,000 of population in Scotland than in the rest of the UK, by some considerable distance.

If Douglas Ross is saying that the challenges in our health service are all about the SNP, he must recognise the relative performance of our NHS when compared with other parts of the UK.

On GPs, we are working to increase the numbers in our national health service. We have record numbers across many different clinical areas already in our health service. We are working to increase the number of GPs. We have already increased head count by 277, working with the GP profession, and that positive progress will continue. Of course, we are recruiting and supporting the recruitment of other professionals to support multidisciplinary teams in primary care.

My final point, Presiding Officer, is that it is easy, and it is entirely legitimate, in this or any session of First Minister's questions, to state the problems in our national health service, but the responsibility of Government is to take actions to support the NHS to address those issues, and that is the job that the people of Scotland trust this Government to do.

Douglas Ross: It is shameful that the First Minister dedicates more of her time on attacking the NHS in other parts of the United Kingdom than she does on focusing on what she can do here in Scotland. It is absolutely clear that more has to be done to tackle the crisis in Scotland's NHS. There is a crisis in our A and E departments, a crisis with delayed discharges and a crisis at GP practices, all of which adds up to healthcare that does not deliver for patients. For cancer patients, the situation can then be between life and death.

We have received a freedom of information response on the issue from a Scottish health board. It reveals that a patient has waited more than six months to start treatment for breast cancer; that another patient has waited 18 months to start treatment for prostate cancer; and that, worst of all, someone has waited two years to start their treatment for cancer. First Minister, that is not good enough. Lives are at risk. The longer that someone waits to start treatment for cancer, the less likely they are to beat cancer.

What action will the First Minister and her Government take to tackle those appalling waiting times?

The First Minister: First, there are few areas of the NHS that are more important than cancer care, for the reasons that Douglas Ross has set out. He has cited individual cases. As always, I am very willing to look at the particular circumstances of individual cases. However, it remains the case, even with all the challenges of the pandemic, that the median waiting time for a patient with cancer to start treatment once a decision to treat has been made is measured in days, not in weeks and certainly not in months—

Douglas Ross: It is 721 days in that case. *[Interruption.]*

The First Minister: I am trying to answer serious questions in a detailed fashion, Presiding Officer. I had started to say that there will be individual cases where, sometimes, clinical circumstances will mean that it takes longer, and where, sometimes, yes, failings in the NHS will mean that it takes longer. I am making the point that, for the vast majority of patients, that is not the case. The median waiting time to start cancer treatment is measured in days in this country. That is down to the hard work of those on the front line.

Douglas Ross started his previous question by saying that I spent more time attacking the health service elsewhere than I did talking about the Scottish health service. First, I have not attacked the health service anywhere. Secondly, I think that anybody who reviews the *Official Report* of this session will see that that is just factually inaccurate. In fact, the Conservatives were getting impatient because they seemed to think that I was taking too long going into detail about the urgent and unscheduled care collaborative earlier on.

However, when Douglas Ross puts it to me that the problems in our national health service are unique to Scotland and they are worse in Scotland because of this Government, it is reasonable for me to point out that that is not the case—

Douglas Ross: Deal with the issues in Scotland. *[Interruption.]*

The Presiding Officer: Thank you, members.

The First Minister: Despite the challenges, which nobody here is shying away from, our NHS performs better than its counterparts in England and Wales. The only reason why I say that is because Douglas Ross is putting the counter to me.

Finally, it is really important that we continue to support record investment in our national health service. It is not that long ago—here, we are measuring in weeks—that Douglas Ross was demanding that I cut taxes for the richest people in our country. Had I followed his advice, we would have had to take investment out of our national health service, which is why few people will take Douglas Ross or the Conservatives seriously when it comes to trust on the national health service.

Child and Adolescent Mental Health Services

2. Anas Sarwar (Glasgow) (Lab): Child and adolescent mental health services are in crisis, as they have been since long before the pandemic. Too many children and young people are having referrals rejected, and too many are waiting for too long for treatment. How many referrals to CAMHS have been rejected in the past year, and how many children have waited for more than a year for their first appointment?

The First Minister (Nicola Sturgeon): I will be happy to give Anas Sarwar the precise figures on rejected referrals later on. However, although there are challenges in child and adolescent mental health services—as there are across the national health service, as I have just been reflecting—in recent months, we have seen some very positive changes in waiting lists. Those changes are among the most positive in more than half a decade.

In the latest quarter, the overall CAMHS waiting list has decreased by 1,398 children since the previous quarter; the number of children waiting for more than 18 weeks has decreased by 658 since the previous quarter; and the number of children who have waited for more than 52 weeks has decreased by 281. That marks the first time since September 2016 that there has been a decrease in all three waiting lists.

Although there is significant work still to do—not least to continue our progress in community mental health services for children and young people—progress has been made, particularly in tackling the longest waits. That should be welcomed.

Anas Sarwar: In the past year, 8,873 children and young people have had their referrals to CAMHS rejected. A total of 1,248 have been waiting for more than a year for their first appointment. The First Minister has quoted

statistics on those who have had their first appointment; however, even those who have had a first appointment are still not getting the treatment that they need.

Here is just one example. Charlie is a primary 7 pupil. He was referred to CAMHS in January 2020. In April 2020, he had a video consultation with a doctor from CAMHS—so he would have dropped off the list that was referred to by the First Minister. However, that was the last time that he heard from CAMHS. He has had no diagnosis and, without treatment, Charlie has become withdrawn and does not like to spend time with other children.

His mother found a video that he had posted on TikTok, in which he asked whether anyone felt like they wanted to die because they were so different. Charlie's mum told CAMHS, but they said that it would make no difference to his waiting time. They told her that it could be another two years before Charlie receives the support that he needs.

That is not good enough. Charlie is not alone—there are thousands of children like him. How has the First Minister let it get so bad?

The First Minister: Before I come on to the general issue, I will say that, obviously, Charlie's experience is not acceptable. I do not know all the circumstances of his case. As always, I am willing to look into individual cases that are raised.

It is the case that there are waits for child and adolescent mental health services that are too long. However, it is also the case that significant action is being taken, which is already reducing those long waits.

Anas Sarwar did not respond to the information that I gave him in my previous answer, but it is really important. Nobody is denying that there is a significant issue, but we are now seeing decreases in the numbers of children who are waiting for more than 18 weeks and the numbers who are waiting for more than 52 weeks—and the overall waiting list is also decreasing.

Does that say that there is no longer a challenge? No, but it does say that the significant investment—the increase in the workforce—is now having an impact where that is needed. We need to continue that.

We have already accepted all the recommendations in the audit of rejected referrals that was published in 2018, and we continue to act on those. One in every two referrals to CAMHS is seen within 10 weeks, and health boards have a duty to prioritise those who need to be seen most quickly. If any experience does not match that, we have a duty to look into that and learn from it.

There has also been a significant increase in the number of people who access community mental health services, which is an important part of

mental health support. Local authorities report that, in the first six months of this year, more than 38,000 children accessed enhanced community-based mental health support services. That is important in ensuring that those who need specialist services can get them more quickly.

Anas Sarwar: The First Minister is just not listening. If someone gets a first appointment that is a telephone call, but their diagnosis does not happen and their treatment does not start, and they then fall off a list, that is not a measure of success but a measure of failure. It demonstrates that the system is being gamed.

That was a problem long before Covid. When Charlie's mother phoned CAMHS, she was told that it was still working through cases from 2018. There will be cases where someone has had their first appointment, but there will also be cases where treatment has not started and a diagnosis has not happened.

This Government has never met its CAMHS waiting time targets. According to Public Health Scotland, a quarter of all deaths of five to 24-year-olds in our country are from suicide. In the words of Charlie's mum,

"Our children are being failed and no one is doing anything about it."

However, we can fix this, so I ask the First Minister do the following: first, reverse the cuts to mental health in primary care; second, guarantee funding for schools-based counselling; third, commit to increasing the proportion of the national health service budget that is spent on mental health so that it reaches 11 per cent—the same level as England and Wales; fourth, create a new referral and triage system for mental health so that no one is rejected; and finally, record and publish the true waiting time, from referral to diagnosis and the start of treatment, so that no child is abandoned, like Charlie has been.

The First Minister: I will say it again, because it is important, that experiences such as Charlie's are not acceptable. I do not know all of the circumstances; I am willing to look into that.

I am not standing here and saying that Charlie will be the only young person in the country who has that kind of experience—far from it—but nor is it right to say that the progress that I have narrated today is somehow unimportant, because that is the progress that requires to be made to ensure that there are far fewer experiences like Charlie's.

In terms of funding, mental health spending has almost doubled in cash terms since we took office. We will continue to support record expenditure across our national health service and ensure appropriate expenditure for mental health services. As I said earlier, we are also shifting

more treatment into the community. One of the most important things that has been done, backed by investment, is the recruitment of counsellors across our secondary schools. Those are really important issues.

Although it is right and proper to come to the Parliament and state the challenges, our job, as I have demonstrated today, is to get on with the work of addressing those challenges. As I have set out, we have seen a fall in the waiting lists for access to CAMHS. That is down to investment and the actions that have been taken, which is why it is so important that we continue with that.

Cabinet (Meetings)

3. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the First Minister when the Cabinet will next meet. (S6F-01613)

The First Minister (Nicola Sturgeon): The Cabinet will next meet on Tuesday. I advise the chamber that one of the matters that the Cabinet will discuss on Tuesday is on-going monitoring of the Strep A situation. Sadly, as we know, a number of children in England and Wales have died from invasive group A Strep infections; our thoughts are with their families.

Although increased levels of infection have been seen in Scotland, current numbers are not exceeding previous spikes, and so far, we have had no deaths of children. However, a total of 13 invasive group A Strep cases in children under 10 were reported to Public Health Scotland between the start of October and 5 December. The majority of those cases are mild and can be treated with penicillin. However, there is no room for complacency, and we will continue to monitor the situation very closely.

Alex Cole-Hamilton: I am grateful for that reply and gratified to hear that Cabinet will be discussing the Strep A outbreak. I ask that the First Minister comes back to Parliament before Christmas with a statement on the progress on that issue.

What we have just heard from Anas Sarwar is devastating. Charlie is by no means alone—not by a long shot—and the situation is desperate. When Humza Yousaf launched the national health service recovery plan last year, the mental health treatment target was missed for one in five children; it is now one in three. Young people are battling the long shadow of lockdown, anxiety and depression without support. Nicola Sturgeon is trying to persuade the chamber of progress, but £38 million has just been cut from this year's mental health budget—money that could have been spent on cutting waiting times, training staff and putting more counsellors in our schools—and that cut will lead to more delays.

We get only one childhood, and waiting month after month for help can shatter those formative years. The NHS recovery plan promised the eradication of mental health waiting lists by March. That was always a bold target, but it is barely 100 days away, and things are moving backwards. If that target is missed, will the First Minister continue to stand by the beleaguered health secretary?

The First Minister: Mental health spending has doubled under this Government—that is a fact. The number of people who are working in child and adolescent mental health services has also doubled under this Government; to be precise, it is up by 110 per cent.

There are significant challenges in waiting times for CAMHS, and we take that extremely seriously. However, it is right to point to progress, which that investment and the increase in the workforce are designed to achieve.

There has been a 14.4 per cent decrease in the number of children and young people who are on the waiting list compared to the past quarter. There is a decrease in the numbers of children and young people who are waiting more than 18 weeks and more than 52 weeks. As I said earlier, that is the first time since 2016 that there has been a decrease in all three waiting-list measures.

Does that mean that we do not have more work to do? Of course it does not; there are significant challenges, but real progress is being made because of the actions, focus and determination of this Government to support the work of those who are on the front line, and that will continue.

Child Disability Payment (Roll-out)

4. Paul McLennan (East Lothian) (SNP): To ask the First Minister whether she will provide an update on the roll-out of the child disability payment. (S6F-01626)

The First Minister (Nicola Sturgeon): We know that caring for a child who is disabled or has a long-term condition can result in extra costs, from buying specialist equipment to taking part in activities. That is why the child disability payment is a vital benefit that helps parents to support their children to live their lives as fully as possible.

I am very pleased that, in the child disability payment's first year, almost £60 million has been paid to the families of nearly 44,000 children and young people. The child disability payment is the first disability benefit anywhere in the United Kingdom for which applicants are able to apply online, by phone, by post and face to face. That demonstrates our commitment to improving access to social security and ensuring that people receive the assistance to which they are entitled.

Paul McLennan: With increasing financial pressures on families in Scotland, it is more important than ever that people get all the benefits to which they are entitled. Can the First Minister outline how our constituents can apply for the child disability payment and check what extra financial support from the Scottish Government they might be entitled to?

The First Minister: It is important that we take steps to raise awareness of all of the help that is available and encourage as many eligible people as possible to apply for assistance. As I said in my original answer, people can apply for the child disability payment online, by phone, by post or face to face. I encourage anyone who thinks that they might be eligible for any of our benefits to get in touch with Social Security Scotland. Staff are available to answer queries about benefits and help people to complete application forms, and local delivery officers are available across the country, so that the application can be made face to face, where that is necessary.

As shown through our benefit take-up strategy, we are absolutely committed to making sure that everyone gets the financial support that they are entitled to.

Pam Duncan-Glancy (Glasgow) (Lab): When setting up Social Security Scotland, the Scottish Government said that one of the things that it would do would be to get decisions right the first time round, in recognition of the distress that redeterminations can cause. Figures show that, in 86 per cent of redeterminations that were requested for the child disability payment, the decision was not right the first time around.

We were promised a fairer system here, so what can the First Minister do to address that issue and bring certainty to people who need social security that they will not need to jump through hoops in order to get it?

The First Minister: Feedback from applications in which the first decision is not made correctly is part of the process of making sure that the system is improved on an on-going basis. I know that Social Security Scotland takes that work very seriously and focuses very hard on it.

For all the issues that she rightly brings to the chamber about the operation of the social security system, particularly as it affects people with disabilities, I am absolutely certain—and I hope that I am not wrong—that Pam Duncan-Glancy shares my view that we already have a fairer system around those things in Scotland than exists elsewhere in the UK.

However, through Social Security Scotland, we have an obligation to continue to improve that experience, so that, first, people are getting all the help to which they are entitled; secondly, they are

getting it as easily and with as little bureaucracy as possible; and, thirdly, decisions are being taken correctly in the first instance.

Emergency Response Single-crewed Ambulances

5. Edward Mountain (Highlands and Islands) (Con): To ask the First Minister how many single-crewed ambulances, responding to an emergency, have been deployed in the last six months. (S6F-01608)

The First Minister (Nicola Sturgeon): Between June and November this year, there were 1,429 instances of the Scottish Ambulance Service single crewing ambulance shifts across Scotland. To put that into context, I would point out that it represents 1.72 per cent of the total number of shifts in that period. In addition, there will be paramedic cars or motorbikes that are routinely single crewed and which are used to support the Ambulance Service's multivehicle response to serious incidents as well as being used by advanced paramedics to support patients with less serious conditions in the community. Single-crewed ambulance shifts happen only in exceptional circumstances that cannot be avoided, such as short-notice staff absences or a significant unforeseen increase in demand.

Edward Mountain: That is really concerning, because in simple terms, single-crewed ambulances cannot transport patients to hospitals. In the Highlands, where journey times can be over two hours, it means that there is a significant danger to life.

In 2008, when the First Minister was the cabinet secretary for health, she said:

"The Scottish Government's policy is clear: traditional accident and emergency ambulances should be double crewed, with at least one member being a paramedic, unless there are exceptional circumstances. In too many instances, particularly in the Highlands, practice is not living up to that policy."—[*Official Report*, 4 June 2008; c 9260.]

It is clear that after 14 years of inactivity the First Minister has failed. Will she explain to my constituents why she has failed and when single-crewed ambulances will be consigned to history?

The First Minister: I am genuinely not sure that Edward Mountain listened to the answer to his first question. With regard to the commitment that was made in 2008—and which I remember very well, because I was health secretary at the time—the instance of single crewing at that time was significant, particularly in rural areas, and our commitment to support the Ambulance Service with funding to eliminate the requirement for rostered single crewing, particularly in remote and rural parts of the country, was achieved. Single crewing now takes place only in exceptional

circumstances that cannot be avoided. In the six months that I have been asked about and have talked about, 1.72 per cent—less than 2 per cent—of shifts were single crewed.

Let me explain to Mr Mountain's constituents why that is the case. If, for example, at the last minute a member of staff is ill and does not turn up to work, as happens in any walk of life, the only alternative to single crewing would be not to have a crew at all and not to have the ambulance on shift. It only happens in such exceptional circumstances—and I would also say that, in any national health service, a figure of less than 2 per cent effectively amounts to eliminating single crewing. The Scottish Ambulance Service continues to work to minimise that figure as much as possible.

Cost of Living Crisis (Freezing of Water Rates)

6. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister whether the Scottish Government will provide an update on whether it will instruct Scottish Water to freeze water rates for 2023-24 to help with the cost of living crisis. (S6F-01607)

The First Minister (Nicola Sturgeon): Decisions on the levels of water charges are matters for Scottish Water's board, and its decision must be taken with due regard to the principles of charging for water services, which are set by Scottish ministers and include the key principle of affordability. Last year, the board took a responsible view and held charges to a real-terms freeze, and we expect it to take a proportionate position again, balancing affordability with critical investment needs to protect the quality of our drinking water and the environment.

Of course, the average water charge in Scotland remains lower than the average charge in England and Wales, but we are committed to supporting people facing any issues with paying their water bills. That is why, as part of our overall package of cost of living measures, we have increased the maximum level of the water charges reduction scheme discount from 25 per cent to 35 per cent.

Jackie Baillie: Last year, inflation was running at about 4 per cent. Under the formula agreed by Scottish Water and this Government, water rates are charged at the consumer prices index plus 2 per cent. Last year, the Scottish Government intervened to hold water rates down, which was welcome, but this year inflation is at 11 per cent and water bills are set to increase by an eye-watering 13 per cent. With this acute cost of living crisis—the worst in many decades—will the Scottish Government freeze water bills for the next financial year? The First Minister has the power to

do this—she intervened last year—but the question is: does she have the political will?

The First Minister: This is obviously a matter for Scottish Water's board. As I said in my original answer, the board of Scottish Water took a responsible decision last year—we would expect it to do the same this year—to recognise the cost of living pressures, which remain intense and acute. However, we also expect and require Scottish Water to discharge other responsibilities to ensure that we have a well-maintained water system, so that the quality of our water services is high, and it is mindful of its wider obligations to the environment. If we did not have proper investment in our water infrastructure and, as a result, the quality of our drinking water declined, I am sure that Jackie Baillie would be one of the first to point a finger at this Government.

We will continue to take responsible decisions on this issue and across the range of other ways that we are supporting people through the cost of living crisis—decisions and actions that continue to result in the Scottish people expressing high levels of trust in this Government.

United Kingdom Fiscal Policy

Kenneth Gibson (Cunninghame North) (SNP): Richard Hughes, chair of the Office for Budget Responsibility, has said that the last three Westminster Tory Governments fiscal policy U-turns have cost taxpayers more than £40 billion of extra debt in just six months—that is £600 for every man, woman and child in the UK, and is 2,000 times the estimated cost of the independence referendum that the Tories keep moaning about. Does the First Minister believe that it is acceptable for the people of Scotland to keep paying the price of Westminster's economic incompetence?

The First Minister (Nicola Sturgeon): No, it is not acceptable. The cost of Tory fiscal and economic incompetence, which is epitomised by the disastrous decisions in the mini-budget—decisions that, members should remember, the Scottish Conservatives initially wanted the Scottish Government to replicate—coupled with the disaster of Brexit that unfolds on a daily basis, is being paid by individuals, businesses and households across Scotland right now.

There is an alternative to that, and it is to make this Parliament responsible for the decisions that are being so badly mishandled at Westminster. I think that there is a growing desire in the people of Scotland to become independent and build a much better alternative to what we have now.

A83 (Rest and be Thankful)

Donald Cameron (Highlands and Islands) (Con): At the weekend, the *Sunday Post* revealed that, in the past 15 years, almost £100 million has been spent on short-term repairs to the A83 at the Rest and Be Thankful. Meanwhile, communities across Argyll remain exasperated by the lack of action since Transport Scotland announced its preferred permanent route last year. Will the First Minister now instruct Transport Scotland to select that route and make it a top priority for delivery, thereby ending once and for all the misery that closures of that road cause?

The First Minister (Nicola Sturgeon): I assume that the member is not suggesting that the investments in temporary repairs should not have been made—that is my first point. Secondly, as I am sure that the member knows, in relation to the Rest and Be Thankful, a preferred route corridor for a permanent solution was announced in 2021. Route option designs within the preferred corridor are being progressed and we are working towards announcing a preferred route for the long-term decision by next spring.

Housing (Mould)

Foysoil Choudhury (Lothian) (Lab): The First Minister will be aware of the tragic death of Awaab Ishak in Rochdale due to mouldy housing. Currently, I have constituents contacting me with concerns about issues with mould in substandard temporary housing that could cause a similar threat to human life, with small children being particularly at risk. The issue seems alarmingly common across local authority boundaries in a variety of housing stock. What is the Scottish Government doing to ensure that similar tragedies do not happen in Scotland?

The First Minister: The Scottish Government continues to invest significantly in housing, in terms of our targets for new affordable housing and, as the member alludes to, our existing housing stock. I will ask the Cabinet Secretary for Social Justice, Housing and Local Government to write to the member in more detail about the actions that we are taking and any lessons that require to be learned in Scotland from the tragic case that the member has highlighted.

Abortion Services (Safe Access Zones)

Gillian Mackay (Central Scotland) (Green): Yesterday, we saw the very welcome ruling from the Supreme Court on the Abortion Services (Safe Access Zones) Bill in Northern Ireland. The judgment was unanimous and unequivocal, and I believe that it gives a clear way forward for safe access zones in Scotland. Will the First Minister join me in congratulating Clare Bailey and her team on that victory, and will she give her

response to the ruling and say what she believes that it means for Scotland?

The First Minister (Nicola Sturgeon): I congratulate Clare Bailey and thank her for the advice that she has offered to the Scottish Government. She attended the summit that we held earlier this year, which Gillian Mackay also attended.

I was very pleased to see yesterday that the Supreme Court has protected the rights of women to access abortion services in Northern Ireland without fear of harassment or intimidation. The Scottish Government is considering very carefully the detail of that judgment, and we look forward to working with Gillian Mackay on how we can progress quickly the next steps for taking forward her proposed bill. We are absolutely committed to supporting her with the development of a bill to safeguard access for women in Scotland to healthcare facilities that provide abortion services and to do so without fear, harassment or intimidation.

Cost of Living Crisis (United Kingdom Government Response)

Natalie Don (Renfrewshire North and West) (SNP): Recent analysis from Citizens Advice Scotland found that half of Scots are being forced to cut back on household spending. The main levers to address that crisis reside in Westminster, which is an institution that cannot be trusted to concern itself with the plight of ordinary people. What conversations has the First Minister had with the Prime Minister about the inadequacy of the United Kingdom Government's response to the crisis that it created?

The First Minister (Nicola Sturgeon): When I met the Prime Minister a couple of weeks ago, I urged him, as the Scottish Government does more generally on a regular basis, to take more action to help people who are struggling with the basic necessities of life because of the cost of living crisis, which continues to affect the livelihoods, lives and, increasingly, the health and wellbeing of people across the country. The key policy levers are held by the UK Government, and we will continue to press it to use all the levers at its disposal to tackle the emergency. That includes access to borrowing, providing benefits and support to households.

We will also continue to take action ourselves. We have allocated almost £3 billion in this financial year to help, and we have, of course, increased the Scottish child payment by 150 per cent in less than eight months to £25 per eligible child per week.

Police Complaints System

Russell Findlay (West Scotland) (Con): Rhys Bonner has been described as a "gentle giant" by his mum Steph. He was found dead in marshland in Glasgow in 2019. Police Scotland said that his death was fully investigated, but his family disagrees. Last week, three and a half years since losing her son, some of Steph's complaints were upheld, with the Police Investigations and Review Commissioner asking Police Scotland to conduct new inquiries and to provide more information. Steph has told me that she is tormented by a process that she describes as "cruel".

It has been two years since the Angiolini report laid bare the Scottish National Party's broken police complaints system. How many more families have to suffer before the First Minister or her justice secretary fixes it?

The First Minister (Nicola Sturgeon): On the police complaints system, we are, of course, taking forward recommendations from the Angiolini report and, indeed, we will legislate in respect of those recommendations.

It would not be right or appropriate for me to comment in detail on that specific case. However, the police are, of course, expected to respond to any recommendations or actions that they are instructed to take by the PIRC, and I would expect that to be the case there.

The broader reform of the complaints system is under way and on-going, and the justice secretary will keep the Parliament updated as appropriate.

Community Justice System

Jamie Greene (West Scotland) (Con): This week, the BBC reported that the community payback orders backlog has reached 700,000. That is on top of the quarter of a million that were written off during the pandemic. The Cabinet Secretary for Justice and Veterans told the BBC that that was

"pretty much business as usual".

With respect, if someone is a victim of crime, that is anything but business as usual. That includes the domestic abuse victim who saw her offender walk free from court with unpaid hours as his sentence. She was punched in the face and chucked through a glass door, and she is scarred and traumatised for life.

The justice system is letting people down. It is letting women down, and community payback orders are not even being served. When will that end, and when will the community justice system actually serve justice for victims of crime?

The First Minister (Nicola Sturgeon): Obviously, individual cases of the kind that Jamie

Greene has narrated are always difficult and unacceptable for the individuals concerned. However, more generally, as I often say in the chamber because it is absolutely right that I do so, court decisions are for courts. It is not for ministers or any politicians to intervene in decisions of our justice system.

When a community payback order is issued, the offender has to serve that order. That remains the case. More generally, our community justice system performs well. That will be one of the reasons why levels of crime in this country continue to be historically low and reoffending rates are reducing.

We continue to support the justice system to recover from the pandemic and catch up on backlogs in all different aspects of the system.

The Presiding Officer: That concludes First Minister's questions.

Points of Order

12:45

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. I seek your guidance on the procedures surrounding the correcting of the *Official Report*.

I have here a letter that I received last night from Sir Robert Chote, who is the chair of the UK Statistics Authority. After I alerted the authority, it investigated the Scottish National Party and Green Government's claim that Scotland has 25 per cent of Europe's potential offshore wind resource. Sir Robert confirms that those figures are, in fact, a mash-up of several different studies that are more than 20 years old. He confirms that the Scottish Government's calculations exclude

"countries like Norway, Sweden and Finland which have large offshore wind potential."

He also confirms that the figures "give an inflated picture" and were always inaccurate. The letter specifically says:

"On 15 November, the Minister for Green Skills, Circular Economy and Biodiversity, Lorna Slater (Scottish Greens), acknowledged in Holyrood that the figure was 'outdated', but not that it was poorly constructed."

In other words, the figure was never true and it is time for the SNP and Greens to give up the spin and admit that.

The First Minister's spokespeople still insist that the figure

"was calculated accurately at the time."

That is not true. Michael Matheson, the Cabinet Secretary for Net Zero, Energy and Transport, has even written to me this morning to say that the figure is dated. That is not true. It is also still on SNP leaflets that are going through people's doors.

The UK Statistics Authority is now contacting the Scottish National Party and a number of nationalist parliamentarians directly about the matter. I fully support the expansion of Scotland's renewables sector but—[*Interruption.*] I cannot believe that Michael Matheson is leaving the chamber at this stage. I find that disrespectful.

The strong case for expanding Scotland's renewables sector is undermined when the Scottish Government—the SNP in particular—uses figures that are completely fictitious.

The Parliament's guidance states that corrections can be accepted only within 20 working days. Therefore, I seek your guidance, Presiding Officer, on whether Lorna Slater has approached you about her statement to Parliament on 15 November. Do you expect a

correction to be lodged before the 20-day deadline expires next Tuesday? I am concerned that Parliament has been misled.

The First Minister (Nicola Sturgeon) rose—

The Presiding Officer (Alison Johnstone): Can I respond to Mr Cole-Hamilton?

It is of paramount importance that members, including ministers, give accurate and truthful information to the Parliament, correcting any errors at the earliest opportunity. If a member has a question about the factual accuracy of another member's contribution, they should raise it with that member. Members, including Mr Cole-Hamilton, will be aware that the Parliament has previously agreed a corrections mechanism and how that mechanism operates.

To answer Mr Cole-Hamilton's question, the minister has not approached me, but it is entirely a matter for members to decide whether and how to use the corrections procedure.

The First Minister: On a point of order further to that, Presiding Officer. As ministers have said, that figure is no longer appropriate to use because it is out of date. However, I think that Alex Cole-Hamilton would want me to put a complete picture before the chamber. There are statements that he did not include in his point of order that I will give:

"Scotland has a major role to play in this with an estimated 25 per cent of Europe's offshore wind potential."

That was a statement from Liberal Democrat minister Michael Moore. Secondly:

"We have more offshore wind power than the rest of the world combined".

That was from Lib Dem leader Vince Cable.

If it is the case that Alex Cole-Hamilton is so distressed by the use of that figure by Scottish Government ministers, perhaps, in the interests of completeness, he would also refer to his colleagues who have used exactly the same figure. The fact of the matter is that we have massive renewables potential, which is what he does not like.

The Presiding Officer: Thank you, First Minister. That was not a point of order. However, your comments are on the record.

Alex Cole-Hamilton has a point of order.

Alex Cole-Hamilton: I seek the Presiding Officer's clarification about the correction of the *Official Report*, because I believe that the First Minister has, once again, trotted out the suggestion that the statistic is, in her words, no longer accurate. The UK Statistics Authority wrote to me yesterday to say that it was never accurate. Frankly, I find her broadside attack on me personally beneath her.

The Presiding Officer: Mr Cole-Hamilton, I have responded to your point of order. I have made it quite clear how the corrections mechanism operates, and members should make themselves aware of that.

Asylum Seekers (Support)

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on S6M-05880, in the name of Bob Doris, on "How Will We Survive? Steps to preventing destitution in the asylum system". The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the impact of the cost of living crisis on people seeking asylum in the Glasgow Maryhill and Springburn constituency, and across Scotland; further notes the research published by the British Red Cross and Refugee Survival Trust, *How Will We Survive? Steps to preventing destitution in the asylum system*; understands that the report was written by peer researchers with lived experience of the asylum system, through the Destitute Asylum Seeker Service; further understands that it outlines seven overarching recommendations, covering both the Home Office and Scottish Government, including that the Scottish Government should pilot a peer support system to ensure new arrivals through the asylum system can access support, guidance and friendship from people who have shared experiences of navigating the asylum system, that people with no recourse to public funds should have access to adequate support and increased access to health services, including mental health support, and that the Home Office should automatically grant people the right to work if they have been waiting for longer than six months for a decision on their initial asylum claim, or following the submission of further evidence, and that such a right should not be restricted to jobs on the shortage occupation list, and notes the view in the report that the Home Office should also offer an initial grant to asylum seekers to help them set up life in the UK, which it considers would lessen the likelihood of destitution.

12:51

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I thank parliamentary colleagues who have signed my motion. "How Will We Survive? Steps to preventing destitution in the asylum system" is a joint report that was prepared by the British Red Cross and the Refugee Survival Trust. The report is the conclusion of important work carried out by peer researchers, some of whom join us in the gallery. My particular thanks must go to peer researchers Ronald, Adnan, Tandy and Zainab. I extend my heartfelt thanks to you all.

Those researchers have drawn on their own lived experience and the testimony of others, as well as their great expertise and skill, in order to reach the important recommendations in the report, which have been made to both the United Kingdom and Scottish Governments. The research found that, during the first six months of a person's time in the UK asylum system, there is a particularly high risk of destitution. That is a result of factors including delays or problems with receiving financial and other support, language

barriers, asylum seekers being unaware of their rights, and difficulties with accessing effective support and advice networks. The report calls on the Home Office to offer an initial grant to asylum seekers in order to help them to set up their lives in the UK, which would considerably lessen the likelihood of destitution. Asylum seekers often arrive in the UK with little or nothing at all. The case for an initial grant is a powerful one.

The report says that people are still at risk of becoming destitute. That is partly because of the difficulty of having an allowance of just over £5 a day, which needs to stretch to cover essentials including food, clothes and payment of various other costs. Inflation is spiralling and people who are in the most precarious financial position are the most exposed to rising costs. That includes asylum seekers, who are on the front line of the cost of living crisis. The report recommends that the Home Office should review the weekly asylum support allowance to ensure that it reflects the real cost of living. That must happen.

Asylum seekers cannot strike for better income or improved conditions. Of course, many do not have the right to work in the first place, which must also change. The report recommends that the Home Office allows asylum seekers to work after they have been waiting for six months for a decision on their claim, and that right to work should not be restricted to the shortage occupation list.

Not only does a person have a right to work to support themselves and their family—it is a basic human right—but to deny asylum seekers that right is clearly an act of self-harm against the social and economic interests of Scotland and the UK. There are many skilled asylum seekers who are restricted in using their skills for the betterment of our country.

Week in, week out in this place, we hear about unfilled vacancies in health and social care in our country, and we have a willing and able workforce that is denied the right to work. Many have been driven into destitution rather than be permitted to make a contribution, which is just wrong. I praise all those who have raised their voices as part of the Lift the Ban campaign, which champions that right to work.

There are recommendations for the Scottish Government, and a key recommendation relates to peer support. The peer researchers believe that people seeking asylum should have access to good-quality information, advice and advocacy, and they are right to stress the benefit of a formal peer support network. The Scottish Government is called on to invest in and pilot a peer support system for people who are seeking asylum in Scotland. That would ensure that new arrivals, as well as those who are more vulnerable at any

stage of the asylum process, are able to access support, guidance and friendship from people who have a shared experience of navigating the asylum system.

There are wonderful existing models of peer support. For instance, the Maryhill Integration Network, which I am privileged to have in my constituency, offers peer support and has done so for many years. Ahead of today's debate, Pinar from MIN told me that it will officially introduce its peer support volunteering pilot in January. Although the MIN voices group operates on a peer support model, it wants to expand the process across MIN and train people to be peer support volunteers who provide information to new arrivals; attend meetings with people; and provide training in essential areas such as healthcare, current immigration rules and a variety of other matters. Therefore, I say to the cabinet secretary that much of the work to develop peer support models for asylum seekers has already been done by the communities themselves and their third sector partners. However, it needs to be resourced and formalised, and support needs to be offered to identify and address gaps in provision.

There has been positive movement on some of the recommendations in the report. The report states that the Scottish Government should take on board recommendations from groups including the Voices Network, to implement free bus travel for people in the asylum system. We are not there yet, but that is hopefully on course to be delivered.

I pay tribute to the Voices Network and others, and I acknowledge the cross-party approach in the Parliament to delivering that recommendation, particularly by me, Mark Ruskell and Paul Sweeney. Together, we have pushed for free bus travel for asylum seekers in the chamber and in constructive meetings with two ministers, Neil Gray and Jenny Gilruth. We understand that a pilot project is imminent and that the policy intent of the Scottish Government, within the powers that are currently available to this Parliament, is to seek to embed wider provision in the concessionary travel scheme in the longer term.

I am conscious that there are other powerful recommendations in the report on mental health and unsuitable temporary accommodation. I note that, across Scotland, up to 600 asylum seekers are currently staying in 10 hotels as institutional accommodation, and that they get just £1.18 a day to live on. I am sure that colleagues will pick up on the tragedy of the Park Inn incident, and there are powerful recommendations in the report on housing and who inspects that housing to ensure that it is of a suitable standard.

There are recommendations on the need for longer-term stable funding for those in the asylum system who need support at points of crisis, which

could perhaps be done as part of a review of the Scottish welfare fund. That would build on the excellent partnership work between the Scottish Government and the British Red Cross, which currently administers the Scottish crisis fund project as part of the Scottish Government's "Ending Destitution Together" strategy. The project provides grants to people who are facing destitution and who face additional barriers in accessing support. To date, it has supported more than 1,400 people and has provided more than £450,000 in cash payments.

As I draw to a close, I say let us work together on a cross-party basis to persuade the UK Government to deliver on those initial grants, on the right to work and on improving the dreadfully low level of financial support for asylum seekers, as well as on various other matters that I have not had time to mention. Those can be key drivers in reducing destitution.

Likewise, we should continue constructively to press our Government here in Scotland to address the recommendations that are aimed at it. Although the report recognises that the recommended measures are often mitigation measures, they are no less important. I would very much welcome a Government debate on those matters in the Scottish Parliament, which I think would be welcomed by many.

I close by thanking our peer researchers for their powerful recommendations. I look forward to working with others to address the very real concerns that have been raised by them, for the benefit of all.

13:00

Maurice Golden (North East Scotland) (Con):

I acknowledge the vital work that organisations such as the British Red Cross and the Refugee Survival Trust do to support those in need and I thank them for producing the report, "How Will We Survive? Steps to preventing destitution in the asylum system".

At a time when we face a cost of living crisis, it is important to note that the people who have the least, including those seeking asylum, are the most impacted by rising costs and that, with no right to work or to a bank account, people in the asylum system are dependent on the support that is available.

Over the past five years, we have seen a significant increase in the number of individuals who have been waiting for an initial decision on their asylum claim, which is leading to increased pressure on the limited resources available. More must be done in order to speed up the process, so as to reduce both the number of people waiting on an initial decision and the length of time that they

are waiting for. I note that the Home Office also recognises that as a problem and has increased the number of caseworkers by 80 per cent to address it.

The UK Government has recently made a host of key reforms to the asylum system. Those include cracking down on the illegal people-smuggling networks and ensuring that those who are engaged in people smuggling should face tougher penalties. In doing so, the UK Government has pledged to free up the asylum system so that it can better support people in genuine need of asylum through safe and legal routes.

Bob Doris: Maurice Golden is right to mention illegal networks. Denying asylum seekers the legal route and the right to work could push them, in destitution, to be exploited by illegal networks and, at a real crisis point, into really dire exploitation. Would Maurice Golden acknowledge that and does he think that perhaps we should look again at extending the right to work for asylum seekers?

The Deputy Presiding Officer: I can give you the time back, Mr Golden.

Maurice Golden: That is something that should be looked at. I think that the member suggested allowing asylum seekers to seek work after six months, which seems to be something that should certainly be considered.

The report that today's debate focuses on has, in turn, made a number of recommendations. Given the UK's Government's pledge to better support people in genuine need of asylum, I would encourage the UK Government and the Scottish Government to review those recommendations. Although the British Red Cross, the Refugee Survival Trust, the Scottish Government and the UK Government all have different approaches to and views on the way in which the asylum system should be designed and supported, there will undoubtedly be areas where common ground can be found. Those should be fully explored in order to improve the current system.

13:04

Pauline McNeill (Glasgow) (Lab): I thank Bob Doris for his members' business debate and pay tribute to him for the relentless campaigning that he has done, both as a constituency member and through his involvement with the social security system. I, too, have a long-standing interest in refugees and asylum seekers and feel quite passionately about the issue.

I hope that Bob Doris and the Presiding Officer will forgive me if I am not able to stay for all the speeches, although I will stay for as many as I can. It is simply because, as a dog lover, I would

be really upset if I missed the dogs that are in Parliament. I hope that that is okay with everyone.

I begin by acknowledging the work that Baroness Helena Kennedy KC has done in the final report of the commission of inquiry into asylum provision in Scotland, and the overall conclusion of the panel in relation to the Park Inn incident in Glasgow in 2020, which Bob Doris mentioned. I remember the incident very well and am sure that he does, too. Helena Kennedy said that the incident was an "avoidable tragedy"; I believe that, as well. Not much—and not enough—has changed in two years since the Park Inn tragedy.

Today, between 500 and 600 people in the asylum system live in 10 hotels across eight local authorities in Scotland. I believe, as Bob Doris does, that those 600 or so people are seeking safety, refuge and a better life.

It is now clear that placing asylum-seekers in hotels might not be the best policy, because it removes them from communities and undermines their human dignity. It has caused unnecessary suffering, and we all know that there are serious consequences for their health and wellbeing. I have learned in my work with refugees and asylum seekers, and through work that I have done in other countries, that the core of human existence is that feeling of dignity—that is what drives being human. Stripping away that dignity from anyone who is already destitute leads to serious consequences, and not just for them. There are reactions to that.

As members have said, most asylum seekers are barred from working and rely on United Kingdom Government support—typically, £40 a week, or just £5.84 a day. Other refugees, who are not asylum seekers and stay in hotels, are given £8.24 a week or just over £1 a day.

I support the British Red Cross campaign to lift the ban, and acknowledge that to run a pilot would make sense, so that we could see how it would run in practice.

I welcome Maurice Golden's suggestion about a six-month period. I have always supported the notion that we should give the people who are here the chance to do even limited work so that we protect their dignity and wellbeing, and give them some income.

Academics and policy makers have argued that destitution is designed into the UK's asylum system as a form of deterrent and punishment. For reasons that I have outlined, that is a risky policy, through which already traumatised people are trapped with no money, information, agency or opportunity. I believe that the Scottish Government could think more long term about how people who

are here to seek asylum could have more dignity in their daily lives.

I welcome the work that Bob Doris and my colleague Paul Sweeney have done. I cannot remember who else was working with the members, but I acknowledge the cross-party work on things such as free bus services—little things that can make a huge difference to people who seek asylum in the UK and Scotland.

People have been removed from communities where they had made friends and established neighbourly connections, and now live in hotels. We need longer-term thinking about how we will move away from that situation, with all the challenges and problems that it brings.

For too long, third sector organisations such as Refuweege, Refugees for Justice, Safe in Scotland, the Scottish Refugee Council and the Refugee Survival Trust, to name but a few, have been tasked with those difficult challenges. I would like to see better funding for those organisations and recognition that they are dealing with some of the hardest cases on the front line.

I welcome the information pack that is provided to new Scots about how they can go about surviving in Scotland. In the face of a hostile environment for refugees and asylum seekers who seek shelter and long-term accommodation, we can do better to restore dignity and humanity to people who, for the most part, are among the most vulnerable in our society.

13:09

Clare Adamson (Motherwell and Wishaw) (SNP): I thank Bob Doris for securing the debate this afternoon. I apologise to Parliament—if the debate is still going at half past one, I am afraid that I will have to leave at that time. I thank the Presiding Officer for the permission to do so.

It would be remiss of me not to mention Glasgow's refugee Councillor Roza Salih, whom the BBC named one of the most influential women of 2022. Roza was one of the Glasgow girls who campaigned against deportation and dawn raids, and who were influential in campaigning for the right to further and higher education for the children of asylum seekers, as well as children who arrive in Scotland alone but meet the residency criteria. She has acknowledged how important her being named is. She has said:

"The list ... reflects the role of women at the heart of conflict around the world in 2022—from the protesters bravely demanding change in Iran, to the female faces of conflict and resistance in Ukraine and Russia."

It is important to note Roza Salih's immense achievement of having been nominated for the list.

Roza Salih acknowledges that Scotland does things differently, although there is always more that we can do. The fact that the Scottish Government has committed to developing policies for refugee children, under its devolved responsibilities, to reflect the principles of the United Nations Convention on the Rights of the Child, should be acknowledged.

I was taught by a Chilean refugee, Dr Jose Menoz, who fled from Pinochet with his wife, who was a paediatrician. I remember the influence that had on my life, and I remember him telling me how frustrating it was for him and his wife not to be able to work in their professions when they first came to the UK, before their asylum-seeker status was completed. We must recognise that this is about people's talents, experience and education and what they bring to Scotland, as new Scots. We should be able to embrace that in all its forms and welcome people. The right to work is so clearly an area in which we could make the situation better for people. I recognise that element in Bob Doris's motion.

I want to talk a little bit about the work that the Constitution, Europe, External Affairs and Culture Committee, of which I am convener, has been doing on settlement of temporarily displaced Ukrainians who have come to Scotland. There was one thing in the British Red Cross report that I found disturbing. It said that inappropriate use by the Scottish Government of ships in Glasgow and Edinburgh should be stopped. I emphasise that members of our committee visited one of the ships. It is not a permanent solution—such temporary accommodation should never become a permanent solution for asylum seekers—but a staging post. As an MSP who has in her constituency a new block of flats that is dedicated to looking after Ukrainian displaced people—it houses up to 80 families—I linked the group on the ship with the group in my constituency so that they can talk and provide peer support to people who might be thinking about coming to live in North Lanarkshire.

Daria Bondarenko, who is from the Ukrainian Freedom Ballet, gave evidence to the committee and said that peer-to-peer work is supported by the Scottish Government, and that

"the crew of the ship were a big help, but it is more about our own initiative"—[*Official Report, Constitution, Europe, External Affairs and Culture Committee*, 3 November 2022; c 10.]

in relation to support for the children who are on the ship.

The use of the ships is not normal or ideal, but we have to take some positives from the great work that is being done there to bring people to Scotland: 18,500 people is obviously a lot, given

that we initially said that we would take about 3,500.

13:13

Maggie Chapman (North East Scotland) (Green): I am very grateful to Bob Doris for lodging his motion, securing the debate and giving us the opportunity to discuss how we can better support some of the most vulnerable people in our society. We should view people who are in the asylum system as being part of our society—Scotland can and should be a welcoming place. It is right that we provide sanctuary to people who are fleeing unimaginable horrors: war, environmental catastrophe, threats to their personal safety because of any aspect of their identity, or any other risks. We would want others to support us if we were in such need.

If we were in the position of seeking asylum in a foreign country, perhaps without any connection or tie such as language, culture or anything familiar, the last thing that we would want to face is destitution. As defined under section 95 of the Immigration and Asylum Act 1999,

“a person is destitute if”

they do

“not have adequate accommodation or any means of obtaining it (whether or not ... other essential living needs are met); or”

they have

“adequate accommodation or the means of obtaining it, but cannot meet ... other essential living needs.”

The UK’s asylum system is hard-wired to produce destitution among people who seek sanctuary here. Indeed, the threat of destitution is used as a deterrent and, as part of the hostile environment, is an explicit policy choice by the UK Government. We cannot disagree that having less than £50 a week to cover all costs is not enough to enable people to meet their “essential living needs”.

As we have heard, destitution can occur at all points in the asylum system, but people are most vulnerable to it when asylum claims are refused or they are in their first six months after arrival in the UK. Of course, women and LGBTQIA+ people are disproportionately at risk.

The inhumane UK Government seeks to treat people who get to the UK via “irregular” routes—small boats, for example—worse than those who come via other routes. No one gets in a small boat to cross a dangerous body of water unless they have no option. Criminalising them or treating them as less than human is not the right response.

So, what should we do? As long as we do not have control over our immigration system, we

need to keep campaigning against the UK’s hostile environment. We must keep pressure on the UK Government to grant asylum seekers the right to work, as other members have said. We know that we have a skills shortage in Scotland and that we have folk who are desperate to work here.

However, there are other things that we can and should do within devolved powers. We must ensure that our different approach to asylum, which is to offer genuine sanctuary, is backed up by the radical action that is needed to keep people safe. We should be testing the limits of the devolution settlement by doing such things. We cannot tolerate a UK Government that is forcing people into homelessness and poverty through blind ideology.

The Scottish Refugee Council recently presented its 10-point action plan for social inclusion of asylum seekers and refugees to the Social Justice and Social Security Committee. That plan identifies where preventative action could not only result in savings compared with the cost of current approaches, but could deliver a more humane and just service for people in need. When the cabinet secretary closes the debate, I ask her to address particular points from that plan: that asylum seekers and refugees need to be explicit groups in the Scottish child poverty action plan; that guidance should be provided on what should be in the legal duty to prepare, review and implement local child poverty action plans; and that we close the data gap that exists around the number of people in Scotland who have no recourse to public funds.

Those anti-poverty recommendations are clearly within devolved competence. We must accept them and implement them as soon as we can. By doing so, we will make a material and positive difference to the lives of people in asylum and resettlement or relocation programmes.

I thank individuals, communities and organisations—which include, among so many others, the Scottish Refugee Council, the Red Cross, Crisis and Refugees for Justice—for the work that they do day in and day out to support asylum seekers and refugees, doing battle on their behalf. I am grateful to them.

13:18

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): I thank Bob Doris for bringing this important and timely debate to the chamber. A number of thoughtful speeches have been made, and I thank members for that.

When the British Red Cross and the Refugee Survival Trust commissioned research on behalf of the destitute asylum seeker service in Glasgow,

they knew that people seeking asylum were impacted by recurring issues of poverty and destitution. As members have noted, the “How will we survive?” report found that experiences of destitution were widespread among people seeking asylum. Sadly, that situation has not changed. Increasingly, people who have been forced to flee war, persecution and violence find that they must endure prolonged periods of uncertainty and destitution before they can feel properly safe and begin to rebuild their lives.

In speaking about the report, members have highlighted that the key causes of destitution for people seeking asylum include delays in receiving asylum support, the inadequacy of support when it is received and the long waiting times for asylum decisions. That tells us that the fundamental cause of asylum destitution is Home Office policy.

Home Office statistics show that more than 147,000 asylum applications were awaiting an initial decision at the end of September this year and that almost 100,000 of those had been waiting for more than six months. That is shocking. We should all be appalled that people who live in our communities have been waiting in limbo for years for a decision.

That significant backlog is a symptom of years of underinvestment in the fundamentals of the UK Government’s asylum system and a lack of recognition of the importance of our international obligations to recognise refugees. Changes must be made so that the UK has a fair and effective asylum system that protects people who seek safety. I have repeatedly called on the UK Government to make improvements to ensure that people are treated with dignity at all stages of the asylum process.

UK Government policy means that people who are seeking asylum have no recourse to public funds. That prevents them from accessing safety nets, such as the Scottish welfare fund, in times of crisis. Instead, if they would otherwise be destitute, the Home Office provides basic accommodation—increasingly, in a hotel or other institutional setting—and only £40.85 per week for food, clothing, travel and other essentials.

It is also Home Office policy to restrict the right to work for people seeking asylum, which members have touched on during the debate. That policy prevents people from supporting themselves, using their skills and contributing to our economy. They are also prevented from accessing the opportunities for social networking, wellbeing and integration that are found in workplaces. As others have noted, there are skills shortages in many parts of Scotland’s economy, and people who come here with skills could contribute in that regard.

Unless the underlying causes of destitution are addressed, that will continue to be the reality for too many people in our communities. Through the new Scots refugee integration strategy and the ending destitution together strategy, the Scottish Government is working with partners to do what we can, within our devolved powers, to make a difference for people in our communities who are seeking asylum. I am always interested to hear more about peer support projects, because I recognise the benefits that those can bring people. The third sector provides fantastic initiatives including integration networks, refugee-led community groups and the Voices Network, all of which enable people to meet, share their experiences and support one another. Bob Doris mentioned the work of the Maryhill Integration Network, and others have pointed to other projects.

I am pleased to be able to inform members that, for the rest of this financial year, the Scottish Government will continue to fund two important projects that deliver on ending destitution. The diagnostic legal advice project, led by the Scottish Refugee Council as part of the fair way Scotland partnership, will continue to provide direct advocacy support and triage and will link people to qualified legal advice to ensure that they can resolve underlying status issues and make informed choices about their future. I am also pleased to be able to inform the Parliament that the Scottish Government will continue to fund the Scottish crisis fund project, which is delivered by the British Red Cross in collaboration with a number of third sector partners. That project will continue to provide crisis grants to people who are experiencing, or at risk of, destitution, including people who face challenges in accessing mainstream support and those who have no recourse to public funds.

Bob Doris: The cabinet secretary has mentioned those who have no recourse to public funds. It was probably remiss of me not to mention in my speech the emerging concerns about pathways for young people who are in the asylum process, particularly those who leave secondary school and seek to go to university but are not able to take up places. The cross-party group on migration, of which I am deputy convener, is concerned about that. I would be very interested in meeting the relevant Scottish Government minister to discuss how we can ensure that we meet every aspiration of asylum seekers who have made their lives here in Scotland. We initially sought to fix the issue in 2007, when Fiona Hyslop was the Cabinet Secretary for Education and Lifelong Learning, but recent court rulings mean that we are not where we would like to be on that. I would welcome dialogue with the Government.

Shona Robison: I will certainly ask my relevant colleague—it will probably be Shirley-Anne Somerville—to respond to Bob Doris on that important point.

I want to mention another issue that Bob Doris and other members have taken a keen interest in, which is concessionary travel. I understand that there was a constructive meeting with the Minister for Transport recently, and I hope that members found that useful. As was discussed at that meeting, work is now under way on a travel support pilot that will inform the work that is taking place in parallel on how we can provide travel support for people who are seeking asylum in the longer term.

We continue to press the Home Office on reserved issues that impact people who are living in our communities, and to push for positive change. Since I came into my role, I have written to Home Office ministers numerous times about many of the issues that have been highlighted in today's debate, as my predecessors did. The UK Government must invest in the asylum system in order to increase the quality and speed of asylum decisions. That is the only way to uphold the UK's international responsibilities to recognise and protect people who have been forced to flee persecution. It would reduce the uncertainty and the risk of destitution for people who just want and need to rebuild their lives in a place of safety, and it would also reduce the number of people the UK asylum system has to accommodate and support by allowing people to get on with their lives and play a full part in their communities.

The UK needs an effective and efficient asylum system that delivers for people who might be highly vulnerable, as well as our communities. We need a system that treats people with dignity and respect at all stages of the process and does not subject them to destitution.

I again thank Bob Doris and the other members who contributed to the debate for highlighting this important issue. Home Secretaries and Home Office ministers have repeatedly referred to the UK asylum system as being broken. It is clear that we all agree on that, as we heard in members' contributions today, but there is no use in saying that it needs fixed and then not taking action. The UK Government must now fix its failed and inhumane system or provide this Parliament with the powers to do so. Meanwhile, of course, we will use our devolved powers to do what we can to support some of the most vulnerable people in our communities.

13:27

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Education and Skills

The Deputy Presiding Officer (Liam McArthur): Good afternoon. The first item of business this afternoon is portfolio question time. On this occasion, the portfolio is education and skills. As ever, if a member wishes to ask a supplementary question, I invite them to press their request-to-speak button or type RTS in the chat function during the relevant question.

Teachers (Neurodiversity Training)

1. **Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what plans it has to ensure that teaching staff across all local authority areas receive additional training on neurodiversity including autism, attention deficit hyperactivity disorder, dyslexia, dyspraxia and attention deficit disorder. (S6O-01660)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): We want all children and young people, including those who are neurodivergent, to get the support that they need in order to reach their full potential.

We work closely with partners, including Education Scotland, to ensure that teaching staff have access to a range of free professional learning and development resources. That includes the development of free learning modules, which are available via the Open University, on practice that is inclusive of dyslexia and autism.

On 30 November, we published our updated action plan on additional support for learning, which outlines the further work that we will undertake to ensure that teaching staff continue to receive training to support all children who have additional support needs, including those who are neurodivergent.

Rachael Hamilton: I am sure that the cabinet secretary will join me in welcoming the launch of Scottish Borders Council's neurodiversity strategy, which is championed by our fantastic Borders councillors. Does she agree that that strategy sets an excellent precedent for how to improve our national curriculum for neurodivergent pupils, and will she explore ways of implementing similar plans across Scotland?

Shirley-Anne Somerville: I thank Rachael Hamilton for bringing the work of the council to my attention. I would be more than happy to receive further information about what Scottish Borders

Council has achieved, and what it hopes to achieve, in this important area. I, my officials and Education Scotland will be more than happy to see what lessons can be learned across the country, so I look forward to further correspondence on the issue, if Rachael Hamilton wishes it.

Fiona Hyslop (Linlithgow) (SNP): Young and neurodivergent constituents tell me that more additional training is needed, but also that a world of difference can be made by small changes to the school day, such as instigating one-way systems in corridors to reduce busy jostling—as many schools decided to do during Covid—and reducing instances of loud decorative classrooms that have overwhelming visual stimuli. Does she agree, and is she satisfied that that area is adequately covered in the autism kit for schools and that such things are being actioned?

Shirley-Anne Somerville: I very much agree that listening to the views of young people is vital in this area, as in all areas. As the young ambassadors for inclusion put it in their vision statement, adults in schools

“should ask, listen and act, on what the young people say about the support that works best for them.”

Such a way of working with and involving children and young people is also set out for local authorities in the statutory guidance on the Education (Additional Support for Learning) (Scotland) Act 2004.

The autism toolbox sets out information on sensory differences and what approaches can be taken to support young people who are affected by them. It also provides links to tools such as the sensory audit for schools and classrooms. The autism toolbox working group is currently undertaking work to update the toolbox. That is due for completion in spring 2023. I would welcome any specific feedback from Fiona Hyslop and her constituents about what the working group should consider.

Martin Whitfield (South Scotland) (Lab): Next year, I hope, we will see a learning disability, autism and neurodiversity bill, for which recruitment of a lived-experience advisory panel is under way. Does the cabinet secretary feel that the commissioner that it is envisaged will be in the bill will have a part to play in extending knowledge and experience to teachers and educationists across Scotland, when the bill becomes an act?

Shirley-Anne Somerville: The learning disability, autism and neurodiversity bill is important work that is being undertaken by the Government. It is part of our programme for government. Kevin Stewart, the Minister for Mental Wellbeing and Social Care, who will be taking forward that work, announced that the Government will carry out the scoping work on the

remit and powers of the bill, including a commissioner that could result from it, during this parliamentary year. I very much look forward—as, I am sure, Kevin Stewart does—to working with colleagues from across the parties to make that very important piece of legislation as stringent and useful as possible.

Mark Ruskell (Mid Scotland and Fife) (Green): Earlier this year, I visited, with the cabinet secretary, Touch primary school, where we saw the pioneering neurodevelopmental pathway project that is being trialled by schools in the area. However, I am still hearing from families in Fife who are desperate for that kind of multi-agency support for their children to be rolled out further.

Has the pilot concluded, what findings were gleaned from the trial and does the Scottish Government have firm plans to roll out that type of programme to other areas across Scotland?

Shirley-Anne Somerville: It was a pleasure to accompany Mark Ruskell on that visit, which was also undertaken by Kevin Stewart. Given that the project was a pathway project, it sits under health rather than education. I can perhaps ensure that Mr Stewart writes to the member with further details of where the project has got to and, importantly, the lessons that have been learned, not just for Fife but for across the country. I will make sure that Mr Stewart copies me in to that letter.

If Mr Ruskell would like further discussions on that with me or with Kevin Stewart, I am sure that we would be delighted to take that up, given the very useful visit that we had together.

University and College Union and Educational Institute of Scotland (Mandate for Strike Action)

2. Richard Leonard (Central Scotland) (Lab): To ask the Scottish Government what its position is on whether a vote in favour of strike action by more than 80 per cent of members of the University and College Union and more than 90 per cent of members of the Educational Institute of Scotland is a democratic mandate for strike action. (S6O-01661)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): I recognise that reaching such a threshold provides the legal right to strike under the provisions of the Trade Union Act 2016.

Richard Leonard: I thank the minister for that brief answer.

UCU members were on strike last week and the week before, with more action planned. EIS

members are taking 16 days of strike action early in the new year. Today, members of the Scottish Secondary Teachers Association and the National Association of Schoolmasters Union of Women Teachers are taking part in strike action right across Scotland.

The cabinet secretary often speaks of a fixed budget. The Government does not have, and never has had, a fixed budget. The cabinet secretary speaks, as well, of unaffordability, but when will the cabinet secretary and the minister understand that what we really cannot afford is demoralised and undervalued teachers, more disruption to the education of our children, university staff on poor pay and precarious contracts, and a mediocre Government that is too indifferent, intransigent and inept to fund a fair pay settlement for the people who work in our universities, our colleges and our schools?

Jamie Hepburn: First, I note that the brevity of my answer was only a reflection of the straightforward nature of the question.

On what Richard Leonard said about the Scottish Government not having a fixed budget, I am bound to say that that is inaccurate. We are talking about this year's funding settlement and this year's pay settlement. In that respect, the budget was fixed last year, so we are operating to a fixed budget.

On the situation in higher education, I am in regular dialogue with unions and management alike, and I continue to urge them to engage with one another to ensure that they can successfully resolve their dispute. The Scottish Government does not have a direct role in those negotiations.

The Scottish Government's clear position is that the offer on the table for teachers is a fair settlement and, above all, an affordable settlement. The Scottish Government cannot go further in terms of what is on the table. That is the fact of the matter.

Stephen Kerr (Central Scotland) (Con): Of course, the Scottish Government does have a seat at the table, so that was a disingenuous answer.

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): We do not, in respect of universities, which is what the minister said.

Stephen Kerr: I mean in relation to the schools dispute.

Pupils have had heavily disrupted education for the past two years, for reasons that we all know. Now, as we have just heard, that will continue into the new year. What contingency plans does the minister have in place to help and support pupils—particularly those who are in the senior phase of their education—to make up for that lost learning

and prepare them for the very important exams that lie ahead of them in the spring?

Jamie Hepburn: First, let me correct Mr Kerr's observation. When I referred to the fact that we are not directly involved in negotiations, that was a specific reference to higher education. I am sure that Mr Kerr understands that that is the case.

On the contingency that we have put in place to support young people, the fundamental point is that we need to ensure that young people get the support that they deserve. There is a range of measures in place, through remote learning and e-Sgoil, to support young people in the best fashion that we can support them, so that they can do the best they can in the exam period ahead.

The Deputy Presiding Officer: Question 3 was withdrawn.

Neurodivergent People (Provision of Information in Easy-read Formats)

4. Alasdair Allan (Na h-Eileanan an Iar) (SNP): To ask the Scottish Government what discussions the education secretary has had with ministerial colleagues in relation to the automatic provision by public service bodies of easy-read formats to accommodate the needs of people who are neurodiverse. (S6O-01663)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): I have had no specific discussions about the automatic provision of easy-read formats for people who are neurodiverse. All public bodies are subject to the requirements of the Equality Act 2010, including provisions to consider "reasonable adjustments" that take account of people's needs and preferences in certain circumstances.

To strengthen that, as part of our current review of the operation of the public sector equality duty in Scotland, we are proposing a new Scotland-specific duty that seeks to ensure that inclusive communication is embedded proportionately across the work of listed authorities when they are communicating with the public.

The Scottish Government is committed to working with people who are neurodiverse to improve opportunities, outcomes and support. To that end, we will introduce a learning disability, autism and neurodiversity bill.

Alasdair Allan: I am encouraged to hear about the work that the cabinet secretary proposes. As, I am sure, she will, does she appreciate that intervention of that kind is necessary to ensure that all public bodies realise that provision of material, whether it is in Braille or easy-read format, is essential to support the inclusion of all, and to ensure the equitable access of all to public services?

Shirley-Anne Somerville: We are proposing the creation of a new Scotland-specific duty that seeks to ensure that inclusive communication is embedded proportionately across the work of the listed authorities when they are communicating with the public. From December 2021 to April 2022, we ran a public consultation that contained a series of detailed and ambitious proposals for changes to the PSED scheme. Obviously, that would sit alongside the Scottish Government's other work to embed inclusive communications across the public sector, including development of national standards, best practice and a system of monitoring the work's effectiveness.

Of course, we will engage further with stakeholders to ensure that any revised regulations—and the implementation environment around them—deliver our goal of better outcomes for people who continue to experience inequality.

The Deputy Presiding Officer: Question 5 was withdrawn.

Educational Improvement (Enhanced Data Collection)

6. Stephanie Callaghan (Uddingston and Bellshill) (SNP): To ask the Scottish Government what work it is undertaking to enhance data collection for educational improvement. (S6O-01665)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): The Scottish Government always aims to improve the availability, quality and consistency of data to extend its understanding of what works, in order to drive forward improvements in all parts of the Scottish education system. More recently, a consultation was launched in May this year, and the results from that will inform the 2023 national improvement framework and improvement plan.

Local stretch aims for improvement and closing the poverty-related attainment gap have been gathered as part of the Scottish attainment challenge and will be published this afternoon. I will make a statement to Parliament in which I will emphasise the collective ambition of local authorities to ensure recovery and accelerated progress in closing the poverty-related attainment gap. That data will provide a strong indicator of ambition and a baseline for improvement.

Stephanie Callaghan: Clearly, having useful, informative and up-to-date data is essential in driving improvements in education, especially as we look forward to reforms. How will enhanced data help to bring about improvements, specifically for learners in the senior phase of secondary education—secondary 4, 5 and 6 pupils?

Shirley-Anne Somerville: Having access to comprehensive data enables schools and local

authorities to analyse their performance within a culture of self-evaluation and reflection, and it enables Education Scotland to work with local authorities to provide improvement support. In order to support self-evaluation and improvement at the local level, the Scottish Government provides the Insight benchmarking tool, which helps schools to interrogate their data and use it to inform improvements and, ultimately, improve the outcomes for learners.

Pam Gosal (West Scotland) (Con): At the Education, Children and Young People Committee's meeting on 21 September, Derek Smeall, from Glasgow Kelvin College, raised concerns about how completion and drop-out rates are recorded in Scotland's colleges. When the Minister for Higher Education and Further Education, Jamie Hepburn, appeared before the committee recently, he accepted that improvements are needed in that area. He stated:

"My ambition is to do it as soon as possible"—[*Official Report, Education, Children and Young People Committee*, 2 November 2022; c 17.]

If we do not have accurate data on that issue, we cannot make informed decisions. What work is the minister undertaking to fix the issues with the collection of data on completion and drop-out rates?

Shirley-Anne Somerville: Work is under way on the issue. We know that there are particular issues that the system does not deal with adequately. For example, someone might have left their course early because they moved on to another destination. They might have begun a college course but, later on, went to university or, indeed, into employment. We are keen to work with the college sector to ensure that useful data is being collected, because our ability to improve what is happening in that sector follows from that. However, I am sure that the minister will be delighted to hear more from Ms Gosal on how she thinks we should improve the system.

Language Learning Policy (Implementation)

7. Emma Roddick (Highlands and Islands) (SNP): To ask the Scottish Government whether it will provide an update on the implementation of its policy, "Language Learning in Scotland: A 1+2 Approach". (S6O-01666)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): I can report that almost all schools now provide an entitlement under the one-plus-two approach. To date, we have invested nearly £37 million in successfully achieving a culture shift in schools, with more children learning languages throughout the broad general education than ever before. This year's funding of £2.5 million is supporting local authorities and other partners to deliver

professional learning for teachers, provide classroom language assistants and deliver school outreach projects. We will continue to consolidate that progress by ensuring that our approach provides the most appropriate access to language learning for Scotland's young people.

Emma Roddick: I welcome the fact that the one-plus-two language policy has been rolled out in all secondary schools and the vast majority of primary schools. It is clear from last month's debate in Parliament on protecting Scotland's indigenous languages that the Scottish Government has a strong commitment to language education, but it is important that other minority languages such as British Sign Language are not forgotten about. Will the cabinet secretary provide an update on progress on outstanding actions in the BSL national plan?

Shirley-Anne Somerville: I fully agree on the importance of BSL as a language of Scotland and of making it available to young people to learn. The Government is working with Education Scotland, Scotland's National Centre for Languages and others to promote BSL to local authorities and to ensure that teaching resources are available.

As for progress, we surveyed local authorities on language learning last year, and more than 100 primary schools reported that they were providing BSL as part of their one-plus-two offer. That is a significant increase on previous years, and it demonstrates that the investment that we made in improving language learning is delivering positive outcomes. I hope that, in the longer term, that approach will lead to improved understanding of BSL and of the deaf community and culture in Scotland, and we will continue our progress with the publication of the new BSL national plan for 2023 to 2029 next October.

Colin Beattie (Midlothian North and Musselburgh) (SNP): Will the Scottish Government review the one-plus-two language policy to bring it more in line with the European language framework, which will help Scotland to prepare for its return to the European Union as an independent member state?

Shirley-Anne Somerville: As the member might know, the one-plus-two approach was based on the principles of the European Council's 2002 Barcelona agreement, which called for countries to teach pupils at least two foreign languages from an early age. We will continue to look to European best practice as we consider the future of language learning in schools, but I am pleased that our overall approach aligns with European principles. Our approach supports young people in being more confident in communicating with one another as well as with people from Europe and, indeed, around the

world, which is essential if they are to become global citizens and participate in our institutions.

Stephen Kerr (Central Scotland) (Con): Here is a reality check. Between 2018 and 2022, there was a 34 per cent decline in the number of entries in higher French and a 38 per cent decline in the number of entries in higher German, whereas in England, over the same period, there was a 5 per cent increase in GCSE French and a 12 per cent increase in GCSE German. The Scottish National Party loves to parade its European credentials, but what is the reality? The reality is that we are in a country where young people are being deprived of the opportunity to develop the ability to learn other languages and, through that, other cultures. Given those take-up figures for French and German under the SNP, is the cabinet secretary concerned that there has been such a dramatic decline in that respect compared with other parts of the United Kingdom?

Shirley-Anne Somerville: I notice that, in this instance, Mr Kerr is quite happy to make comparisons between England and Scotland, and I therefore look forward to him not making any comments if I ever do the same in reverse.

I recognise the important point that Mr Kerr makes about languages. It is important to note that the cohorts that will have benefited from the full language entitlement in the 10 years of broad general education will not yet have progressed to the senior phase, so the full impact of the one-plus-two policy in terms of national qualification entrances and passes has yet to be seen. However, I recognise that there is more to be done in this area. Perhaps we did not get into it in the Conservative Party debate on education yesterday, but if Mr Kerr would like to put forward concrete suggestions and proposals about what can be done, rather than just criticising, I will be more than happy to receive them.

Early Years Sector (Staffing)

8. Roz McCall (Mid Scotland and Fife) (Con): To ask the Scottish Government what work it is doing to tackle the reported staffing crisis within the early years sector. (S6O-01667)

The Minister for Children and Young People (Clare Haughey): Scotland's childcare workforce increased by 7,750 posts between 2016 and 2021 to deliver our transformational investment in 1,140 hours of funded early learning and childcare. Unlike in other parts of the United Kingdom, the overwhelming majority of funded providers in Scotland pay at least the real living wage.

However, I recognise that, as is the case in many areas of the economy, there are workforce challenges in the childcare sector, and we are committed to working with the sector to address

them. That is why we are working with our partners to develop a strategic framework for Scotland's childcare profession. The framework, which we will publish in the new year, will set out priorities for action across key areas, including recruitment and retention of staff.

Roz McCall: The Scottish Childminding Association recently announced that 34 per cent of childminders have quit the profession since the expansion of funded early education and childcare in 2016. It warns that that figure could rise to a staggering 64 per cent by July 2026, with more than 10,500 childminding places being lost as a result. Two years ago, the Scottish Childminding Association warned that a workforce crisis was coming. Today, that crisis is here, and the association's calls appear to have fallen on deaf ears.

How does the minister plan to not only stop the exodus of childminders from the profession but replace the 2,000 childminding businesses that are already closed?

Clare Haughey: We are committed to building a vibrant, thriving childminding sector and to promoting childminding, along with other roles across the early learning and childcare sector, as a valued and fulfilling career choice. We welcome the SCMA's annual audit and the updated evidence that it gives us with regard to the involvement of childminders in funded ELC. We want to encourage more people into childminding, and we are working with the Scottish Childminding Association and other partners to address the decline in the childminding workforce—a trend that is mirrored elsewhere in the UK. We also want new childminding services to develop in areas with limited access to this form of ELC, and that is why we are supporting a recruitment pilot, led by the SCMA and partners, that aims to recruit and train 100 new childminders in remote and rural areas.

The Deputy Presiding Officer: We have a number of supplementary questions. They will have to be brief, as will the answers.

Graeme Dey (Angus South) (SNP): I am sure that the Government will be taking a number of actions to ensure that Scotland has a sustainable childcare sector. For the benefit of the chamber, will the minister outline them?

The Deputy Presiding Officer: Be as brief as possible, minister.

Clare Haughey: I will certainly try to be brief.

We are committed to supporting a sustainable, diverse and thriving childcare sector and, alongside maintaining a robust but proportionate means of monitoring the financial sustainability of the sector, we are providing support through providing the funding to allow councils to pay

sustainable rates to private and third sector providers and to childminders for the delivery of funded ELC; legislating to continue the nursery rates relief scheme, which provides 100 per cent relief on non-domestic rates to eligible day nurseries beyond 13 June 2023; and progressing the actions that are set out in the financial sustainability health check, including funding pilot programmes of targeted business gateway support, which will be available to all childcare services.

Michael Marra (North East Scotland) (Lab): I have been contacted by a number of deeply concerned constituents regarding the lack of early years care that is available in Huntly in Aberdeenshire. The minister might be aware that one of the providers in the town, Kiddie Winkles nursery, has announced its closure in the coming weeks due to the Care Inspectorate's concerns about the quality of the building. So far, Aberdeenshire Council appears to be unwilling to plug the gap, and families are reporting that they might have to give up work in a cost of living crisis. Will the minister commit to working with the owners of the nursery and the Care Inspectorate to find a solution that will keep this vital service open?

Clare Haughey: Of course, Mr Marra will be aware that local authorities have a legal duty to ensure that every child can access a place, no matter where they reside. If Mr Marra wants to write to me with the details of that particular nursery, I will be happy to have my officials look into the difficulties that those parents are experiencing.

Willie Rennie (North East Fife) (LD): I am sure that the minister is uncomfortable with the fact that one of her predecessors agreed that staff in private and voluntary nurseries are paid much less than their counterparts in council nurseries. What steps is she taking to close the gap with fair and equal funding, no matter where staff work?

Clare Haughey: I am sure that Mr Rennie is aware that our funding agreement with the Convention of Scottish Local Authorities allows councils to pay sustainable rates for funded ELC hours to private and third sector providers and childminders. The joint Scottish Government and COSLA guidance, which was published in May this year, is clear that rates should reflect up-to-date information on the costs of delivery, provide scope for reinvestment and enable delivery of the real living wage commitment.

Although the funding to providers in the third, private and childminding sectors is an important element of local authority ELC budgets, that funding must also cover a wide range of other costs. For example, as I said in response to Mr Marra's question, local authorities have a legal

duty to ensure that every child can access a place, no matter where they live, and they must provide services that would not be commercially viable for other providers.

For Mr Rennie's information, on average, the funding to private and voluntary providers for 1,140 hours of funded ELC equates to between 33 and 45 per cent of their income.

The Deputy Presiding Officer: I am going to have to set homework on the definition of "brief". Brian Whittle should be very brief.

Brian Whittle (South Scotland) (Con): Are we sitting comfortably? To follow on from Willie Rennie's question, the disparity in the salaries that can be offered to nursery staff in the private sector and those in the public sector is an issue. What can the Scottish Government do to try to prevent staff from drifting away from private sector nurseries to the public sector?

Clare Haughey: The recruitment and retention of a childcare workforce with the right skills, values and attributes remains a priority. Given the tight labour market, that is a key challenge. We have taken a number of actions to support recruitment and retention in the childcare workforce, including providing funding to local authorities to enable them to set local sustainable rates; working with the Scottish Social Services Council to invite those whose registrations have lapsed in recent years to rejoin the sector; providing resources to support recruitment to all parts of the sector; and working with partners on childminder-specific recruitment programmes.

Scottish Attainment Challenge (Local Authority Stretch Aims)

The Deputy Presiding Officer (Liam McArthur): The next item of business is a statement by Shirley-Anne Somerville on the Scottish attainment challenge—local authority stretch aims for recovery and accelerating progress in 2022-23. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:57

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): I am pleased to provide this statement to Parliament to update it on the setting of local stretch aims for raising attainment and closing the poverty-related attainment gap.

At the outset, I thank all local authorities for approaching the new requirement as part of the Scottish attainment challenge with commitment and rigour.

The Government is absolutely committed to closing the poverty-related attainment gap. Since its launch in 2015, the Scottish attainment challenge has been a key part of our strategy to do that. We know that it has had a positive impact on children and young people. Our evaluation shows that almost nine out of 10 headteachers who responded reported improvements in closing the poverty-related gap in attainment and/or health and wellbeing as a result of Scottish attainment challenge-funded approaches.

To build on the progress that has been made to date and in response to the impact that the pandemic has had on children and young people—particularly those impacted by poverty—I have taken the opportunity to make some fundamental changes to the Scottish attainment challenge. Key among those changes is a new mission for the Scottish attainment challenge that focuses squarely on outcomes for children and young people: to use education to improve outcomes for children and young people impacted by poverty, with a focus on tackling the poverty-related attainment gap.

I do not expect teachers to achieve that on their own. Schools and education services must collaborate across services and local partners to make progress.

That approach recognises that every local authority has a part to play. From the £1 billion investment in the Scottish attainment challenge over the course of this parliamentary session, we are now distributing strategic equity funding to all 32 local authorities. I know that that was

welcomed by the Convention of Scottish Local Authorities. That comes alongside continued investment of more than £130 million per year in pupil equity funding, which goes directly to schools, and continued funding to support the educational outcomes of care-experienced children and young people.

Alongside that significant investment, Education Scotland continues to provide local authorities and schools with a range of support. That includes a new approach that involves working with local authorities to agree a model of universal, targeted and intensive support. In addition, Education Scotland's range of published resources includes the new "Scotland's Equity Toolkit: supporting recovery and accelerating progress", which draws together in one place the range of resources, research and learning from the Scottish attainment challenge.

Earlier this year, we published the framework for recovery and accelerating progress, which made clear the respective roles and responsibilities, and introduced local stretch aims, for closing the poverty-related attainment gap. I will now focus on those local stretch aims.

We know that a from-the-ground-up approach works best in embedding improvement. Therefore, the stretch aims have been developed by local authorities using local knowledge, data and expertise, and they express each local authority's ambitions for learning and its learners. Local authorities operate in a range of different contexts and have different starting points for that work. At the same time, I am committed to the importance of ensuring that every child and young person has the same opportunities through their education, wherever they live in Scotland.

Through the range of analyses of the Scottish attainment challenge, we know that we are making progress, but we need to progress more quickly. A key element of the progress that has been made to date is a change in the culture and ethos across the education system, which has raised the profile of equity in education. Through the refreshed mission of the Scottish attainment challenge and the introduction of local stretch aims, we have shifted our focus towards outcomes for our children and young people who are impacted by poverty. Key to improving those outcomes is the work done in local systems with schools, third sector organisations and other local services.

Further, by introducing a requirement for local stretch aims, we also seek to ensure clear local ownership of progress towards the overall mission of the Scottish attainment challenge; drive a greater transparency around data for improvement, creating opportunities for learning and partnership working; and help to address unwarranted variation between local authorities in

attainment and progress in closing the poverty-related attainment gap.

With consistency and flexibility in mind, the requirements for stretch aims involve a core plus model. The core aims are a sub-set of the existing 11 national improvement framework measures of the poverty-related attainment gap. They include aims for literacy and numeracy in the broad general education phase and in the senior phase at Scottish credit and qualifications framework levels 5 and 6; sustained positive destinations through the annual participation measure; and a locally identified measure for health and wellbeing.

Alongside those core aims, for which all local authorities must set stretch aims, the "plus" element of the model enables local authorities to set aims for their own local improvement priorities. To be clear, the stretch aims are locally identified and determined by councils. Councils have undertaken rigorous local processes to set them and will work with schools to meet them, keeping in mind the local context, the continuing impact of Covid and the increasing impact of the cost of living crisis.

Collectively, the core stretch aims set by local authorities show a great deal of ambition for recovery and accelerating progress. Aggregated, they represent local ambitions for improvement on 2020-21, which was the last year of published data when the requirement was introduced, and 2018-19, which is the last year of pre-pandemic data. I welcome that level of ambition. However, I also know that, ultimately, what matters is the implementation of the plans, supported through strategic equity funding, that underpin the stretch aims and the progress made locally throughout the academic year.

For overall attainment and for closing the poverty-related attainment gap in literacy and numeracy in primary schools, the collective stretch aims of local authorities amount to working towards achieving the biggest two-year improvement recorded since the introduction of the challenge. If the stretch aims for literacy and numeracy are achieved in full and that rate of progress continues, we will be on track to substantially eliminate the poverty-related attainment gap in primary schools, which is where the Scottish attainment challenge started. Given the effect of Covid-19 on children and young peoples' achievement of curriculum for excellence levels in 2020-21, the aims represent significant local ambition for recovery back to and beyond the national position pre-pandemic.

For the senior phase, we asked local authorities to set stretch aims for SCQF levels 5 and 6. In contrast to the dip in achievement of curriculum for excellence levels—ACEL—attainment as a result of the pandemic, the changes to approaches to

certification played a part in record levels of attainment in the senior phase in 2020-21. Therefore, I welcome local authorities' aims to sustain or exceed the levels of attainment that were achieved in 2020-21.

In terms of the annual participation measure, which helps us to understand outcomes for young people, local authorities have set aims to improve on the already high 92.2 per cent in 2020-21 to 93.4 per cent in 2022-23, and to narrow the poverty-related gap by 1.2 percentage points. In terms of the range of health and wellbeing aims and the plus aims, which reflect local authorities' various local priorities, there is a wide range of different aims for progress this year.

Those include aims for improved attendance and participation; aims that break down the component parts of some specific core aims—for example, focusing on the elements of reading, writing, listening and talking—aims for care-experienced children and young people; and aims that span the full learner journey. There are aims for early years and some that capture the full range of achievements of children and young people in the senior phase, including foundation apprenticeships and a focus on learner pathways.

What matters now is local progress towards those stretch aims.

Detailed questions on the ambitions of individual local authorities for their children and young people are for local authorities themselves to address. The impact of the pandemic—and now the impact of the current cost crisis—means the moral imperative to support our children and young people who have been most impacted by poverty to achieve to their full potential is stronger than ever. In that difficult context, we remain absolutely focused on our children and young people.

That is why, alongside the £1 billion investment in the Scottish attainment challenge, the Government is supporting children and young people in numerous ways. We are tackling the cost of the school day through the expansion of free school meals and continued investment in the school clothing grant. Teacher numbers are currently the highest that they have been since 2008, with the number of primary teachers the highest since 1980; and we have delivered the highest education spend among the United Kingdom nations, and more teachers per pupil than any other UK nation, while also protecting free tuition in higher education.

We are also listening to children and young people, parents, carers and professionals through the national discussion and our reform agenda, and we are delivering on the national mission to tackle child poverty through measures such as our

increased Scottish child payment—a key benefit that is unavailable anywhere else in the UK and which is projected to lift 50,000 children out of poverty next year.

Taken together, those measures demonstrate the Government's commitment to making Scotland the best place in the world to grow up. We will continue to work together with our local government partners to deliver on our shared mission to improve outcomes for children and young people.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for that, after which we will need to move on to the next item of business.

Stephen Kerr (Central Scotland) (Con): I thank the cabinet secretary for the advance sight of her statement. There is a great deal in it and a great deal of information that lies behind it—we have also been sent spreadsheets—that deserves much more scrutiny. I hope that we will have lots of opportunities for that.

However, I welcome some aspects of the statement. One is the fact that the cabinet secretary acknowledges that it is not just down to teachers to achieve the reduction in the poverty-related attainment gap, and that there is much need for further collaborative work between agencies and services to support individuals and their families. I agree with the cabinet secretary that it is about implementation—we have been talking about that for a long time and it is not a new subject. Audit Scotland has made it clear that it has grave concerns about implementation and outcomes.

The cabinet secretary is also right to highlight the importance of attendance because, when I speak to teachers, they say that they have grave concerns about the regular attendance of pupils at school in general, particularly in the post-pandemic reality.

The statement makes some claims about narrowing the attainment gap. I think that those claims are highly debatable, because the facts do not always stack up with what Scottish National Party ministers like to claim in the chamber. However, many educational experts have said that, to restore Scottish education to the standards that we once had, we should be focusing on raising attainment overall rather than on closing the attainment gap, which could lead to an overall levelling down of Scotland's educational attainment. I hope that we can all agree that we should be levelling up.

The Deputy Presiding Officer: I need a question, Mr Kerr.

Stephen Kerr: I will come to my question now. Fewer pupils in primary 1, primary 4 and primary 7 are achieving the expected levels of literacy, reading, writing, listening, talking and numeracy. In relation to the statement, and the progress that is measurable, why does the cabinet secretary feel that so little progress—if we can agree that there has been progress at all—has been made so far in this work?

Shirley-Anne Somerville: There was a lot in that question, and I would like to have spent some time on it, because there is a fair bit in it on which I agree with Mr Kerr, which does not always happen in debates. I welcome what he said.

Stephen Kerr: We should strive for more of that.

Shirley-Anne Somerville: We should certainly strive for more of that, and I will do my best.

Mr Kerr is correct to talk about attendance. I point out that attendance levels at the moment seem to be roughly the same as they were pre-pandemic, although I appreciate that there are concerns about why pupils are not attending, which might be for a variety of reasons. The Convention of Scottish Local Authorities, the Association of Directors of Education in Scotland and I have given attention to that issue and will continue to give it attention, and Mr Kerr is right to point it out.

I appreciate that there is a lot of information from each council on the matter but, when Mr Kerr looks at that information, he will see that, as well as information on the ambition to tackle the poverty-related attainment gap, there is information on raising attainment overall, which is important and is something that councils, as well as the Scottish Government, are keen to do. I do not think that it is an either/or situation; it is about both, and I hope that Mr Kerr finds that in the material when he looks at it.

Pre-pandemic, year on year, there was a positive trend in the ACEL data, which has clearly been impacted by Covid, as Mr Kerr said. We need to wait for the new information on the results in the ACEL data for the most recent years.

On Mr Kerr's first point on further scrutiny, I would welcome further scrutiny; indeed, I have written to the committee to invite it to do just that.

Michael Marra (North East Scotland) (Lab): We hear the statement from the cabinet secretary today, when schools are closed, kids are at home and striking members of teaching unions are outside this Parliament. The first action that the cabinet secretary must take is to solve this dispute as a matter of the utmost priority.

We must not forget that the policy refresh is being paid for by cuts for the poorest children in

the poorest communities, which has been described in this Parliament by school leaders as an "immoral disgrace".

The statement claims that

"If the stretch aims for literacy and numeracy are achieved in full and that rate of progress continues, we will be on track to substantially eliminate the poverty-related attainment gap in primary schools".

Will the cabinet secretary confirm whether that means by 2026? More cynical people than me will say that this exercise amounts to an attempt to pass on to local authorities the responsibility to meet the SNP's pledge. No one will forget that it was Nicola Sturgeon's pledge—her "defining mission". This week, the SNP is asking teachers to do more. Is it right that, next week, this Government will be asking them to do more with much less?

Shirley-Anne Somerville: I genuinely ask Mr Marra to approach this in the way that the Government, Education Scotland and local authorities have. It was a new process for local authorities, and I commend them for the way in which they have approached it.

When I talk about substantially eliminating the poverty-related attainment gap, I mean by 2026. We recognise that there are different roles for everyone in the work. There is a role for the Scottish Government and a role for our national agencies, including Education Scotland and its attainment advisers, and the work that they do to provide support to local authorities. However, there is an important role for local authorities as well. They have a statutory duty in relation to the provision of education and the improvement of education services.

We are not trying to pass the buck; we are trying to genuinely work together to recognise our different roles, have some transparency on the data and deliver the improvement that we all want.

Mr Marra mentioned the current pay dispute with teachers. For the sake of time, I will briefly reiterate the Government's position that the trade unions' current ask of a 10 per cent flat rate is not affordable in a fixed budget. We are absolutely committed to resolving the dispute, but we need to find a way to do that that is fair and affordable within the fixed budget that we have.

Graeme Dey (Angus South) (SNP): Clearly, it has to be a partnership endeavour, so how will the Scottish Government and its agencies support schools and local education authorities to achieve improved attainment and tackle the poverty-related attainment gap? I am thinking specifically about how the Government will ensure that the best practice that has been gleaned from all the work that has been done to this point is shared among councils and our schools, so that the

delivery focus can be on approaches that have been proven to pay dividends.

Shirley-Anne Somerville: Mr Dey rightly points to the collaborative work that is required to solve the poverty-related attainment gap. The framework for recovery and accelerating progress that was published this year makes clear the importance of that collaboration right across the system to share best practice and close that gap. Education Scotland, for example, has a key role in professional advice and guidance, professional learning opportunities and subject networks, and through its range of published resources, including the publication highlighting effective practice in the use of pupil equity funding.

The launch of “Scotland’s Equity Toolkit: supporting recovery and accelerating progress”, which provides practitioners with access to a range of evidence and research, is also important. Again, it points to collaboration and to the way in which national Government, national agencies and local government are very much trying to work together to achieve the outcomes that we all want for children and young people.

Sue Webber (Lothian) (Con): We can all agree that headteachers will play a critical role if we are ever to make progress in closing the attainment gap. The cabinet secretary’s statement claims that nine out of 10 headteachers have responded citing improvements in closing the poverty-related attainment gap and/or in health and wellbeing. To help people in the chamber and those who are watching, perhaps the cabinet secretary could expand on how that was measured, if we are now to focus on outcomes. Nine out of 10 sounds impressive, but how many headteachers responded out of the 2,129 headteachers in Scotland and how many of our local authorities are represented in that data?

Shirley-Anne Somerville: I do not have the specific details about the number of headteachers who responded—the data was from the most recent headteachers survey—but I would be happy to provide that to Ms Webber. It is not a compulsory survey for headteachers to hand back to Government and its agencies. The figure was from that survey, and we will provide information on it in due course.

Kaukab Stewart (Glasgow Kelvin) (SNP): Will the cabinet secretary set out what impact the cost of living crisis and the UK Government’s wholly inadequate response to it will have on our national mission to tackle the poverty-related attainment gap and will she set out what action the Scottish Government is taking to support families through the crisis?

Stephen Kerr: Is that relevant?

Shirley-Anne Somerville: The Conservatives are asking, “Is that relevant?” Yes, and let me be very blunt about why it is relevant. Although we can do everything within education to tackle the poverty-related attainment gap, the easiest and simplest way to do so, if only we had the powers, would be to tackle poverty itself. That is absolutely why it is relevant and I am genuinely disappointed, but perhaps not surprised, that the Scottish Conservatives cannot see that link.

The Scottish Government analysis that was published in April highlights the devastating impact of successive UK Government welfare reforms that have been imposed since 2015, which have had a very detrimental impact on children and young people right across the country. Contrast that with the Scottish Government approach: in this financial year, we have invested £3 billion through a range of measures that will help to mitigate the impacts of the cost of living crisis, whether that is the Scottish child payment, the fuel insecurity fund or our new winter heating payment, which begins in 2023. I am determined, through the new stretch aims and the £1 billion increased investment in the Scottish attainment challenge programme, to support the work that is being done to tackle the poverty-related attainment gap and to support those families who need it, but the lack of action that is being taken by the UK Government is disappointing and is certainly not helping.

Martin Whitfield (South Scotland) (Lab): The cabinet secretary said:

“I do not expect teachers to achieve that on their own. Schools and education services must collaborate across services and local partners to make progress.”

However, with 1,784 fewer teachers since 2007, cuts to support staff over that time and cuts to staff at the centre, who in the schools and education services will do that?

Shirley-Anne Somerville: Teacher numbers are currently at their highest since 2008, with the number of primary teachers at its highest since 1980. There are now more than 2,000 teachers more than there were before the start of the pandemic, and the ratio of pupil to teacher is at its lowest since 2009. Through the Scottish attainment challenge, we have been trying to recognise and encourage the work that schools do collaboratively with other parts of the public sector and with third sector colleagues—that is one of the changes that we have made to widen our approach to the Scottish attainment challenge as part of the refresh.

Evelyn Tweed (Stirling) (SNP): I welcome the cabinet secretary’s statement and the fact that all local authorities have set out their ambitions for tackling the poverty-related attainment gap. Can she give her view on the ambition that councils as a whole have demonstrated across Scotland?

Shirley-Anne Somerville: Again, I take the opportunity to thank councils for how they have approached this work. I am pleased to see that, when they are taken together, the stretch aims for progress point to real ambition, and build on the progress that was made, particularly pre-pandemic.

For literacy and numeracy in primary schools in particular, we are seeing ambitions to close the gap by more than 7 percentage points compared to 2021. If those aims are achieved, that will represent the biggest two-year improvement since the introduction of the challenge.

Councils have set important and ambitious aims, and the Government and Education Scotland look forward to supporting them in their work, taking close cognisance of the local context and difficulties that local authorities are experiencing in supporting children, young people and families during the cost of living crisis.

Willie Rennie (North East Fife) (LD): The statement is an admission that the poverty-related attainment gap will not be closed completely by 2026. At the current rate of progress, can the education secretary set out by when—what year—she expects that gap to be closed completely?

Shirley-Anne Somerville: Forgive me if this is not correct, Presiding Officer, but I think that I mentioned that during my statement. For the avoidance of doubt—in case I did not mention it—I repeat that, if local authorities achieve their stretch aims for literacy and numeracy in full and that rate of progress is sustained, we will be on track to substantially eliminate the poverty-related attainment gap in primary schools, which is where the Scottish attainment challenge started. If that was not clear enough in my statement, I add that we will do so by 2026.

Rona Mackay (Strathkelvin and Bearsden) (SNP): What steps are being taken to improve outcomes for care-experienced pupils, and how are stretch aims used to drive improvement for care-experienced children and young people?

Shirley-Anne Somerville: The Scottish attainment challenge has a very strong focus on assisting care-experienced young people. Funding continues to be given to all local authorities for that specific issue, and I commend them again for how they are approaching this work and learning from one another, with the assistance of Education Scotland, to ensure that we see an improvement in attainment for care-experienced young people across the country.

Pam Gosal (West Scotland) (Con): The cabinet secretary mentioned in her statement that the Scottish Government has tackled the cost of the school day through the expansion of free school meals. We have all heard countless times

about the positive impact that eating nutritious meals has on a child's ability to learn. Why has the Scottish Government failed to deliver free school meals for primary 6 and 7 pupils in August, and when will free school meals be extended to secondary pupils? Does she accept that accelerating the provision of free school meals will have a positive impact on pupils' attainment?

Shirley-Anne Somerville: I agree that the provision of free school meals is an important policy, which is why the Scottish Government is committed to universal free school meals in primary schools. That is why the budget for this year included £30 million for capital improvements for local authorities, because facilities need to be improved to allow us to move forward with primary 6 and 7. That is exactly why we have had to look again at the timeline. For the benefit of Ms Gosal, I point out that the current system in Scotland is the most generous one in the UK.

Fulton MacGregor (Coatbridge and Chryston) (SNP): The cabinet secretary has set out the responsibility and approach of the Scottish Government and its agencies. However, provision of education in Scotland is clearly the responsibility of local authorities. Does she agree that it is crucial that every local authority, including North Lanarkshire Council, where I live, takes ownership of the national mission to tackle the poverty-related attainment gap?

Shirley-Anne Somerville: I do not mind repeating this: all local authorities have taken the development of stretch aims exceptionally seriously, which I commend them for, as it is a new approach that we have been taking.

As we have said on a number of occasions during this item of business, it is crucial that we recognise the different responsibilities in different parts of the education system. There is absolutely a role for the Scottish Government and, as I have mentioned previously, there is a statutory responsibility for improvement in councils, so it is important that we work together.

We support the work of councils with £43 million in strategic equity funding, which will assist them in setting the strategic direction for local approaches to closing the poverty-related attainment gap. The stretch aims that councils have set and we are publishing today underpin lots of detailed work, through a range of local approaches, that is already being undertaken to improve the situation in our schools and, therefore, to improve outcomes for learners.

Brian Whittle (South Scotland) (Con): The first step to tackle the stubborn attainment gap has to be ensuring that our teachers are properly supported and resourced and that their health and wellbeing is properly invested in. What is the

Scottish Government doing to reduce the increasing pressure that is causing so much anxiety in our overstretched teaching profession?

Shirley-Anne Somerville: One of the ways—and it is just one of the ways—in which we would like to do that, and are committed to doing that, is a reduction in class contact time for teachers. That is a commitment that we have made, recognising the heavy workload of teachers. I completely appreciate and support the fact that national Government has a role in supporting our teachers. For the sake of brevity, I will leave it at that one example.

International Human Rights Days

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-07133, in the name of Christina McKelvie, on international human rights days. I invite members who wish to speak in the debate to press their request-to-speak buttons.

15:28

The Minister for Equalities and Older People (Christina McKelvie): I am pleased to open today's debate marking international human rights day and the international day of human rights defenders.

The dates of 9 and 10 December are important ones in the calendar. They remind us of the universal and inalienable human rights that belong to everyone and which were unanimously endorsed by the United Nations general assembly on 10 December 1948. These important days serve to celebrate the work of the thousands of campaigners, activists and human rights defenders who work around the world to promote and protect human rights.

Human rights are transformative in their intent and effect. They guide this Parliament in its work and they define a programme of action for the world at large. Let me quote the new UN High Commissioner for Human Rights, Volker Türk, who summed up the role and necessity of human rights. He said:

“Human rights are humanity's common language”,

and they provide

“a distinctive voice of conscience, reason and wisdom in a fragmented world.”

He said that we need to implement human rights in a way

“that transforms us as a society, that shows us how we interact with each other, how we interact with communities, how we care for each other”.

The high commissioner's call for conscience, reason and wisdom in a world of turmoil, and his emphasis on the transformative role of human rights, speak directly to all members of this Parliament, and we can all contribute to achieving that vision.

We mark international human rights day and international human rights defenders day because we believe in dignity, decency and humanity, and the values that inspired the universal declaration. The Scottish Government stands in solidarity with everyone who promotes and defends human rights. Today, I pay special tribute to the thousands of human rights defenders around the world who challenge human rights abuses and

hold the powerful to account. They are deserving of our admiration and support, as well as our profound gratitude and respect.

In 2018, we established the Scottish human rights defender fellowship in partnership with the University of Dundee, Amnesty International and Front Line Defenders as a way to lend practical support to people who defend human rights. In the past five years, we have welcomed human rights defenders from 11 countries. This year, we are honoured to welcome Junia and Riska from Kenya and Indonesia respectively.

In Kenya, civil society and civic spaces are facing more attacks. In the face of that, journalists and women human rights defenders in particular continue to work courageously to expose human rights abuses and hold authority to account. In Indonesia, too, civic spaces are shrinking. On Tuesday, a new criminal code containing more than 600 articles was passed. That code, which has been described by Amnesty International as a “significant blow” to human rights in Indonesia, is far reaching and could further oppress or persecute minority groups such as LGBTI people.

All human rights defenders are at risk, but the risks to those who defend land, indigenous rights and communities that face the impacts of climate change are increasing. In the decade between 2012 and 2022, 1,733 land and environmental defenders were killed as a direct consequence of their work. As community organisers and advocates, women are often at particular risk.

Therefore, I am pleased that the Scottish Government has made available £50,000 of funding to create a new fellowship based at the University of Dundee. That announcement was made last month at the 27th United Nations climate change conference of the parties—COP27—by my colleague Màiri McAllan, the Minister for Environment and Land Reform. That new fellowship will build on existing Scottish support for human rights by giving women human rights defenders from the global south the opportunity to spend several months in Scotland, where they can continue their work in a place of safety and with support.

As a modern progressive nation, it is incumbent on us to demonstrate our own leadership on human rights. Scotland has a responsibility to lead by example to ensure that its human rights record meets the highest of standards.

Alex Cole-Hamilton (Edinburgh Western) (LD): It is now more than a year since the United Kingdom Supreme Court identified the changes that were required to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill to enable the UN Convention on the Rights of the Child to be

incorporated into Scots law. A year has gone by in which children have continued to be denied access to justice and rights. When can we expect those changes to be brought to Parliament?

Christina McKelvie: I reassure Alex Cole-Hamilton that we remain absolutely committed to incorporating the UNCRC into Scots law, as far as that is possible within devolved competence, and to doing that as soon as practicable. We are currently engaging with the UK Government about the proposed amendments to the bill to establish whether it is broadly content that those amendments will bring the bill within legislative competence, and to reduce the risk of another referral to the Supreme Court. The timetable for bringing the bill back to Parliament for reconsideration cannot yet be confirmed, but I reassure Alex Cole-Hamilton that preparations are under way for that.

Stephen Kerr (Central Scotland) (Con): Will the minister take an intervention?

Christina McKelvie: No, thank you. I will carry on, because I think that we are pretty tight for time. I might take an intervention from Mr Kerr at another point.

The Scottish Government’s human rights bill will give effect to a wide range of internationally recognised human rights. It will strengthen domestic legal protections by making them enforceable in Scots law. The bill will include provision to ensure that everyone—including LGBTI people and older people—has equal access to the substantive rights that are contained in the bill. In addition to incorporating rights from core existing UN human rights treaties, it will establish a new right to a healthy environment.

The Government has a clear vision for human rights in Scotland, which includes resolutely defending the existing Human Rights Act 1998 in the face of UK Government attempts to replace it with a British bill of rights. The 1998 act is one of the most important statutes ever passed by the UK Parliament. It plays a critically important role in protecting human rights and fundamental freedoms throughout the whole United Kingdom and is woven into the fabric of the constitutional settlements in Scotland, Wales and Northern Ireland. It has a 22-year track record of delivering justice, including for some of the most vulnerable people in society. It has ensured that gay couples have the same housing rights as heterosexual couples, protected the rights of disabled and older people who receive care and enabled victims of the Hillsborough disaster to obtain justice. In other words, the 1998 act has brought human rights home.

The UK Government’s ill-considered Bill of Rights Bill poses a clear and present danger to our

most fundamental rights and freedoms. The bill has been roundly condemned by some of the UK's most eminent legal experts and was the subject of repeated expressions of concern when the UK's human rights record was reviewed by the UN Human Rights Council in November. Even Liz Truss, in her short-lived tenure as Prime Minister, seemed to understand the dangers posed by that bill. She halted its progress at Westminster and sacked the Secretary of State for Justice.

For the time being, the bill, and its principal architect, are back. The proposals in that bill are alarming. If passed, it would substantially change the convention rights embedded in the Scotland Act 1998 and put the UK on a collision course with the Council of Europe. That all remains uncertain: the bill might yet be shelved, for the third time, by a second Prime Minister. The Secretary of State for Justice has no mandate to force through the bill of rights because repealing and replacing the Human Rights Act 1998 act formed no part of the UK Government's election manifesto.

On our part, the Scottish Parliament has repeatedly expressed its support for the Human Rights Act 1998. We have called on the UK Government to avoid any action that would weaken human rights protection in Scotland and throughout the UK.

Stephen Kerr: The minister knows that the Scottish Government is the only Government in the United Kingdom to have been taken to court for violation of human rights. That was in relation to the rights to freedom of religion or belief granted under the European convention on human rights and the Universal Declaration of Human Rights. The Scottish Government was found to have breached those rights in relation to the closing of churches and other places of worship. What is the Scottish Government's reflection on that court decision and what will change about the way in which the Government views that particular human right?

Christina McKelvie: I hold faith and belief in my portfolio and meet regularly with faith and belief leaders as part of my work. I emphasise to Stephen Kerr that this Government speaks to people. We understand their concerns and take them on board, unlike the Westminster Government that he supports. Many lawyers, academics, national human rights institutions and civil society campaigners have condemned the UK Government's approach to human rights, so we will not take any lessons on the matter from the UK.

Eminent former judges such as Lady Hale, Lord Mance and Lord Sumption have all made their concerns clear. The UK Government, contrary to claims by the Secretary of State for Justice, is not listening to those concerns as we are. Rather, as

Martha Spurrier, the director of Liberty put it, the Government

"repeatedly changes the rules to suit them".

The UK Government is now planning to rip up the basic human rights and protections that we all rely on. I will not take any lessons from Tories in this place who talk about ripping up human rights protections when that is exactly what they propose to do. Their apparent intention is to make themselves untouchable. They are not untouchable in this place.

Our position is shared by our Welsh Government colleagues, who view the UK Government's proposals as representing a serious regression in human rights in the UK, at a time when it has never been more important to uphold international law. Any changes affecting Scotland must not be made without the explicit and unequivocal consent of this Scottish Parliament.

I opened the debate with a quote from Volker Türk, the UN High Commissioner for Human Rights, and I return to his words condemning human rights abuses. He called for

"a new energy that motivates young people around the world".

I endorse that call to action. We must strive harder, with continued vigour and energy, here in Scotland and on the international stage, to realise the vision endorsed by the UN in 1948.

That is why I invite this Parliament to reaffirm our shared commitment to the fundamental principles and common values that are expressed in the Universal Declaration of Human Rights, and to work resolutely to ensure that those rights are respected, protected and fulfilled.

I move,

That the Parliament recognises the significance of Human Rights Day and International Human Rights Defenders Day; reaffirms its own commitment to the universal and inalienable rights and freedoms originally set out in the Universal Declaration of Human Rights; commends the work of human rights defenders in all nations and territories, and the importance of their work to ensure that human rights are fully respected, protected and fulfilled; recognises the Scottish Government's commitment to giving full domestic effect to international human rights obligations through future human rights legislation within the limits of devolved competence; agrees that the Convention rights established by the Human Rights Act 1998, and embedded in the Scotland Act 1998, are fundamental to the Scottish Parliament and to Scotland's devolution settlement, and reiterates its unequivocal opposition to the UK Government's proposals to undermine and weaken the Human Rights Act 1998 through its flawed and misconceived Bill of Rights Bill.

Stephen Kerr: On a point of order, Presiding Officer. When I asked my innocent question earlier, I forgot to refer members to my entry in the register of members' interests. I am a trustee of

the Freedom Declared Foundation, which is a charity whose work is about the protection of freedom of religion or belief.

The Deputy Presiding Officer: Thank you, Mr Kerr. That will be noted and is now on the record.

I advise members that we have time in hand this afternoon. I thought that I should point that out as it might encourage the accepting and making of interventions.

15:40

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Around the world there are, sadly, still so many examples of human rights abuses and violations happening every single day. Today, I will speak about just three places where we know human rights are under threat.

Just last week, we heard of the illegal arrest and assault in China of a BBC journalist who was in Shanghai to cover a protest. That is a shocking example of what can happen in China, but unfortunately it is nowhere near the worst of what has happened in recent years, as the country has slid further towards disgraceful restrictions on fundamental rights and freedoms. The suppression of democratic protests in Hong Kong was atrocious. The state was determined to exert a depressing show of force against normal people who bravely took to the streets to speak up for their own rights. The treatment of Uyghur Muslims in Xinjiang has been despicable. We still cannot know the full extent of the evil acts that have taken place, but from what we know, there is more and more evidence of genocide.

I hope that every member in the chamber can support the Prime Minister's recent statement in which he said:

"China poses a systemic challenge to our values and interests, a challenge that grows more acute as it moves towards even greater authoritarianism."

We are also seeing, in what is happening in Ukraine, the tragic reality of a country that is controlled by a dictatorship. Russia's war in Ukraine has brought the horror of war back to Europe for the first time in years. We have seen that Vladimir Putin's army has, in town after town, committed horrendous acts against local civilian populations. No matter how much Russia tries to deny it and deflect from it, the reality is a litany of appalling human rights abuses.

I turn to Iran. I commend the immense bravery of the people there, especially the women who have decided that enough is enough and that they will no longer tolerate the systemic discrimination that they have faced. Violence against women and girls is a problem everywhere, but in Iran it has been state sponsored for decades. It is inspiring

and upsetting in equal measure to see so many women risk their lives in the name of freedom.

Today's debate is supposed to be on all human rights abuses and the people who strive to defend human rights globally. It is supposed to be a debate in which the Scottish Parliament unites as one to reaffirm our commitment to the universal and inalienable rights and freedoms in the Universal Declaration of Human Rights. It is supposed to be a debate about international human rights days.

However, the SNP Government has decided that making a political attack at home is more important. It has decided that provoking grievance on these shores is better use of our time. It opted to use its motion for the debate to criticise the UK Government without foundation. Its playing constitutional politics with an issue such as this shows what the Government is about. For this Government, everything is a reason to increase division and provoke grievance—even international human rights day.

If the SNP wants to make the debate about issues that are closer to home, I suggest that it makes it about the vital issues right here in Scotland.

Karen Adam (Banffshire and Buchan Coast) (SNP): Will the member take an intervention?

Rachael Hamilton: Perhaps Karen Adam knows the point that I am about to make. Let us make this debate about the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. If Karen Adam wants to tell me why the Scottish Government cannot produce a timetable so that we can implement the UNCRC, I will be very grateful.

Karen Adam: I thank Rachael Hamilton for taking my intervention. Has she noted the Scottish Human Rights Commission's comments on the Bill of Rights Bill?

Rachael Hamilton: Yes.

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill would protect children's human rights and was passed by the entire Parliament. All of us—the SNP, Conservatives, Labour, Lib Dems and Greens—backed that bill. However, the SNP chose to use it not to do good but to make shameless political points, by exploiting it to create a pre-election showdown with the United Kingdom Government. The SNP's actions were an embarrassment to the people of Scotland.

Alex Cole-Hamilton (Edinburgh Western) (LD): Does Rachael Hamilton agree that the revelation—which was withheld from members—that the Scottish Government was told by officials that that bill might be outwith legal competence

and subject to legal challenge was material information that we could have debated and could have led to our amending the bill so that it was legally competent and capable of avoiding that legal challenge?

In addition I ask, where is that bill now?

Rachael Hamilton: I completely agree with Alex Cole-Hamilton's comments, which are supported by Bruce Adamson—the Children and Young People's Commissioner—and others, who are specifically looking for the bill to be brought forward and for the Government to produce a timetable and lodge amendments, in order to progress it. For the life of me, I cannot understand why that is so difficult, given that there has been such a long period of time. We all worked so hard to get to this point.

Lord Reed said that the bill had been deliberately drafted in a way that went beyond the competency of Holyrood and would undermine the Scotland Act 1998. Despite being warned about the bill's problems, the Government—the SNP—charged ahead, with the sole aim of pinning the blame on the UK Government. Despite knowing that the problems were purely legal and had nothing to do with the bill's principles, it used the bill to attack the UK Government repeatedly. Despite all members agreeing, as we do today, that a legally competent UNCRC bill would be a positive thing, the SNP decided that creating a grievance was more important.

For proof that the SNP's motivations were purely political, we can look at what has happened to the bill since then. It has not been passed by the Parliament, the Scottish Government has dragged its heels and its actions have delayed the bill from coming into law and, now, it is so distracted that progress on the bill has ground to a complete halt. Prioritising grievance over the protection of the rights of the child is hardly the progressive politics that the Government would have the country believe it stands for, and it is a shameful way to act.

Today, while Scottish Conservative MSPs raise human rights abuses and champion human rights defenders across the globe, we will also hold the SNP to account for its failures at home. It consistently points the finger down south, often without any justification, but when it comes to what is happening right here in Scotland, it stays silent—unless there is a way to attack the UK Government. By its actions, it has let down the Parliament and made a mockery of what we should be trying to achieve.

Too often, the Parliament is not focused on what really matters—on people's priorities, including children's priorities—and it does not make the necessary difference to people's lives right here in

Scotland. It is exploited by SNP members to further their own selfish political obsession, even if that means sidelining a children's rights bill—which is absolutely disgraceful—or railroading a debate about international human rights day.

I move amendment S6M-07133.2, to leave out from "agrees" to end and insert:

"expresses concern for the abuse of human rights across the world, particularly in Ukraine, the Islamic Republic of Iran and the People's Republic of China; welcomes the UK Government's commitment of £2.3 billion in military aid towards Ukraine; recognises that the UK Government has been at the forefront of developing human rights laws and norms and expresses disappointment that the Scottish Government has politicised human rights, particularly when it comes to the rights of children, and, to this end, regrets that the Parliament has still not been provided with a timescale for the return of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, over one year after the Supreme Court declared that the Bill had been drafted in terms that 'deliberately exceed the legislative competence of the Scottish Parliament', and calls on the Scottish Government to make the necessary amendments to the Bill as a matter of urgency."

15:48

Pam Duncan-Glancy (Glasgow) (Lab): This Saturday is human rights day—a day that is always special, but which is especially so this year, which is the 75th anniversary of the United Nations Universal Declaration of Human Rights, which sets out that human rights are inalienable, interdependent and indivisible. They are ours not because of our characteristics but because we are human. They belong to everyone.

That is why I am so angered by the Tory Government's assault on human rights. Dominic Raab's bill of rights project picks them apart, takes them away and undermines the fundamental principle that rights belong to everyone. A more accurate name could be the bill of wrongs.

This year, the theme of human rights day is "Dignity, freedom and justice for all", but the Tory bill threatens all those things. A coalition of human rights organisations, including Amnesty International and the Human Rights Consortium, have said that the legislation is

"unnecessary, unevidenced, unworkable and unwanted"

and that it will disempower many people. I agree.

The Human Rights Act 1998 works well. It is one of Labour's greatest achievements. Human rights do not discriminate, but the proposed bill of rights does. It threatens to create divergence between the rights that are protected in our domestic law and those that are protected by Strasbourg. Challenges to abuse of human rights will increasingly have to be taken to the European Court of Human Rights. That is a costly and lengthy process that prevents people who cannot

afford to do so from defending their rights. That is why I support the commitment to further incorporation of international treaties into Scots law. Our doing so will empower people across Scotland to call out human rights abuses and it will allow them to claim their own rights. First, though, the Government must address the competency issues in the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.

In the years leading up to the introduction of the bill, a movement of young people led the fight for incorporation. They rightly celebrated an achievement that was very much theirs, and now they are frustrated, because the impact of that achievement has been quashed by an incompetent bill. That failure sits with this Government, and is made worse, the longer it takes the Government to fix the problem. As Martin Luther King said,

“A right delayed is a right denied.”

That is why our amendment calls on the SNP to set out a timetable for reintroduction of the bill. I urge it to do so, and to set out a process that delivers incorporation as soon as possible.

We must be clear that incorporation alone is not enough. The Government must also ensure that its laws and actions enable the realisation of human rights. It should be taking a human rights-based approach to policy making in all policy and budgeting. Not only can we not see whether the Government is doing so, but the lack of transparency over what it is spending makes it difficult to assess whether the Government really is using the maximum available resources to achieve the realisation of rights.

A look at the reality for many people in Scotland today makes clear the scale of the challenge that all of us in the chamber must rise to. The disability pay gap is 18.5 per cent. Disabled people are more likely to experience harassment and discrimination than their non-disabled peers, and they are more likely to live in poverty. They are not able to reach their full potential because they are being denied their rights.

Unpaid carers—the people who are stepping in, in the absence of a system that properly supports disabled people—are struggling to get by. The Scottish Government could take targeted action, but it has so far failed to do so in the cost of living packages that it has offered. It could support local authorities to offer respite care provisions, which can meet demand and allow carers time out—something that is impossible for many of them, which means that they miss out on so much.

I recently attended the launch of Baroness Helena Kennedy’s report on asylum provision in Scotland and the Park Inn hotel tragedy. The report highlighted the injustices that are faced by

migrants, who wait years for proper accommodation and healthcare, and are left in hotels without any support.

People from Glasgow and Clyde Rape Crisis’s ruby project shared with me their concerns about the number of migrant women using their service who are receiving no help with their mental health. That is not a system that is empowering people to realise their rights; it is a system that is actively limiting those rights. We should use international human rights day to realise those rights and think about what more we can do. Although immigration is a reserved matter, the care, support, healthcare, housing and education of refugees and asylum seekers are almost wholly provided by local authorities, which are being underfunded by the Scottish Government, and by a health service that the SNP has led into crisis.

The list of human rights failures, sadly, goes on. Stonewall research found that 37 per cent of trans people have avoided healthcare treatment for fear of discrimination, and that 6 per cent of trans employees had been physically attacked at work. Only half of LGBT staff agreed that equalities policies in their workplaces offer protections to trans people.

None of that is being helped by the discourse around the Gender Recognition Reform (Scotland) Bill, which has allowed trans people’s rights and women’s rights to be pitted against each other in the midst of a culture war that has been toxic for everyone involved. The truth is that women’s rights, like those of other groups that I have spoken about, are all being eroded by a Government that is underfunding services that exist to protect our dignity and safety, such as Glasgow and Clyde Rape Crisis, which is currently able to meet only a quarter of demand because it is not receiving enough funding.

Our rights are also being undermined by a refusal to properly pay social care workers, who are predominantly women. Women are also being let down by a legal system that does not provide victims of sexual assault with an advocate.

We can see that the challenge ahead is great; it is even greater as a result of the pandemic. Right now, people are not afforded the dignity and equality that human rights exist to protect. Scotland has an opportunity to fix that. Doing so will require transparency, accountability, meaningful participation and brave choices, if we are to achieve the full realisation of our rights. That is what Labour members expect.

The SNP has nailed the soundbites, but it must also put its money where its mouth is. This year more than ever, that is true. We will need action by our Government in our services, communities,

streets, homes and pockets, because whether or not others suggest that we look further afield,

“Where, after all, do universal human rights begin? In small places, close to home”.

I move amendment S6M-07133.1, to leave out from “recognises the Scottish Government’s” to end and insert:

“notes the Scottish Government’s commitment to giving full domestic effect to international human rights obligations through future human rights legislation within the limits of devolved competence; agrees that the Convention rights established by the Human Rights Act 1998, and embedded in the Scotland Act 1998, are fundamental to the Scottish Parliament and to Scotland’s devolution settlement, and reiterates its unequivocal opposition to the UK Government’s proposals to undermine and weaken the Human Rights Act 1998 through its flawed and misconceived Bill of Rights Bill, and calls on the Scottish Government to publish its timetable for reintroducing its United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill in order to ensure children and young people’s rights are protected in domestic legislation.”

15:55

Alex Cole-Hamilton (Edinburgh Western) (LD): I am grateful to Christina McKelvie for lodging the motion.

In 1948, with the memories of genocide and the atrocities of the Nazis still fresh in their consciousness, people from across the globe came together with one simple but far from easy task—to have acknowledged in legislatures, such as this one, around the world, an inalienable and immutable fact of human life, that all humans are “born free and equal”. It took an enormous amount of willpower, hard work and hope to create that Universal Declaration of Human Rights, which we celebrate today, as well as the defenders who back it up day in and day out.

Reflecting on the declaration, Eleanor Roosevelt, the first chairperson of the UN Commission on Human Rights, and the heart and driving force behind it, said:

“Where, after all, do universal human rights begin? In small places, close to home—so close and so small they cannot be seen on any maps of the world. Yet they are in the world of the individual person”.

That epitomises what the universal declaration has done for us all. It has given individuals the agency to uphold their human rights in courts, which has created profound ramifications across the globe, not least on our shores. In Scotland, the UDHR has shone a light on and put a stop to horrific practices such as unlawful detention in our care homes and degrading conditions in our prisons, and introduced legal representation during police questioning.

Just as it is important to celebrate the huge progress that we have made, it is equally, if not

more, important to acknowledge how far we have yet to go. This year, we have witnessed, in their most extreme forms, the dark forces that seek to destroy our human rights. To name but a few, we have witnessed a despotic leader seek to invade and snatch sovereignty from Ukraine, a world cup football stadium built on the deaths of hundreds of migrant workers, and China’s continued genocide towards the Uyghur people.

We have also witnessed the erosion of our human rights much closer to home. As has been mentioned, the Conservative Government is currently proposing to scrap the current Human Rights Act 1998 and replace it with a bill of rights. If such legislation passes, it will have huge ramifications for individual human rights in our country. We should make no mistake that that bill seeks to undermine the same fundamental principle of human rights that Eleanor Roosevelt and dozens more fought hard to enshrine all those years ago.

The Bill of Rights Bill would limit the ability of people in prisons to bring forward human rights claims, make it even harder for people to seek asylum and make it significantly more difficult to bring human rights cases to courts. What is more, that bill has the potential to undermine the very parameters of our competences in this Parliament. That is nothing short of a disgrace to our history, our traditions and, most importantly, the people whom we serve. Suffice it to say that the Liberal Democrats in Scotland and the rest of the UK condemn the proposal whole-heartedly, and I am heartened to hear similar condemnations in this place.

I find it incumbent on me to point out that it is not just from Westminster that Scottish human rights are sometimes threatened. It has been revealed by research, which was undertaken by my party, that more than a dozen councils in Scotland are using Hikvision cameras. That equipment is linked to Chinese surveillance and facial recognition technology that has been used to persecute the Uyghur people. The cameras’ continued use risks not only funding an oppressive regime but endangering the human rights and civil liberties of our citizens.

That is part of a pattern of the Scottish Government being too complacent when it comes to human rights. As we have heard several times, it has been more than a year since the Government was advised that the UN Convention on the Rights of the Child is workable into Scots law under the remit of devolved power, but our children are no closer to the protections that it is within the reach of this chamber to offer them. This Government has form on children’s rights.

Martin Whitfield (South Scotland) (Lab): Does the member agree that one of the tragedies in

relation to the UNCRC is that we are no clearer about the discussions on the amendments that are taking place with the UK Government? Indeed, if the discussions were published, the Government might find that the influence and ideas of those who are outside the discussions—but who have been consulted before—would help speed up that process.

Alex Cole-Hamilton: I entirely agree with Martin Whitfield. It is surprising that a Government that in previous years has been so vehement and passionate about children's rights should be silent on them. Indeed, the same happened when, with much fanfare, the Government took us from being one of the worst countries in the world in holding children as young as eight responsible for their crimes to a country where, under the Age of Criminal Responsibility (Scotland) Act 2019, the age of criminal responsibility was raised to 12. However, at the same time, the United Nations Committee on the Rights of the Child lifted the international floor to 14. That was an embarrassment, because we still have an age of criminal responsibility that is lower than those defenders of human rights, Russia and China. When it comes to human rights, we cannot lead the world from the back of the pack.

I realise that I must close, Presiding Officer, but the fact is that we need to take human rights seriously when we are considering, say, whether to sign a memorandum of understanding with a Chinese company with a dodgy human rights record. I remember when Alex Salmond refused to meet the Dalai Lama for fear of upsetting Chinese diplomats.

The slogan of international human rights day is "Stand up for human rights". Today, we celebrate human rights defenders in their entirety, whether they be in Hong Kong, faraway Isfahan or here in Scotland. It is not enough simply to acknowledge the progress that we have made or the progress that we still need to make; instead, we need to fight for it, individually and collectively, without prejudice and without borders. Only then do we uphold the equality and freedom with which we are all born.

The Deputy Presiding Officer: We move to the open debate.

16:00

Joe FitzPatrick (Dundee City West) (SNP): Earlier this week, the Equalities, Human Rights and Civil Justice Committee heard from the Scottish Human Rights Commission on, among other things, the UK Government's Bill of Rights Bill. Commission chair Ian Duddy told us that the Human Rights Act 1998 is working well in Scotland and that the commission is concerned

about the bill's regressive effects as well as its specific implications for Scotland, given that the 1998 act is enshrined in Scots law. Indeed, I think that Alex Cole-Hamilton has just covered that point.

Such concerns, however, are not limited to the commission. This week, MSPs received a briefing from Amnesty International; JustRight Scotland; CEMVO Scotland; Making Rights Real; Together, the Scottish Alliance for Children's Rights; and the Scottish Commission for People with Learning Disabilities. They have all warned that the HRA and the European convention on human rights are "foundational" to the devolved settlement; that proposals to scrap the HRA have

"scant regard for the distinct operation and administration of law in Scotland";

and that there is a risk of creating "increased legal uncertainty" relating to

"shifting, diverging and more restrictive interpretation of rights."

All of those together will create "additional barriers" for people who seek justice through exercising their human rights.

All of that puts today's Tory amendment into context. Rachael Hamilton's amendment, particularly the reference to the incorporation of the UNCRC into Scots law, clearly shows the brass neck of the Scottish Conservative Party. This Parliament unanimously supported the incorporation of the UNCRC, and all parties were clear that it should be as far reaching as possible to ensure that Scottish children and young people could exercise their rights in all aspects of their lives.

Rachael Hamilton: Given that Mr FitzPatrick is so passionate about the issue, can he tell those of us in the chamber who are desperate to know when incorporation is going to happen why the timetable has not been published and why the amendments and the detail have not been shared with the Parliament? We are all waiting.

Joe FitzPatrick: If the Conservatives truly support the principles for which this Parliament unanimously voted, I challenge them to call on their Tory colleagues at Westminster to incorporate the UNCRC into UK law, ensuring that every child across these islands has the full protection that this Parliament wants for children and young people in Scotland. [*Interruption.*] I say to Rachael Hamilton that this is not funny—it is incredibly serious. Her party has the power to take this forward. Instead of challenging the Scottish Parliament's decisions, it could have worked with this Parliament to ensure incorporation across these islands.

This really is a tale of two Governments. We need only contrast the actions of the UK Government with the Scottish Government's forthcoming human rights bill.

Alex Cole-Hamilton: Will the member give way?

Joe FitzPatrick: I have to make a bit of progress.

As the minister has set out, the bill will, as far as possible within devolved competence, seek to incorporate into Scots law multiple international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, alongside three further UN human rights treaties that will strengthen protections for women, disabled people and people of minority ethnic backgrounds, while also protecting LGBTI people and older people. I look forward to the introduction of the bill and its scrutiny in this Parliament.

Stephen Kerr: Will the member take an intervention?

Joe FitzPatrick: I have to make progress. If the Presiding Officer says there is time, then perhaps.

The Deputy Presiding Officer: As you have prayed the Presiding Officer in aid, I can say that there is a bit of time in hand this afternoon. Of course, it is up to each member whether they take an intervention.

Joe FitzPatrick: Okay. I will make a bit of progress and, if you still think there is time, Presiding Officer, I will take some interventions.

Whatever we do in law means nothing if people cannot exercise their rights, so I want to briefly touch on the Equalities, Human Rights and Civil Justice Committee's exploration of human rights budgeting.

Human rights budgeting means that decisions on how money is raised, allocated and spent are determined by the impact that all of that has on human rights. The committee has been considering the work of Scottish Parliament information centre research fellow Rob Watts, who has been looking at the application of human rights budgeting in the year-round budget process. I am grateful for his work and the work of others in SPICe, which I commend to members.

The minister and Opposition spokespeople have spoken about human rights abuses abroad, and I am sure that others will, too. Unfortunately, I think that my speaking time is limited, but I share in the condemnation of the egregious human rights abuses taking place across the world and support this year's call to action, which is that we should all stand up for human rights.

The Deputy Presiding Officer: For the avoidance of doubt, I remind members that we

have some time in hand across the afternoon, should members wish to take and/or make interventions, which is, of course, a matter for them.

16:06

Annie Wells (Glasgow) (Con): I welcome the opportunity to speak in today's debate. With international human rights day fast approaching, we have a unique opportunity to reflect on the progress on human rights and, indeed, the challenges that are associated with it across the globe.

As others have said, this year's theme is dignity, freedom and justice for all. Looking around the world, from Russia's illegal annexation in Ukraine and China's relentless pursuit of zero Covid to Iran's violent repression of protests, we can see that we face a multitude of challenges concerning human rights. Let us be clear: around the world, human rights are being trampled upon. The issue is even more stark considering that it is almost 75 years since the United Nations adopted the Universal Declaration of Human Rights. We must be clear in our condemnation.

The UK has been at the forefront of developing human rights laws and norms on the international stage. Indeed, we played a leading role in the creation of the UN Universal Declaration of Human Rights in 1948, and we must continue to honour the spirit of the agreement today. That is why I am proud that, where we see human rights abuses across the globe, the UK is making its influence felt on the world stage. Through our support to Ukraine, we are standing up to Vladimir Putin and the Russian Government's illegal invasion. That goes beyond words. As the UK is the second-largest military donor to Ukraine after the United States, we are offering essential practical support to the Ukrainians to stand up to Russian aggression and the untold damage that that has already caused.

Kaukab Stewart (Glasgow Kelvin) (SNP): Does Annie Wells accept the hypocrisy of Westminster using one hand to donate money to the Ukraine efforts but using the other hand to keep asylum seekers—many of whom are fleeing wars—in inhumane conditions in the Manston immigration centre, where children go missing, there have been diphtheria outbreaks and people have died?

Annie Wells: We have an unprecedented number of migrants coming into the country and we can judge whether our measures have been successful. These people are being exploited by human traffickers and gangs, so we need to put in place measures now, and we can judge their effectiveness in the future.

In Iran, where the Government has engaged in attempts to use violence against its own citizens, the UK Government has also sanctioned many of the people who are responsible for authorising those unacceptable acts of repression.

Focusing on human rights should be a principle that unites this chamber.

Stephen Kerr: Does Annie Wells agree that it is a bit despairing in such a debate to have the Scottish National Party spend all its time talking about Tories, Westminster and all the rest of it? Why cannot we just come together as Scots to say that we stand up for human rights?

Annie Wells: I agree with Stephen Kerr. I, too, am disappointed that the SNP has chosen to politicise the issue, and the Scottish Conservative amendment makes clear our disappointment. Through its constitutional blame games, the SNP has already managed to land the taxpayer with a bill of almost £200,000, due to legal fees that are related to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, which it knew was outside the Scottish Parliament's remit. Conservative members will take no lessons from the SNP, which has in the past been guilty of playing cynical games and politicising the issue.

In conclusion, as we prepare to mark international human rights day, with an eye to the 75th anniversary of the signing of the Universal Declaration of Human Rights, Conservative members reaffirm our commitment to supporting the UK and our allies in defending human rights across the globe. The senseless and brutal war in Ukraine has issued a stark reminder to us all that we can never take for granted human rights that have been so hard fought for. It is more important than ever that we play a leading role in defending them.

16:11

Karen Adam (Banffshire and Buchan Coast) (SNP): Consensus is great, and it is fantastic to work on a cross-party basis in any kind of collaboration, particularly when it comes to human rights. However, I can never work with anyone who would vote against the rights of LGBT people.

International human rights day marks the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948, as the minister said. The Universal Declaration of Human Rights is a milestone document that proclaims inalienable rights that everyone as a human being is entitled to.

It is really sad to see the political attacks in here. We are accused of talking about the Tories and the UK Government. We have to say that,

unfortunately, we have another Government that has influence over the Scottish Parliament—but not for long. I have heard the SNP mentioned many times. I appreciate the ad, but that is not what we are here to talk about.

The theme for this year is dignity, freedom and justice for all. Unfortunately, I recognise that, for some, today is yet another day of torment, torture and denial of the very rights that we celebrate. It is shameful that there are people around the world, including in Scotland, who seek to deny others those inalienable rights.

The motion rightly applauds those who bravely speak truth to power at great personal cost, wherever they are in the world. We are aware of recent examples of people who have placed their lives in danger in doing that so that others may have a tomorrow full of basic human rights and protections. For example, who could not have been impacted by the activism and boldness of Iranian women? I applaud the courage and determination of protesters in Iran and elsewhere who are challenging police brutality and the deep-seated misogyny of their legal systems.

One of the protesters in Iran is Mahnaz Parakand, who is an Iranian lawyer and activist. She recently stated why she does what she does. That could easily apply to what the day really represents. The statement is as bold as it is beautiful. She said:

"I suffer from seeing other people's discrimination as much as those individuals themselves suffer from it. It is our responsibility to clear the way for the recognition of the humanity of all human beings, regardless of their gender, sexual orientation, beliefs, ethnicity ... and to respect all human beings and human rights. I consider the struggle for human rights and justice not as a duty, but as a part of my identity."

That has to be our struggle, our journey and our identity.

As the First Minister stated to women in Iran who are fighting for basic human rights, "We stand with you." Scotland should be a home for all, committed to delivering a shared vision in which everyone can have a life of human dignity. It should be a nation in which human rights are respected and protected. I am pleased to see that the Scottish Government remains committed to supporting the rights of women and girls on an international stage as well as at home.

The Human Rights Act 1998 brought convention rights home by enabling people to raise human rights issues in Scottish courts. That legislation also places a duty on public bodies to comply with human rights in everything that they do. However, the act is under threat, as the Tories at Westminster have proposals to replace it with a new Bill of Rights Bill that would weaken the

protections in the Human Rights Act 1998 and put the UK in breach of its international obligations.

By contrast, work is well under way in Scotland to incorporate into law the human rights that are contained in a number of other international human rights treaties that cover economic, social, cultural and environmental rights and stronger protections for the rights of women, disabled people, trans people, black and ethnic minority people, older persons and children. I agree with the Scottish Human Rights Commission that

“the UK Government’s Bill of Rights Bill threatens to damage Scotland’s progress in developing a human rights culture”

and to

“undermine the UK’s international reputation”—

or, at least, what is left of it.

Scotland has ambitions to be a global leader in human rights with integrity and an identity that is rooted in compassion, empathy and understanding. I stand with everyone who is battling every day for their basic human rights and challenge us all to be better allies to the people who desperately need it.

16:16

Carol Mochan (South Scotland) (Lab): I join my parliamentary colleagues in marking international human rights day this coming Saturday. It is a day that always reminds us of how far we have to go to realise the dream of human rights for all at home and abroad.

I am pleased to talk on the issue for my party. Labour has a long and proud history of taking action to protect and defend human rights. It was a Labour Government that brought in the Human Rights Act 1998, ratified the UN Convention on the Rights of Disabled People and built human rights into the Scotland Act 1998.

We can almost all agree that the Tory attacks on the Human Rights Act 1998 are cruel and completely regressive. I dare say that quite a few of our Tory colleagues in the chamber even think that, and it would be welcome if more of them would stand up and say so.

The narrative that eradicating human rights would somehow benefit our economy or strengthen liberty has always been completely wrong and it shocks me regularly that so many people would be willing to do away with such progress. We must resist that narrative entirely and build on the hard-won rights that exist, not degrade those that have been won through years of struggle.

I join my Scottish Labour colleagues in calling on the Government to introduce the changes to

the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. That will provide a necessary impetus to guarantee that children and young people’s rights are protected in domestic legislation that cannot be done away with so easily. That would be a progressive and promising use of the Parliament’s time and provide a bedrock for future developments that can help the people who need it most.

The Scottish Human Rights Commission published a report in November with a series of recommendations for the Scottish Government on its compliance with human rights law. We have only a short time to debate the matter, but I ask the Government to respond to the points on poverty. The report points out that the Scottish Government is still not on track to meet Scotland’s child poverty targets. Food and fuel poverty persist and Scottish research highlights the fact that a household is made homeless every 19 minutes. Many of them are families with children. I think that the minister will agree that, if we have one move to make in the Parliament, it is to meet the targets on child poverty.

I take a moment to reflect on how easily human rights are disregarded when proper scrutiny does not take place and proper accountability is absent. I call on all of us to remain vigilant in protecting those principles. We can see right now the world cup going on in Qatar. That allows a regime that has no time for the concerns of workers, women and many others and has a cavalier attitude to human life to be flaunted on the world stage. All the while, the people who died are forgotten. If such countries are rewarded for dismissing human rights, what message does that send to others? We must always think about these things.

Joe FitzPatrick: I agree with the member’s point 100 per cent. Does she share my dismay at FIFA’s derecognition of the Afghan women’s team, which left Afghanistan and was in Australia? FIFA has derecognised the team at the Afghan Government’s request.

Carol Mochan: I thank the member for his intervention and I am glad that he made that good point.

In a similar vein, only four years ago, the same competition went to Russia, where LGBT+ people are third-class citizens; we looked the other way when it came to Putin’s actions in Ukraine at that time, and we can all see where that led.

I am sure that, as we approach international human rights day, we will be remembering those who have fought and lost their lives. Human rights are not a solution on their own, but they certainly provide a foundation for lasting peace and decency. I trust that we will all remember that in the difficult years ahead.

16:20

James Dornan (Glasgow Cathcart) (SNP): It is a privilege to speak in the debate to recognise international human rights day and the international day of human rights defenders. Ever since the United Nations adopted the Universal Declaration of Human Rights in 1948, that milestone recognition of the inalienable universal rights that all human beings should be afforded has been instrumental in promoting, enhancing and devolving our understanding of those rights across the globe.

However, as we approach the declaration's 75th anniversary, it is perhaps apt that we highlight the words of the UN High Commissioner for Human Rights, Volker Türk, when he speaks of the situation today and the very real need to

"regain the universality of human rights, the indivisibility of human rights, and ... to find a new energy that motivates young people around the world."

Universality was optimistically hoped for in the aftermath of the second world war and the human rights abuses that had been witnessed across the globe. However, those abuses are being committed again, from the theatre of war in Ukraine, to the continuing abuses that are being committed in Palestine and beyond. Although it is true to say that a lot has been achieved, it is also true to say that, if we do not renew our commitment to universal human rights and speak out against abuses, those achievements can be lost. We should all be concerned about that—we should all condemn abuses, wherever they take place, and we should never stand up for one and not another. Abuse is abuse—wherever, whenever and by whoever. If we lose sight of that, we lose sight of the very founding principles that the declaration was intended to promote.

That is why, in my view, this year's theme is particularly relevant: dignity, freedom and justice for all, with a focus on the legacy, relevance and activism of the Universal Declaration of Human Rights. As I have said, the declaration has much to be proud of since its inception, and it is just as relevant as ever, if not more so. As the UN High Commissioner for Human Rights notes, it has been under

"a sustained assault in recent years ... from pandemics, conflicts, exploding inequalities, morally bankrupt global financial system",

and the ravages of climate change.

Those challenges highlight the renewed need for activism, and it is why I, too, commend the work of human rights defenders in all nations and territories. Their work and tireless commitment to defending human rights is essential to the fight that we face at present, as we look to the challenges that we face in future.

Recognising its work, I was proud to welcome the Scottish Government's Scottish human rights defender fellowship, which was established in 2018 and will provide rest and respite from the daily dangers and threats that are inherent in the defenders' work. It also provides opportunities for study, training and research to support human rights work. Such initiatives are essential to supporting and encouraging activism in the field. Perhaps the minister will take the opportunity to update us on that initiative, as well as providing further information about other initiatives that the Government might consider to support and encourage activism.

I suggest that education, as always, is the key. I would like to see more work being done to promote human rights education in schools. Although a lot has been done in that area, many studies still show that there continue to be further opportunities to mainstream human rights awareness, beginning in early years education through to primary and secondary schooling, and beyond. Scotland has a proud history of defending and upholding human rights. By helping our children to understand those rights from an early age, we will create the defenders of the future.

Finally, I think that, if asked, everyone who is in the chamber would say that they are committed to human rights and that they would defend them. As we have already heard in the debate, that is why, regardless of political party, we in the Parliament should oppose the UK Government's proposed Bill of Rights Bill, which would weaken, rather than strengthen, human rights. An attack on human rights is an attack on everyone and one that we need to defend against as one by supporting the motion.

16:24

Maggie Chapman (North East Scotland) (Green): Saturday 10 December is international human rights day, and it also marks the end of the 16 days of activism against gender-based violence. I thank colleagues across the chamber and individuals and organisations across Scotland for their contributions in highlighting the importance of those 16 days and the work that we still must do.

I also acknowledge the members' business debate that some of us contributed to earlier today, on "How Will We Survive? Steps to preventing destitution in the asylum system". I thank Bob Doris for giving us the chance to consider how we might better enable asylum seekers to realise their rights. No one is illegal.

Human rights day is celebrated every year on 10 December, the day on which, in 1948, the UN General Assembly adopted the Universal

Declaration of Human Rights. As many in the chamber would like to remind us, the UK indeed played its part. One member of the declaration's drafting committee was Charles Dukes, who was a socialist, a trade unionist and an imprisoned first world war conscientious objector.

Seventy-four years later, when this UK Tory Government has so dishonoured that tradition—so forgotten the basic meanings of “universal”, “human” and “rights”—we would do well to look seriously at the declaration and at why it was, and still is, critical. The context was a world broken by war, suffering and loss. Worst of all, as the preamble sets out, it was broken by the silent horrors brought about by ideologies of

“disregard and contempt for human rights”.

Without recognising that we are all human and share the inherent dignity, equality and inalienable rights of which the drafters wrote, we have no hope—any of us—of achieving real freedom, true justice or deep-rooted peace. Those human rights—our human rights—were so important that even the member states of the United Nations, representatives of Governments far from radical, acknowledged that, without human rights protection, people would be

“compelled to have recourse, as a last resort, to rebellion against tyranny and oppression”.

Those who complain that human rights, or this debate, are being politicised have once again completely missed the point. Human rights are always political, because they are always there to protect the weak from the strong, the poor from the rich, and the excluded from the comfortable and complacent. If politics is about anything, it is about power—

Stephen Kerr: Will the member take an intervention?

Maggie Chapman: No, I am not going to take an intervention from you.

Human rights seek to redress imbalances of power, mitigate unequal distribution of resources, lift up the oppressed and provide dignity, freedom and justice to all.

The new Tory idea of rights has been shamelessly paraded in its ludicrously named Bill of Rights Bill, which would be more accurately described, I think, as the rights removal bill. According to that conception, rights are not really rights at all; they are rewards for being on the right side—rewards for being adult, healthy, British, cisgendered and fortunate enough not to have experienced persecution, forced migration, disability, mental illness, homelessness or imprisonment. Rights are the icing on the cake for those who already have the cake.

In fact, it is worse than that. In the looking-glass world of Tory ideology, privilege itself is renamed in the language of rights. The privilege of owning another person's home, having a loud media voice, indulging in gender gatekeeping and having the time and money to travel are somehow placed in the scales against real fundamental rights to a home, to freedom from persecution, to a private and family life, to join a trade union, to strike and to protest. The rights that we stand for are not just the comfortable ones—the ones that do not impinge on our prejudices, our inherited assumptions or our convenience.

Next year will be the 75th anniversary of the Universal Declaration of Human Rights. I want to stand here then, celebrating the demise of the Tories' shameful rights removal bill, welcoming our further embedding and extending of human rights in Scotland, especially for children, and looking ahead to the next challenges, because human rights are universal, for all of us as humans. Until we make that real, here and everywhere, our work must continue.

16:29

Martin Whitfield (South Scotland) (Lab): It is, as always, a pleasure to follow Maggie Chapman and her powerful speech. She reminded us that this Saturday brings to an end the 16 days of action—many people in the chamber today were here at its start—and she spoke about 10 December, the 75th anniversary, dignity, freedom and justice for all.

I thank the minister for quoting Volker Türk. I took the section about people finding a new energy that motivates young people around the world as Volker pointing to the fact that our young people have that energy and that it is for the rest of us to find similar levels of energy to fight for human rights wherever they are at risk or breached.

In the short time that I have, I want to discuss the UNCRC, and I make no apology for that. I thank Rachael Hamilton for drawing attention to the wording of the judgment from the Supreme Court, because that saves me two minutes by not having to revisit it. That gives me the opportunity to take us back 18 months, to 16 March 2021, when members of this chamber voted to incorporate the UNCRC. Then, as we have heard, on 6 October 2021, the Supreme Court knocked back the bill for exceeding the powers of the Scottish Parliament.

I want to draw attention to some events that have happened since then. At a meeting of the UNCRC embedding in public services guidance sub-group on 9 August 2022, it was told that the

“first reports under the UNCRC Bill”

—not act, but bill—

“would be due as soon as practicable after the 31 March 2023.”

People will be expected to report on a bill and to spend funds on creating that report, even though they do not have the statutory authority to do so, by 31 March next year.

Let us move to 25 August 2022, when the UNCRC strategic implementation board minutes show that the bill will be

“brought back to and passed by Parliament by the end of this calendar year.”

Alex Cole-Hamilton: Martin Whitfield is making a very important point. At the start of his excellent remarks, he mentioned the fact that young people have the energy to drive towards their rights. Does he agree that the Government’s heel-dragging in not bringing the bill back to Parliament does not replicate the energy of our young people and is similar to what is happening in relation to the age of criminal responsibility?

Martin Whitfield: We are, of course, lacking the enthusiasm, the energy and the passion of our young people, and that is reflected in the anger that young people outside this place feel about the fact that the UNCRC bill has not come back here.

On 25 August, the strategic implementation board was told:

“This will be dependent on amendments being prepared, no significant concerns being raised by UK Government, and the Parliamentary process itself”,

the parliamentary process being, of course, what happens in this place.

On 27 September, the strategic implementation board was told:

“We are still on track to have the reconsidered Bill passed before the end of the calendar year, but that will depend on whether the relevant Committees would like to schedule time to scrutinise the amendments.”

It was also told that stakeholder engagements on the proposed fixes had taken place and were completed between 25 May and 11 June.

I raise those points because I would like to ask the minister where we are with the bill. Is it correct that amendments are sitting with the UK Government, which the Scottish Government—not the Scottish Parliament—is waiting to hear back from? Has the Scottish Government set a timetable for the UK Government to respond? I ask because I have seen what is in those minutes and I know that the Scottish Government is meeting very important stakeholders that represent our young people, for whom the UNCRC bill was so heralded. The bill rightly needs to come on to the statute book, but the Parliament seems

to be getting blamed, as it is said that its committees cannot find the time.

Rachael Hamilton: I might be able to shed some light on what the member is trying to find out. Until the motions and amendments are lodged, the committee cannot scrutinise them. The committee is being told that the motions and amendments are not being lodged, so it is the Government that is holding things up, not the committees.

Martin Whitfield: I am very grateful for that intervention, because the member has confirmed what I feared. I am concerned that, in meetings with stakeholders outside the chamber, there is discussion about the Parliament and the committees holding things up. Instead, what I believe to be the case is that there is discussion between the Scottish Government—

Stephen Kerr: Will the member take an intervention?

Martin Whitfield: With respect, Mr Kerr, I will not pause now.

The Scottish Government and the UK Government appear to be at loggerheads over something, which is why, in my earlier intervention, I requested sight of the draft amendments so that we could speed through the process.

We are now in December 2022, two sitting weeks away from the end of this year. My understanding—I am happy for the minister to correct me—is that there was an intention to bring back the timetabling motion in October, but that was rightly postponed because of the events following the death of Her Majesty. If that is the case, this must be—and should be—ready to go.

I can think of no better day than the 75th anniversary of human rights day, which was founded at the end of the most appalling war—well, we will not meet on 10 December, so I will give the minister until 12 or 13 December—to see the timetable for bringing back to the chamber the UNCRC bill.

I am grateful for your patience, Presiding Officer.

The Deputy Presiding Officer: Thank you, Mr Whitfield.

I call Paul McLennan, who will be the last speaker in the open debate.

16:35

Paul McLennan (East Lothian) (SNP): I thank the Scottish Government for bringing the debate to the chamber this afternoon.

As members have said, human rights day is observed every year on 10 December—the day on which the United Nations general assembly adopted the Universal Declaration of Human Rights in 1948.

The UDHR was, and still is, a milestone document, which proclaims the rights that

“everyone is entitled to as a human being, regardless of race, colour, religion, sex, language, political or other opinion, national or social origin, property, birth, or other status.”

As has been mentioned, the 2022 theme is about dignity, freedom and justice for all, and the 75th anniversary of the UDHR will be celebrated over the weekend.

In the decades since the adoption of the UDHR, human rights have become more recognised and more guaranteed across the globe. However, that has been challenged all over the world and in the UK.

The Scottish Human Rights Commission sent us a briefing for today’s debate. It considers that

“the UK Government’s Bill of Rights Bill threatens to damage Scotland’s progress in developing a human rights culture, by undermining the European Convention on Human Rights (ECHR) protections available under the Human Rights Act and the Scotland Act, unsettling Scottish devolution and introducing confusion and uncertainty for Scotland’s public authorities”.

In addition, the SHRC considers that

“The Bill of Rights and its supporting publications fail to acknowledge the complex implications of the proposed measures for Scotland”,

and it states that

“The Bill of Rights threatens ... the UK’s international reputation.”

Indeed, the commission notes the

“comments from the Office of the High Commissioner for Human Rights that the UK risks going back on longstanding human rights commitments”.

It also highlights that the

“overall objectives as set out by the UK Government are at odds with the UK’s international obligations and domestic support for the HRA, particularly in Scotland.”

I turn to the Scottish Parliament. The Parliament has acknowledged the requirement to embed human rights across its work. In 2018, the Equalities and Human Rights Committee set out a human rights roadmap for the Parliament, which has a vital role to play in ensuring that the Scottish Government and other public bodies are upholding the protections of the European convention on human rights and of other international human rights standards.

Work is now well under way in Scotland to incorporate into law the human rights that are

contained in a number of other international human rights treaties, covering economic, social, cultural and environmental rights, and stronger protections for the rights of women, disabled people, black and ethnic minorities, older persons and children.

There has been considerable progress in the development of a human rights culture in Scotland, and the Human Rights Act 1998 and the Scotland Act 1998 have together played a key role in that progress.

Stephen Kerr: That is a noble list of different groups and all their rights. However, does the member agree with Rachael Hamilton and Martin Whitfield’s points about the need for the SNP member’s Government to introduce the amendments that have been discussed, so that we can get on with incorporating the UNCRC? Does he agree with my colleagues and friends?

Paul McLennan: I believe that the minister mentioned that point in her opening speech and I am sure that she will reference it in her closing speech, too.

The Scottish Human Rights Commission

“strongly encourages Parliament to support the human rights of all people in Scotland and to ensure that access to justice and human rights-based approaches are strengthened rather than weakened.”

I, along with other colleagues of the Social Justice and Social Security Committee, attended human rights training in the summer, which the commission offered. My colleagues and I found that training very helpful, as it helped us to refocus on bringing a human rights approach to everything that we do. Consequently, I asked whether human rights training for parliamentarians could, and should, be embedded as a matter of course—especially in the induction of new MSPs. Will the minister consider supporting that idea?

That suggestion would probably need to go through the Presiding Officer or it might be for the Standards, Procedures and Public Appointments Committee to recommend that steps are taken in that regard. As I said, the training was very helpful and it has allowed me and other colleagues to look at our work on the committee in a different way.

In 2018, the then Equalities and Human Rights Committee produced a report entitled “Getting Rights Right: Human Rights and the Scottish Parliament”. One of its key recommendations regarding international human rights reviews states:

“We ask Scottish Parliament Committees, assisted by the Scottish Parliament’s Research service, to utilise the Universal Periodic Review recommendations and the Scottish Government’s timetable for action to inform their scrutiny work.”

Perhaps the minister could comment on that as well.

The Scottish Government is committed to ensuring that convention rights remain protected from Westminster's regressive proposals for a UK bill of rights so that Scotland has a strong and enduring commitment to securing democracy, the rule of law and human rights around Scotland and the world.

16:40

Foysoyl Choudhury (Lothian) (Lab): It is a pleasure to close the debate for Scottish Labour. Much has been said in the debate on which my party can agree.

As has been mentioned, 10 December is the anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations. My colleague Pam Duncan-Glancy has already highlighted the themes of dignity, freedom and justice for all, and noted how those are currently threatened here.

Much has already been said about human rights, and several members, including Alex Cole-Hamilton and Karen Adam, have saluted human rights defenders. I will use my time to focus on the context of those rights. I will turn first to their universal nature.

The UDHR was the first major attempt to enshrine human rights around the globe. It builds on the rights in the UN charter to detail the rights that every human being should be able to expect, and it was the beginning of international human rights law as we know it today.

We all know that the work to develop and recognise international law has not had a straightforward path. In the aftermath of the second world war, that was a revolutionary act. It was an attempt to ensure that the crimes that had been committed in the preceding decade would never be repeated.

While we mark the beginning of this era of international law and universal rights, I fear that we are sleepwalking into the end of it, and it pains me to see the UK Government playing its part in that.

The disregard for international law since Brexit has been clear for all to see: we had a UK minister acknowledging that the UK Government's legislation would break international law in a "specific and limited way"; we have an existential threat to the Human Rights Act 1998; and the Northern Ireland Protocol Bill is threatening to tear up an international treaty. Further, as the Scottish Refugee Council told the cross-party group on Europe earlier this year, the UK Government seems to be trying to ensure that the refugee

convention has no effect. What conclusion are we supposed to draw from a Government that behaves in such ways, if not that it has a dismissive attitude to international law? I fear that it does not realise the signals that it is sending to the rest of the world.

Stephen Kerr: The reality is that the UK is a shining light in these matters. Consider, for example, last year, when we had a net migration figure of more than 500,000. That is a result of the generosity of the peoples of these islands in welcoming people from Hong Kong in the face of a brutal and repressive Chinese regime and in welcoming the people from Ukraine who have come here. We greet them with open arms, so to paint the United Kingdom as a repressor of the rights of refugees is a travesty.

Foysoyl Choudhury: That is a debate for another day, but, in my view, we need to treat everyone equally.

Rachael Hamilton highlighted some of the human rights abuses around the world, but when even the British Government starts ignoring international law that it does not like and it starts tinkering with treaties and saying that some rights are more universal than others, what example does that set? The Tories are eroding our ability to be taken seriously.

I turn back to the motion. Scottish Labour agrees with its points about the rights in the Human Rights Act 1998 and the Scotland Act 1998. As my colleagues have noted, those are good pieces of Labour legislation. However, we encourage the Scottish Government to bring back to Parliament the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, so that those rights can be enshrined in Scottish legislation as well.

My colleague—

The Presiding Officer: You must conclude, Mr Choudhury. I call Pam Gosal.

16:46

Pam Gosal (West Scotland) (Con): I am pleased to be able to close the debate on behalf of the Scottish Conservatives.

Every year, appalling human rights violations are committed around the world. Those dreadful acts remind us of the importance of setting out a firm stand in favour of human rights.

I commend colleagues across the chamber for making a number of thoughtful and important contributions to the debate, some of which I will take a moment to mention. Christina McKelvie paid special tribute to all the human rights

defenders around the world. We must not forget all the great work that they do.

My colleagues Rachael Hamilton and Annie Wells spoke about the three places where we all know that human rights are under threat: China, Ukraine and Iran.

Pam Duncan-Glancy highlighted that the incorporation of laws on its own is not enough and that there must be a human rights basis for policy making and budget setting.

Alex Cole-Hamilton and Carol Mochan reminded us that, although so much has been done on human rights, so much more remains to be done.

It was interesting that Joe FitzPatrick talked about the Conservative Party having a “brass neck”. Maybe he can help to push the Scottish Government to announce some key dates on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, which everyone is desperately waiting for, and which everyone has acknowledged—

Joe FitzPatrick: Will the member take an intervention?

Pam Gosal: I would like to carry on; I have only just started.

Karen Adam rightly applauded the courage of Iranian women.

Martin Whitfield spoke passionately about the UNCRC bill, highlighting key dates. He asked how organisations can be expected to report on a bill by 31 March 2023 when we have no timeline for when the Scottish Government intends to lodge a motion and publish its amendments.

Rachael Hamilton and Annie Wells spoke about Putin’s atrocious crimes during the war in Ukraine. I am proud that the United Kingdom has been the second-largest donor to Ukraine—it has committed £2.3 billion to its cause in 2022. As a country that has been at the forefront of protecting human rights around the world, it is only appropriate that the UK has led the way in Europe in opposing Putin’s barbaric war.

Kaukab Stewart: Will the member take an intervention?

Pam Gosal: I am sorry, but I do not have enough time.

Our amendment refers to children’s rights and the Scottish Government’s UNCRC bill. The UN Convention on the Rights of the Child is said to be the most complete statement of children’s rights ever produced. It is also the most widely ratified international treaty in history.

As has been mentioned today, the Scottish Government received support from all parties

when it introduced the UNCRC incorporation bill during the previous session of Parliament. However, it was clear that there were potential legal issues with the bill. Last October, the Supreme Court declared that the UNCRC bill exceeded the competence of the Scottish Parliament. The SNP deliberately drafted the bill that way, using children’s rights to play nationalist games, just as today it is using human rights to provoke another grievance with the UK Government in a cheap and low attack with no substance behind it.

Last year, the Deputy First Minister stated that the Government was

“absolutely committed to implementing the legislation at the earliest possible opportunity, after addressing the remedies that are necessary.”—[*Official Report*, 6 October 2021; c 27.]

In last year’s debate on human rights day, I raised the fact that Parliament still had no idea of the timescale for the bill’s reconsideration stage. A whole year has now passed, but the bill has still not returned to Parliament. During a committee meeting earlier this week, I was able to ask the Scottish Human Rights Commission about the issue and was told that clarity is needed from the Government. Once again, we call on the SNP Government to treat the children’s rights bill as the priority that it should be and to return it to Parliament as soon as possible.

This Parliament has a moral obligation to continue using its fullest powers to advance human rights. We cannot stand here again in a year’s time, still waiting for the SNP to act on children’s rights. Parliament must stop seeking grievance with the UK at every turn and must focus on what really matters—passing the children’s rights bill. We cannot just highlight examples from abroad; we must do what we can here, on our doorstep, to promote human rights. I urge members to support the amendment in Rachael Hamilton’s name.

16:52

Christina McKelvie: I am delighted to conclude the debate and thank all members for their contributions. When it was adopted by the United Nations General Assembly in 1940, the Universal Declaration of Human Rights set out to reaffirm faith in fundamental human rights and in the dignity and worth of the human person. We have heard today from many members, including in a great speech by Foysol Choudhury, that the Scottish Parliament shares those fundamental principles and reaffirms its commitment to the Universal Declaration of Human Rights.

Many points have been made about the UNCRC. I recognise the passionate commitment

of colleagues from across the chamber to the UNCR. The Scottish Government did not deliberately bring forward a UNCR bill that was outwith our competence. The whole Parliament, all its members and the Presiding Officer at the time agreed that the bill was within our competence. This is a complex issue and one that involves the devolution settlement and a detailed and complex Supreme Court judgement.

We want to incorporate the UNCR, as far as is possible within our legislative competence, and we want to do so as soon as possible, but we must minimise the risk of a further referral to the Supreme Court. We make no apology for engaging with the UK Government on this matter or for taking time in May and June to engage with young people who campaigned so passionately to bring this about. We have taken the time to hear their voices and anticipate that that engagement will conclude in the near future.

Joe FitzPatrick is absolutely correct. He clearly demonstrated the brass neck of the Tories in this place. I, too, challenge them to incorporate UNCR rights across the UK and perhaps to abolish the two-child cap and the rape clause while they are at it, before they bring their crocodile tears to this Parliament.

Many MSPs highlighted Russia's illegal war of aggression in Ukraine and the appalling war crimes and atrocities that Russia has committed. We stand in solidarity with the people of Ukraine.

Kaukab Stewart called out again the Tories' and the UK Government's hypocrisy. If refugees are being exploited by traffickers, they should give them a safe and legal route to come to this country instead of those people having to take a route through traffickers.

Since the conflict began, over 21,800 people have arrived in the UK. We are proud to be able to support so many people who have fled war. I am appalled that there is any need for that, but I am also appalled, like Maggie Chapman and others, at the UK Government's attitude to refugees. If Tories in this place want to show any integrity, they should sort out the disgraceful no recourse to public funds policy.

We are also committed to playing our part in welcoming and supporting people from Afghanistan. I have had the honour of meeting Mursal Noori, who fled Afghanistan last August and who campaigned in Afghanistan—and is now campaigning in Scotland—for women and girls there to be able to access education and elected office. Last month, at Mursal's former school in Afghanistan, 46 of her classmates were killed by a suicide bomber. Her campaigning acts as a vital reminder to all of us of the very real threats that women and girls in Afghanistan face.

I join Karen Adam and others in paying tribute to Mahsa Amini, the 58 children and the many hundreds of other victims of the latest waves of repression in Iran. Wearing the hijab should be a matter of personal choice. We applaud the courage and determination of protesters who are challenging police brutality and the deep-seated misogyny of laws such as the one that requires women to wear a hijab.

Alex Cole-Hamilton, Carol Mochan and Joe FitzPatrick picked up on the concerning reports about deaths of migrant workers and the treatment of LGBTI people in Qatar. Human Rights Watch described the world cup as "exciting, lucrative and deadly." The Scottish Government condemns human rights abuses wherever they occur and we stand in solidarity with those who face discrimination and persecution. Like Joe FitzPatrick and Carol Mochan, we also condemn the derecognition of the Afghan women's football team.

As my tiny mark of defiance, I have worn my rainbow laces since the beginning of the world cup and they will be on until the end of it, because small acts of defiance can show solidarity with people around the world.

Such abuses remind us just how fragile the post-1945 international order remains and how real the threat to human rights and global peace is.

There is ample evidence, including from the UN High Commissioner for Human Rights, that China has committed gross violations of human rights in Xinjiang.

We must dedicate ourselves to meeting the highest standards of human rights and we must continue to strive for equality and human rights here in Scotland and the UK.

As Joe FitzPatrick and others said, we have heard from civil society organisations about their concerns about the bill removing rights. I have heard those calls. That is why we must oppose the UK Government's regulatory race to the bottom and its regressive policies, which seek to remove our rights and threaten some of the most vulnerable people in our society.

Let us talk about the disgraceful points made by Scottish Tories in this place, because the following is who they are, and who they are is the thing that we must reject. We have the UK Home Secretary's dream of seeing the front page of the *Telegraph* showing a plane taking off to Rwanda. Her dream is a nightmare for the people who are at grave risk of torture and death. We must also be clear that this Parliament does not share the justice secretary's desire to destroy the Human Rights Act 1998 and replace it with a dangerous and ill-conceived bill of rights.

The Scottish Government will continue to robustly oppose all attacks on the Human Rights Act 1998. As members of this Parliament, we have made it very clear that there must be no changes to that act without our explicit consent.

James Dornan spoke about human rights defenders. He paid tribute to young people and talked about what we should be doing in education. Members should look at Together's human rights defenders, who are providing the lived experience of young people in the work that we are doing for our human rights bill, which will come forward soon.

The Scottish Government's ambition is to be a good global leader—one that supports democracy, the rule of law and human rights. We are demonstrating our leadership through the introduction of our human rights bill. The next key milestone will be a public consultation on proposals next year.

I was delighted to hear from Paul McLennan about the continued embedding of human rights across the Parliament and its committees. As the convener of the committee whose report he referenced, I am happy to support his call for all members in this place to take part in that human rights training.

So much is achieved for human rights around the world by brave individuals who are prepared to stand up for the principles that are set out in the UN Declaration of Human Rights. For our part, the Scottish Government will continue to do everything that we can to uphold those values, to make rights real for people in Scotland and to stand up for human rights wherever they are under threat.

Decision Time

17:00

The Presiding Officer (Alison Johnstone):

There are three questions to be put as a result of today's business. The first question is, that amendment S6M-07133.2, in the name of Rachael Hamilton, which seeks to amend motion S6M-07133, in the name of Christina McKelvie, on international human rights days, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. There will be a brief pause, to allow members to access the digital voting system.

17:01

Meeting suspended.

17:03

On resuming—

The Presiding Officer: We come to the vote on amendment S6M-07133.2, in the name of Rachael Hamilton, which seeks to amend motion S6M-07133, in the name of Christina McKelvie, on international human rights days. Members should cast their votes now.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Doney, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 88, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-07133.1, in the name of Pam Duncan-Glancy, which seeks to amend motion S6M-07133, in the name of Christina McKelvie, on international human rights days, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)

Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the
 division is: For 23, Against 94, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The final question is,
 that motion S6M-07133, in the name of Christina
 McKelvie, on international human rights days, be
 agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)

Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 86, Against 31, Abstentions 0.

Motion agreed to,

That the Parliament recognises the significance of Human Rights Day and International Human Rights Defenders Day; reaffirms its own commitment to the universal and inalienable rights and freedoms originally set out in the Universal Declaration of Human Rights; commends the work of human rights defenders in all nations and territories, and the importance of their work to ensure that human rights are fully respected, protected and fulfilled; recognises the Scottish Government’s commitment to giving full domestic effect to international human rights obligations through future human rights legislation within the limits of devolved competence; agrees that the Convention rights established by the Human Rights Act 1998, and embedded in the Scotland Act 1998, are fundamental to the Scottish Parliament and to Scotland’s devolution settlement, and reiterates its unequivocal opposition to the UK Government’s proposals to undermine and weaken the Human Rights Act 1998 through its flawed and misconceived Bill of Rights Bill.

Meeting closed at 17:08.

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

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