



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 19 September 2017**

**Session 5**



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## Scottish Parliament

*Tuesday 19 September 2017*

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

### Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon. Our first item of business is time for reflection and our leader today is Imam Mohammad Sohail Ashfaq, from Blackhall mosque in Edinburgh.

**Imam Mohammad Sohail Ashfaq (Blackhall Mosque, Edinburgh):** In the name of God, the most merciful, the most kind.

Respected Presiding Officer, dear members of our Scottish Parliament, good afternoon and peace be upon you.

As the sun sets in a few days on another Islamic year, I am sure that you will agree that there is so much to be satisfied about and thankful for. Each of us in our roles of responsibility has been able to contribute in many ways to ensuring a better life for those for whom we are responsible. I am sure that we look forward to the coming Islamic year with hope to do more.

I try to learn lessons from those who came before us, so that their lives can inspire me to do much more. This is something that I would like to share with you. Over the past year, I have been reading up on the life of a man who lived nearly 1,400 years ago: a man who, when given the responsibility of leading his people after the demise of our Prophet—peace be upon him—and the first caliph, gave them hope with his endless commitment. In his life I found many lessons that I have been able to implement. That man was Umar ibn Khatab—may God be pleased with him.

To be close to the poor, Umar lived in a simple mud hut without doors. He walked the streets every evening to ensure the safety of his community. After consulting with the poor, Umar established the first welfare state, Bayt al-Mal. It aided the poor, the needy, the elderly, orphans, widows and the disabled. Umar—radhiallahu anhu—also introduced child benefit and pensions for the children and the elderly. He was a person who listened to his community and was never afraid to make changes to benefit them.

Umar's inspiration was a close friend, the first caliph. I remember a story of an event that I feel had a profound effect on Umar and probably inspired him to go on to do so much more. After the demise of the first caliph, Umar—radhiallahu anhu—decided to take care of those whom the

caliph used to look after personally. One morning, he went to the house of one of those poor, elderly widowed women. He made her breakfast and placed the food in front of her. What the lady said astonished Umar. She said, "It seems that the person who took care of me has left this world, because he would lift the morsels of food to my mouth due to myself being blind."

Stories like that have inspired me as well. I have been able to help the less fortunate here in my community and around the world over the past year. I pray that this coming year is more prosperous and more beneficial for us and our communities. May our Lord give us all the strength to keep doing the good that we are doing. Ameen. Thank you.

## Topical Question Time

14:03

### Terrorism (Parsons Green)

#### 1. Claire Baker (Mid Scotland and Fife) (Lab):

To ask the Scottish Government what action it is taking in response to the terrorist incident at Parsons Green in London. (S5T-00678)

**The Cabinet Secretary for Justice (Michael Matheson):** My thoughts are with those who were caught up in Friday's cowardly terrorist attack in London, particularly those who were injured.

In response to the raised threat level, as a precautionary response Police Scotland increased operations to protect the people of Scotland, businesses and public places. That included increasing the number of armed officers on patrol across the country, who were deployed as part of the measures taken to allow the public to go about their daily lives as normal. Police Scotland reviewed all significant events over the past few days and has reviewed the security footprint as appropriate. Throughout that process, Police Scotland reinforced the key message to our communities that it and its partners have well-rehearsed plans to respond to any major incidents that might have an impact on Scotland. Police Scotland is now gradually scaling back the policing response, in keeping with the threat level.

The First Minister, the Deputy First Minister and I were briefed by officials and Police Scotland throughout to gain assurance that what was being proposed was appropriate and proportionate to the threat that we faced. We must not allow terrorism to triumph. People should not be afraid to go about their daily business as usual. However, I urge the public to remain alert and report any suspicious activity. As a Government, we are committed to ensuring that Scotland's law enforcement and other bodies have all the tools they need to tackle terrorism, building on the robust measures that are already in place. Indeed, they are well prepared for that, and the focus has been on ensuring that the required operational measures are in place to ensure the continued safety and security of the public and that they are appropriate and proportionate.

**Claire Baker:** I thank the cabinet secretary for his response and associate my party with his remarks. It is right that we praise the reaction of the emergency services, which again responded quickly without fear. It is also right that we thank, and appreciate the reaction of, the staff of London Underground, who in many instances were the first responders for Friday's attack.

Although I appreciate that a serious investigation is on-going, such attacks raise concerns about risks to community cohesion. What steps can the cabinet secretary take to ensure that the authorities are working with our communities to ensure their safety and that we are all working together to tackle extremism in all its forms?

**Michael Matheson:** I welcome the member's comments, particularly her praise for our emergency services and the way in which they respond when such incidents occur and when there is an increase in the threat level.

The member has made an important point because, although there is an operational response to these matters, what is more important is that we support cohesive and resilient communities to ensure that there is no space for those who wish to peddle the message of extremism or hatred. A range of work is done by a number of agencies, from Police Scotland through to the community-based organisations that we support, to maintain and support community resilience and cohesion. However, particularly during periods of increased threat levels and increasing levels of concern, proactive measures are taken by Police Scotland with organisations at a community level to ensure that any concerns or issues that have been highlighted in the communities are addressed as quickly and effectively as possible. That is a piece of work that is taken forward by the police and other agencies on an on-going basis.

Angela Constance and her colleagues take forward a range of work in support of organisations that tackle extremism and the ways in which the message of hatred can often be peddled. However, key to achieving that is not giving that message any space in our communities in Scotland, which is why the work that we do to create cohesive and resilient communities is key to tackling the type of extremist behaviour that we have seen.

**Claire Baker:** The cabinet secretary will be aware of the comment made this week by the Secretary of State for Exiting the European Union that Britain could continue to pay in order to remain a part of Europol, as part of the new security treaty with the European Union. Europol has a vital part to play in our ability to combat terrorism in Scotland and beyond. What discussions have the cabinet secretary and the Scottish Government had with the United Kingdom Government about our continued membership of Europol and ensuring that there is continued international co-operation on security matters in the future?

**Michael Matheson:** The member has referred to the paper that the UK Government published on

security and criminal and other aspects of law. I am disappointed to tell the chamber that, prior to the publication of that report, despite the fact that it refers to a range of devolved responsibilities, there was no consultation with the Scottish Government on the matter. That is simply unacceptable and demonstrates a serious disregard for the responsibilities of this Parliament in those key areas.

I have raised previously in the chamber the importance of and the value that we get from being a member of Europol; the sharing of information with other European countries, which we benefit from here in Scotland; and the benefit that other countries across Europe gain from the information that we submit to Europol. There is no doubt that we in Scotland benefit disproportionately from the measures that Europol provides, largely because we make greater use of the Europol network.

I assure the member that, as a Government, we are determined to do everything that we can to continue to have access to these important security measures in support of our law enforcement agencies here in Scotland. I wish that the UK Government would show more respect for the responsibilities of this Parliament. Before it publishes any paper of this nature that clearly relates to areas of devolved responsibility, there should be a full engagement and consultation process with the Scottish Government to allow the paper to be informed by its views.

**Liam Kerr (North East Scotland) (Con):** The police and emergency services put their own safety and lives on the line daily to keep the people of Scotland safe. In the light of the recent terrible events and in general, what specific steps is the Scottish Government taking to ensure that officers and staff have maximum protection themselves while they are protecting us?

**Michael Matheson:** The member may be aware that I made a statement to Parliament last year setting out the decision to increase the firearms capability that we have in Police Scotland. That was a key part of the action that was taken to increase the protective security measures that are available to Police Scotland in response to any particular increase in the threat level here in Scotland. That work has almost been completed. The level of firearms capability that we now have in Scotland has almost reached the point that Police Scotland set itself this time last year.

We will continue to work with Police Scotland to ensure that it has the necessary preparations in place to deal with any incident that should ever occur in Scotland and, where it can, to assist and support other law enforcement agencies in the rest of the UK. I believe that that is a clear demonstration of this Government's commitment

to ensuring that Police Scotland has the necessary protective measures in place.

### Care Sector

2. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what its response is to concerns raised by Age Scotland that the country faces a crisis in the care sector, with some service users being left without food, water and essential medicines. (S5T-00669)

**The Cabinet Secretary for Health and Sport (Shona Robison):** We welcome Age Scotland's contribution as a strong advocate for older people and their services, and we recognise that Age Scotland and other organisations have highlighted the need to focus on dealing with recruitment and retention issues in some areas.

We have integrated health and social care services, in the most radical reform of the national health service in Scotland since 1948. Integration brings together NHS and social care services so that people can get the right care and support at any point in their care journey. Integration is also about ensuring that staff across health and social care are equipped to work together to make full use of their shared skills and resources. This year, an extra £107 million will transfer from the NHS to health and social care partnerships to ensure that more people are cared for safely in their own homes, to avoid preventable admissions to hospital and to deliver the real living wage to all adult care workers.

Parts 2 and 3 of our health and social care workforce plan, which are to be published later this year, will examine how to improve integrated workforce planning in social care and primary care settings.

**Colin Smyth:** I thank the cabinet secretary for that answer, but does she accept that the additional funding that she mentioned is actually ring fenced for specific purposes? For example, the £107 million is for additional burdens that are faced by partnerships in relation to the living wage, support for carers and adjustments to care charges. It is not there for the growing demand.

Will the cabinet secretary also acknowledge that the £1.5 billion-worth of cuts since 2011 to local government, which is one of the two sources of funding for partnerships, has forced many councils to cut their contributions to those partnerships—cuts that were sanctioned this year by the Cabinet Secretary for Finance and the Constitution when he wrote to councils on 15 December stating that he could cut their allocations by £80 million?

How many more older people will have to go without food, water and essential medicines before the Government accepts that the current level of social care funding is just not adequate?

**Shona Robison:** The £107 million funding required partnerships to deliver a number of things, and I hope that Colin Smyth agrees that one of the important things that it was to deliver was the real living wage. We know that pay and conditions are part of the recruitment and retention challenge of the social care workforce, so I hope that Colin Smyth accepts that that money is an important contribution towards helping to tackle recruitment and retention challenges in the social care sector. That money, of course, follows on from the £250 million that was put into social care as part of the investment in health and social care services, and that important resource has helped to address some of the capacity issues that Colin Smyth has cited.

On the wider position on local government finances, the increase in spending power to support council services now amounts to over £400 million, or 3.9 per cent.

The other important issue that relates to social care services is that recent statistics have shown that overall expenditure on adult social care services per head of population has increased by 13 per cent in real terms after taking account of inflation.

There are challenges—I would be the first to admit that—but we all have to accept that it is not just about resources, although resources are important and more resources are going in to support social care; it is also about reform, doing things differently and ensuring that services are integrated across health and social care and that people are supported in their homes by new services and new service developments, which the partnerships are, of course, delivering.

**Colin Smyth:** I note that the cabinet secretary did not deny that the £107 million was ring fenced for specific purposes.

As well as facing a funding gap, health and social care partnerships face a recruitment and retention crisis. In the survey in its recent report entitled “Bringing Home Care—A Vision for Reforming Home Care in Scotland”, Scottish Care revealed that more than 90 per cent of survey participant organisations had staff vacancies. On measures such as the living wage, which I have campaigned for all my political life, does the cabinet secretary accept that the Government needs to invest properly in training and other improvements in working conditions to make social care a more positive career choice to tackle the chronic shortages that we face?

**Shona Robison:** On the £107 million, we do not ring fence resources with local government, but we expect that, when resources have gone in, there will be outcomes from that investment. One of the outcomes that we agreed with local

government was the delivery of the real living wage. As I said in my previous answer, that is an important aspect of stabilising recruitment and retention in the social care workforce. However, it is not the only aspect; Colin Smyth is right to point to other elements, such as career opportunities and other terms and conditions.

One aspect of the new world of integration is that career opportunities are enhanced and improved. It is important to ensure that there are career pathways into the regulated professions in the NHS, for example. I would like people who go into the social care workforce to have the opportunity, if they so wish, to train to go into one of the regulated professions and for there to be a clear pathway for them to do so.

As I said previously, overall expenditure on adult social care services has increased by 13 per cent in real terms. Therefore, more resources are going in, but we have to ensure that we make social care an attractive career opportunity not just for young people but for people across the workforce. That is partly about pay, but it is also about those other things.

**Miles Briggs (Lothian) (Con):** Is the cabinet secretary aware that Edinburgh’s health and social care partnership is struggling with capacity in the care sector in the capital and that the chief officer has stated bluntly that the health and social care system is “underfunded” for the level of need that is currently being expressed? Does the cabinet secretary agree with that assessment? If so, what action will she take to support the care sector in Lothian, where there are more patients waiting to be discharged from hospital than there are in any other part of Scotland?

**Shona Robison:** The issues relating to Edinburgh are long standing, as I am sure that Miles Briggs is aware. There are a number of factors, of which one is the local market conditions. Even with a much-enhanced rate above the real living wage, home care and care home providers still find it difficult to recruit, because there are other opportunities that pay people the same or potentially more. That is a challenge. We have explored with the Edinburgh partnership other things that it can do to enhance its opportunities for recruitment of the social care workforce, such as accommodation and other supports beyond pay. The Aberdeen partnership has also looked at those supports where it faces not dissimilar market conditions.

There is no easy answer, but in the delayed discharge challenge, the partnerships for Edinburgh, the Ayrshires and Lanarkshire account for 40 per cent of all delays. It is important that we support those local partnerships to address their particular challenges. I assure Miles Briggs that my officials spend a lot of time with the Edinburgh

partnership. It needs to get in a new leadership team—that is important, as we cannot have a vacuum—and it needs to get on with doing the things that we believe will work. It needs a plan, and it needs the leadership to deliver that plan. We will support it as much as we can to get on with the job.

## Social Security

**The Presiding Officer (Ken Macintosh):** The next item of business is a statement by Jeane Freeman on delivering social security for Scotland's people. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:21

**The Minister for Social Security (Jeane Freeman):** I will set out more detail on how we will deliver new powers over social security for people in Scotland, including detail on what people can expect from Scotland's new social security agency and how we came to the decision on its configuration. I will also update members on our progress on abolishing the bedroom tax at source and on delivering choice in universal credit through rent payments direct to landlords and twice-monthly payments.

I was delighted to be with the First Minister yesterday when she announced that the agency's headquarters will be in Dundee, with a second major site in Glasgow. As I announced in April, our new agency will offer a local presence across Scotland, supported by efficient central functions. Throughout the consultation and since, the importance of the local presence—that human face—has been consistently expressed. That local aspect marks a key difference between our agency and what currently exists.

For the agency, our aim is twofold—it is to give every person who is entitled to one of the benefits that we will be responsible for the information, advice and support in applying that they need, and to complement what is already out there and working well. Since April, my officials have met 17 local authorities and many third sector organisations to gain an understanding of the particular needs in each local authority area and of the partnership provision, where it exists. I am grateful that the Convention of Scottish Local Authorities is working collaboratively with us on that and I confirm that we are jointly developing an overarching partnership agreement on the guiding principles that will underpin delivery, to secure a consistent approach across Scotland and build local social security services that are tailored to local needs.

We will not compromise on the level of service that we require and expect and for which we will be accountable. It will always be our agency staff, not private companies, who will meet and help individuals; people will always be treated with dignity and respect; and we will always meet the expectations of the charter that we are developing

with the people of Scotland. That is our ambition and our expectation.

I will now describe what the service might look like to those whom we will serve. We know that increasing benefit take-up is a challenge. If a person is unsure of what they may be entitled to, our local staff will offer advice on the benefits that we will deliver, alongside wider income maximisation support.

If a person is looking to apply for a benefit, we will support them to complete the forms and we will advise on the evidence that is needed to support their application. A person who is already receiving benefits will be able to get face-to-face advice on their payments, on notifying the agency of a change in their circumstances, on other benefits to which they might be entitled and on making a complaint when their expectations have not been met. Above all, our service will be proactive, positive and geared to helping the individual in their particular circumstances.

The agency's local presence will be supported by vital central functions such as case handling, payment systems, the contact staff function and the corporate roles that any efficient public body needs. In determining the two locations that I announced, we followed a robust multicriteria assessment process, which was in keeping with our evidential approach to designing the social security system. Dundee will have the agency headquarters, which will support regeneration in the area and demonstrate our commitment that key public services should not be restricted to the central belt. Glasgow will have our main administrative site in the west of Scotland and will offer equal service capacity and capability, which will ensure that the agency can deliver continuity in its crucial services.

As members will see in the evidence that we published today, each part of the country was assessed against a variety of socioeconomic factors. We considered the scale of economic opportunity that more than 1,500 jobs can generate, plus the scale of the risk to business continuity if we were to choose a single site. The sensible decision was to have two major locations of a similar scale. Dundee and Glasgow both performed well against the criteria and will benefit from the ability to attract staff from a wide catchment area. That will spread the economic benefit that new jobs will bring.

We will seek efficiency and effectiveness, in line with our social security principles, but the vital central functions will not be hidden away in an industrial estate or business park, out of reach of the people whom they are there to support. The two central locations will form part of our local network. They, too, will be public facing, open, welcoming and accessible.

We have made it clear that agency staff will be present across Scotland and that the economic benefit from the new public service will be spread. I have spoken about at least 1,500 staff being required in the two central locations. As we move closer to the delivery of the first devolved benefits, we are clearer on the human resource that is likely to be required. I can therefore confirm that we expect the social security agency to be employing about 250 staff by summer 2019 to deliver our first benefits: carers allowance supplement, our best start grant and funeral expenses assistance.

In addition to the central functions, we estimate that at least 400 jobs will be created for the locally based agency presence. That number will be refined as we continue to design the service with local authorities and others, but it illustrates the scale of our commitment to local delivery.

We recognise the scale of endeavour in staffing up an organisation of such a size. We will therefore work with local colleges, employability services and other partners to ensure that we have the right supply of people to work in our agency.

I want to update members on our work to abolish the bedroom tax. I am sure that members recall that our absolute commitment to abolish the tax encountered some difficulties prior to the summer recess. I met ministers from the Department for Work and Pensions last week and I am happy to report substantial progress. We now have an agreed proposal that will fully mitigate the effect of the bedroom tax without funding being clawed back or the support that we provide to those to whom the tax applies being limited by the operation of the United Kingdom Government's benefit cap. I hope to be in a position to lodge an amendment at stage 2 of the Social Security (Scotland) Bill to provide full legal cover for the technical solution.

I also want to update members on the work that we have been doing on the universal credit flexibilities that the DWP will deliver on our behalf from 4 October this year. The flexibilities will offer people in Scotland the choice of having their housing costs paid directly to their landlord and of having twice-monthly payments. We have tested our work directly with those who will use the service to make sure that we are being clear about what is offered, so that informed choices can be made and people are clear about what they need to do.

The social security agency delivery configuration is not about bricks and mortar but about, first and last, a public service that exemplifies our founding principles of dignity, fairness and respect—in how it works as an organisation, how it works for those who need

support and how it co-operates with its partners across our public sector.

I want us to be clearly at the opposite end of the spectrum from the existing DWP system of distrust, misery and despair. That is why we have set the groundwork for a public body with a rights-based service at its heart that will employ staff who are proud of what they do and who will create a positive and respectful culture to deliver the service that we need.

**Adam Tomkins (Glasgow) (Con):** I thank the minister for early sight of her statement.

As a Glasgow MSP, I am particularly pleased about the news for my region. I am also pleased with her report that the joint ministerial working group on welfare is delivering further progress on joint Government working and is ensuring smooth delivery of devolved welfare. Scots want to see our two Governments working together, so I am pleased that the minister was able to say that that is happening.

I have two sets of questions on delivery of devolved social security. She has been asked about the issues before, but they continue to bother Opposition MSPs across the chamber.

My first set of questions is about jobs. How many of the 1,500 jobs that the minister mentioned are new and how many are replacement jobs for people who are currently employed by the DWP? How many of the 250 jobs that she says will be in place by summer 2019 are new and how many are replacement jobs for existing positions in the DWP? How many of the 400 locally based jobs are new and how many are replacement jobs? I hope that my questions are sufficiently clear to get clear answers.

My second set of questions is about costs. Last week, I was not satisfied with the minister's response to me on the topic during general questions, so I am going to have another go to see whether I can get a little bit more detail.

In June, the minister introduced the important Social Security (Scotland) Bill, which the Social Security Committee is considering. The financial memorandum accompanying the bill says that information technology provision for the social security agency will cost £190 million. Last Thursday morning, the Auditor General told the Social Security Committee that she is not in a position to assure the committee about that figure's robustness. The minister did not include any information about costs in her statement. How can she assure MSPs across the chamber that the £190 million figure is robust?

**Jeane Freeman:** I will do my best to answer all Mr Tomkins's questions. I am grateful to him for welcoming parts of my statement.

Adam Tomkins asked how many of the jobs are new or replacements. We are working—in consultation with the Public and Commercial Services Union, our agency partnership forum and others—through the exact detail of each of the 1,500 jobs, including how many people we need for case management, for the payment system, for document handling and so on. Through that work, we will identify whether any—or some—of the jobs that we require for the benefits that will be devolved to us are currently done by the DWP in Scotland.

I do not have an exact number for Mr Tomkins. I expect that some jobs will be existing DWP jobs that deal now with the benefits that we will be responsible for, but the number will be small because the bulk of the DWP's work is conducted south of the border.

As we move through that exercise, I will be able to advise Mr Tomkins exactly what I think the split will be. Where there are jobs that are comparable to jobs that are at the moment being done by DWP staff in Scotland on any of the 11 benefits, we will of course comply with the public sector version of TUPE. I apologise to members, because I clearly have a mental block about what that stands for, but I am sure that members know what I am talking about.

On the 250 staff that I said we would have working to deliver the first phase by the summer of 2019—[*Interruption.*] No—it is 2019. Those staff will be recruited incrementally as we build the new system. Thirty of those jobs currently exist inside the social security directorate—they are held by individuals who were recruited to begin that work for us. They are all new jobs. My expectation is that all, or almost all, of the 250 jobs will be new. Their purpose will be to deliver the new benefits. Again, as we clarify what the DWP does as regards jobs, I will be happy to advise Mr Tomkins and other members of the exact detail.

On the 400 locally based staff, I ask members to remember that, at this point, the number is an estimate—the figure might be higher or lower—because we need to work with each local authority to ensure that what we deliver fits with what is already on the ground, and we need to take account of the different demands of different local authority areas. When it comes to deployment of staff, rural authorities, for example, will require a different configuration. Those locally based jobs are new—they are for new local social security staff who will be based in local authorities across Scotland. The DWP currently has no comparable jobs.

On IT costs, I start by reminding members—Mr Tomkins, in particular—of one of the key lessons from Audit Scotland on how to create an IT system to support a major project in a major public

service. For me, the IT is a supporting part of the infrastructure; it is not the driver. Its purpose is to support us to deliver on the driver, which is social security policy—a rights-based system and so on. One of the clear lessons was that a new system should not be built all at once; the process should be taken in manageable chunks and flexibility should be built in. That is precisely how we are building the IT system infrastructure to support our overall delivery of social security. Again, as we draw down responsibility for the benefits incrementally, as we recruit staff incrementally and as we build our agency incrementally, so, too, will we build our IT incrementally.

I turn to the question about how we get an overall estimate of cost. Mr Tomkins will have read the financial memorandum in great detail, so he will know that the figure of £190 million comes with a number of caveats, so that we are sure that we all understand what we are saying. Those caveats detail the assumptions that were made in reaching the figure of £190 million. Because we are building the new system chunk by chunk, we are determining the costs as we go, chunk by chunk.

However, because we needed a financial memorandum at this point in the process, we looked—with our in-house digital experts in the Scottish Government—at what we would need for the new social security system in the round, and at what kind of IT we would need for case management, verification and documentation handling. We then used the costs that had been incurred previously in various projects. We sought to find a clear analytical basis on which to judge those costs and to arrive at a figure. On the basis of all that, we came up with a figure of £190 million.

I make it clear now, as we did at the Finance and Constitution Committee, that that figure will be refined as we go through the IT build. I understand that my officials have offered, or will shortly offer, the Finance and Constitution Committee the opportunity to hear in more detail how we will go about that build.

Overall, I hope that that gives Mr Tomkins a bit more detail and assurance that we are approaching the matter in a soundly based and robust way, and that we are taking it step by step. Those need to be the caveats around what is being done. The assumptions that we have made are very clear in the financial memorandum, and our approach is sensible and sound.

**The Presiding Officer:** That was a very detailed question and an even more detailed answer, which is to be applauded, but I am very conscious of time. As the opening questioner for Labour, Mark Griffin gets a slightly longer question, but I urge all members and the minister

to keep the questions and answers very tight from now on.

**Mark Griffin (Central Scotland) (Lab):** We welcome the news that the bedroom tax will finally be abolished at source, since that is a long-held ambition of Scottish Labour that goes way back to Jackie Baillie's initial proposal for a member's bill.

The minister talked about people being met by staff from the social security agency, not private companies, and about income maximisation. Does the Government plan to introduce stage 2 amendments to that effect, so that people have the assurance of primary legislation and future Governments cannot change those principles—which we agree with—with ease?

On universal credit, we welcome the additional flexibilities, but want to know about the situation regarding split payments, as evidence that the Social Security Committee heard last week showed that Northern Ireland is working towards those flexibilities with the DWP.

**Jeane Freeman:** On the question whether I can commit to stage 2 amendments on the issues that he raised, the answer is no, because it is really important that I hear all the evidence that the Social Security Committee has heard. I continue to have discussions with stakeholders on a number of aspects of our bill, during which I clarify my position, which has been clear up until now, on questions about scrutiny and the charter. When we get through that process and my officials have produced themed papers for the committee on a number of issues, I will take a view on what I think will be appropriate Government amendments at stage 2, or on amendments that might be lodged that the Government could support. Therefore, at this point, I am saying neither yes nor no.

On split payments, the member is absolutely right, and I am conscious of the work that Northern Ireland is doing. He and I have discussed, as I have with his colleague Ms McNeill, some of the complexities of delivering that, notwithstanding our commitment to do it. We are working our way through some of the complexities with an eye to what Northern Ireland is doing and holding further discussions with our key stakeholder groups with regard to being able to do it in a way that is legislatively robust and deliverable.

**The Presiding Officer:** I remind members that their questions should have no preamble or explanation; they should just be questions.

**Sandra White (Glasgow Kelvin) (SNP):** Can the minister provide more detail on what level of jobs she expects to be available in Glasgow and Dundee? Does she agree that those who have lived experience of the current system—for example, those who have taken part in the

experience panels—should be encouraged to apply for some of the jobs?

**Jeane Freeman:** The services that those two locations will provide to social security as a whole include case management, case handling, decision making, document verification, identity verification, payment systems, corporate governance and appeals, and such are the jobs that will flow from that.

With regard to who should apply, I am a firm believer in as diverse a workforce as we can possibly manage. Our workforce should reflect those we serve. However, we also need to recruit in a way that is sustainable and defensible, and we need to recruit the right people with the right skills for those jobs. That is the approach that we will take.

**Jeremy Balfour (Lothian) (Con):** Would the minister agree with me that, however outward facing the new agency is, it will not be independent of the state, and that new claimants will still require independent advice on occasion? Will she commit to funding those organisations that give independent advice? Will she also give a commitment to make sure that the bill includes a statutory right to independent advice, where appropriate?

**Jeane Freeman:** The social security agency will be an agency of Government, so I guess that in that sense it is not independent of the state—a curious phrase.

I have long accepted the importance of advocacy and advice. I am not prepared, in making this statement today in this chamber, to pre-empt the proper scrutiny of our bill as it goes through the committee stages. Just as I did not commit to what Mr Griffin asked, I am not prepared to commit to funding or to any other matter in terms of the bill. The proper process for me to take, as a responsible Government minister, is to listen to the evidence that comes before the committee, continue my discussions with stakeholders, hear what my experience panels are telling me and then form a view on what the right decisions are for Government in terms of either lodging additional amendments or accepting amendments that come from other parties. That is precisely what I will do.

**George Adam (Paisley) (SNP):** Can the minister provide further detail on when she expects the local network to be up and running, which will undoubtedly benefit communities across Scotland?

**Jeane Freeman:** As members will recall, I said that our officials are working with local authorities and other local partners to identify the right model for each local authority area. We accept that there will be differences among local authority areas

across the country—the end result in the quality of service and the consistency of approach will be the same, but the model might be different.

We are looking to have early test models in place in some areas by 2018-19. They will carry out the first delivery of our first benefit, the carers supplement. At that point we will begin to test how those models work and how effective they are at working alongside other partners. Then we will roll them out across the country, as appropriate. The date that Mr Adam is looking for is 2018-19.

**Pauline McNeill (Glasgow) (Lab):** Does the minister accept that independent advocacy in the new system would be a good thing? Notwithstanding what she said to Jeremy Balfour, what is the Government's position on there being independent advocacy in the new system? Does she remind open minded on that question?

**Jeane Freeman:** To answer the second part first, yes, I remain open minded, and I am pretty open minded generally.

I see the value of independent advocacy. However, I would like to make a general point, which I have made to stakeholders and which it is important to make. I understand that, to an extent, all of us come to the question of a social security system in Scotland through the prism of our experience of how the DWP has operated and how people have been—and feel they have been—treated under that system. I need all of us to take a wee step back and recognise that prism precisely for what it is.

Although we might argue forcefully for the need for significant levels of advocacy in the current UK system, particularly around appeals and disability benefits, I think that our approach and the ways that we intend to change that system—by making better decisions the first time, removing the private sector from face-to-face health assessments and reducing significantly the numbers of those assessments—alter how we might view some of those other matters.

My mind is open on how we best approach the new system, but I need us to recognise that we inevitably and understandably look at it based on our current experience, and we need to recognise that what we are introducing will be significantly and materially different from that.

**Alison Johnstone (Lothian) (Green):** I thank the minister for early sight of her statement and apologise for missing her opening in the chamber. Does she agree that we need a statutory right to income maximisation support and that the Social Security (Scotland) Bill would be the place to put that? Does the Government intend to use powers under section 35 of the Social Security (Scotland) Bill to provide payments without an application?

**Jeane Freeman:** I missed the last part of the question. Did the member ask about payments without application?

**Alison Johnstone:** Yes.

**Jeane Freeman:** I am not quite sure what the member might be referring to and I am perfectly happy to discuss it with her offline, as it were.

I accept the absolute importance of income maximisation. I note that local authorities have a role. In order to ensure that we are not handing out statutory requirements willy-nilly or left right and centre to local authorities and the Scottish Government, I need to have a conversation with my colleagues in local authorities and perhaps also with Ms Johnstone herself to look at how we might best achieve coherent income maximisation provision for people across Scotland.

**Mike Rumbles (North East Scotland) (LD):** Will the minister assure us that her approach to the IT system that she outlined to Adam Tomkins is dramatically different from the approach taken by her colleague Fergus Ewing to the IT systems for agricultural payments?

**Jeane Freeman:** My approach is—and I am sure that Mr Ewing's approach was—to learn lessons from previous IT projects that work well and those that work less well in Scotland and at the UK level.

I can talk in detail only about the approach that we are taking for social security. At some point following the presentation to and discussion with the Finance and Constitution Committee, my colleagues may choose to accept the offer from my officials to discuss the IT provisions in the bill. I am happy to extend that offer to other members across the chamber. If we do that, I hope that they will see for themselves that our approach is to build on the lessons learned across a range of IT projects, not least that for universal credit, and to take a staged, sensible and managed approach to building IT—not, as the Audit Scotland report says, going for one big bang.

**The Presiding Officer:** I apologise to the members who did not get a chance to ask their questions. I am sure that there will be other opportunities.

## Homelessness

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Kevin Stewart on ending homelessness together. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:53

**The Minister for Local Government and Housing (Kevin Stewart):** Presiding Officer, I thank you for the opportunity to set out our ambitious plans to tackle homelessness and rough sleeping.

In recent years, we have made significant progress in preventing homelessness by helping people before they reach a crisis. The number of homelessness applications has fallen by more than a third since 2010, with fewer families in unsuitable temporary accommodation. However, we cannot be complacent. Everyone in the chamber and across Scotland has seen the rise in the number of people who are sleeping rough. Frankly, it is unacceptable in a country as wealthy as ours, and we are simply not willing to accept it.

In our programme for government, the First Minister set a clear objective of eradicating rough sleeping. She also committed to renewing and redoubling our efforts to prevent and reduce homelessness by establishing a homelessness and rough sleeping action group, creating an ending homelessness fund of £50 million over a five-year period and investing an additional £20 million in alcohol and drug services.

One of the most important pieces of legislation that the Parliament has passed is the Homelessness etc (Scotland) Act 2003. I am proud of the fact that Scotland has some of the strongest rights for homeless people in the world, helping many people who become homeless back into settled accommodation and a stable home life.

In the past few years, much has been achieved. There has been a 39 per cent drop in the number of homelessness applications since 2010, and there have been fewer families in unsuitable temporary accommodation such as bed-and-breakfast accommodation. This Government has also invested heavily to ensure that Scotland has a new generation of affordable housing, with 69,000 affordable homes delivered, an end to the right to buy and more homes on the way. All those things help to provide warm, affordable homes and to reduce homelessness. Nevertheless, more needs to be done to tackle homelessness and rough sleeping. We need to recognise the causes and to address them, too.

We know that the United Kingdom Government's programme of welfare cuts is making things much worse. We have heard the evidence of that from homeless people, from charities, and—just last week—from the UK's National Audit Office, which concluded that the rise in homelessness across the UK is linked to the UK Government's welfare cuts.

From the freeze on benefits to the benefit cap, and from the changes to the local housing allowance to the imposition of the bedroom tax, a series of harsh cuts have been made to the support that people on low incomes rely on to keep a roof over their heads. The deliberate six-week delay before people get the first universal credit payment will make life even harder for some of the most vulnerable people in our society.

The choices—they are choices—that the UK Government has made are not just morally wrong but economically wrong. Pushing people into crisis—into homelessness—impacts on public and charitable services and serves as a barrier to those who are seeking to work or to keep a permanent tenancy. Councils and third sector organisations provide life-saving and vital support, but we want to do more to support what works and to ensure that there is the joined-up approach that people need. The time is right to build on our strengths and raise our ambitions. We must work together to ensure that our homelessness services have good links to other services, particularly mental health and addiction services.

The £20 million that was announced in the programme for government for drug and alcohol services will boost capacity in the system. Close joint working across housing, social care and health will be crucial in maximising those additional resources to ensure that the money supports those people with the most acute need for joined-up support.

Also important is our commitment to transform the use of temporary accommodation, ensuring that that vital safety net works as well as possible for those who need it. We want our system to be a safety net that provides high-quality, safe temporary accommodation for those who need it in a crisis. To that end, from October, following parliamentary scrutiny, we will reduce the time that households with children and pregnant women spend in unsuitable accommodation.

Our commitment to deliver 50,000 affordable homes over the course of this session of Parliament will also play a significant part in reducing homelessness, but we know that housing itself is only part of the solution for many people. To meet more complex needs, all our services must be better aligned. Ensuring stronger links between housing, mental health services, justice, addictions services, children's and young people's

policies and the care system will be essential to that endeavour. That work is crucial if we are to improve prevention and to deliver better outcomes for those who feel that they are stuck in a cycle of homelessness and poverty.

To achieve our aims and ambitions, as stated in the programme for government, we are taking forward two major initiatives. First, we are creating an ending homelessness together fund of £50 million over five years to support homelessness prevention initiatives and to pilot solutions to deliver results. That substantial increase in funding demonstrates our absolute determination to tackle homelessness as a crucial part of building a fairer Scotland.

Secondly, we will establish a short-term homelessness and rough sleeping action group to lead change and improvement in that area of work. It will develop recommendations for actions, services and legislative changes that are required to end rough sleeping and transform the use of temporary accommodation.

I am pleased to announce today that the chair of the group will be Jon Sparkes, the chief executive of the homelessness charity Crisis. I recently met him and we agreed that there are four questions for the group to consider. What can we do to minimise rough sleeping this winter? What can we do to eradicate rough sleeping for good? What can we do to transform temporary accommodation? What can be done to end homelessness in Scotland? The group, which will first meet in early October, will draw its membership from the public sector, the third sector, social enterprise and academic experts in the area. Jon Sparkes and I are clear that the group will be focused on solutions.

We will also ensure that the findings of the Local Government and Communities Committee's inquiry into homelessness are taken into account both in the context of the rapid work that is to be undertaken by the homelessness and rough sleeping action group and in the longer-term work of the homelessness prevention and strategy group. The committee's exploration of people's experiences of accessing homelessness services and the underlying issues that can contribute to housing problems will be valuable in developing the solutions that are needed to achieve our collective ambitions.

During my time as a minister, I have spoken to people who have experienced homelessness and to housing professionals, and it is clear to me that, to achieve our aim, we need services that really place the person at the centre and treat them with the dignity and respect that they deserve. That is why I have asked Jon Sparkes to ensure that talking to people with direct personal experience of homelessness is central to the new group's work.

The role of councils will also be crucial. Helping people to access their rights requires commitment from all levels of government, particularly against the background of austerity and welfare reform. We will, therefore, continue to work positively and closely with the Convention of Scottish Local Authorities and councils through the existing homelessness prevention and strategy group, which is jointly chaired by the Scottish Government and COSLA, to understand how we can support councils to fulfil their statutory duties on homelessness and how we can go even further to realise our ambitions.

The process of eradicating rough sleeping and tackling homelessness is about individuals. It is about their fears and challenges but also their hopes and aspirations. It is the right thing to do for those individuals, for our communities and for all our futures. We have a huge opportunity to build on existing strengths and to learn from successes such as the housing first approach and multi-agency partnerships in taking action to reduce homelessness and improve outcomes for some of the most vulnerable people in our society. It is an opportunity that we must seize, channelling the determination, wealth of ideas and passion on the issue that exist across Scotland to make lasting change. Success will rely on all of us working together across the homelessness sector and more widely to take focused action and drive relentless progress towards achieving our ambition.

**The Deputy Presiding Officer:** The minister will now take questions on the issues raised in his statement.

**Graham Simpson (Central Scotland) (Con):** I thank the minister for providing advance sight of his statement. His conversion to a sort of national strategy is long overdue. Homelessness is a major issue that concerns us all, and it should not be happening in modern Scotland. Shelter Scotland claims that a household in Scotland becomes homeless every 19 minutes, which is a shocking statistic. We have a homelessness crisis, and preventing homelessness will save money in the long term.

I welcome the minister's commitment to work with the Local Government and Communities Committee, which is carrying out an inquiry into homelessness, and I welcome the formation of the action group, which is certainly a start. However, can the minister say who else is on the group? Will Shelter be there? If not, why not? How was the £50 million figure arrived at? How long will the group run for and when will it report? If the group meets first in October, how will it make even the slightest dent on rough sleeping this winter? Although cutting the time that people spend in

temporary accommodation would be most welcome, what is the target for that?

**Kevin Stewart:** There are a number of questions in that. I will start with the reason for the group. It is about taking action on rough sleeping and homelessness as soon as possible. Mr Sparkes and I are clear that one of the first questions that must be answered is what we will do during the upcoming winter to support folk who are currently sleeping rough, to ensure that they are all right and to ensure that the current shelters are able to deal with all the difficulties that folk face.

As the name suggests, the group is a short-term action group. Mr Sparkes is as determined as I am to get answers to the questions as soon as possible. The group will report back in the middle of next year.

As I pointed out in my statement, the group will be made up of a number of individuals from across different areas who deal with homelessness. They will be from public bodies, the third sector and academia, and there will also be folk who have lived experience of homelessness. The group will encompass a wide range of knowledge and views. I assure Parliament that we will announce its membership as soon as we have confirmed that everyone who is being asked to join it can take part in it.

**Pauline McNeill (Glasgow) (Lab):** I welcome much of the minister's statement. It is about time that there was a national strategy on homelessness. We will work with the Government 100 per cent to halt the roll-out of universal credit and the six-week delay. We are with the minister on that, but not all the figures are going the right way. Homelessness applications for applicants who slept rough the night before are up 10 per cent. Does the minister accept that rough sleeping is going up, not down? Night shelters report that there has been a 94 per cent increase in their use in the past two years and charities are playing the role that Government should play. Does the minister accept that addressing rough sleeping must be a priority?

I welcome in the statement the role outlined for local authorities, which is crucial. However, the minister, I am sure, recognises that local authority budgets have been cut by £1.5 billion since 2011 and by £170 million only last year. Will he commit to protecting local authority budgets, which are stretched, to deliver on homelessness? Without local authorities, we cannot deliver.

I welcome whole-heartedly—

**The Deputy Presiding Officer:** You must close, Ms McNeill.

**Pauline McNeill:** —the comment on the housing first model. I hope that the minister will report back on that as soon as possible.

**Kevin Stewart:** I welcome Ms McNeill's and the Labour Party's support on universal credit. Having to wait six weeks for any payment could destroy people and their families. The UK Government has much to answer for in its welfare reform proposals. They have been extremely damaging, as the National Audit Office report, which highlights the fact that, initially, the Department for Work and Pensions did no analysis of the impact of housing benefit reform, shows. Subsequent research commissioned by the UK Government at the instigation of Opposition parties did not establish how many of the households that are now homeless would not have been homeless had it not been for those reforms, so the analysis was probably not worth doing. I urge members to read the National Audit Office report, which is damning about the UK Government's situation.

**The Deputy Presiding Officer:** Will you hurry along, please, minister?

**Kevin Stewart:** There are many areas to cover, but I turn to the housing first approach. That approach has worked in Glasgow and is working in other areas now. Joined-up working, which is not termed as housing first, is also working extremely well. We should learn from those exemplars and do what we can to ensure that local authorities have the knowledge to instigate housing first and other such schemes in their areas.

**The Deputy Presiding Officer:** We are pushed for time—we have less than 15 minutes. Unless people are succinct, folk will be missed out.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Turning Point Scotland is actively involved in piloting the housing first model and, according to its initial evaluations, 50 per cent of participants have demonstrated positive change. How can the Scottish Government assist in potentially upscaling the housing first model? That would involve significant upfront expense but, in the longer term, it might improve outcomes and save public money.

**Kevin Stewart:** As Mr Doris rightly points out, upscaling the housing first model is being piloted in Glasgow, where it is to replace supported accommodation. We will look at the experiences there and elsewhere in Scotland where the model is being trialled and our decisions will be informed by those experiences.

One of the most interesting things that is going on at the moment is the analysis that is being undertaken in Renfrewshire of the costs of implementing the housing first model, which I think will show that it is a spend-to-save proposal that

will save money for the public purse. Beyond that, it will get things right for individuals who need that help. This is not just about the cost to the public purse, but about the human cost of not doing this properly.

**Alexander Stewart (Mid Scotland and Fife) (Con):** The role of councils will be crucial in this process. What can the minister say to reassure us that front-line staff will be trained and given the resources that they need to assist them with prevention?

**Kevin Stewart:** As part of our on-going housing options work to spread the wealth of knowledge and to export best practice, the Government has committed to bringing forward a housing options toolkit, which will help front-line staff to deliver what is required for each individual.

Over the summer, I met a number of organisations, including youth organisations such as LGBT Youth Scotland's homelessness commission and the aff the streets steering group to ensure that that toolkit contains the right information and that folk who work on the front line know of the experiences that they are likely to come across.

Beyond that, the key thing is to export good information and best practice. The housing options hubs are doing good work in that area. I would be happy to discuss that further with Mr Stewart when he meets me tomorrow.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** The minister will be aware that homelessness can often be a hidden problem in remote and rural areas, where we might not see as many rough sleepers but things such as sofa surfing are a huge problem, particularly for young people. Will the minister confirm that the ending homelessness together fund pilots and initiatives will take into consideration the unique challenges of rural homelessness?

**Kevin Stewart:** The short-term action group will consider a range of issues relating to rough sleeping and homelessness, drawing on all the available evidence and the views of people with direct experience of homelessness.

I recognise the particular challenges of rural homelessness. Homelessness exists in rural areas but is often not as visible as it often is in urban areas. One of the key priorities for the group and for the fund is to help to address the complex issues that we face no matter where we are in Scotland. I assure Ms Ross that the group will certainly consider the issue that she raises and will be getting to grips with the problem of hidden homelessness, including sofa surfing.

**Elaine Smith (Central Scotland) (Lab):** I am pleased that the minister has recognised the work

that the Local Government and Communities Committee has undertaken.

The number of children in temporary accommodation increased by 16 per cent last year. What plans does the Scottish Government have to ensure that that number does not increase further?

**Kevin Stewart:** One family or one pregnant woman in unsuitable accommodation is one too many for me. At the moment, 82 per cent of families or pregnant women in temporary accommodation are housed in the social rented sector and do not have to rely on other means, and I want to see that figure increase—82 per cent is not good enough. The action group will look at that in some depth.

As I said in my statement, we are going to bring forward changes to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, which will reduce the limit on the use of inadequate temporary accommodation from 14 days to seven days. The changes will be under parliamentary scrutiny in October and we should initiate them quite quickly after that.

I know that Ms Smith has a great interest in the issue. I have previously met her to discuss it and I am more than willing to do so again if she wants to talk in further depth.

**Andy Wightman (Lothian) (Green):** In his statement, the minister reminded us of the commitment to deliver 50,000 affordable homes, which he claimed will play

“a significant part in reducing homelessness.”

Given that there are more than 100,000 people on housing waiting lists, will he explain precisely what part the 50,000 homes will play in reducing homelessness?

**Kevin Stewart:** I remind the chamber that not everyone who is on a waiting list at the moment is homeless. People are on waiting lists for various reasons, such as for a transfer to increase or reduce the number of bedrooms in their housing.

Over the piece, since taking office, this Government has delivered 69,000 affordable homes. The target of 50,000 affordable homes—35,000 of which will be for social rent—has been recognised as the most ambitious house-building programme since the 1980s. We have put our money where our mouth is in that regard, with investment of more than £3 billion in the course of this parliamentary session. We will do all that we can to increase the supply.

I ask folks to remember that not everyone who is on a waiting list is homeless.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Will the minister give an

assurance that the push to reduce temporary accommodation will not be at the expense of people with issues that should be addressed in advance of their finding a permanent home, such as debt, ill health or their leaving an abusive relationship, and that we will not be replicating the conditions in certain areas of England where someone cannot refuse an offer of suitable settled accommodation?

**Kevin Stewart:** That is a very interesting question and my initial response is yes. Although we want time in temporary accommodation to be as short as possible, I have been clear that the time there needs to be used positively to identify appropriate sustainable solutions.

I will give an example. We have probably all had constituency cases of people who have gone into temporary accommodation in social housing and been made an offer of permanent accommodation elsewhere that is not suitable to their needs because if they moved into it they would miss out on the family support that they require or because of other issues.

It would be wrong for us to set a limit on the amount of time in temporary accommodation. It is important that we find the right solution for families and take cognisance of what they have to say, rather than follow the English line that Mr MacGregor spoke about.

**Mike Rumbles (North East Scotland) (LD):** Does the minister believe that spending just £10 million for the ending homelessness together fund, out of a £31.5 billion Scottish budget, is really the step change that we need to end homelessness?

**Kevin Stewart:** I have just mentioned the £3 billion that we are investing in housing over this parliamentary session; the £10 million per year—£50 million—is additional money. Substantial sums are already spent on homelessness throughout Scotland. If memory serves me well, at the Glasgow homelessness summit, it was estimated that something like £73 million was being spent on homelessness. The £10 million per year is additional money.

We are putting our money where our mouth is. We have established the action group and we have put a budget in place before it has met. That shows our ambition to eradicate rough sleeping and to ensure that temporary accommodation becomes better.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** Will the minister outline his response to reports that half of all council tenants in receipt of universal credit across 105 local authorities are in housing arrears and say how that will impact on future homelessness?

**Kevin Stewart:** I thank Ms Gilruth for that question. I refer members to the National Audit Office report that was published last week that quite clearly shows that the daft, morally wrong welfare reforms are having a major effect on people right across the country. The issue is not just universal credit, because we have had the bedroom tax, which we managed to mitigate, and a number of other areas of business where, quite frankly, the UK Government has failed in its duties.

Beyond that, the UK Government knows that it is wrong because it will not analyse properly what it is doing; it just says, "Let's follow this policy line and beggar the consequences." I think that that is unacceptable and I think that this Parliament and the people of Scotland do too. The sooner we have control over all benefits, the better.

**Brian Whittle (South Scotland) (Con):** I am delighted to be following that rant. Will there be a focus on pre-crisis intervention so that the potential for homelessness can be identified and addressed early? Will part of that require co-operation between Government departments?

**Kevin Stewart:** If we are going to take a collective view on how to deal with homelessness, the Tory members should listen to what I have to say about social security. At the end of the day, a huge amount of the difficulties that we see across Scotland involve folks who have been hit with sanctions or who have had their benefits cut or capped. I attended a meeting in Glasgow earlier this year at which Glasgow City Council said that it was identifying those folks who have been hit with the benefit cap and are in the private housing sector to try to get them to move into the social housing sector in order for them not to have a crisis situation. It would be much better if the benefit cap was not in place, because that would mean that neither Glasgow City Council nor other services would have to pick up the pieces made by the Tories.

**The Deputy Presiding Officer:** We come to the last question, which is from Ben Macpherson—fairly quickly, please.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Will the homelessness and rough sleeping action group examine particular housing challenges that exist here in Edinburgh, including the increasingly harmful impact of UK Government welfare cuts?

**Kevin Stewart:** I thank Mr Macpherson for his question and I know that he has taken a great interest in the issue of homelessness in Edinburgh. I am very pleased to be able to speak at a reception that he is hosting tonight for the Rock Trust. The short-term action group will identify actions required on rough sleeping and homelessness across Scotland, as I have said

before. We will draw on all the research and evidence available to find solutions. We know that there are particular challenges in our big cities, including Edinburgh, and that that has led to the council and its partners, such as in health, working together to develop innovative and positive practice here in Edinburgh, particularly for those with more complex needs. Beyond that, we have seen initiatives such as the Social Bite village come to fruition here, and the new group will help to identify what new practice exists. As I said earlier, it will try to export that best practice right across the country. I hope that members will see real differences quickly from the work that the action group will be doing.

**The Deputy Presiding Officer:** That concludes questions on the minister's statement on ending homelessness together. Before we move on to the next item of business, I will give everyone a minute or so to change their seats as appropriate.

## Dignity, Equality and Human Rights

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-07740, in the name of Angela Constance, on dignity, equality and human rights for all.

15:24

**The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance):** I have great pleasure in opening today's debate on dignity, equality and human rights for all. The Universal Declaration of Human Rights, which was proclaimed by the United Nations General Assembly in 1948, articulates what I believe to be the self-evident truth that

"All human beings are born free and equal in dignity and rights."

There is a sense in which any debate on dignity, equality and human rights necessarily begins and ends right there, with that simple statement. Almost everything that we need to do in the world of government, public policy and legislation—and in our roles as elected representatives—can be derived directly from our acceptance of that single sentence. In fact, nothing that we do and nothing that we seek to achieve can ultimately have meaning if it does not strive above all else to give practical effect to the principles of freedom and equality, to human rights and to the overriding obligation to secure human dignity.

It is certainly a truth that shapes our collective response in Government and indeed in this Parliament to critically important domestic challenges. From the elimination of poverty, ill-health and inequality to the delivery of inclusive and environmentally sustainable economic growth, those universal principles directly inform our work. It is a truth that lies at the heart of how we confront as a nation and as a society the prospect of life post-Brexit. It is also a truth that reminds us, if a reminder is needed, of the monstrous tragedy that we see unfolding in Myanmar and of the continuing scandal of modern, wealthy nations that fail in their duty to alleviate the suffering of refugees who are cast up on European shores.

Of course, the work of both Government and this Parliament is also shaped by our common responsibilities to do more than simply acknowledge big principles. We also have a shared duty to get the details right to ensure that we achieve the outcomes that the people of Scotland have tasked us to deliver. Doing so requires a human rights approach. It demands ways of working that embed dignity, rights and equality in everything that we do, and it recognises

that such action is more than just a policy choice or a consequence of the most recent manifesto commitment. In other words, it is not just about what we do, important though that is. It is also about how we do it. It is about how we do our business, how we implement our commitments and how we include others. It is about how we work with, listen to and respond to those who we seek to serve.

Giving practical effect to equality and human rights and securing human dignity for all is a core function of Government and also of this Parliament. As Scotland's Government, we have a particular responsibility not only to lead that work but to be accountable for our record in delivering. That is why the programme for government that we set out on 5 September provides an ambitious road map for long-term progressive change. It builds on the actions that we have already taken to make human rights real in Scotland and to enable all members of our society to live with dignity and equality.

We have made it clear that the Scottish Government will maintain our resolute defence of human rights and equality in the face of threats posed by the United Kingdom Government. We will work to prevent existing and future human rights protections, including the European charter of fundamental rights, from being eroded by the impact of Brexit. The European charter is crucial because it has a direct effect in this country and it complements the European convention on human rights. We know that the Scotland Act 1998 and the Human Rights Act 1998 implement the ECHR in Scotland but, crucially, the European charter goes further than the European convention on human rights because it includes social, economic, cultural and third-generation rights around employment, environment and consumer protection, amongst other things.

We are determined to take every opportunity to give further and better effect to economic, social, cultural and third-generation rights for all of Scotland.

**Adam Tomkins (Glasgow) (Con):** The European charter of fundamental rights applies only to the European Union institutions and to EU member states when they are implementing EU law in national law. Given that we are leaving the EU, the charter cannot have any further effect in the United Kingdom post-Brexit, can it?

**Angela Constance:** If Mr Tomkins had listened to what I said, he would know that the EU charter and its principles of course have a direct impact on laws in Scotland as they stand and that they give us protections that we all benefit from. We do not want a UK Tory Government to erode those protections. Furthermore, we have to recognise that the European charter of fundamental rights

complements and goes further than the European convention on human rights for reasons that I have given. It includes social security, economic rights, cultural rights and social rights, which are included in our vision of fair work, which the Government and most members are in favour of. Those rights include the right to fair work and to an adequate standard of living, decent housing, health, social security and access to education, and we now need to stand up collectively to protect those rights in the face of the UK Government and the Brexit process.

**Jamie Greene (West Scotland) (Con):** Will the cabinet secretary take an intervention?

**Angela Constance:** No. Perhaps I will take an intervention later if I have time.

That is why we are establishing an expert advisory group to make recommendations on how Scotland can continue to lead by example. That group will be chaired by Professor Alan Miller, who is former head of the Scottish Human Rights Commission. Its work will be founded on participation and a deliberative approach that reaches beyond those who already have easy access to power and influence. Human rights belong to everyone in our society, and it is essential that voices from all walks of life and every corner of our nation are heard.

We continue to put the rights of our children and young people at the heart of the programme for government, including by conducting a comprehensive audit of ways to further embed the United Nations Convention on the Rights of the Child in domestic law. We know that Scotland has a strong track record on empowering and involving children and young people so that their voices can be clearly heard.

The Government has been explicit in recognising social security as a human right. That commitment remains at the heart of our programme. Scotland's new social security system will be founded on dignity and respect.

We are determined that Scotland should be a place in which disabled people can live with real opportunity to realise their potential, free from the barriers that hold them back. That commitment to disabled people's rights was acknowledged by the United Nations last month when it welcomed the publication of our disability delivery plan.

Later this year, we will publish an action plan that will drive positive change for minority ethnic communities in Scotland. We will also publish our delivery plan for the equally safe strategy, which will detail our programme to tackle violence against women and girls.

We are implementing Scotland's human trafficking and exploitation strategy, which is about

supporting victims, identifying perpetrators and addressing the causes of trafficking and exploitation. We also have an ambitious programme of work to take forward the recommendations of the independent advisory group on hate crime, prejudice and community cohesion.

Many of those issues feature among the 227 recommendations that the United Nations Human Rights Council made following its review in May of the UK's human rights record. Over the past two years, the UK has been examined by UN committees on its record under five of the seven core international human rights treaties. In relation to disabled people in particular, the UK has been found to have engaged in "grave and systematic violations". Indeed, such are the concerns that the UK has been ordered to report back on progress next year. Members of the United Nations Human Rights Council have made clear their own concerns that the legal protections that are in place in the UK to safeguard human rights are increasingly at risk. Those are concerns and criticisms that this Government shares and which we remain committed to addressing.

This month marks 20 years since the referendum vote for a Scottish Parliament. That vote was a watershed moment for Scotland and for its democracy. From the outset, equality and human rights were embedded in the very fabric of this institution as a founding principle for Scotland's new Parliament. In the 20 years since, those principles and ambitions have remained firm and have informed all that we do.

Much work still remains to be done, but I am proud of the commitment that this Government and Parliament have made to equality, to human rights and to the fundamental importance of human dignity. I am proud of the stance that has been taken to protect those rights. We can be confident that the self-evident truth articulated by the universal declaration will ultimately triumph if we continue to work diligently and in partnership to give it full and meaningful effect. That is work to which I know that this Government and Scotland's national Parliament are fully committed.

I move,

That the Parliament is committed to creating a fairer Scotland underpinned by respecting and implementing human rights; notes the achievements that Scotland has already made in giving practical effect to the human rights set out in UN and Council of Europe treaties, and International Labour Organization conventions; welcomes the appointment of the former Scottish Human Rights Commissioner, Professor Alan Miller, as chair of a new expert group that will provide independent advice and recommendations on how Scotland can continue to protect and enhance human rights, including economic, social, cultural and environmental rights; further welcomes the commitment that the Scottish Government will undertake a comprehensive audit of the most effective way to further

embed the principles of the UN Convention on the Rights of the Child into policy and legislation; acknowledges that embedding a human rights-based approach within Scotland's public services is fundamental to securing equality, dignity and rights and commends the rights-based approach to building a social security system that will be underpinned by dignity, respect and equality, and resolves to ensure that the human rights and equality of all of the people of Scotland are fully respected and protected, promoted and implemented.

15:36

**Pauline McNeill (Glasgow) (Lab):** It is not just our signature to the various treaties and conventions on human rights that matters, but rather how we take forward and use those conventions to improve the law on human rights and improve the lives of those who are most in need of protection against prejudice, discrimination and poverty. I associate the Labour Party with the cabinet secretary's remarks on the treatment of Rohingya Muslims by Myanmar, which should be condemned worldwide as ethnic cleansing.

There is a great deal to focus on in the coming parliamentary year: inclusive education in our schools, transphobia, the rights of transgender people, tackling disability discrimination in employment and smashing the barriers that prevent women from equal and fair representation in all levels of their professions, whether that be in the public or private sector or the board room.

I agree that the concept and definition of human rights by their very nature should be wide. They should not be confined to gender, disability, race, religion and sexual orientation, but should include other protections such as those in the workplace, with the right to join a union; the right for dignity in ill health and old age; and environmental protection rights. Friends of the Earth's briefing draws our attention to the high cost of taking action on environmental rights, and that is also true in areas of civil justice when people try to enforce their rights. The subject of legal costs to ordinary citizens must be looked at as a serious piece of work by the Parliament.

Labour Party members will support the Government motion and the amendment in the name of John Finnie, but we will abstain on the Liberal Democrat amendment as we have not heard the outcome of the Equalities and Human Rights Committee's work on prisoner voting.

Parliaments have often gone beyond the legal and convention requirements, such as with the legislation on equal marriage and gender recognition. Credit is due to former Prime Minister David Cameron for equal marriage across the UK and to the Scottish Government for implementing that into Scots law. We should continue to make sure that Scotland is ahead of the trend.

**Sandra White (Glasgow Kelvin) (SNP):** A couple of seconds ago, Pauline McNeill mentioned that people should have the right to join a trade union. I wonder, with regard to Anas Sarwar, whether she would say that the workers there have a right to join a trade union.

**Pauline McNeill:** I have no idea why Sandra White thinks that I would disagree with that statement; that is perhaps for another day.

Labour is proud that we enshrined the European convention of human rights into domestic law, and we will continue to defend our decision to do that. Some would even say that a smoking ban is an important human rights question in the traditional sense—the right not to breathe in damaging smoke—but nonetheless it was a life-changing act. There have been many benefits of a law that has enabled people to enforce their human rights.

Our being part of the European Union has given workers rights that they did not previously have. They can ensure that they receive holiday pay, and employers have to include overtime when they calculate holiday pay.

The Tory proposal to remove the ECHR from our law is a backward step. It is not easy for countries to accept decisions with which they do not agree, but from time to time the ECHR provides an important checks-and-balances function in relation to law. If it were not for a decision of the Supreme Court that implemented the ECHR principles, people who are suspected of committing a crime would have no right to have a lawyer present during their questioning. The Supreme Court overturned the decision of a seven-bench hearing of the appeal court in that regard, and I think that the Supreme Court got it right.

I want to talk about the UK approach to immigration. The detention estate is one of the largest in Europe. At any given time between 2009 and 2016, 2,500 to 3,000 people were being detained. It is a principle of human rights law that elected members should have the right to enter a place of detention at any time, but minister Robert Goodwill has refused me the right to see for myself the conditions in which detainees are held. We cannot hold ourselves up as a progressive country if we do not uphold that right, which is an important principle in the context of human rights.

I realise that I must close, Presiding Officer.

**The Deputy Presiding Officer:** You may have another minute, Ms McNeill, if you really, really want one.

**Pauline McNeill:** I will close, Presiding Officer. I do not want to get on the wrong side of you.

I urge members to support me and to write to David Mundell, as I have done, because he seems

to support Robert Goodwill's decision. If we are to uphold human rights, we must be able to go and see the conditions in which asylum seekers and others are held, including in prisons and other places of detention. We would do so, not to disrupt the regime but to uphold the principle.

I move amendment S5M-07740.3, to insert at end:

“; considers that human rights should be viewed as a broad-based principle and should also encompass workers' rights as well as the right to a family life, which should include the right to a decent warm home; believes that significant progress should be made in the current parliamentary session to improve the rights of disabled people in areas of education, employment and public transport, and considers that this progress should be meaningful by ensuring that adequate and enforceable legislation is in place to advance these rights.”

15:42

**John Finnie (Highlands and Islands) (Green):**

The motion speaks of a Scottish social security system that is based on dignity and respect. I hope that everyone goes along with that. The recognition of the right to social security as a human right is fundamental, too.

I commend an approach in which we take things further and incorporate article 9 of the International Covenant on Economic, Social and Cultural Rights and relevant sections of the UN Convention on the Rights of Persons with Disabilities. The Child Poverty Action Group and Inclusion Scotland support such a position.

Although the motion mentions equality, fairness and rights, it does not mention disability rights or the UNCRPD. I appreciate that that is a big area, but the omission is notable for a number of reasons. The UNCRPD is the most recent UN human rights convention. Less than a year ago, the Committee on the Rights of Persons with Disabilities, which oversees the convention, concluded an inquiry into the UK and found, as members have said,

“systematic violations of the rights set forth in the Convention”.

Indeed, about three weeks ago, the same committee, as part of its multi-annual monitoring process, agreed a report that recommended 85 actions for the UK in relation to a range of rights, some of which have been mentioned, such as the rights to healthcare, social welfare, education, participation in society and an adequate standard of living. Those are substantive rights on their own—they are more than the right simply to enjoy services on a non-discriminatory basis, which is something completely different.

In all the debates that we have in this Parliament, I think that there is a lot of commonality around the view that we should be an

inclusive society, in which nothing should mark someone out as unable to participate. If a UK Government has put in place mechanisms that prevent people from participating, that is very damning.

The committee found “systematic violations” of rights in relation to, for example,

“Living independently and being included in the community”,

and having an

“Adequate standard of living and social protection”.

If legislation is about anything, surely it is about protecting people and enabling people to be in employment.

The committee was clear on the cause of the violations—that was identified unequivocally: they are a result of the welfare reforms that have been introduced in the context of austerity. In that regard, the committee identified specific measures and their combined impact, including the loss of access to Motability cars under the roll-out of personal independent payments, which replaced disability living allowance. Many of us will recall the Conservative leader jorjriding on a Motability scooter during the recent election campaign; we will also recall that many people found that distasteful. The committee also referred to employment and support allowance, the high level of recipients who are placed in the work-related activity group and the high number of participants in that group who are sanctioned.

The committee singled out impact assessments, which are clearly pivotal for understanding the consequences of the policies that we enact and which are conducted by the state. Although an adverse impact on disabled people was foreseen, the policies were still implemented. That, too, is damning. The committee also highlighted the absence of a cumulative rights-based impact assessment.

Now that I have laid out the report, it is only fair to set out what the UK Government has said about it. It dismissed the committee's findings as “patronising and offensive”. What I find patronising and offensive, as will anyone who holds surgeries or has members of the public come through their door seeking assistance, is the treatment of disabled people at the hands of the UK Government. The UK Government claims to spend £50 billion a year on welfare for disabled people. That figure is hotly disputed—instead, the spend is thought to be £37 billion.

We could—and should—talk about a range of rights. Pauline McNeill alluded to access to justice. The recent Supreme Court ruling in the case brought by Unison about employment tribunal fees is a good example of where the courts found in

favour of the law. There has been mention of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill, which is taking forward Sheriff Principal Taylor's review. The phrase "David versus Goliath" is often mentioned and, as has been said, who was going to pay the sums of money to the employment tribunals to deal with some of the issues there?

On environmental rights, the Scottish Government is still found to be lacking on the Aarhus convention—indeed, in recent days, it has been reprimanded in Paris for that. The current protective expenses orders are insufficient.

I move amendment S5M-07740.1, to insert at end:

“; notes the report of the UN Committee on the Rights of Persons with Disabilities (UNCRPD) on its inquiry into violations of rights in the UK, which was issued on 6 October 2016, and its report on its concluding observations under its reporting cycle, which was issued on 29 August 2017; expresses grave concern that, in its October 2016 report, the UNCRPD found systematic violations of the rights of disabled people; acknowledges that one of only two positive findings in the August 2017 report concerned measures taken in Scotland; expresses concern at the absence of action and the dismissive attitude of the UK Government regarding the 85 recommendations made by the UNCRPD in August, and is resolved that dignity, equality, and human rights for all cannot be realised as long as disabled people continue to experience violations of their basic rights under the policies adopted by the UK Government.”

15:47

**Mike Rumbles (North East Scotland) (LD):** As we have heard already, significant progress has been made in recent times in this Parliament when it comes to human rights for all. Years of campaigning by the Liberal Democrats—and others—paid off when the Scottish National Party Government finally announced earlier this month that it would increase the age of criminal responsibility. We will now meet the minimum standard set by the United Nations. The Government should have answered our calls years ago, but at least it has finally caught up.

Likewise, after Liberal Democrat campaigning, we now have properly regulated police stop and search procedures.

Recently, the Scottish Government has said that it will no longer oppose giving children equal protection from assault. That is a welcome change. Although there is a long way to go, there has been much progress in Scotland when it comes to inclusivity and welcoming diversity.

Our celebration of the progress that we have made should not distract us from the work that we still need to do and the areas that have been so far neglected. The Government seems to have a pick-and-mix approach to human rights, shouting

loudly about any successes and falling silent where there is inaction.

The fact is that Scotland continues to fall short of international human rights standards. That has been the finding of respected bodies, including the Scottish Human Rights Commission. Its most recent report concluded:

“The Scottish Government has been vocal in its support of putting human rights at the heart of government and opposing the repeal of the Human Rights Act. Nevertheless, significant human rights challenges continue to be felt in people's day-to-day lives in areas like poverty, health, education, social care, disability and detention.”

There is a wide range of areas in Scotland where human rights need to be significantly improved. Those are complicated challenges, often interlinked, but we should not shy away from the task for fear of criticism in the newspapers or elsewhere.

**Elaine Smith (Central Scotland) (Lab):** Does the member believe that the idea of non-discrimination on the grounds of religious belief should be upheld? That would mean, for example, that practising Catholics would have the right to bear witness to their faith in a country that seems to be becoming increasingly intolerant of religious belief.

**Mike Rumbles:** I agree—we need to be tolerant. I am not even sure that I like the word “tolerant”; I am not quite happy with it. We need to be all-encompassing and to make sure that we treat everybody with respect. Elaine Smith's point is a fair one.

Unfortunately, as with nearly all the challenges that the Parliament faces, the problems that I have outlined are exacerbated by the uncertainty, cost and impact of the UK's impending exit from the European Union. When the Scottish Council for Voluntary Organisations surveyed its members, 80 per cent of them felt that leaving the EU would have a negative impact on human rights and equality. Slightly more of them believed that Brexit would also worsen poverty and social exclusion.

Although the nature of what a potential Brexit will look like remains to be seen, there is plenty that the Scottish Parliament and the Scottish Government could do right now to improve rights for our citizens. In particular, the blanket ban on prisoner voting and the inadequacy of mental health services continue to tarnish Scotland's reputation as a leader in human rights and equality. I urge the Scottish Government to rectify the situation immediately and ensure that international human rights agreements and legal obligations are actually enacted here in Scotland. Put simply, the blanket ban on prisoner voting is indefensible. It flouts international law and is neither fair nor progressive. Outside of these

islands, no other western European democracy does it.

**Adam Tomkins:** Will Mr Rumbles give way on that point?

**Mike Rumbles:** Unfortunately, I am in my final minute; if I were not, I would give way.

The Scottish Parliament has the power to deliver change but, thus far, it has ignored repeated domestic and international calls to do so. The Liberal Democrats lodged amendments to give some prisoners the right to vote in the independence referendum and the 2016 elections, but our attempts were voted down here in this chamber, and I think that that was shameful.

We know that, to reduce reoffending, more must be done to prepare offenders to rejoin our communities. An important part of that is ensuring that they are more aware of their responsibilities as citizens; we should not alienate them altogether.

There is so much more that we need to do to ensure that everyone has the chance to get on in life, from delivering a step change in mental health treatment to changing the law to ensure that children have equal protection from assault, as well as ensuring that we accept the legal requirement to end the blanket ban on prisoner voting. We do not need just fine words from the Scottish Government; we need action, and we need it this day.

I move amendment S5M-07740.2, to insert at end:

“; recognises that there are areas where Scotland continues to fall short of international human rights standards, as highlighted repeatedly by bodies such as the Scottish Human Rights Commission; welcomes that the Scottish Government has now agreed to raise the age of criminal responsibility to the minimum standard set by the UN and that it will not oppose giving children equal protection from assault; considers, however, that issues, from the blanket ban on prisoner voting to the inadequacy of mental health treatment, continue to tarnish Scotland's reputation as a leader in human rights and equality, and urges the Scottish Government to rectify these immediately and ensure that international human rights agreements and legal obligations are enacted without reservation in future.”

15:52

**Adam Tomkins (Glasgow) (Con):** If Mr Rumbles is not sure about toleration, he should probably go and read some John Locke. If even the Liberals in this Parliament are not sure about toleration, we are really in trouble.

The ban on prisoners voting is not a blanket ban. It is a ban on voting by prisoners who are convicted of criminal offences who are serving terms of imprisonment in jail. It is not a ban on voting by prisoners on remand and it does not

extend after prisoners are released from prison, so it is not a blanket ban.

I will support the Government's motion and the Labour Party's amendment to it, but not the Liberal Democrat amendment or the Green Party amendment. Even though we support the Government's motion, I make it clear that no nation—not even Scotland—can afford to be overly self-congratulatory about its human rights record. In Scotland, welcome measures are being taken; the cabinet secretary alluded to a number of them in her speech. However, there are also serious and significant flaws in the Scottish Government's human rights record, and Mr Rumbles referred to a few of them.

There is the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, with its bizarre and incoherent restrictions on aspects of free speech. There is the named persons legislation, which was unanimously held by the Supreme Court, only a year ago, to be a disproportionate interference with the fundamental human right of protection for families. The bill that has been introduced in the past few months to rectify that legislation—the Children and Young People (Information Sharing) (Scotland) Bill—does not go anything like far enough, as lawyer after lawyer has pointed out to the Education and Skills Committee.

On inequalities, one of Angela Constance's legacies as a former education secretary is the dismal fact that, in the 30 per cent most deprived communities in Scotland, only 54 per cent of primary 7 schoolchildren perform well in numeracy and only 56 per cent do so in writing. Half our primary school leavers in the most deprived communities in Scotland cannot write to the required standard and cannot count properly. That is not a human rights record to be proud of.

When we turn from educational inequalities to those in health, the picture is just as stark. Scotland has the widest mortality inequality anywhere in western Europe. Scotland suffers from severe health inequalities in health and wellbeing areas such as suicide rates, cancer survival rates, stroke mortality, alcohol-related deaths, teenage pregnancy and childhood obesity. To my mind, it is a damning indictment of 20 years of devolution that, under Labour and nationalist Administrations, more has not been done to address and confront those problems.

**Ruth Maguire (Cunninghame South) (SNP):** What is Adam Tomkins's reaction to a UN committee's comments that his party's policies are a “human catastrophe” for disabled people?

**Adam Tomkins:** It is not a human catastrophe for disabled people that there are now 600,000 disabled people in work in Britain who were not in

work when David Cameron became Prime Minister in 2010; that the United Kingdom Government spends £50 billion supporting disabled people in our economy; or that the United Kingdom's groundbreaking Disability Discrimination Act 1995, which was passed by a Conservative Government under John Major and on which the UN convention is largely based, was one of the world's first, and is still one of the world's leading, pieces of anti-discrimination legislation with regard to disability.

**The Minister for Childcare and Early Years (Mark McDonald):** Will the member give way?

**Adam Tomkins:** No.

None of those things is a human catastrophe but, as usual, Ruth Maguire wants to talk Britain down.

I turn to the Social Security (Scotland) Bill, which the cabinet secretary referred to in her opening speech. We all know that the bill seeks to place devolved social security on a human rights footing with dignity, fairness and respect at its heart. That is tremendous. However, among our human rights is the right to effective legal and judicial protection, which is enshrined in article 13 of the European convention on human rights and is at the heart of EU law. What, therefore, are we to make of the evidence that the Social Security Committee has already received from a variety of sources in its stage 1 inquiry into the bill that shows that the Scottish Government is seeking to talk the talk of social security being a human right, but not to walk the walk? For example, Professor Tom Mullen, my colleague at the University of Glasgow's law school, said that

"It is difficult to work out"

the Government's intention, because, if the legal status of the charter, in particular,

"is not clarified, citizens and their advisers may be unsure what their rights ... are".

Inclusion Scotland added that

"it appears that the Charter planned will not be about rights but instead"

will be about service delivery.

I hope that we will hear a little bit more detail from the minister when he winds up about exactly how the social security rights that the bill seeks to enshrine can be judicially enforced and compatible with article 13 of the ECHR; otherwise, it does not really take a human rights-based approach to social security.

**The Deputy Presiding Officer:** We now move to the open speeches. The majority of the opening speakers took more time than they should have, so members towards the end of the list might have to cut down their speeches.

15:58

**Sandra White (Glasgow Kelvin) (SNP):** Adam Tomkins raised the issue of suicide, but as a member of the Social Security Committee, he was there at the meeting at which representatives from the black triangle campaign gave evidence about people who have committed suicide because of what happened with the cuts to their benefits. I am sure that he will take that on board.

A cornerstone of the Scottish Government's approach to social security is the principle that it is a human right, as has been identified by the United Nations. That will help to eradicate the stigma that is associated with accessing benefits. Our system will be the first in the UK to reflect the UN principle that such systems should

"be established under national law and ensure the right of individuals and organisations to seek, receive and impart information on all social security entitlements in a clear and transparent manner."

This Parliament should be proud of that.

Earlier, the minister announced the creation of agency offices in Dundee and Glasgow and the opportunities that those will bring. I thank the minister for that and for answering my questions regarding whether staff should reflect the diversity of our communities. That is an important issue that we should take on board.

I sincerely believe that members of Parliament, regardless of their political party, want to create a system that is effective and based on dignity and respect. We do not want to see stigmatisation of people who access the social security system.

That that happens has been highlighted on many occasions, not least by the welfare conditionality project, which is based at the University of Glasgow, and is being done in collaboration with other institutions. It has been almost a year since I highlighted its research in the chamber, but the situation has not changed much. I want the Opposition Tories to listen to the following and to take it back to whomever they want to take it back to in the UK Parliament.

The UK Government is continuing to punish people who are most in need, while its back benchers in Westminster describe the rise in food-bank use as "uplifting". To describe such a situation in that way only reinforces to me and many others how completely and utterly out of touch the Tories are with the reality of the effect of their ideological policies on the people who are on the receiving end of those policies.

Researchers looked at two main areas: how effective conditionality is in changing the behaviour of people who receive welfare benefits and services, and the circumstances in which the use of conditionality is and is not justifiable. The

findings were, and remain, a stark reminder of the complete and utter failure of the Tory Government to provide meaningful support to those who need it.

I know that I have to conclude shortly, Presiding Officer, although I have much more to say.

This boils down to a question about what kind of society we want to live in. Is it one that protects and supports those who need it, when they need it, or is it one in which we actively work to demonise those who are in need? I will always opt—as, I am sure, others will—for a society in which we protect, support and nurture, and in which there is a commitment to respecting and implementing human rights. That is the way forward, and that is what is going to happen in this Parliament. As I said before, I am sure that all members of this Parliament, of whatever party, will support that absolute basic right, but I would like to hear it confirmed, particularly by the Opposition Tory members, that they will stand up for the people who are most in need. They are the people who are being hurt most by the UK benefits system.

**The Deputy Presiding Officer (Christine Grahame):** Thank you. I regret that speeches will have to be a tight four minutes. There is no time in hand.

16:02

**Annie Wells (Glasgow) (Con):** Upon seeing the cabinet secretary's motion, I was aware of the breadth of topics that would be brought to the debate today. Underpinning the debate and intrinsic to any Government policy, at the centre of thinking, should be dignity, equality and human rights. That is why I will be supporting the Scottish Government's motion today. I welcome the appointment of Professor Alan Miller as chair of the new expert group that seeks to enhance human rights in Scotland.

We have recently celebrated 20 years of devolution, and the Scottish Parliament is rightly recognised as a pillar of everyday life in Scotland that takes decisions that can help to build a fairer Scotland. I am sure that all of us in the chamber want that.

I want constructive debate when it comes to discussing issues such as social security, the rights of children and human rights more generally. I want, at least, recognition from the Scottish Government that it has had 10 years of governing over fully devolved areas including health and education, which are pillars of people's everyday lives that are fundamental to bringing about equality.

I will get back to basics. Just this weekend, analysis by Professor Jim Gallagher, an expert at Nuffield college at the University of Oxford, found that schools and health are two of the public sector areas that have lost out most on spending since the SNP came to power a decade ago. The First Minister has not once, but twice, made education her priority, but we have seen no narrowing of the attainment gap.

In science, maths and reading, Scotland's poorer children are nearly three years behind children from affluent backgrounds, and by the time Scotland's children have reached university age, just 10 per cent of the poorest 20 per cent of Scots go to university, compared to 18 per cent in England and 16 per cent in Wales and Northern Ireland.

When it comes to health, Scotland has among the highest mortality rates in western Europe. In my region—Glasgow—discrepancies between the life expectancies of people in different areas of the city are truly shocking. In areas such as Jordanhill, Hyndland and Partick men and women can expect to live on average until 78 and 84 respectively, but in areas in the south-east of the city the figures drop to 64 and 72.

If we look across Scotland, we see vast gaps between the people who live in the most-deprived and those who live in the least-deprived parts of the country when it comes to the health fundamentals. A child who lives in a deprived area is twice as likely to be obese, and a teenager there is five times as likely to get pregnant. A person who lives in a deprived area is 42 per cent more likely to die of a stroke and six times as likely to die from alcohol-related issues.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Will Annie Wells take an intervention?

**The Deputy Presiding Officer:** The member is in her final minute.

**Annie Wells:** Those issues are absolutely fundamental to tackling inequality in Scotland. They are the pillars of people's everyday lives and they are so fundamental to creating a level playing field for everyone in Scotland.

To finish, I reiterate my support for the Government's motion. No one would deny that the promotion of human rights for all has become intrinsic to our values as a country, and the concern is shared across parties. That is why it is absolutely vital that the Scottish Government recognises that it has the economic and social levers at its disposal to do this. We can then have a constructive debate on all sides in Parliament.

16:06

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Human rights are fundamental to everyone's existence and there can be absolutely no question of diluting them. Before I go into the substantive part of my speech, I alert Mr Rumbles and Mr Tomkins to the work of the Equalities and Human Rights Committee on prisoner voting rights. I would welcome any contribution that they would like to make to that. Parliament is taking action on it.

That is why the motion is so important. It is absolutely intrinsic to our strongly held views on equality, justice, dignity and respect. We need to lock down those rights permanently. Clearly, the same does not apply to Theresa May's Government. If Mr Tomkins is such a fan of Scots law, maybe he can find out from his pals at the UK Government why a paper on justice, home affairs and Brexit makes no reference to Scots law.

Make no mistake about it, our human rights are under threat from the seen and unseen consequences of Brexit, and from the internal politics of the Tory party, of which we have just heard some. The UK Conservative Government has twice already—once in its 2010 manifesto and once in its 2015 manifesto—promised to scrap the Human Rights Act 1998. I will repeat that. Not once, but twice it has pledged to scrap the Human Rights Act 1998, in nothing more than a showpiece—a pandering olive branch offered to the same right-wing faction that forced the hand of David Cameron and brought forward an unwanted, unnecessary and damaging referendum on the European Union. The fact that 71 per cent of Scots would now vote in favour of remaining in the EU if there was a referendum today reveals just how much the lies of the leavers impacted on the vote in June last year.

Reality is biting now. The realisation is setting in that our fundamental human rights are at risk as a result of Brexit. If anyone cannot see that, I am sorry. They must be blind to the effects of it.

We all have the right to life, to freedom from violence and degrading treatment, to freedom from discrimination, to freedom from fear and to freedom from want. We have the right to an adequate standard of living, to a safe home and to support for good physical and mental health. The Scottish Government has given explicit pledges in its 10-year mental health strategy, which is a welcome and progressive step that shows that Scotland is leading the way in human rights.

When I was on the Social Security Committee, I saw the effect that welfare reforms are having on people from the black triangle campaign and people who come to my surgeries.

We also have the right to self-determination: I pledge my support to the Catalan people and their right to self-determination in a referendum that is free from interference. I hope that my colleagues in the chamber will do the same.

We have also led the way in clamping down harder on human trafficking, on criminalising revenge porn, on recognising the rights of the lesbian, gay, bisexual, transgender and intersex community and on protecting refugees, especially those who are fleeing persecution.

However, we have people in this country who are fleeing persecution—people who are fleeing Tory persecution. This is about the rights of all, including the rights of persons with disabilities. I will not shy away from saying this; it should be said over and over again. The UN Committee on the Rights of Persons with Disabilities has laid out plainly that not only have there been “grave and systematic violations” of the human rights of people with disabilities, but it is now a “human catastrophe”.

The EU referendum shone a light into some regrettably dark corners. It showed us some inequalities. It showed poverty, exclusion, and discrimination, and it gave us a rise in xenophobia. In Scotland, we reject those attitudes. In Scotland, we have proved our will—not with words but with actions. We will lead where others will follow and we will act where others, including the UK Government, will not. I—along with the Scottish Government—will defend and promote our human rights, which are underpinned by our long-held values of respect, dignity and equality for all. Maybe the Tories in Parliament should try to do that.

16:10

**Mary Fee (West Scotland) (Lab):** I welcome the opportunity to speak in the debate and I thank the Scottish Government for bringing these important issues to the chamber to discuss.

Dignity, equality and human rights for all should be at the heart of all democratically elected Governments and Parliaments across the world. Unfortunately, in too many parts of the world, they are not. To me, “Dignity, equality and human rights for all” is much more than the title of a motion; it is what drives me in my politics and when fighting for my constituents. Our human rights have been fought for and won over many years and to make any attempt to strip them back would be an affront to our standing in the world and an assault on our shared decency.

I cannot take comfort in the idea of the Tories replacing the Human Rights Act 1998 with a British bill of rights. The thought of a Tory Government meddling with basic rights is

horrendous and we as a Parliament must use our strength to resist any attempt to repeal the 1998 act.

On issues such as LGBT rights, our Parliament has been a shining light over the past 20 years. From repealing section 28 to the introduction of equal marriage, we have always sought—and will continue to seek—to do the right thing.

On disability rights, we have united in opposition to shameful actions imposed by the Tories. From welfare cuts that withdraw the basic needs of disabled people to supported employment being stripped away, we have made our voice clear that people with disabilities deserve much better. Recently the UN Committee on the Rights of Persons with Disabilities has expressed its dissatisfaction with the Tory Government over its treatment of some of the most vulnerable members of our society. In assessing the welfare cuts imposed on disabled people, the CRPD has previously said that the welfare reforms have led to “grave and systematic violations” of disabled people’s rights.

**Jeremy Balfour (Lothian) (Con):** Will the member give way?

**Mary Fee:** No, I am sorry—I am not prepared to do that. The motion asks for Parliament to support “embedding a human rights-based approach”

in our public services. Our amendment adds to that in calling for human rights to be viewed as a broad-based principle, encompassing workers’ rights. This is the right path to take and my discussions with equality, disability and human rights groups also inform me that the Government’s approach is the right one.

During the summer recess, I visited the asylum seeker housing project in Glasgow, which helps asylum seekers with their accommodation rights. I was appalled to learn of the treatment that many asylum seekers face, not from the community that they reside in but from the organisation that is contracted to accommodate and support them.

If we are serious about embedding a human rights approach into public services, we must call on the UK Home Office to respect that decision and to treat people fleeing persecution, war and terror with much more respect and to provide the rights that we expect for ourselves.

I thank the Scottish Government for holding this debate and I welcome the statements made by the First Minister during the programme for government on protecting our human rights and guaranteeing them for all those who live in Scotland.

16:14

**George Adam (Paisley) (SNP):** I want to talk about the quality of life and the rights of those who live with a disability and their families. I ask some members on the Conservative benches, particularly Adam Tomkins: please, when we are having this discussion, let us be very careful with the language that we use. To use an analogy such as “walk the walk” in talking about people living with a disability is extremely offensive and is a typical example that shows why the Tories are as toxic as they are.

**Adam Tomkins:** Will the member make the same point to Christina McKelvie, who described me as “blind” because I cannot see something?

**George Adam:** Ms McKelvie was explaining that Mr Tomkins cannot see that what the Tories are doing is wrong. I ask Mr Tomkins and his colleagues to stand up and say that their position is wrong. Mr Tomkins used language that was totally unacceptable during the debate, but that is nothing unusual for the Conservative Party.

When I was a councillor in Renfrewshire, I was the council’s representative on the Renfrewshire access panel, and I am now a member of it. I also work with the Scottish Disabled Supporters Association. I have worked with people with disabilities, and I have heard their stories about their struggle, and never have those stories been more vivid or more scary than when they have been about having to contend with Tory welfare reform, which is nothing more than an attack on the most vulnerable in our society.

**Jeremy Balfour:** Does Mr Adam recognise that we have to be careful with our language and that, when we talk about disabled people, that means lots of individuals with lots of different experiences? For example, I talked to a lady on Saturday who was not entitled to DLA but who is now entitled to PIP. We have to be careful not to put everybody into one group. We have to talk about individuals.

**The Deputy Presiding Officer:** I will give you extra time for taking two interventions, Mr Adam.

**George Adam:** I really do not need to listen to Mr Balfour on that, because my wife has multiple sclerosis, which can be an invisible disability for many, or it does not always show. I will take no lectures from a Tory on language or on how we talk about people with disability. My wife’s family have lived with that since she was diagnosed at 16 years old.

When we talk about the Tories, we only have to look at some of the situations that people have got into. The Social Security Committee heard from the black triangle campaign that people have got so desperate because of Tory reforms that they

have talked about taking their own life and, in many cases, they have done so. A Tory Government minister came to the committee and said that he thought that that was not the issue. He also said that he knew people who had multiple sclerosis—obviously, he had been briefed that my wife has it.

The Tories at Westminster have got their approach totally wrong. I would give Opposition members the opportunity to come in if I thought for one minute that one of them would say that it is wrong, but the wee Westminster Tory drones are not going to do that. For too long, disabled people have had to deal with a Department for Work and Pensions that has talked at them and not listened to them, all because the Tories believe that their reform is the way that we must go. We need only look at the people who have been going through the migration from DLA to PIP, which has ensured that they have lost their cars and the amounts of money that they were getting. That migration has been an absolutely unmitigated disaster since its inception, and it has caused people with disabilities in Scotland absolute heartache and financial hardship.

The UN stated that the Tories have created a “human catastrophe”. I got involved in politics for a number of reasons. One was to protect my community from Tory excesses in the 1980s—well, some things never change, and they are still the same. The other was to build the type of future that I want my children and grandchildren to live in. I will keep working towards that future; I only hope that the Tories and other members will join me and build that future.

16:19

**Michelle Ballantyne (South Scotland) (Con):** As a newcomer to the Parliament and such debates, I will begin by drawing on the words of Bruce Crawford, who said in the chamber back in March of this year:

“Members have a special responsibility and a public duty to show leadership and to show respect to each other in how we conduct the debate.”—[*Official Report*, 21 March 2017; c 27.]

He also quoted the head of the Scottish Consortium for Learning Disability, who noted:

“If we characterise our opponents as divisive we will divide. If we use the language of hate we will create bitterness.”

That intervention rightly drew applause from the chamber. His words were spoken in the debate on Scotland’s choice, but they are just as appropriate and just as resonant in today’s and, indeed, in every debate that we have here. Unfortunately, when I sat in on last week’s debate on housing, I feared that his eloquence had not gained traction

with some of his colleagues and I fear it again today. Last week, we heard expletives, accusations of false motives and, worst of all, assumptions of ignorance and contempt for the people in greatest need based purely on where a member sits in the chamber. I truly hoped that this debate would not be visited by such conduct. It reflects negatively on all members, all political parties, and on the Parliament as an institution of democracy.

In that spirit of positive engagement, the Scottish Conservative members support the motion. Of course we are committed to creating a fairer Scotland that is underpinned by respect for human rights. Of course we want to protect, promote and implement human rights and the equality of all people throughout Scotland. Of course we are proud of the strides that Scotland has made in entrenching in law the rights that are set out in international treaties. Nevertheless, it is the most vital role of the Opposition to hold the Government to account whenever necessary.

As my colleague Annie Wells said, the Government must do better in its approach to tackling inequality. When it comes to health, as my colleague Professor Tomkins indicated, Scotland continues to have the widest mortality inequalities in western Europe, with cancer and stroke mortality rates, and alcohol-related deaths, significantly higher in the most deprived areas.

**John Finnie:** Will the member express her view on the impact that someone being sanctioned and being unable to heat their house or have fuel to cook with has on health expectations?

**Michelle Ballantyne:** It does not help. That is the bottom line. The point of introducing sanctions was to ensure that people did what they were expected to do within the remits of the benefits that they got. None of it is about trying to harm people; it is about people stepping up to the responsibilities that they have.

**Kezia Dugdale (Lothian) (Lab):** Will the member give way on that point?

**The Deputy Presiding Officer:** The member is in her closing remarks.

**Michelle Ballantyne:** We cannot look at rights in isolation. We need equal emphasis on the parallel responsibilities that accompany such rights. To ignore that balance will not produce a generous, inclusive and trusting society.

I draw attention to those issues not for the purpose of political point scoring but to ignite a productive debate about the path that we should take. That comes from a desire for co-operation and getting the right path, not condemnation. Although, in the Parliament, we might differ in our approach to achieving and safeguarding equality,

dignity and human rights, we stand united behind our belief in those principles. The common ground between us is vast but too often disregarded by members on the Scottish Government benches. On issues of such fundamental importance as equality and human rights, let us disagree humbly, debate constructively and work tirelessly towards a better, more equal Scotland.

16:23

**Clare Adamson (Motherwell and Wishaw) (SNP):** One of my favourite historical novels was written by the acclaimed Scottish author James Robertson and is about the case of Joseph Knight, a real case from 1777.

Joseph Knight sought the freedom to leave the employment of John Wedderburn of Ballendean and claimed in his pleadings that the very act of landing in Scotland freed him from perpetual servitude, as slavery was not recognised in Scotland. He had been brought to Scotland many years earlier as a slave, having been bought in Jamaica, and he feared that Wedderburn wished to take him back to Jamaica to sell him as a slave in the colonies. In defence of his position, Wedderburn argued that, in Scots law, even though Knight was not recognised as a slave, he was still bound to provide perpetual service in the same manner as an indentured servant or an apprenticed artisan.

In its ruling, the Court of Session said:

“the dominion assumed over”

Joseph Knight

“under the law of Jamaica, being unjust, could not be supported in this country to any extent: ... the defender had no right to”

Joseph Knight’s

“service for any space of time, nor to send him out of the country against his consent”.

Knight succeeded in arguing that he should be allowed to leave domestic service and provide a home for his wife and child. In doing so, he gave the Court of Session in Scotland the opportunity to declare that slavery was not recognised by Scots law and that runaway slaves could seek protection from the courts if they wished to leave domestic service. That wonderful judgment changed Scotland in 1777. It seems so long ago today.

To be absolutely clear, I make no comparison between slavery of the past and what is happening today—indeed, the appropriation of that history would be entirely inappropriate; no comparisons can be made to the excesses, misuses and injustices of that time. However, I think that the rights that were won by Joseph Knight in this country have parallels today. His story touches on many of the injustices of modern Britain, such as

the fears of European Union and other nationals who have chosen to make Scotland their home and are no longer secure in their status. Joseph Knight established the right to work fairly in Scotland, which is reflected in many of the fair work pledges that have been made by the Scottish Government in the interests of the creation of a fairer Scotland and in the words in the Labour amendment. I feel that many people who are subject to the rules around universal credit, under which sanctions can be imposed on people who refuse to take on a zero-hours contract, would have something to say about perpetual service and indentured servitude, as would those in Scotland today who are subject to human trafficking and modern-day slavery. Further, those who are seeking asylum in Scotland can only look with envy at the ruling that Joseph Knight could not be returned to a country whose law was deemed to be unjust by Scotland.

This Government is taking leadership in the area of human rights and equality. We cannot let the rights that we have be diminished, and it is incumbent on all of us to work towards a Scotland that is fairer and recognises the human rights of all.

I welcome the appointment of Professor Alan Miller and I look forward to working with people across the chamber who hold human rights and equality at the core of what they do here.

16:27

**James Dornan (Glasgow Cathcart) (SNP):** Before going into the main body of my speech, I will comment on a couple of things that have been said by our Conservative comrades—that is not a term that I use to describe them often. I am delighted that they are supporting the Government’s motion—we should all take some comfort from that—but it is difficult to take that seriously when every one of them who has spoken has used their speech to deflect attention from the Government that has 85 per cent of the welfare powers and which could make this a much more equal society. Adam Tomkins made a desperate attempt to deflect attention from that Government by bringing in the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

It seems that it is okay to talk about education and health, but we must not talk about welfare, sanctions or immigration—those subjects should be taboo, because this Parliament does not have control over them. It is true that we do not, but we are still responsible for people who are suffering because of the actions of the Government that Conservative MSPs represent in this Parliament, and yet those MSPs have refused point blank to mention such people.

I will start with a quote from a very unusual source for me, which is Winston Churchill—there are many quotes from him that I would be unhappy to use. In a speech that he gave at the University of Zurich on 19 September 1946—71 years ago today—he urged the nations to form a

“United States of Europe”

so that they could

“dwell in peace, in safety and in freedom.”

That speech marked the beginning of the Council of Europe—a monumental project that still rightly describes itself as being the leading human rights organisation on our continent. In many of the speeches today, the Council of Europe’s greatest achievement—the European convention on human rights—has been commended, and I think that most members would agree that it is as vital today as it was when it was drafted in 1950. Enshrined in the Scotland Act 1998, it is fundamental to safeguarding our human rights. However, it is now under severe threat from the Tory Government at Westminster.

In their general election manifesto, the Conservatives committed to remaining a signatory to the ECHR only for the lifetime of the current UK Parliament. The convention has been absolutely instrumental in safeguarding our human rights, and it is for that reason that the SNP manifesto reaffirmed our commitment to the Council of Europe, the ECHR and their institutions. Thanks to the ECHR, victims of domestic violence have been able to get better protection, LGBTI people have used human rights provisions to overcome discrimination and, as we have seen with regard to the bedroom tax, disabled people have been able to fight against cruel welfare reform. However, the UK Government will not commit to the ECHR’s long-term future.

I appreciate the support that we are getting from the Conservatives, but it is telling that they have not lodged an amendment. They have conceded that their track record on human rights is nothing short of shambolic and is almost impossible to defend. On the other hand, the Scottish Government’s record is one to be proud of. Its consistent application of the principles of equality, dignity and respect ensures that fundamental human rights are guaranteed for every member of Scottish society.

Against the backdrop of Brexit, the Scottish Government will ensure that existing and future human rights protections that are provided for under EU law are maintained, and we will not allow the Tories to undermine human rights as they drive us off their Brexit cliff. As others have said, the Tories’ austerity economics, abolition of the independent living fund, cutting of employability programmes and reforms to the

welfare state caused the UN last year to accuse them of “grave or systematic violations” of the UN Convention on the Rights of Persons with Disabilities. Adam Tomkins said that the UN has got it wrong, just like the Tory Government down south said that the EU has got it wrong. It is the Tories who know better—not the people who suffer from the actions that they take. Only the Tories know best.

That is why, in our programme for government, we have, for example, committed to working further with the fantastic time for inclusive education campaign, which is at the Parliament today. It is campaigning to combat homophobia, biphobia and transphobia with inclusive education. The Scottish Government’s great work in upholding the rights of the disabled, children, women and our LGBTI community is only the tip of the iceberg. We will continue to do great work across the whole of our society while the Tories try their hardest to drag us back to Victorian times.

16:31

**Mike Rumbles:** I was surprised that, unlike all the other Opposition parties, the Conservative Party did not feel it necessary to lodge an amendment to the Scottish Government motion. Perhaps it felt that it did not have anything specific to add, which is entirely up to it.

Despite some of his comments, I welcome Adam Tomkins’s contribution to the debate and I acknowledge his expertise in the field. Given that expertise, it is more puzzling that there is no Conservative amendment to debate, but there we are.

**Adam Tomkins:** There is no Conservative amendment because we agree with and will vote for the motion at decision time.

**Mike Rumbles:** I took that as a given. I was just saying that it is odd that the Conservatives had nothing to add to the motion, unlike all the other Opposition parties.

Adam Tomkins’s comment that there is no blanket ban on prisoner voting was bizarre. Some would say that the professor may be dancing on the head of a pin. He said that, since those who are remanded by our authorities and those who have been released from prison have the vote, there is no blanket ban. I am laughing because it is obvious that prisoners who are serving short-term sentences in prison face a blanket ban on their right to vote. That position is quite indefensible if we are concerned about effectively reintegrating prisoners into society when they are released.

In response to an intervention by Elaine Smith, I said that I am not convinced that “tolerant” is the

best word to use in the context of human rights. Should we simply be tolerating? Is it not better to use a different word? I always think of “tolerating” as meaning “putting up with”. I do not want to put up with everyone’s human rights; I want to support and celebrate those rights.

**Adam Tomkins:** We are tolerating you now, Mike.

**Mike Rumbles:** I hope that you are tolerating me now. I would expect that from the Conservatives.

Labour’s amendment focuses on improving the rights of disabled people in relation to education, employment and public transport. Those things are interlinked. I will highlight one example in my region, which is North East Scotland. At Inch railway station there is no disabled access to the northbound platform, which affects people’s ability to access employment and education and their ability to socialise.

Yesterday, the north east of Scotland transport partnership unanimously agreed to fund a £25,000 feasibility study into changing the situation because it is not part of the programme for the Aberdeen to Inverness railway. I have met Humza Yousaf, the transport minister, who also fully supports the initiative. Councillor Peter Argyle, who is the chair of Nestrans, said yesterday:

“It’s not acceptable to have a station in the 21st Century which a substantial amount of the population find difficult to access.”

I could not agree more. Improving the rights of disabled people, especially on our public transport, is essential. I am confident that in my region that is just one example of addressing disabled people’s human rights.

I am conscious of time, Presiding Officer, so I say in conclusion that the Liberal Democrats will support the Government’s motion and the amendments at decision time. I would have liked to say that I would support a Conservative amendment, but the Conservatives decided not to lodge one. I question whether that was the wisest thing to do.

16:35

**John Finnie:** Our amendment covers the report by the UN Committee on the Rights of Persons with Disabilities and I make no apology for returning to that and saying again that that committee singled out the fact that impact assessments that the state conducted foresaw an adverse impact on disabled people, but policies were still implemented. That was not a neglectful position but a conscious one in the face of evidence.

Before I go on to how that has manifested itself, I thank the various people, which I did not do in my opening address, who have been in touch with me and given me briefings and information. Here is one point: between 2011 and 2014, 2,380 people died shortly after being found fit for work. Their final days were marred by the stress and indignity that were imposed by the UK Government’s policy on disability benefits and employment and support allowance.

It is sometimes helpful to put a face on an example. One case involves a former soldier—we understand that the UK Government would, historically, have supported the armed services. The former soldier died from a lack of insulin after he could not keep his insulin at the correct cool temperature following being sanctioned and having his electricity cut off. I apologise for giving the following detail, but it is important to know that a post mortem found that his stomach was empty. That is an example of the manifestations of a policy that assesses something but then disregards that assessment. It is appropriate that the Tories all have their heads down at this point. I would be happy to take an intervention if any of them wanted to justify the situation that I described.

A number of issues require to be addressed, such as changing the age of criminal responsibility. That is welcome, and it is churlish to be involved in a profession that is about persuading folk to change their minds but then to be disrespectful to people when they do that. I welcome the position that the Scottish Government has taken on the age of criminal responsibility, which many people have campaigned for a change in. On a personal level, I welcome the support for the legislation on equal protection. Outside bodies have suggested that it is the right thing to do, but let us do it because we want to do it. That is the general direction of travel.

I do not always agree with my colleague Mike Rumbles, but I entirely agree with him on prisoners’ voting rights. In the previous parliamentary session, a relatively small group of us who were looking at issues in relation to the independence referendum lent our support on those rights. Members of the Justice Committee will be familiar with the fact that one of the elements involved in putting people in prison is punishment. That is clear, but it is also clear that people are sent to prison for rehabilitation. If we do not encourage prisoners to engage with external society, how will we progress their rehabilitation?

I talked in my opening speech about access to justice and about equality of arms being important, which is why we need the fallback of state intervention. I first raised the issue of the Aarhus convention in the chamber in 2011, and it is

disappointing that it took until the final weeks of the previous parliamentary session to have a consultation. I hope that the Government will look at what has been said most recently about the issue, because I know that there is a will to ensure that there is no access to justice issue. It is certainly my view and that of others that an issue arises with the Aarhus convention. What does that mean? The implications are that those who have the necessary finance have impunity, but we do not want that.

There is an important role for equality impact assessments.

Nothing has been said in the debate about Gypsy Travellers. A lot has been said about them in recent times. I think that we would all agree that this is the one area where people still feel that they can say what they wish, even though, if we were to transfer what was said to other categories, they would not feel that. There is a long way to go. There have been two strongly worded reports on the subject from the Parliament to the Government. That situation applies to our Roma residents, too, who are welcome here, as are fugitives from justice. James Dornan talked about Winston Churchill and the history of a lot of rights, which was about assisting people who were fleeing persecution. That is a laudable aim.

I welcome Professor Miller's appointment and wish him and his team well. I understand that they will hold the Scottish Government to account. That is also the role of the Opposition, the nasty party aside. I think that there is a progressive consensus in the Parliament, and we will support the Labour and Lib Dem amendments.

16:40

**Mark Griffin (Central Scotland) (Lab):** The Human Rights Act 1998, the EU charter and the European convention underline the human rights protection that everyone in Scotland rightly deserves as citizens. Human rights are regularly portrayed as a negative and as a problem caused by Europe. They have consistently been the focus of right-wing press misinformation since the 1998 bill was enacted by Labour. We are committed to standing up for people's rights. That is why we introduced the Human Rights Bill and why we have consistently pledged to fight any attempt to water down the protection that the 1998 act brings. It brings home our rights, giving our most vulnerable citizens a powerful means of redress and protecting us all against the misuse of state power.

The European convention on human rights was not imposed from abroad. It was drawn up by our lawyers, drawing on our philosophy, to set international standards of respect for common

humanity after the second world war. Our voice in the world is a reflection not only of the size of our economy but of the moral leadership that we demonstrate on human rights. We must continue to urge others to respect the rule of law and the freedoms and rights that every human being is entitled to—in Myanmar and everywhere else.

We welcome the importance that is given to dignity, equality and human rights in the latest programme for government, including the commitment to a comprehensive audit of the most effective way to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation. The Government is right to oppose any attempt by the UK Government to undermine the Human Rights Act 1998 or withdraw from the European convention on human rights, and it is right to commit to ensuring that existing and relevant future human rights protections that are provided under EU law are maintained following UK withdrawal.

However, we believe that the Scottish Government should do more. Its failure to include some key guarantees in the Social Security (Scotland) Bill, including a ban on private sector contractors and the uprating of payments in line with inflation, could see the commitment to dignity and respect being undermined by future Governments, and it provides no certainty that the new Scottish agency will be—and will continue to be—better than the DWP.

SNP speaker after SNP speaker rightly criticised the Tory Government for its treatment of disabled people, but they seem to forget that full power over disability benefits still lies with Westminster because this Government delayed full devolution of them until the end of the decade. When 26 per cent of people in poverty in Scotland are disabled, which is the second highest rate in the UK, it is wrong that the Government willingly left powers over disability payments in the hands of the Tories. I ask SNP speakers to reflect on that.

The most recent Scottish Government hate crime statistics show an increase in both sexual orientation and transgender identity aggravated crime charges. Transgender identity aggravated crime charges were up a shocking 33 per cent year on year. Earlier this month, Stonewall Scotland reported that 17 per cent of LGBT respondents who were surveyed had suffered abuse because of their sexuality, which was up from 9 per cent in 2013. The survey also found that almost half of trans people had experienced a hate crime or incident in the previous 12 months because of their gender identity. The Government should publish a full breakdown of LGBTI hate crime statistics in Scotland so that we can fully understand what is happening and prevent those attacks from continuing.

Finally, the United Nations Convention on the Rights of Persons with Disabilities must be enshrined in law and significant progress should be made in this parliamentary session to improve the rights of disabled people in the areas of education, employment and public transport.

16:45

**Jamie Greene (West Scotland) (Con):** The Scottish Conservatives decided not to lodge an amendment because, in principle, there is nothing to disagree with in the wording of the motion. That is simply because most members, I am sure, are able to find consensus when it comes to human rights and dignity.

I want to touch on some of the contributions that have been made, which have been quite wide ranging and varied in the short time that we have had to debate the issue. It is fair to say that the Conservatives are committed to engaging constructively in these debates because we, too, want to help to shape a better future for Scotland. However, people who are listening to this debate outside the chamber will have noticed quite a substantive difference between the way that we have approached the debate and the way that some of the other parties have approached it.

We did not lodge an amendment, we will vote with the Government at decision time, we accept Labour's additional wisdom in the debate, and we gave collaborative speeches. I will not name names, but a number of members took the debate as nothing more than another opportunity to pull a speech out of the folder called "Tory bashing/anti-Westminster." Such speeches come out week after week in this Parliament, every time that we try to have a meaningful debate about something that matters to people in Scotland.

My colleague Adam Tomkins opened his remarks by touching on some very important issues. There are already inequalities in Scotland in health, education and access to public services. Adam Tomkins pointed out legislation in which the Scottish Government has failed to meet its own human rights obligations. He talked about the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 and the named persons scheme, to name but two things. The Government can sit there and blame Westminster for the ills of the world but, in its policy making and legislation making through the bills that it puts before the Parliament, it has the ability to make access to equality better in Scotland.

My colleague Annie Wells spoke about some of the huge health inequalities that are experienced by our poorest communities.

**Mark McDonald:** Will the member take an intervention?

**Jamie Greene:** I am very tight for time in the debate. I apologise.

**The Deputy Presiding Officer:** You have some spare time if you wish to have it.

**Jamie Greene:** If I get extra time, I will take an intervention.

**Mark McDonald:** What does Jamie Greene think lies behind and drives those health and social inequalities?

**Jamie Greene:** If we had another hour, we could talk about inequalities in Scotland. In fact, we have debated that in the chamber on a number of occasions, and I have spoken in a debate about some of the long-standing issues that affect Scotland. I would be very happy to have a meaningful debate about the complex issue of poverty in Scotland. If Mark McDonald is happy to do so, we can have that debate after this one.

I want to focus on one particular speech that said a lot about how the Parliament debates these issues. The speech by my colleague Michelle Ballantyne was excellent because she said that we will work constructively with other parties and other members in the Parliament if we are able to respect one another's differing points of view. Many members in this chamber are absolutely incapable of doing that. Michelle Ballantyne made a very good point about the tone with which we approach issues such as equality. I thank her for that speech.

**John Finnie:** Will the member take an intervention?

**Jamie Greene:** No, I will not.

I want to touch on some of the cabinet secretary's comments. She made valid points about some of the factors that can help to address inequality in Scotland, such as economic growth—I was pleased to hear her mention sustainable economic growth—tackling ill-health and access to education. The Parliament already has a number of triggers and levers, but there is no mention of them in the Government's motion. That is my only criticism of it.

We are unable to support Mr Finnie's amendment or the Liberal amendment, but I think that the Labour Party made a very valid contribution about some of the additional inequalities of disabled people in Scotland—it is absolutely right that we should address those.

Too often in Parliament, we fall into the trap of saying that, simply by talking about issues, we will resolve them. Our limited time in this place will be better served by debating and discussing how to

use the powers that are already at our disposal to tackle the challenges in Scotland.

In my closing seconds, I wish that I had more time to talk about some of the other contributions.

**The Deputy Presiding Officer:** There is at least a minute.

**Jamie Greene:** A minute—that is perfect. In that case, I was pleased to hear some of the contributions, such as that by Clare Adamson, which was meaningful and thoughtful. I may not agree politically with everything that she said, but I respect the approach that she took to the debate and I thank her for her contribution.

In the spirit of being constructive, I close by asking the Government front bench not to overlook the challenges that we face in Scotland in health and education, and to use the powers that Parliament already has to tackle some of those inequalities. I urge the Government to work constructively with other parties to build a consensus on some of the key issues that the debate has focused on. We want bold action and real substance, not just words. If the SNP is serious about addressing inequality in Scotland, it should step out of its glass house before it throws stones at others.

16:51

**The Minister for Childcare and Early Years (Mark McDonald):** The debate has been wide-ranging, as one might expect. Earlier today, I met pupils from Sciennes primary school in Edinburgh, who discussed with me the mural that they have created on the United Nations Convention on the Rights of the Child. It is the result of children's rights seminars, and it is their distillation of how they see the issues that affect children and young people in relation to their rights.

The mural begins with a picture that they call "The Policy Factory"; it depicts adults making policy as they debate and discuss how those policies will affect children. It also depicts children on the outside looking in, unable to give effect to, or have their voices heard about, their rights. The mural moves through a series of pictures to the end picture, which they call "The Meadow of Rights", which is a much more harmonious picture that demonstrates the benefits of taking a more collaborative and listening approach to the rights agenda, as it pertains to children.

That is the approach that I intend to take as a minister in relation to how we will give effect to, and embed further, the UNCRC. I have, as part of the upcoming year of young people, made a commitment that I will be out across the communities of Scotland discussing directly with young people their rights and how they can

participate. That commitment extends further the approach that we have taken as a Government to the shaping of our social security agenda. The experience panels that the Minister for Social Security, Jeane Freeman, has convened will help us to design a system that will give effect to the rights and wishes of people who have lived experience of social security in respect of how the Scottish social security system will be shaped.

A point that was made eloquently by Clare Adamson and Mary Fee is that human rights and the position that we have arrived at in relation to them is not something that happened at the beginning of time; it has evolved over time and has been hard fought for and hard won by a number of individuals throughout history. Therefore, it is exceptionally important that we continue to fight to ensure that those rights are protected and advanced wherever possible. That point was brought up by a number of members who spoke about the potential threats to the current rights framework.

**Pauline McNeill:** Does the minister agree, with regard to enforcing and protecting human or individual rights, that we need to look at legal costs? At the end of the day, there is no point in having laws if enforcing those laws is not accessible or affordable.

**Mark McDonald:** We have made it very clear that we want to ensure that justice is accessible, in the broadest sense. We are committed to that. I take on board Pauline McNeill's point. Where we can take a collaborative approach, we will do so, as I think we have demonstrated in some of our actions on the rights agenda.

In her speech, Pauline McNeill made a point about being refused entry to a place of detention. The cabinet secretary has written to Robert Goodwill and his successor, Brandon Lewis, on that matter. The Scottish Government is very much alive to the issue and is seeking to ensure that the UK Government takes a different approach.

John Finnie was right to highlight some of the challenges that have arisen as a result of the examination of the UK in relation to the UNCRPD. The issue was the subject of a quite extraordinary exchange in the chamber. Ruth Maguire asked Adam Tomkins—she was right to do so—whether he agrees with the conclusion of the chair of the UN Committee on the Rights of Persons with Disabilities, that the UK Government is presiding over a "human catastrophe". Until then, Adam Tomkins had been saying that the Scottish Government needed to take its medicine when it was told that it is not achieving what it should be achieving in relation to the rights agenda. I point out that the cabinet secretary in her speech, and the First Minister in her programme for

government, have clearly recognised that there is work to be done—which is why we convened the expert advisory group and committed to an audit in relation to the UNCRC. Adam Tomkins responded to Ruth Maguire by saying, basically, “I reject the UN’s findings in relation to the UK Government, and here are the reasons why disabled people in the UK have never had it so good.”

That crystallises a point that has been made in the debate. To look only at examples such as Adam Tomkins gave and not at the totality of the experience of disabled people in the UK is, I think, to be ignorant of the facts and of the genuine experiences that are being inflicted on many disabled people.

Jamie Greene said that we might be better served by having a wider discussion about inequality. The Conservatives brought the issue to the table when they spoke about the attainment gap and health inequalities, which we are committed to addressing. The point remains that those inequalities are underpinned by systemic societal inequality: this Parliament has only so many powers available to tackle systemic societal inequality. If our Parliament, our health services, through our hospitals and general practices, and our education system, through our early learning centres, schools, colleges and universities are, across the country, having to fight against the chaotic circumstances that surround people who are at the margins of our society, we can advance only so far. We have to ensure that when people leave the health or education systems, they find themselves in an environment that works with those systems to deliver the best possible outcomes for them. If that is not the case, we will not be able to make progress. That is the underlying point.

It is fine for the Conservatives and other Opposition parties to say that the Government must do better in certain areas. We accept that there are journeys to be travelled in respect of educational attainment and health inequalities. However, the Conservatives cannot ignore the detrimental impact of the wider macroeconomic and social security policies that their Government administers on our ability to close those gaps and improve outcomes for people in Scotland.

This has been an important and welcome debate that has touched on a number of areas in which we recognise that there is still a road to travel. However, we must also acknowledge our significant progress in Scotland in taking forward the human rights agenda.

We recognise that there is work to do collaboratively across Parliament, which is why we will be happy to support the Labour and Green amendments. We will not support the Liberal Democrats’ amendment. It is fine for Mike

Rumbles to say that only now has there been action on, for example, the minimum age of criminal responsibility and equal protection, but I gently suggest that he should have a little humility, given that his party had a role in governing this country from 1999 to 2007 and failed to make meaningful advances in either area. A little humility sometimes goes a long way.

We recognise that there is a road still to be travelled, but we must acknowledge the progress that we have made in getting to this point.

## Business Motion

17:00

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-07770, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for Thursday 21 September 2017—

delete

2.30 pm Preliminary Stage Debate: Edinburgh  
Bakers' Widows' Fund Bill

and insert

2.30 pm Members' Business

followed by Preliminary Stage Debate: Edinburgh  
Bakers' Widows' Fund Bill

delete

5.00 pm Decision Time

and insert

4.30 pm Decision Time—[*Joe FitzPatrick.*]

*Motion agreed to.*

## Decision Time

17:00

**The Presiding Officer (Ken Macintosh):** There are four questions to be put as a result of today's business. The first question is, that amendment S5M-07740.3, in the name of Pauline McNeill, which seeks to amend motion S5M-07740, in the name of Angela Constance, on dignity, equality and human rights for all, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-07740.1, in the name of John Finnie, which seeks to amend motion S5M-07740, in the name of Angela Constance, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)

Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 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)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (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)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)

Mundell, Oliver (Dumfriesshire) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 85, Against 31, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-07740.2, in the name of Mike Rumbles, which seeks to amend motion S5M-07740, in the name of Angela Constance, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Finnie, John (Highlands and Islands) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Wightman, Andy (Lothian) (Green)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)

Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 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)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)

Lennon, Monica (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 9, Against 88, Abstentions 19.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S5M-07740, in the name of Angela Constance, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 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)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (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)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)

Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 85, Against 31, Abstentions 0.

### *Motion, as amended, agreed to,*

That the Parliament is committed to creating a fairer Scotland underpinned by respecting and implementing human rights; notes the achievements that Scotland has already made in giving practical effect to the human rights set out in UN and Council of Europe treaties, and International Labour Organization conventions; welcomes the appointment of the former Scottish Human Rights Commissioner, Professor Alan Miller, as chair of a new expert group that will provide independent advice and recommendations on how Scotland can continue to protect and enhance human rights, including economic, social, cultural and environmental rights; further welcomes the commitment that the Scottish Government will undertake a comprehensive audit of the most effective way to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation; acknowledges that embedding a human rights-based approach within Scotland's public services is fundamental to securing equality, dignity and rights and commends the rights-based approach to building a social security system that will be underpinned by dignity, respect and equality; resolves to ensure that the human rights and equality of all of the people of Scotland are fully respected and protected, promoted and implemented; considers that human rights should be viewed as a broad-based principle and should also encompass workers' rights as well as the right to a family life, which should include the right to a decent warm home; believes that significant progress should be made in the current parliamentary session to improve the rights of disabled people in areas of education, employment and public transport; considers that this progress should be meaningful by ensuring that adequate and enforceable legislation is in place to advance these rights; notes the report of the UN Committee on the Rights of Persons with Disabilities (UNCRPD) on its inquiry into violations of rights in the UK, which was issued on 6 October 2016, and its report on its concluding observations under its reporting cycle, which was issued on 29 August 2017; expresses grave concern that, in its October 2016 report, the UNCRPD found systematic violations of the rights of disabled people; acknowledges that one of only two positive findings in the August 2017 report concerned measures taken in Scotland; expresses concern at the absence of action and the dismissive attitude of the UK Government regarding the 85 recommendations made by the UNCRPD in August, and is resolved that dignity, equality, and human rights for all cannot be realised as long as disabled people continue to experience violations of their basic rights under the policies adopted by the UK Government.

## Homophobia in Sport

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a members' business debate on motion S5M-05970, in the name of Mary Fee, on tackling homophobia in sport. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament considers that there is a continuing existence of homophobia in Scottish sport; regrets that research by Stonewall Scotland states that 60% of sports fans had witnessed homophobic behaviour in the last five years, which is 9% higher than the rest of the UK; believes that it is important for sports personalities, coaches and sports clubs in the West Scotland region and across the country to challenge and oppose homophobia in all its forms to show that it has no place in Scottish sport; understands that there is a particular problem with homophobia in football, which is highlighted by the fact that there are no openly-gay, male professional footballers in the UK; commends the work of the Equality Network and its LGBT Sports Charter, which aims to set out the principles to make Scottish sport more inclusive, and welcomes the commitment of the SFA and sportscotland to tackle homophobia and LGBT discrimination in sport.

17:05

**Mary Fee (West Scotland) (Lab):** In opening the debate, I take the opportunity to welcome lesbian, gay, bisexual and transgender rights campaigners and activists to the public gallery, and I thank members from across the chamber for supporting my motion on tackling homophobia in sport and thereby enabling the debate to take place.

Almost two decades since the formation of the Scottish Parliament, massive gains have been made in LGBT rights in Scotland. Rights such as equal marriage rights have been hard fought for by tens of thousands of strong, proud LGBT activists and campaigners, but despite those advances, discrimination against LGBT people persists in all walks of Scottish society.

Recent research by Stonewall Scotland highlights the particular issue of LGBT discrimination in Scottish sport. A staggering 46 per cent of LGBT people do not find sporting events to be welcoming spaces, and more than one in 10 LGBT people avoid going to the gym or participating in sports groups because of fear of discrimination and harassment. For trans people, that figure shoots up to 39 per cent.

It is clear that there is a particular issue with LGBT discrimination in Scottish football and football more generally. Research by the Equality Network back in 2012 identified football as the sport that had the biggest challenges to overcome in relation to LGBT inclusivity. It is vital that the

culture in sport—particularly the culture in football—changes.

Education, LGBT rights campaigns and visible role models are all important mechanisms that can help in the battle to eradicate LGBT discrimination in football and in wider society. I would like to mention LEAP Sports Scotland, which is an LGBTI sports charity that works for the inclusion of LGBT sports participants and seeks to tackle homophobia and transphobia. I had the pleasure of meeting staff and volunteers of LEAP Sports at Pride house in Glasgow during the 2014 Commonwealth games, and I encourage members and visitors to the gallery to visit the organisation's website to see what they can do to support its work.

Research by Stonewall Scotland revealed that a shocking 70 per cent of fans had heard homophobic abuse in the stands at a football game. One of the respondents in Stonewall's research commented:

"Men in the crowd around me at a football match using the term 'gay' in a derogatory manner to refer to the players on the pitch. Made me extremely uncomfortable but I didn't feel in a position to challenge them."

Among the common forms of discrimination that are experienced by LGBT people when participating in or spectating at sport are the use of homophobic or transphobic language and the use of stereotypes about sexual orientation and gender identity. Such stereotypes are dangerous and only serve to reinforce prejudice against LGBT people.

According to Scottish Government statistics regarding sexual orientation, around 100,000 people in Scotland identify themselves as "LGB and Other". However, there are still no openly gay or bisexual male professional footballers in Scotland or across the UK.

The lack of a visible role model for LGBT people in professional football in Scotland is of real concern, because it makes it extremely difficult for a young gay or bi male to feel confident about being themselves if they cannot see anyone else like them in the sport. It is incredibly important that the governing body of Scottish football, professional football clubs, LGBT groups and this Parliament work collaboratively to create the right environment for players to feel comfortable about coming out.

I was extremely pleased that 13 professional football clubs took the lead in eliminating LGBT discrimination by signing up to the Equality Network's LGBT sports charter. Current signatories to the charter are Aberdeen, Airdrie, Albion Rovers, Celtic, Dumbarton, Elgin City, Forfar Athletic, Hearts, Hibs, Partick Thistle, Peterhead, Rangers and St Johnstone, and there

are a further six professional clubs that are currently in contact with the Equality Network with a view to signing up to the charter.

Aberdeen fans have proved to be a shining example. They are leading the way in tackling homophobia and promoting equality and diversity by establishing the first LGBT supporters group in Scotland, which is known as the proud dons.

Dumbarton FC has also proved itself to be a modern and inclusive club by ensuring the club's commitment to equality and diversity through its anti-discrimination policy. In the contract of each footballer and employee of Dumbarton FC, there is a clause stating that the club is opposed to racism, sectarianism, bigotry and discrimination of any form, including on the basis of gender or sexual orientation.

I again congratulate and thank those professional football clubs and other sporting institutions that have already signed up to the LGBT sports charter, and I urge other professional football clubs and governing bodies to reach out to the Equality Network and to sign up. It is vitally important that sports organisations take the lead in changing the culture in Scottish sports by tackling and eradicating LGBT discrimination to ensure that sports clubs, gyms, stadiums and arenas are modern, inclusive and welcoming to all people, regardless of their sexual orientation or gender identity.

**The Deputy Presiding Officer:** I have just spilled water all over the console. If everything goes dark, members will know why.

17:12

**Brian Whittle (South Scotland) (Con):** Although I am pleased to have the opportunity to speak in the debate, and I thank Mary Fee for bringing it to the chamber, I take no pleasure in having to address such a topic in this day and age. I find it depressing that the spectre of homophobic behaviour still casts a shadow over our communities.

The topic is one that I only really became aware of and began to take an interest in when I joined the Parliament, mainly through research for my consultation paper on barriers to inclusion in sport and activity. It came as a shock to hear about some of the experiences of members of the lesbian, gay, bisexual, transgender and intersex community in their participation in sport. There were stories of discrimination, bullying and, sometimes, worse experiences, and that came as a surprise to me. I come from a sports background and it was never an issue that I was aware of during my 10 years' experience of professional sport. We were all just athletes who were joined by

a mutual respect for the work that it had taken to get to where we were in our sport.

Members might find it difficult to believe, but I retired quite a long time ago; it was in the previous millennium. That time is measured in decades—or, to put it delicately, about two stones ago—but friendships that were made at that time endure to this day, irrespective of colour, creed, religion or sexual orientation. We never gave any thought or consideration to any of those categories. Only last Sunday, us old boys got together for our annual golf outing and a more disparate group of people could not be found anywhere.

The quiet man of the group is Kriss Akabusi, who is of Nigerian background. At 6 feet, 9 inches, Geoff "Tour Bags" Parsons, the Scottish high jump record holder, plays golf like a giraffe that is going for a drink. They, I, "Captain Courageous" Derek Redmond, the steeplechaser Eddie "the Chip" Wedderburn, and Johnny "Two Chests" Regis all travelled from every part of the country to meet—and let me tell you, golf was the winner.

That is what sport is to me: a way to break down barriers and find commonality. It is a way to promote inclusion and participation. Everybody here knows that I see it not only as a tool for tackling poor physical health but a major component of how to address the epidemic of poor mental health that we face, which the Scottish Association for Mental Health says is to be done with inclusivity and physical activity.

Now we are debating about certain elements of society being excluded from sports opportunities. There have been examples in sport of poor treatment of athletes, such as the intersex debate around Caster Semenya, who is the Olympic and World women's 800m champion. There might have been a genuine issue to be investigated, but the International Association of Athletics Federations handled it so badly and with such a lack of respect to the athlete's welfare that LGBTI participation in world sport was put back many years. Thankfully Semenya is now back competing at the highest level, and she won the World Championships in London this year.

I thank all the organisations that sent briefing notes prior to this debate. I also recognise the Stonewall Scotland rainbow laces campaign, which I took part in last year. They used the picture of me with just one shoe on, and I would just like to say, for goodness' sake, it was more than 30 years ago—would you please let it go?

Sports should be a sanctuary for all. It should be a place where a person's background, whatever that may be, is irrelevant. Sport can lead in the battle against prejudice. We in this place must continue to drive that direction of travel until such prejudices are no more in our communities.

17:16

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Last week I attended the cross-party group on sexual health and blood-borne viruses. There we heard a moving account from an HIV-positive woman who based her talk around the word “stigma”. The dictionary definition of the word is:

“a mark of disgrace associated with a particular circumstance, quality, or person”.

I believe that everyone in this chamber would agree that being gay should have no stigma attached to it. Sadly, despite Scotland being one of the most progressive nations in the world when it comes to LGBT+ equality, when it comes to sport, there is still much work to be done.

In sport, players face a disproportionately difficult time coming out, for a variety of reasons that are too complex to detail in a four-minute speech. Recently, Gareth Thomas, a Welsh rugby player with 100 caps, gave a grim account of his experiences of being a gay man in rugby. He believes that sport, and football in particular, must not be allowed to remain in the “dark ages” of homophobia. He says that unless homophobia in football is

“policed as stringently as racism is policed, then it will always be a problem”

and I agree with him.

Recently, three former Rangers players started working with the excellent time for inclusive education campaign to clamp down on homophobia. Education is the key to changing attitudes and helping people to realise that it is simply not acceptable to perpetrate this inequality.

As we have heard, sporting events can also be unwelcoming and threatening environments for LGBT fans. Seventy per cent of sports fans in Scotland have witnessed anti-LGBT language or abuse in a sports setting in the last five years. Almost half of LGBT people—46 per cent—think public sporting events are not a welcoming space, and one in 10 who attended a live sporting event in the last year experienced discrimination. In 2017 that simply is not good enough.

Problems with racism, sectarianism and homophobia are taken seriously by the Scottish National Party Government, and our hate crime legislation exists to eradicate it. That is why the Scottish Government is concerned that an outright repeal of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 might send the message that prejudice-based and threatening behaviour at football is acceptable, even when other legislation could also apply.

Stonewall Scotland supported the introduction of that bill in 2012, noting the serious impact that homophobic, biphobic and transphobic behaviour

in sport has on LGBT people’s safety and on their confidence to participate in sport. Discrimination discourages participation and cultivates exclusion and a lack of diversity. Football and the sporting culture must not be left behind while the rest of society sees progress in equality. There is clearly a lot of work being done, with 13 clubs signed up to the Equality Network LGBT charter and more poised to do so, as we have heard.

SportScotland believes that education, positive role models, embracing LGBT+ policies and promoting gay, lesbian and bisexual sports stars is the way forward, and that is the path that we should follow.

There is still a lot to be done and, until we need no longer debate this subject in the chamber, until it stops being a story, and until people wonder why someone’s sexual orientation is even being raised as an issue, we need to continue to strive for equality. It is time to blow the whistle on homophobia in sport.

17:20

**Monica Lennon (Central Scotland) (Lab):** I begin by thanking my colleague Mary Fee for bringing such an important topic to the Scottish Parliament this evening.

Homophobia certainly has no place in public life in Scotland and no place in Scottish sport. The continuing existence of homophobia in sport, as evidenced by Stonewall Scotland’s findings that 60 per cent of sports fans have witnessed homophobic behaviour in the past five years, is a sad and unacceptable state of affairs.

As a nation that is so passionate about football, it is a damning indictment of how far we still have to travel in tackling homophobia in all aspects of Scottish society that a majority of football fans are likely to have witnessed prejudiced behaviour towards the LGBT community, with 82 per cent of football fans admitting that they have heard homophobic abuse or language at a sports event. That is an alarming number of people.

Although Scotland has made great strides towards achieving legal equality for the LGBT community during the past few years with the commencement of equal marriage laws, it is clear that we still have so much more to do to combat prejudice and inequality.

Last week, most members of the Scottish Parliament were able to join with the show racism the red card campaign just outside the chamber in the garden lobby to show our support for combating racism in football. I am proud to support that campaign, and, just as there is no place for racism of any kind in Scottish sport, there being any homophobic prejudice towards the LGBT

community in Scottish football should be equally repulsive to us. I would love to see the recommendations of the Equality Network's report and Stonewall's rainbow laces campaign to tackle anti-LGBT prejudice in sport gain similar traction among colleagues and the wider public. I look forward to the opportunity later this year to support the campaign. It is my hope that we will also see football clubs and fans across the country using that opportunity to engage with and embrace this important campaign. Mary Fee read out an impressive list of football clubs, but many more names could be added.

In the evidence gathered by Stonewall Scotland about homophobia in sport, the most troubling and striking statistics were those that show how negative experiences of sport for LGBT people can often start as early as their school years: one in seven LGBT young people say they have experienced bullying during school sport, and almost one in five say that they have experienced bullying in school changing rooms—yet more worrying statistics that underline why it is so important that we ensure that we get inclusive education in our schools.

Many colleagues on their way into the chamber this evening will have noticed that the TIE campaign is in Parliament today, with an exhibition of its progress so far and the aim of signing up even more MSPs to the pledge. It has been my privilege to sponsor the campaign's time in Parliament this week, and I hope that as many colleagues as possible will have the chance to speak to Jordan and Liam about their work. I saw on Twitter that more MSPs have signed the pledge today, so it is really good that we have the TIE campaign with us in Parliament.

It has been only a few months since I led my members' business debate on the TIE campaign, and I am pleased that the Scottish Government working group on inclusive education is continuing to make progress. As ever, I look forward to seeing the group's eventual outcomes and recommendations when its work concludes.

We need to make inclusive education a reality so that we can eradicate homophobic attitudes in the next generation of young people—those who are growing up in Scotland today. Homophobia has no place in our society and the route to tackling that begins with education.

I repeat my thanks to Mary Fee for bringing the debate to Parliament. At the start of the debate, she mentioned the importance of role models in sport and in general. Because Kezia Dugdale is sitting next to me, I will take my chance and say that she was awarded politician of the year at the prestigious Icon awards on Friday night. I congratulate her, and I am sure that colleagues across the chamber do too.

17:24

**Alison Johnstone (Lothian) (Green):** I also thank Mary Fee for bringing this important debate to the chamber. I agree wholeheartedly with the terms of the motion and I thank all the organisations that sent us briefings indicating the work that is going on to tackle homophobia and improve our sporting culture, and highlighting the unacceptable barriers to participation that LGBTI people still face.

In 2012, I spoke at the out for sport conference, launching the Equality Network's report on the opportunities that sport provides to tackle discrimination and promote equalities. The report recommended that there should be more visible leadership from Government and from sports governing bodies, with the establishment of a Scottish LGBT sports charter to ensure that LGBTI people are more fully included in Scottish sport. The report called for more action to ensure that clubs at all levels of sport—whether competitive or recreational, in our local authorities or in our universities—comply with the Equality Act 2010. It asked clubs and sports facilities to improve training for their staff and coaches to help them to identify, prevent and challenge homophobic and transphobic bullying.

In the past five years, there have been improvements in sport in Scotland and I am glad to see sportscotland make new commitments to embed equalities and inclusion in all aspects of its work. I also want to highlight some of the positive work that scottishathletics has been leading on, building on its four frontrunners LGBT clubs and supporting them to work with more athletics clubs and jogscotland groups. Scottishathletics also helped to pilot a non-binary athletics category, approving non-binary races for Jedburgh running festival.

Sadly, few areas of sport in Scotland are quite so inclusive and, as the briefings that I have read while preparing for the debate make all too clear, the impact of homophobia in sport is felt very early in life, as others have said. In 2016, sportscotland's research with the Equality and Human Rights Commission showed that the key barriers to participation in sport for young people included homophobia and previous negative experiences, particularly in school. If we are serious about tackling homophobia in sport and making sport more accessible for everyone, we really have to tackle the bullying and discrimination that young people face.

LGBT Youth Scotland's report on the legacy of the Commonwealth games shows that LGBTI young people are less likely to engage in sport and physical activity. Homophobia in sport is holding young people back from participating in sport, and I have no doubt that that will have a

negative impact on the long-term physical health and wellbeing of too many LGBTI young people. Stonewall's research shows that one in seven LGBT young people in UK schools has experienced bullying during school sport, and almost one in five has experienced bullying in school changing rooms. Even if not bullied themselves, more than half of LGBTI pupils frequently hear homophobic language in sports lessons.

It is appalling to think that such bullying, harassment and discrimination exist in our schools. My colleague Ross Greer has campaigned for a review of personal and social education in schools and today's debate shows us that the upcoming review of PSE must consider sport in schools and how high-quality PSE can help to build a whole-school approach to equalities and mental health, moving beyond the classroom and improving all aspects of school life.

Recently, there has been a greater focus on the potential of sport to improve mental health, which is welcome. The Scottish Association for Mental Health is partnering scottishathletics in a jogscotland programme, helping people to become more active. Such initiatives show the urgent need to make sport truly accessible to all and to tackle homophobia at all levels of sport.

As Mary Fee, Rona Mackay and others have noted, homophobia in sport is not just a barrier to active participation; it is even a barrier to being a fan and a spectator. If we want to make long-lasting changes to the culture of spectatorship, we have to work internationally as well. "Out on the Fields", the first international study of homophobia in sport, highlighted the prevalence of homophobia in sport on a global level. It showed that the most likely place to encounter homophobia in UK sport was on the spectator stands; 85 per cent of that study's participants believed that in UK sport

"an openly gay person would not be very safe as a spectator at a sports event".

Given the impact of international competition on sporting culture and on societal behaviour more widely, we must think about how good practice can be shared internationally and how we can protect sportspeople and fans from homophobia, wherever they are competing or supporting.

17:29

**Miles Briggs (Lothian) (Con):** I congratulate Mary Fee on securing the debate and I welcome the opportunity to participate in it. I pay tribute to her for the work that she has done in the Parliament on the issue over many years. I thank the organisations that provided briefings for the debate—Stonewall Scotland and the Equality

Network—and I commend them for the good work that they have done on the issue over many years.

All of us in the chamber will agree that homophobia, just like any form of discrimination, should have no place in sport. However, we have to be honest that that is not the case for many of our Scottish sportspeople and fans. We all recognise the extent of the challenges that we face in tackling the issue and how much needs to change in the culture in sport in Scotland today. Members have mentioned the stark fact that 60 per cent of Scottish sports fans have heard homophobic abuse and that the figure rises to 82 per cent among football fans.

As Stonewall Scotland's research indicates, a minority of sports fans still believe that anti-LGBTI chants and abuse are acceptable on the terraces or in the pubs, and we all have a role in helping to change that, so that such language is seen as being as intolerable as racist abuse. Casual homophobia among fans should not be dismissed just as macho banter; it should be challenged just as much as homophobia should and, I hope, would be challenged in any other context in life in Scotland.

The motion refers—rightly—to what appears to be a particular problem with homophobia in football. Like Mary Fee, I welcome the support of the Scottish Football Association and sportscotland for the Equality Network's LGBT sports charter. The minister and I particularly like the fact that St Johnstone has led on that. However, it is clear that a lot of work still has to be done. The fact that no professional footballer in the UK has felt able to come out since Justin Fashanu in 1990 speaks volumes about how far we still have to go before being gay is as unremarkable for a footballer as it is for people in many other professions.

The lack of gay role models at professional football level is an obvious concern. Openly gay sportspeople such as rugby's Gareth Thomas and Keegan Hirst, diving's Tom Daley and boxing's Nicola Adams have trail blazed in many ways and are an inspiration to many young LGBT people who might be questioning whether they can take part in sport or aim for a national or international career. We are right to put on record our admiration for the decisions of those sportspeople to be open about their sexuality in public and we thank them as we look forward to many other LGBT sportspeople excelling in their field in the future.

Increasing participation in sport and boosting physical activity across all age groups are vital to tackling obesity, improving the population's physical health and maintaining mental wellbeing. Competitive and team sports encourage self-confidence, develop transferable skills and build

resilience among young people. Tackling homophobia in sport should be seen as helping to remove another barrier that might prevent LGBT people from participating in sport. As a number of studies have shown that LGBT people are more prone to suffering from mental ill health, special importance should be given to allowing them to access sport without fear that they will be a victim of abuse or prejudice.

I again welcome the debate and I look forward to progress being made. I recognise that it can take time for ingrained cultures and behaviour to change, which can be difficult, but it is right that Scotland's Parliament and all members across all parties unite today in sending out a clear message that we will not accept homophobia in sport and that we will work to reduce and eventually eradicate it so that everyone can access sport on an equal and welcoming basis.

17:33

**Kezia Dugdale (Lothian) (Lab):** As my colleagues have done, I congratulate Mary Fee on securing the debate and on leading on the issue for a number of years, as Miles Briggs acknowledged. I also thank the Equality Network and Stonewall Scotland for providing briefings for the debate.

When I read those briefings, I was reminded of the rainbow laces campaign that Stonewall Scotland launched not so long ago. I remember thinking at the time, even as an openly gay woman, that it was a bit of a gimmick and did not mean much. Then my political researcher at the time, a guy called Garreth Lodge, who played basketball for Scotland, sneaked the rainbow laces out of the Parliament office and wore them for an international match that he was playing in. I saw the pictures of that the next day, and I cannot tell members how touched I was that somebody had decided to do that for me and people like me. We should never underestimate the value of such campaigns and the difference that they can make.

The debate is all about sport, and I will focus the rest of my remarks on football, which is the sport that I know best. It is also recognised in a number of the briefings as the sport with the highest participation level among Scots.

I grew up with football. My dad was a referee for most of my childhood, mostly in the Highland league. I remember fondly—or not so fondly—sitting on the line on a football in freezing cold winters listening to people shout and swear at my dad. I wanted to share some stories of that, but the Presiding Officer has advised me that each and every one of the things that were shouted at my dad constitutes unparliamentary language. However, one word that we regularly heard at

those football matches was “poof”. It would be shouted from the stands down on to the pitch every time a player dodged a heavy tackle or kicked the ball over the bar. We heard such language regularly; we definitely heard it across a season and probably in every match.

The reports that we read in advance of the debate recognise that 60 per cent of people have heard homophobic language at a sporting event, but that figure rises to 82 per cent in the instance of football. Although we have made a bit of progress, there is clearly a long way to go. The good news is that the same reports tell us that 68 per cent of football fans want more to be done about it.

I am delighted to represent Edinburgh and, in that city, to have two premier league football teams—we have not been able to say that for a little while. Not only do we have two premier league football teams, but they are both led by women—the chief executives of Hibernian Football Club and Heart of Midlothian Football Club are women.

I will pick a little fight with Mary Fee. She said that there are no LGBT role models in male football, but there is one and it is a woman: she is Leeann Dempster, who is the chief executive of Hibernian Football Club, which is my team. In fact, Hibs are a bit of a leader when it comes to LGBT sport, because they also have on their books Laura Montgomery, who was the founder of Glasgow City Football Club, which is a women's football club. She is a UEFA official and now a senior projects manager at Hibernian Football Club, so Hibs are leading the way again.

I got in touch with Leeann Dempster before the debate to ask her what she might like to be shared with members on tackling homophobia in football in particular. She asked us to check our language. She said that it is, of course, important to talk about tackling homophobia in sport, but equally we need to promote inclusion in sport. That is the attitude that Hibs are taking. They are trying to create a more welcoming environment for LGBT fans and players.

We have asked ourselves many times in the debate why LGBT players do not come out. Why do they not speak? Why is it that, in Scotland, we have never had an openly gay football player? The report “Out for Sport: Tackling homophobia and transphobia in sport” from the Equality Network gives us some indication of why that is the case. It is worth remembering that the report was written by Margaret Smith, who was the first openly gay female MSP. She told us in the report that there are two main reasons why LGBT players do not come out: fear of what spectators would say and the impact on the players' careers.

I have been spending a bit more time watching television recently—I cannot imagine why—and I have been hugely comforted by the increased number of adverts that show same-sex relationships. I hope that that is the start of a change in attitude and culture towards the relationship between commercial enterprise and people disclosing their sexual orientation.

I appreciate that I have gone over my time and that you are likely to be less gracious, Presiding Officer, now that I am on the back benches. However, we must acknowledge gender segregation in sport. As long as we consider that there are boy sports and girl sports, we perpetuate homophobia as well.

17:38

**The Minister for Public Health and Sport (Aileen Campbell):** As other speakers have done, I thank Mary Fee for raising this important issue. I also thank everyone who contributed to the debate and put on record our congratulations to Kezia Dugdale on becoming an icon. We saw some of the pictures on Twitter and it looked like everybody had a heck of a good night.

Like all speakers, I believe firmly that there should be no barriers at all to participation in sport. Everyone should be able to enjoy sport, whoever they are and whatever their background. Be it on the court, on the pitch, in the stands or on the touchline, nobody should have to put up with homophobic comments or taunts. As Minister for Public Health and Sport, I am proud that the Government and Parliament are determined to create a modern, inclusive Scotland that protects and respects human rights and that they are determined that that should extend to the promotion of equal participation in, and access to, sport.

On that point, the words of Leeann Dempster are particularly pertinent. Certainly, she is someone to whom we should all listen because of the unique role that she has played in football and the huge contribution that she has made. We should also listen to Laura Montgomery. Both of them are incredibly impressive individuals who are doing a great deal to ensure and promote tolerance in sport.

The Government is committed to promoting equal participation access to sport and tackling homophobia and transphobia. That is why we support LGBT equality organisations that are working to reduce the discrimination and hate crimes that people have discussed this evening. In our 2017-18 programme for government, we have also given a commitment to consult on reforming gender recognition legislation and to bring forward legislation through the sexual offences (pardons

and disregards) bill, which will ensure that men who were convicted under previously discriminatory Scottish laws that criminalised consensual same-sex sexual activity will receive a pardon and will be able to apply to have such criminal conviction-informed information removed from central records. I mention that because those actions, building on the two decades of progress that Mary Fee talked about under devolution, will enable people to openly discuss their sexual orientation without encountering the prejudice or the stigma that was attached to it in the past and even in the present day.

We remain committed to demonstrating the leadership that is needed to tackle inequalities, homophobia and transphobia in sport. That approach was demonstrated by Scotland during the 2014 Glasgow Commonwealth games, when we supported the establishment of Pride house, which provided a welcoming place for people to view the games and enjoy the events and cultural programmes that supported the sporting events. I am pleased that the Scottish Government is again working with partners to explore opportunities to further boost the engagement of the LGBTI community during the 2018 European championships, including using the 2014 Pride house model.

The Government participates in the national LGBTI sports co-ordinating group. That group brings together partners including sportscotland, LEAP Sports, Stonewall, the Equality Network, the SFA and others with the aim of removing barriers that might stop LGBT individuals participating in sport, as well as educating sport providers to be as open and accessible as they can be. However, the statistics in Stonewall's report show the journey that we still have to make to ensure that our shared ambition of eradicating homophobia is turned into reality.

Many people have mentioned our beautiful game. Like Mary Fee, I am encouraged that a number of SPFL clubs have already signed up to the equality charter. We have been encouraged by positive discussions with the SPFL as it continues to promote equality in Scottish football through its support of initiatives such as the rainbow laces campaign. Like Miles Briggs, I was particularly pleased to see that St Johnstone featured to a great extent among the clubs that were mentioned today.

The SFA has recently established an equality and diversity advisory board, which will act as a senior supporting group to provide guidance and ensure that the organisation's commitment to inclusion, equality and diversity is embedded throughout its structures, plans and activities.

I was pleased to hear from Mary Fee about the Aberdeen fans' initiative, and I note that Joe

FitzPatrick whispered in my ear that, last month, Dundee Football Club introduced a similar initiative, which is called "Proud Dees".

There is a great opportunity to explore the potential that football has to change culture. As Kezia Dugdale, Mary Fee and others have mentioned, it has a reach into all of our communities through the game changer project that Hibs runs, the community trust at Aberdeen Football Club and so on, and we have not even touched the surface of the further work that our football clubs can do in our communities to help change cultures and act as a force for good.

Lots of additional work is going on. Last year, sportscotland and the Equality and Human Rights Commission published research into equality in Scottish sport that looked at who currently participates in sports and the barriers to participation, and suggested potential solutions. Although participation levels among the LGBTI population are not particularly different from those in the heterosexual population, it is always important to treat these findings with a level of caution, as the results reflect the experiences of people who are already out, rather than those who are not. We have also heard from speakers this evening about people's experience of the all-too-present bullying and anxieties and a host of other barriers that prevent LGBT people from becoming active in and enjoying sport.

Of course, equalities inclusion is one of the three priorities for improvement set out in sportscotland's corporate plan for 2015 to 2019, which sets out a number of ways in which it is seeking to support our governing bodies. Although we have good stories to tell about the Commonwealth games and the leadership in many of our governing bodies, we need to unpick and challenge the experience at the grass-roots level. The equality standard for sport, which is there to help governing bodies ensure that they are as inclusive as they can be and is accompanied by training programmes, is relevant.

One of our governing bodies that is doing fantastic work, in addition to the work that is being done in athletics and a host of other sports, is the Royal Yachting Association Scotland. It is the first governing body in Scotland and one of only two governing bodies in the UK to have been awarded the advanced level of the equality standard that was set out by sportscotland.

Alison Johnstone mentioned athletics, and governing bodies for boxing and squash also have innovative ways that they are using to reach out to communities that in the past they have not reached, to ensure that they can enjoy the offer that sports can bring.

In a couple of weeks' time, I will be visiting Shawlands academy in Glasgow, which, in partnership with LEAP Sports, has developed a safer sports at schools manifesto that will allow all children to feel comfortable in taking part in physical education.

At school level and governing body level we have plans. There are strategies in place to try to ensure the inclusivity in sport that we all desire. We are becoming a fully inclusive nation, but of course there is much more to do. I thank sportscotland, the governing bodies, LEAP Sports and everyone else who has been involved in working together to improve equal opportunities for all and who are committed to tolerance, respect and removing barriers that have persisted. I commend Mary Fee for her work and the commitment that she has shown to the issue.

Parliament is always at its best when it works together, and on this issue we are absolutely united. In the words of Rona Mackay, it is time for us to blow the whistle on homophobia and use that as our opportunity to work together to make the progress that we all seek.

*Meeting closed at 17:47.*



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

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