



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 10 January 2017**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Tuesday 10 January 2017**

**CONTENTS**

	<b>Col.</b>
<b>TIME FOR REFLECTION</b> .....	1
<b>TOPICAL QUESTION TIME</b> .....	3
Hospital Deaths .....	3
“Equipping Scotland for the Future” (Response) .....	7
<b>PROTECTION AND PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (EUROPEAN UNION)</b> .....	10
<i>Motion moved—[Angela Constance].</i>	
<i>Amendment moved—[Douglas Ross].</i>	
The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance) .....	10
Douglas Ross (Highlands and Islands) (Con) .....	15
Alex Rowley (Mid Scotland and Fife) (Lab) .....	20
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP) .....	23
Gordon Lindhurst (Lothian) (Con) .....	26
Stuart McMillan (Greenock and Inverclyde) (SNP) .....	28
Neil Findlay (Lothian) (Lab) .....	30
Sandra White (Glasgow Kelvin) (SNP) .....	32
Ross Greer (West Scotland) (Green) .....	35
Stewart Stevenson (Banffshire and Buchan Coast) (SNP) .....	38
Alexander Stewart (Mid Scotland and Fife) (Con) .....	40
Clare Haughey (Rutherglen) (SNP) .....	42
Alex Cole-Hamilton (Edinburgh Western) (LD) .....	44
Mark Griffin (Central Scotland) (Lab) .....	47
Ben Macpherson (Edinburgh Northern and Leith) (SNP) .....	49
Liam Kerr (North East Scotland) (Con) .....	51
George Adam (Paisley) (SNP) .....	53
Pauline McNeill (Glasgow) (Lab) .....	56
Oliver Mundell (Dumfriesshire) (Con) .....	59
The Minister for UK Negotiations on Scotland’s Place in Europe (Michael Russell) .....	62
<b>DECISION TIME</b> .....	67
<b>TYPE 1 DIABETES</b> .....	72
<i>Motion debated—[Clare Adamson].</i>	
Clare Adamson (Motherwell and Wishaw) (SNP) .....	72
Alex Rowley (Mid Scotland and Fife) (Lab) .....	74
Miles Briggs (Lothian) (Con) .....	76
Graeme Dey (Angus South) (SNP) .....	77
David Stewart (Highlands and Islands) (Lab) .....	79
Brian Whittle (South Scotland) (Con) .....	80
Emma Harper (South Scotland) (SNP) .....	82
Anas Sarwar (Glasgow) (Lab) .....	84
The Minister for Public Health and Sport (Aileen Campbell) .....	85

---



# Scottish Parliament

*Tuesday 10 January 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 the Rev David Logan, who is minister of Caerlaverock and Dumfries St Mary's-Greyfriars' churches.

**The Rev David Logan (Caerlaverock and Dumfries St Mary's-Greyfriars' Churches):** Presiding Officer, members, only 10 days have elapsed since we were all bringing in the new year. It is a time for Scots the world over to take stock and look back on the year that has been and the year that lies before them, which is full of promise. It is also the time when many of us make new year resolutions. You know the type of things—to run a marathon, to lose half your body weight in a month or to give up smoking. Whatever promises we make in front of others are really promises that we make to ourselves. Sadly, most of those promises will turn to dust as the year moves on and we find that somehow we do not have the will or the willpower to make them come true.

Many of you in this chamber will have made similar personal resolutions and, like most people, you will find them hard to achieve. However, there is one resolution that I would like you to consider, and that is to do an act of kindness to somebody every day. I am not talking about political imperative or party requirements; I am talking about taking individual actions that will benefit another without any promise of thanks or recognition. As a minister, I often witness selfless acts by others and it always warms my heart when I see such open-heartedness in action, whether that is doing shopping for somebody or perhaps paying for a cup of coffee for someone who cannot afford even such a basic treat.

I belong to the Order of St John, which is a charitable organisation that is dedicated to the encouragement and promotion of all work of humanity and charity for the relief of persons in sickness, distress, suffering or danger. It does that without distinction of race, class or creed. Those principles should be the watchwords of how we Scots treat each other and those who visit our country.

As a Christian, I strive to follow the teachings of Christ about loving my neighbour, but you do not need to be the follower of any faith to treat all with

dignity, respect and charity. I would ask each one of you in the chamber to consider, if you will, making that your new year resolution for 2017. I think that you might find that easier to keep than most resolutions.

Happy new year, and all the best for this session of Parliament.

## Topical Question Time

14:03

### Hospital Deaths

**1. Anas Sarwar (Glasgow) (Lab):** Presiding Officer, I will start the year by being the biggest sook in the chamber and wishing you and everyone else here a happy new year.

To ask the Scottish Government what its response is to reports of an increase in the number of people dying in hospital while waiting to be discharged because their care package had yet to be finalised. (S5T-00307)

**The Cabinet Secretary for Health and Sport (Shona Robison):** I thank all health and social care staff across Scotland for their hard work and their dedication to the care of our old and vulnerable people over the winter period.

I am, of course, saddened to hear of any patient dying while waiting to return home. No one should have to wait unnecessarily in hospital once they are fit for discharge. That is particularly important for people nearing the end of their life, as we know that most people would prefer to die at home, or in a homely setting. That is why we have committed in our "Health and Social Care Delivery Plan" to double the amount of palliative end-of-life provision in the community by 2021. That will help to ensure that those who are nearing end of life get the care that they need in the right place at the right time.

I am also committed to eradicating delays, which is why we recently announced an additional £107 million to support sustainability in the care sector. That brings the national health service contribution to enhancing social care to around £500 million a year. My officials have been in regular contact with the partnerships that are facing the most significant challenges and I am assured that they have seen a great deal of progress in the lead up to and over the festive period, ensuring that people got home and freeing up much-needed beds over winter.

**Anas Sarwar:** I join the cabinet secretary in paying tribute to all our amazing NHS staff who go above and beyond to care for others.

Freedom of information requests from Scottish Labour have revealed that, since the cabinet secretary made the commitment to eradicate delayed discharges, at least 683 patients in Scotland have died in hospital as a delayed discharge. Actually, the figures are expected to be much higher, as some health boards were unable to reveal total figures. Official figures also show that the NHS loses around 45,000 bed days a

month due to delayed discharge. The cabinet secretary has repeated today the promise to eradicate delayed discharges, but the reality is that that is yet another failure on her watch.

A delayed discharge is identified as a hospital in-patient who has been judged to be clinically ready to leave hospital and continues to occupy a bed beyond the ready-for-discharge date. Those patients may be ready to return home or to be transferred to a care home.

Given the clear pressures on social care, why does the cabinet secretary support a further cut of £327 million to local councils this year? That figure has been confirmed by the Scottish Parliament information centre. Why will she not commit instead to use the Parliament's powers to stop the cuts?

**Shona Robison:** Audit Scotland has highlighted the progress that has been made, with a 9 per cent year-on-year reduction in bed days associated with delays in 2015-16. Progress has been made but, as I have said before in the chamber, I am the first to say that more progress has to be made. That is why it is important that all partnerships make the tackling of delayed discharge a key priority and why a further £107 million is allocated to be transferred from the NHS to integration authorities in the draft budget for 2017-18. That is in addition to the £250 million transfer in 2016-17, which is now baselined. When the £100 million integrated care fund and the £30 million delayed discharge funding that the NHS is contributing are added to that, there is around £500 million a year to support social care. It is quite right to have those resources in an integrated system to help to tackle delays, and the approach is, of course, in direct contrast to the one that is taken elsewhere, where there have been cuts to social care budgets and fewer people are getting the help that they need.

If all partnerships in Scotland were performing at the rate of the top 25 per cent in tackling delays—many of those have got the number of delays over three days into single figures—we would be able to halve the number of delays straight away. The challenge is to work with partnerships, which my officials are doing, to ensure that all of them are doing the things that we know work to help to eradicate delays in the system.

**Anas Sarwar:** The cabinet secretary says that she understands the seriousness of the figures and, indeed, the seriousness of delayed discharges, but the reality is that Audit Scotland has given a damning indictment of the state of the NHS under her watch. Although the rhetoric today is rich, it does not match the reality for many individuals who are struggling as a result of social care cuts in councils throughout the country.

An individual and their family who have been let down and failed are behind each statistic. Almost 700 patients have gone on to die in hospital as delayed discharges since the cabinet secretary promised to eradicate delayed discharges. They are people's relatives and friends. People were told that they were clinically able to go home and were ready for discharge. They believed that they were going home, perhaps to spend their final weeks and months at home with their own family. Instead, they were trapped in hospital waiting for a care package, perhaps for weeks or months on end. They never went home at all; instead, they went on to lose their lives in hospital. Will the cabinet secretary apologise to all families that have been let down by a delayed discharge and make a commitment that she will fight to reverse the cuts to social care packages and budgets throughout the country?

**Shona Robison:** Of course I recognise that behind each statistic is a person, which is why I said in my initial answer that I am saddened to hear of any patient dying while waiting to return home. No one should have to wait unnecessarily in hospital once they are fit for discharge, which is why we are putting half a billion pounds into tackling this issue. It is one of the highest priorities for this Government and for me as Cabinet Secretary for Health and Sport.

As I said, progress is being made. Ten of the 32 partnerships now have delayed discharges—that is, delays over three days—in single figures. What we need to see is the other 22 partnerships following suit. We know what works, and that is why, with the resources that have been given, we expect all partnerships to put in place the services that not only ensure that people can get out of hospital and home in a timely fashion but prevent people from going into hospital in the first place. Action is being taken and some progress is being made. The speed of that progress needs to increase, which is why we are putting in the resources that we are.

**Donald Cameron (Highlands and Islands) (Con):** The cabinet secretary will also be aware that the most recently published figures show that delayed discharges cost the NHS £114 million in 2015-16, which approximates to a daily cost of £214. That is an utterly unacceptable loss of vital funding for our NHS. What will the cabinet secretary do to ensure that that loss to NHS funding is not repeated this year and beyond?

**Shona Robison:** It is of course vital that all the resources in the NHS and indeed in our health and care partnerships are used to the best effect, which is why the resources that we have put in to tackle delayed discharge are also focused on ensuring that the bed capacity in our acute sector and indeed our community hospitals is used for

those patients who require to be in those beds and not for patients who are ready for discharge. As I said in my previous answer, progress is being made and the £500 million that we have put in is beginning to make a difference, but we need to see more progress. I say to the member that that is in direct contrast to the situation in England, where for six consecutive years we have seen cuts to local authority budgets. Only this week, the Labour Party in England raised the same issue about Jeremy Hunt's stewardship of the national health service there, where 26 per cent fewer people get the help that they need.

I reflect on the Red Cross's description of the NHS as facing a "humanitarian crisis". We may have our issues and our challenges here in Scotland, but the Red Cross in Scotland is not describing NHS Scotland in those terms. Our health and care staff do a tremendous job. The resources are in place and we know what works. I would have hoped that the Opposition would get behind them in their work over the festive period and beyond, rather than criticising, as it does from the sidelines.

**John Scott (Ayr) (Con):** The cabinet secretary is aware that physiotherapy is often part of care packages, particularly for the elderly. She will be aware that, in NHS Ayrshire and Arran, waiting times for physiotherapy are now extending from 42 to 48 weeks, following the alleged laying off of staff. A 48-week waiting time for physiotherapy is little short of scandalous. It is almost a year. What can the cabinet secretary do to reduce the waiting times for physiotherapy for everyone in Ayrshire?

**Shona Robison:** John Scott makes an important point. In making sure that people can not only get home in a timely fashion but, in many cases, avoid hospital admission in the first place, the role of our allied health professionals, including physiotherapists, is vital. When I met physiotherapists recently, I heard at first hand about the important work that they are doing to keep people out of hospital and get them home in a timely fashion.

In taking forward the plans through the health and care partnerships, I am clear that the role of our physiotherapists is very important. As part of the work on our national workforce plan, which will play an important role in ensuring that we have the right professionals in the right place, we will consult professional bodies, including those that represent physiotherapists. I think that the workforce will need more physiotherapists, to do the very things that John Scott talked about. I will be happy to keep the member informed about the work that we take forward through the national workforce plan, particularly in relation to the growth of the physiotherapy workforce.

**“Equipping Scotland for the Future”  
(Response)**

**2. Gillian Martin (Aberdeenshire East) (SNP):**

To ask the Scottish Government what its response is to the Institute for Public Policy Research Scotland report, “Equipping Scotland for the Future”. (S5T-00304)

**The Minister for Employability and Training (Jamie Hepburn):** The report highlights many of the challenges that are identified in our economic and labour market strategies, which were, in part, drivers of our decision to undertake the enterprise and skills agencies review that is going on in partnership with stakeholders and the relevant agencies.

A skilled workforce will be a key component of a more successful and inclusive economy in the years ahead. That is why our labour market strategy sets out how we will put fairness at the heart of our drive to boost the economy, create jobs and remove barriers to work. Our recently published “Developing the Young Workforce: Scotland’s Youth Employment Strategy—2nd Annual Report 2015/2016” sets out the improvements that are being made in tandem with employers across the education system. We continue to invest in our successful modern apprenticeship programme and we are on target to achieve 26,000 new starts in 2016-17, as part of our target of 30,000 new starts by the last year of the parliamentary session.

In our draft budget for 2017-18, we announced the establishment of a new £10 million workforce development fund to support the skills development of people who are already in work.

**Gillian Martin:** The minister will be aware that the IPPR report says that the youth employment rate in Scotland has been consistently higher than that in the United Kingdom and that youth unemployment in Scotland is at its lowest level since 2001. What factors does he think have contributed to that? How will the trend be sustained or improved on?

**Jamie Hepburn:** The Administration has made a concerted effort to focus on youth unemployment, which was a particular concern during the economic downturn. During that period, we were the first Government in the UK to establish a Minister for Youth Employment, which underlined our focus on the matter.

A range of initiatives that support improvements are in place, such as community jobs Scotland, which is delivered in tandem with the Scottish Council for Voluntary Organisations, and Scotland’s employer recruitment incentive. We increased the number of modern apprenticeships that are available. We will continue to develop such initiatives and to take forward the developing

the young workforce agenda, which will help us to make progress towards reducing youth unemployment by 40 per cent from 2014 levels by 2021.

**Gillian Martin:** The Scottish Government is committed to growing our economy, with a focus on more jobs and fair work. I share that commitment. Will the minister say how he is making work fair in Scotland?

**Jamie Hepburn:** That is another important agenda for the Government. We support the work of the fair work convention. Fair work is woven through our labour market strategy, in which we say that we will provide funding for the convention to enable it to roll out its fair work framework.

The business pledge contains a number of fair work commitments, and 299 employers have signed up to it. There is also support for the living wage. The Administration pays at least the living wage to all our employees and we fund the Poverty Alliance to run the accreditation scheme, under which more than 700 employers are accredited living wage employers. That helps to explain why some 80 per cent of the workforce is paid at least the living wage, which is the highest rate in the four UK nations.

We have an equalities action plan, to increase numbers in the modern apprenticeship programme from groups that are underrepresented. There are other initiatives, such as the women returners scheme, which we funded Equate Scotland to take forward in the past year. We will continue to do all that we can to ensure that we have a fair work culture in Scotland.

**Dean Lockhart (Mid Scotland and Fife) (Con):** As the minister will be aware, according to figures that were released just yesterday, Scotland’s unemployment rate is 5.3 per cent, which is above the rate of 4.8 per cent for the whole UK. Does he really think that such underperformance, after 10 years of the Scottish National Party Government, is acceptable for the Scottish economy?

**Jamie Hepburn:** Clearly, we want to see continued improvement. Mr Lockhart failed to note that the unemployment rate decreased in the past year. That is welcome, and we will continue to do all that we can to bring the rate down further.

**Daniel Johnson (Edinburgh Southern) (Lab):** A key point in the IPPR report is about technological change and automation, and some reports suggest that the jobs of as much as 30 to 40 per cent of the workforce could be made obsolete through automation. What is the Government’s estimate of the potential impact on Scotland and the timeframe for that impact? With particular regard to the skills regime, what is the Government’s strategy for dealing with the

situation to ensure that people whose jobs become obsolete can find new work by reskilling?

**Jamie Hepburn:** I caution against talking about obsolescence at this stage, but I recognise the point that Mr Johnson makes. I refer back to the labour market strategy, in which we specifically recognise the potential impact of increased automation. Over the summer, I went out and saw many employers for which investment in technology has—contrary to expectations—led to an increase in employment. However, I recognise that there is the potential for the situation to go the other way. That is why we have set out the concern in our labour market strategy and why we will continue to focus on it.

## Protection and Promotion of Human Rights and Fundamental Freedoms (European Union)

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-03297, in the name of Angela Constance, on Scotland's place in the European Union—protecting and promoting human rights and fundamental freedoms.

14:21

**The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance):** Thank you, Presiding Officer, and happy new year to you and to members across the chamber. It gives me great pleasure to open the first debate of the new year. It is both appropriate and symbolic that we begin 2017 with a debate on human rights and Scotland's place in Europe—a debate that combines two themes of such monumental importance to this country and to its people.

In a matter of months, it is likely that the United Kingdom Government will invoke article 50 of the Treaty on European Union and trigger the process of the UK's departure from the EU. The UK Government also remains committed to repealing the Human Rights Act 1998 and replacing it with a British bill of rights.

However, it seems the Prime Minister intends to go even further. What is now in prospect is not just an attack on the Human Rights Act 1998; Theresa May wants to turn her back on the world's most successful human rights treaty—the European convention on human rights. She plans to make pulling the UK out of the ECHR a central plank of the 2020 Tory manifesto. That is, of course, shocking—but not surprising from a PM who, as Home Secretary, spoke so publicly about her desire to scrap the 1998 act.

The Foreign Secretary claimed in the aftermath of the EU referendum that the UK Government is not intent on “pulling up a drawbridge” or pursuing a policy of “isolationism”, but, where our fundamental rights are concerned, that seems to be exactly the agenda that is being pursued. We should be in no doubt—in this chamber, in this Parliament and across Scottish society as a whole—that dragging Scotland out of the EU and the attempts to undermine fundamental human rights safeguards will have profound implications for our country.

This Parliament will need—indeed, will want—to address those potential impacts in detail. We will wish to speak out on the implications for the wider world of the UK Government's attempt to remove

Scotland from the EU against the will of the Scottish people and to undermine the ECHR. It is essential that we stand against each and every threat to the rights and freedoms of the people of Scotland.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Will the cabinet secretary confirm whether the Scottish Government will be prepared to back the UK Liberal Democrats' call for a Brexit deal referendum, which is potentially our best chance of stopping the process altogether?

**Angela Constance:** I am tempted to say that Mr Cole-Hamilton seems to have a bit of a fixation with referendums. The serious point is that there is some considerable distance to travel and much water to go under the bridge, and we have a UK Government that has yet to show its hand on the detail of the negotiations that it will pursue. Given the outcome of the previous UK referendum, whereby, despite the will of the Scottish people, we now face the prospect of being taken out of the EU against our will, I suppose that the Scottish Government would be concerned that that risk may remain in the event of another UK-wide referendum.

It is essential that we stand together against every threat to the rights and freedoms of people in Scotland. In doing so, we will confront matters ranging from employment rights to human trafficking, from non-discrimination to data protection and from the rights of disabled people to the loss of vital funding for civil society and the third sector. We will continue to press for an immediate end to the scandalous disregard shown by the UK Government for the rights and interests of non-UK citizens from the EU and the European Economic Area. I am talking about fellow citizens who live and work and have made their homes here in Scotland—fellow citizens who are being treated as what have been termed “bargaining chips” by UK Government ministers. That is an intolerable situation.

Today's date is of symbolic importance. On 10 January 1946—71 years ago—the first General Assembly of the United Nations convened not in Geneva or in New York but at Westminster central hall in London. It did so in an age when the UK Government understood that it had a duty to act for the greater good and to be a positive force in post-war efforts to promote human rights and achieve closer international co-operation. It played a leading role in establishing not only the United Nations but the Council of Europe, and it was very much at the heart of the human rights work of both institutions, including the development of what has become the world's most influential human rights treaty—the European convention on human rights.

That work was founded on common values that prioritised human dignity, freedom, democracy,

equality, the rule of law and respect for human rights. Those post-war values have been a defining influence not only in the context of the UN and the Council of Europe, as the same fundamental principles and protections are at the very heart of the European Union. That point deserves emphasis. It reveals something important about where Scotland, as a nation, has chosen to take its stance in both the EU referendum debate and the major fall-out since.

The principles that have grown to define the European Union resonate with Scotland's sense of self and the values that we espouse. In its actions and its attitudes, Scotland is a country that locates itself not where geography has placed us—on the periphery of a continent—but at the heart of a progressive vision for Europe. If the seismic events of 2016 have communicated a message to us all, it is surely that the bonds that unite progressive nations must always be greater than the issues that divide us.

European Union law and European institutions have been instrumental in promoting equality and human rights across all member states. Sometimes, that has meant learning from and reflecting UK best practice, and sometimes it has challenged us all—including in Scotland—to go further and try harder. Yet, that progressive European vision is now at risk. Expert evidence that has been given in this Parliament and elsewhere makes it clear that the removal of obligations that are set down in European law could open the door to the erosion of protections that we have come to take for granted.

In the field of employment law, the EU guarantees core rights and protections for workers, including rights to paid holidays and maternity leave, limits to working hours, the right not to be discriminated against and health and safety protections. Such safeguards are fundamental to our vision of a fair and equal Scotland that delivers on social justice and inclusive economic growth. That is why we have argued for employment legislation to be devolved to the Scottish Parliament.

Respect for private life is a human right. It is protected by a range of international treaties, including the ECHR. EU law has made a particular and important contribution in the context of data protection.

We must also recognise that global concerns are Scotland's concerns, too. A notable example is the achievements that have been made in confronting human trafficking. Trafficking is an intolerable abuse of human rights and it is prohibited by the ECHR and other international instruments. EU law enhances and extends that core framework by establishing minimum rules,

which require victims of trafficking to be given assistance, support and protection.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Does the cabinet secretary agree with Winston Churchill who, in 1948 in the Hague, said that a charter of human rights is a

“sincere expression of free democracy”.

**Angela Constance:** I agree with Winston Churchill on that matter. In the UK Government’s endeavours to repeal the Human Rights Act 1998 and in reprehensibly talking about or mooted the suggestion of withdrawing from the European convention, it is tearing up any notion of the shared heritage that we have as political nations and ripping up any shared notion of what being British means. To turn our backs on the European convention at such an important time in history is a fundamental violation of the rights of all of us across these islands and elsewhere.

In Scotland, as members of this Parliament know, the Scottish Government’s obligations were carried forward in the Human Trafficking and Exploitation (Scotland) Act 2015. A trafficking and exploitation strategy has been developed with input from a wide range of stakeholders, and I am pleased to inform members that it will be laid before Parliament by the end of May 2017.

We all have a duty to assist those who are driven from their homes by war or brutality, as well as a duty to demand action to ensure that EU-based controls on the export of weapons and torture equipment remain in place.

Accessibility is a fundamental human right for people with disabilities. Directly applicable EU regulations have progressed the rights of disabled people regarding accessible transport by air, by bus, by rail and by ship.

The proposed European accessibility act will further benefit disabled people by providing common rules on accessibility in relation to computers and operating systems, including everyday electronic services—from cash machines to smartphones and from online check-in to digital television services—that are so much a part of modern living. However, we stand to lose those benefits if we are no longer a member of the EU or a participant in the single market.

The right of EU citizens and their families to move freely and to work and reside anywhere in the EU is one of the four freedoms that underpin the single market and which are firmly established in EU law. Freedom of movement includes important safeguards for the family life of EU citizens who live abroad and it extends to family members who are not themselves EU citizens and who would receive far less favourable treatment under UK law.

The current refugee crisis has shown us the importance of working in partnership with EU member states to respond to humanitarian crises and to ensure that people who are desperately seeking refuge find a place of safety through resettlement or relocation. Scotland has opened its arms to welcome more than 1,000 refugees who have fled from the violence of Syria, but I am concerned about the future of refugees and asylum seekers. The UK Government will remain a signatory to the 1951 refugee convention, but options for family reunion with relatives in the EU might become far more difficult.

If we cease to be a member of the European Union, that will also mean that the EU funding that currently supports work to protect and promote human rights and equality in the UK will end. That is a concern that I know has been ably articulated by the Scottish Council for Voluntary Organisations and others across the third sector.

The challenge is clear, and there can be no doubt about the principles that are at stake and no hiding from the potential impacts for individuals, families and communities across the whole of Scottish society. The Scottish Government’s approach to securing Scotland’s position in the coming EU negotiations confronts that challenge. Our position statement on “Scotland’s Place in Europe”, which was published on 20 December, makes it clear that there can be no regression in the rights, freedoms, social protection and equality currently secured by EU law. There must be no race to the bottom in the UK and no erosion of the rights of working people, families, disabled people, local communities and consumers, and no erosion of environmental rights.

In seeking to ensure that Scotland remains firmly part of the European single market, we should be clear that the market is not just an economic arrangement, important though that is in delivering very real economic benefits; it also provides a framework that is capable of protecting and advancing individual and collective rights. We have been clear that Scotland must take concerted action not just to avoid regression, but to ensure that we actively keep pace with future progressive development across the European Union. Simply avoiding being left behind by our closest EU neighbours is too small an ambition for a nation such as ours; we must ensure that Scotland’s distinctive voice continues to be heard.

I will conclude where I began. Our obligation to give further and better effect to human rights for all the people of our country is central to the work of the Scottish Parliament. That applies across the full spectrum of our work as ministers and members, but in 2017 it will apply—perhaps above all else—in the context of the crucial negotiations that must now take place with the UK Government

and the European Union to secure Scotland's place in Europe. With that momentous responsibility in mind, I therefore ask this Parliament to reaffirm its commitment to the fundamental principles and common values that unite all progressive nations. I ask, too, that we commit collectively and with unshakeable resolve to defend not only those values but the interests and rights of all the people of Scotland.

I move,

That the Parliament restates its commitment to human dignity and to acting at all times to respect, protect and promote human rights; reiterates the importance also of freedom, democracy, equality and the rule of law as common values shared by all progressive nations; acknowledges that the EU is founded on these same fundamental values, which are of universal importance and transcend national borders; calls on the UK Government to give an undertaking not to take, or propose, any action that weakens or undermines participation in other international human rights mechanisms, including in particular the Council of Europe and the European Convention on Human Rights, and records its opposition to any loss in Scotland of the human rights, equality, social protection and other safeguards and standards enshrined in EU law and set out in the EU Charter of Fundamental Rights; emphasises that civil, political, economic, social and cultural human rights are universal, inalienable and inviolable, and are simultaneously indivisible, interrelated and interdependent; further calls on the UK Government to ensure that Scotland is fully involved in all decision-making with regard to negotiations with the EU, including in relation to all matters affecting fundamental rights; condemns the refusal of the UK Government to provide non-UK EU citizens resident in Scotland with an immediate and unequivocal guarantee of future security and fair treatment, and resolves to defend not only the common values on which the EU and the Council of Europe are founded, but to act to the full extent of its powers to ensure that the rights and interests of all of the people of Scotland are safeguarded and protected.

**The Deputy Presiding Officer:** I call Douglas Ross to speak to and move amendment S5M-03297.2; you have 11 minutes, please, Mr Ross.

14:37

**Douglas Ross (Highlands and Islands) (Con):** Thank you, Deputy Presiding Officer. I am pleased to open this debate on behalf of the Scottish Conservatives and I take the opportunity to wish you and all parliamentary staff a happy and prosperous new year.

For many, the new year signals a new start—a fresh beginning—but it seems that old habits die hard for the Scottish National Party. Members will be aware that this is the 15th debate or statement that we have had since the end of June on Scotland's place in the European Union. Instead of using parliamentary time to debate Scotland's pitiful programme for international student assessment rankings, closing the attainment gap or finding ways to get more girls into science, technology, engineering and mathematics subjects, we have spent hours upon hours in the

chamber, at the SNP's behest, talking about the EU. How many hours? In fact, since 24 June, we have spent 31 hours speaking in the chamber about the EU, compared to seven hours spent on education. Four times as much time has been spent on the EU referendum, to the detriment of something that the First Minister said would be her and her Government's number 1 priority.

**The Minister for International Development and Europe (Dr Alasdair Allan):** I am sorry if this seems a simple question for the new year, but if the member does not like the Scottish Parliament talking about the consequences of the EU referendum, why did his party have an EU referendum?

**Douglas Ross:** I do not like the Scottish Parliament fixating on spending its whole debating time on the EU referendum to the detriment of education. The SNP's First Minister and Government—its ministers and cabinet secretaries—said that education was their number 1 priority. Why has the Government spent four times as much parliamentary time on the implications of the EU referendum as it has spent on education? The Government needs to answer that question.

Back in December, when attempting to defend her Government's derisory record on education, the First Minister ironically lambasted the Conservatives for our so-called "Brexit obsession" and added that she wanted

"to get back to the important matter of Scottish education."—[*Official Report*, 8 December 2016; c 13.]

That is exactly what she should be doing; she should be using her Government's time in the chamber to focus on that priority. I urge the First Minister and her SNP colleagues to reflect on their own Brexit obsession, which clearly continues to dominate the debates to which the nationalists dedicate their time for parliamentary business in the chamber.

Few people underestimate the impact of the decision that this country took in June last year.

**The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell):** No, this country did not take such a decision.

**Douglas Ross:** We are still part of the United Kingdom.

There are discussions that need to be had the length and breadth of the United Kingdom, and my amendment to the Scottish Government's motion reflects that sentiment, emphasising the UK Government's commitment to ensuring

"that all devolved administrations will be closely engaged throughout the negotiation process"

as we begin to leave the EU.

The SNP's strategy—which, it must be said, seems to have gone slightly awry on the communications front over the past few days—is to use the outcome of the EU referendum to deflect attention from its own woeful record after a decade in Government. It is co-opting the EU cause in its bid to secure a second Scottish independence referendum—something that Scotland not only said no to in September 2014, but for which opinion poll after opinion poll has shown that the country has little appetite, even after the SNP's material change in the form of the outcome of the EU referendum.

Brexit presents opportunities, not to whip up a second round of support for Scottish independence, but for our economy, farming and aquaculture. I accept that Brexit presents challenges too, and we must tackle those head-on. One issue that is currently under consideration is what the post-Brexit human rights landscape will look like. As the negotiation process gets under way, we are committed to protecting human rights, but in order to do so we need to have a better understanding of what they involve. I do not often find common ground with the SNP, but its motion is correct to state that human rights are “universal” and “inalienable”. In essence, human rights are moral truths that are fundamental, inherent and intrinsic in our society. On that, there is some level of agreement across the chamber.

However, as the judicial power project emphasises:

“Fundamental human rights are not created by treaties with foreign powers.”

That point is crucial. Instead, it is imperative that the state both recognises human rights and gives them effect. In that regard, I fear that my colleagues on the SNP benches have missed the point. It is not the EU law, the EU charter of fundamental rights or the European convention on human rights that affords us those rights. That mistakenly assumes

“that the UK would not have acted to secure certain rights but for”

our involvement in the EU. Those are not my words, but the words of the judicial power project.

The assumption that there will be a net loss of rights protection following the UK's withdrawal from the EU is simply faulty. Nevertheless, members will recall that the Prime Minister, when she announced the great repeal bill, confirmed that we will convert the body of existing EU law into British law.

**Neil Findlay (Lothian) (Lab):** Will the member take an intervention?

**Douglas Ross:** I want to make a bit of progress just now, if I can.

Following Brexit, that body of law will be secured by a sovereign Parliament. The same rules and laws will apply after Brexit as before, and any changes to those laws will be subject to full scrutiny and proper parliamentary debate in Westminster by elected representatives of the whole United Kingdom, including the 54 or so SNP members of Parliament.

**Neil Findlay:** Will the member take an intervention?

**Douglas Ross:** I give way to Mr Findlay.

**Neil Findlay:** On free movement of labour, has Mr Ross clarified with his colleagues at Westminster whether, under the Tory plans for Brexit, he will still be able to exercise his right to freedom of movement in order to referee football matches abroad to give him a second income?

**Douglas Ross:** I have less to worry about from the UK Government's position on free movement than I have from the Opposition politicians in the chamber, who seem to be obsessed with the fact that I have outside interests and am trying to do something for the Scottish national game.

SNP members are mistaken if they believe that leaving the European Union means that we will de facto leave the European convention on human rights, for the two are very much distinct. The ECHR is an entirely separate treaty and Brexit will have no effect on our ability to enforce convention rights in UK courts or in Strasbourg. We can be proud of the leading role that the UK played in drawing up the European convention on human rights, and of the fact that we were one of the first European countries to ratify the convention when we did so in 1951—which, it is important to note, predates our involvement in the European Economic Community by more than two decades. The SNP should stop misleading the public, and make it clear that leaving the EU does not necessarily mean that we will cease to be a signatory to the ECHR.

Further, the UK is committed to safeguarding workers' rights and to strengthening them. Last year, it announced a review to ensure that workers are adequately protected in the era of modern, flexible employment, including zero-hours contracts and self-employment.

Let us not forget that under the current regime, nearly one in five UK employees does not receive protection from current employment rights law. Brexit will therefore not erode employment rights; it could improve and strengthen them.

On the status of EU nationals, it is important to get the message across that, while the UK remains a member of the EU, EU nationals who reside in the UK will continue to have the same rights that they have now. The Prime Minister has

been clear that she wants to protect the status of EU nationals who live here. The only circumstances in which that would not be possible would be if the rights of British citizens who live in other EU states were not guaranteed in return. In fact—and please forgive me for using the expression—while the SNP certainly talks the talk, it by no means walks the walk.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Will the member give way?

**Douglas Ross:** I am sorry but I have to make progress. I have only a couple of minutes left.

Speaking ahead of the 2014 independence referendum, none other than Nicola Sturgeon—Deputy First Minister at the time—used the 160,000 or so EU nationals who were then living in Scotland as her own bargaining chip over EU membership, saying:

“If Scotland was outside Europe, they would lose the right to stay here.”

**Christina McKelvie:** Will the member take an intervention on that point?

**Douglas Ross:** No. I was not going to let the member in the last time and I am not going to let her in now.

That is not the only example of the SNP’s astonishing hypocrisy. Take, for example, the SNP’s illiberal, invasive, overarching and deeply flawed named persons scheme, which the UK Supreme Court found to be in contravention of ECHR article 8, which is the right to respect for private and family life. The Court’s decision emphasised that

“information ... could be disclosed to a wide range of authorities without either the child or young person or their parents being aware of the interference with their Article 8 rights, and in circumstances in which there was no objectively compelling reason for the failure to inform them.”

That means that part 4 of the Children and Young People (Scotland) Act 2014 did not

“satisfy the requirement of being ‘in accordance with the law.’”

The SNP subverted the ECHR to advance its own political agenda, riding roughshod over the principle highlighted by the Supreme Court’s decision that, within limits, families must be left to bring up their children in their own way.

In advancing its own political agenda, the SNP has tried to abolish the requirement for corroboration, which is a central tenet of Scots law that helps to prevent miscarriages of justice, without first considering what safeguards would be required. The way the SNP handled that sorry affair, Lord McCluskey argued,

“rings alarm bells for anyone concerned about democracy in Scotland.”

Let us not forget also the thousands of children who were stopped and searched by Police Scotland before Opposition politicians and the public alike expressed outrage at the tactic, which continued despite assurances from a senior officer that it would end.

It is also worth mentioning that my SNP colleagues are trying to overturn the democratic will of the people in not one referendum, but two.

So, before the SNP starts mudslinging about leaving the EU and the so-called erosion of human rights that it believes will inevitably follow, perhaps it should get its own house in order first. Quite simply, the SNP is using Brexit as a political football, trying to score points to appeal to its nationalist base and whip up support for independence—something a majority of Scots have said no to and continue to say no to.

Leaving the EU will not erode or diminish our inherent human rights and the SNP needs to stop using alarmist language to suggest otherwise. It is high time that the Scottish Government started to act in the interests of all Scots, instead of holding us hostage to the threat of a second independence referendum if it does not get its way. As new year’s resolutions go, that is one that we would all welcome from Nicola Sturgeon and the SNP.

I move amendment S5M-03297.2, to leave out from “and the rule of law” to end and insert

“, individual responsibility and the rule of law as common values shared by all progressive nations; acknowledges that the EU is founded on these same fundamental values, which are of universal importance and transcend national borders; notes that membership of the EU and participation in the European Convention on Human Rights are distinct; commends the UK Government for its numerous assurances that workers’ rights will be safeguarded and strengthened; emphasises that civil, political, economic, social and cultural human rights are universal, inalienable and inviolable, and are simultaneously indivisible, interrelated and interdependent; notes that the UK Government has been clear that all devolved administrations will be closely engaged throughout the negotiation process; urges the UK and EU governments to reach a reciprocal agreement ensuring that mutual assurances are given for EU and UK nationals’ right to remain where they are currently resident, and resolves to defend universal human rights.”

14:48

**Alex Rowley (Mid Scotland and Fife) (Lab):** In speaking in favour of the Government’s motion, I emphasise the commitment that Labour wants to see being given to non-UK EU citizens who are resident in Scotland. In the Parliament, we should be united in our support for the guarantee of future security for all those non-UK EU citizens who call

Scotland their home. Scotland has a history of welcoming people and I wish to see that spirit of hospitality continue in the post-Brexit-referendum situation that we find ourselves in today. It is appalling to see the Tory Government at Westminster refusing to commit to that guarantee.

There are non-UK EU citizens living, working and contributing to Scotland up and down our country. I believe that it is within our values to give them a guaranteed commitment of security, regardless of what eventually transpires from Brexit. If we are indeed a nation of fairness, justice and dignity, those values must be upheld and protected in these uncertain times. If we are to attempt to provide certainty, let that certainty be that all the decisions that we strive for in the coming months and years uphold those values. Human rights should be a universal construct, not simply a political one. In this time of turbulent politics, we must do all that we can to defend the fundamental rights that we believe individuals should hold.

The Scottish Human Rights Commission has warned that human rights protecting fairness, justice and dignity stand to be eroded in the United Kingdom's changing relationship with Europe. The commission wants the laws and institutions that protect our human rights to be strengthened not weakened and it wants change to be progressive not regressive, enhancing human rights protection for all.

The Labour Party in this chamber and across the country—indeed, across the UK—agrees with that view, and Labour is committed to standing up for people's rights. That is why we introduced the Human Rights Act 1998 and we will fight any attempt to water it down or water down the protection that it brings.

The 1998 act brings our rights home, 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 British lawyers, drawing on a British philosophy and an understanding of our laws to set international standards of respect for common humanity after the second world war.

The main reason that the Labour Government ensured that the European Court of Human Rights was incorporated into British law with the passing of the Human Rights Act 1998 was to ensure that British people could argue for their rights in the British courts. That meant that cases dealing with violations of human rights could be tried and resolved here before, if necessary, going to Europe.

The Labour Party has always been committed to the protection of fundamental rights for citizens.

We will continue to argue that a positive case should be made to ensure that there is no wearing away of the rights that people hold.

However, it is evident that when we leave the EU, there is an assumption that the European charter of fundamental rights will cease to be binding. That raises concerns, as the charter enshrines some of the basic legal rights of EU citizens and residents, especially those within the scope of EU law. In particular, protections and remedies in the areas of privacy, data protection and a fair hearing could be affected. There is also the potential for the fuller protection of social rights found within the charter to be at risk.

I hope that we can work together to safeguard the rights and protections that are currently held by citizens in post-Brexit-referendum Scotland. I do not want to see a Scotland, or indeed a UK, that is left behind by the rest of Europe.

I have previously made it clear that I would like the areas that are currently governed by EU regulations to be returned to Scotland rather than to the UK when we leave the EU. Those areas would include human rights and the social chapter of European law. I hope that both the Scottish and UK Governments will work to ensure that that happens. We must explore the mechanisms that are necessary for that to take place so that human rights and social protections coming down from the EU are within the jurisdiction of this Parliament and of Scotland.

Although it is essential that we discuss the impact that leaving the EU will have on human rights in Scotland, it is also worth noting that we can do more here in this Parliament on human rights. In its report to the United Nations, the Scottish Human Rights Commission noted that the Scottish Government must go further on human rights. A number of international human rights standards and recommendations have not yet been met in Scotland. Judith Robertson, the chair of the commission, said:

"The Commission wants to see progress where it really counts—in people's everyday lives. To achieve this the Scottish Government and Scottish Parliament must go further in systematically responding to the recommendations from the UN and integrating a human rights based approach into all law and policy making."

**Michael Russell:** The member is absolutely right that that is the commission's opinion. I am sure that he will acknowledge that it is also the First Minister's position. She has made it absolutely clear that that is what she wishes to do. Indeed, the positive nature of the Scottish Government's agenda is to move those rights into law.

**Alex Rowley:** That is to be welcomed. I hope that, across the chamber, we can take those

words on board and recognise that more can be done right now to protect and promote human rights and fundamental freedoms. The Scottish Government has the power to incorporate the UN human rights treaties so that they are directly enforceable in domestic law. I hope that progress can be made on that front, as now is perhaps the most important time to hold a serious debate on the matter.

Now is a time when we must work together as a Parliament to ensure that we do all that we can to uphold the values that we believe in. Following the result of the referendum, the Poverty Alliance in Scotland stated:

“Tackling poverty and seeking social justice is ultimately about solidarity.”

It went on:

“Whether that solidarity is expressed at the community level, within a country or at the international level, it is the bedrock of what is needed for a better society.”

Scottish Labour will stand up to protect and promote human rights and fundamental freedoms. There is much discussion and debate still to be had as the terms of Brexit unfold, but I hope that the values of fairness, justice and dignity are considered at every stage of our Brexit considerations.

**The Deputy Presiding Officer:** We move to the open debate. I remind members to press their request-to-speak buttons if they wish to take part in the debate, because quite a few members have not yet done so. We have a little time in hand, so interventions can be taken and extra time will be given.

14:57

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** Happy new year to you, Presiding Officer, and to other members.

Colleagues, what are fundamental human rights? They are the right to life; to not be tortured and enslaved; to liberty and security; to a fair trial; to a private and family life; to freedom of thought, conscience and religion; to freedom of expression; to freedom of assembly and association; to marriage; to not be subjected to discrimination; to peaceful enjoyment of property; to fair and free elections; and to an education. When this Parliament and many others across the planet are advancing and consolidating human rights, the UK Government wants to scrap the Human Rights Act 1998 and take us out of the European convention on human rights.

Maybe some members need a reminder of where those rights come from. The UK was the first signatory to the European convention on human rights when it was signed in Rome on 4

November 1950. In the early 1940s, British Prime Minister Winston Churchill raised the idea of a council of Europe. As Europe emerged from world war two reeling from some of the horrific details of the holocaust, Winston Churchill's first thought was, “We need to come together.”

The idea behind the Council of Europe was to set up an international organisation to promote democracy, the rule of law and human rights. The council was established by 10 states, including the United Kingdom, on 5 May 1949. On 12 August 1949, Winston Churchill, that British Prime Minister, said:

“The dangers threatening us are great but great too is our strength, and there is no reason why we should not succeed in ... establishing the structure of this united Europe whose moral concepts will be able to win the respect and recognition of mankind”.

Human rights are in our DNA—they are what I call British values. The Council of Europe set to work creating a human rights convention and, again, Churchill was an advocate. He proclaimed:

“In the centre of our movement stands the idea of a Charter of Human Rights, guarded by freedom and sustained by law.”

One of the key writers of the European convention on human rights was the British Conservative MP and lawyer, David Maxwell Fyfe. Maxwell Fyfe's contribution to the convention was so great that he was described as

“the doctor who brought the child to birth”.

He had been a prosecutor at Nuremberg and he helped to draft the Universal Declaration of Human Rights. Human rights are in our DNA.

Why would the current UK Government want to get out of the ECHR? Why would it seek a repeal of our domestic human rights legislation? It is very worrying that the Tory Government promotes an end to the free movement of people, closes off membership of the EU market, makes relentless cuts in support benefits for vulnerable people and wants to keep out everyone who was not born and bred here. I am not altogether clear about who is included in Theresa May's “shared society”; I know only that it seems to be a select group, which is certainly not made up of the people I know.

I put this to Douglas Ross: when over the past six months has Theresa May given any reassurance to any EU national who has sought reassurance about their status? She has never done so.

**Douglas Ross:** Theresa May has given such reassurance every time that she has spoken on the matter by saying that the rights of EU nationals living in the UK will be secure for as long as the rights of UK people living in the EU are secure in

those countries, and I think that that makes a perfectly sensible argument.

**Christina McKelvie:** Where and when has Theresa May said that? I have not seen or heard her say that. Our Government has asked about that, as have a number of organisations, and no one has had that answer. She has never given that reassurance; she has given some woolly words about a shared society. Let us please just stick to the facts.

These rights matter in everyday life. For example, the Human Rights Act 1998 has protected victims of domestic violence and has allowed victims of rape to ensure that the police properly investigate those offences. It has been used by disabled people who have been affected by welfare reform, and lesbian, gay, bisexual, transgender and intersex people have used it to overcome discrimination. It has been used by the families of military personnel who have been killed on active service because the Ministry of Defence supplied them with outdated equipment. An elderly couple who had been married for 65 years and who were going to be forced to live apart by their local authority used it so that they could stay together.

In November 2016, the report of the UN's Committee on the Rights of Persons with Disabilities entitled "Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention", which looked at the cumulative impact of legislation, policies and measures that the UK Government had adopted on social security schemes and on work and employment, found that there had been "grave or systematic violations" of the rights of disabled people by the UK state party. Theresa May has never given those people reassurances, either.

We have had welfare reform, a snoopers' charter and new trade union laws, and now the UK Government wants to take away any recourse to justice that people might have via the Human Rights Act 1998 or the European convention on human rights. The UK Government is hell bent on attacking and undermining those hard-fought-for protections and freedoms. It is a right-wing, xenophobic and reactionary Government that uses citizens as bargaining chips and which has no care for people who are sick, unemployed or marginalised because of their race, their religion, their culture or their sexuality.

We should never forget that injustice anywhere is a threat to justice everywhere. Silence in the face of atrocity is not neutrality; it is acquiescence. We will not remain silent on any attempt to take away those human rights that are so precious to our human decency and our democracy. I will not be silent.

15:04

**Gordon Lindhurst (Lothian) (Con):** This afternoon we have yet another speculative debate on Scotland's future after the UK leaves the EU. The decision to leave has, of course, many facets, but there are few conclusions that can yet be drawn before the invoking of article 50. The relevance of the European convention on human rights to leaving is unclear, as it is not a product of the European Union nor tied to it. However, the SNP Government has chosen to include it in its motion today. Regrettably, some politicians appear more interested in trying to whip up fear for political reasons than in considering matters dispassionately, having regard to consequences and context.

A proper starting point is the history of our great country as a beacon for rights and freedoms across the world.

**Stewart Stevenson:** The member talks about what the referendum said. The question on the referendum paper concerned whether the UK should be in the EU or not; it said nothing about the free market, free movement of people or the European convention on human rights, yet the Tories are reading into the result a series of things that were not on the ballot paper. Is that not correct, with regard to what the member is saying about what was or was not the question that was posed to the British people?

**Gordon Lindhurst:** No, that is not correct. The question that was posed to the British people concerned whether the United Kingdom should remain in the European Union, and the answer was that the United Kingdom should not. The leaving of the European Union is triggered by article 50. All other matters are subject to debate and discussion in Parliament under the usual legislation-making process.

**Stewart Stevenson:** When?

**Gordon Lindhurst:** I will return to what I was saying, which might answer the member's question about when that debate will take place.

The Prime Minister has already announced that when the Government repeals the European Communities Act 1972, it will convert the *acquis*—or existing framework of laws—into British law in the great repeal bill. Future alterations of those laws will be subject to parliamentary scrutiny and consideration, which is dissimilar to the position that would pertain if we continued as a member state of the EU.

The tradition of the UK being a member state that gold plates EU law is important to remember. What, after all, are human rights—with a small "h" and a small "r"—which have as their counterpart responsibilities and accountability, particularly of

the individual? It is important that that point is not overlooked. We surely all agree about the basic principles of fairness and equality before the law. It is the detail that we may sometimes disagree on.

How do we give effect to human rights? We do so not just by passing laws, as important as they can be, but also by how our institutions operate, how our legal thinking develops and how our public bodies treat individuals. We do it in our society by ensuring, in particular, the freedoms and liberties of individuals, rather than by enabling overbearing state interference on behalf of either politicians or specific individual interests, and by protecting our families through the rejection of initiatives such as the named persons scheme.

Does membership of the EU affect any of that? No, it does not. Bearing in mind that the ECHR comes under the auspices of the Council of Europe, not the EU, we see that membership of the EU is not even determinative of the application of the terms of the ECHR to our country—and neither is that dependent on the existence of the Human Rights Act 1998. Human rights did not come into existence with the 1998 act, which, as we all know, came into being a long time after the ECHR, and they would not cease to exist if that act—an act of the British Parliament—were repealed. Irrespective of EU membership, we in Scotland and the UK generally will and should seek to provide for fundamental rights and freedoms and ensure that those are protected and promoted in the future.

Rather than seeking to draw back protections and rights, the UK Government is currently looking at how they can be reinforced. The Prime Minister has recently announced—this is public and is in the newspapers—a review of workers' rights, with a view to legislating for the one in five UK employees who are not covered under existing employment rights law, including 4.8 million workers who are self-employed and others who have a more flexible working pattern. That will take account of the changing face of the workforce in the modern day. That is another example of where the UK is going further than the EU would require us to.

Our international political relations with EU nations and the rest of the world should not alter our approach to human rights. We can lead the way towards building a just, free and fair society for all, but we will fail to do so if we cling unthinkingly to laws, including the Human Rights Act 1998, or other structures—political or otherwise—of the past and even the recent past, such as the European Union, that do not serve us well in the present. It is crucial that all politicians rather than seeking to manufacture artificial constitutional crises for their own political ends get on board to look to the future.

15:10

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I, too, wish the Presiding Officer and all members a happy new year.

No member state has ever left the European Union. This is an unprecedented period and we are in an unprecedented position that is not of our making. The position that we are in threatens our economy and society and is incompatible with the kind of country that we are and want to be. The EU referendum raises difficult political and legal questions, not least about what the post-Brexit landscape might look like and what a leave vote might mean for Scotland's position in the UK. The UK Government must ensure that Scotland is fully involved in all decision making with regard to negotiations with the EU, including all matters affecting fundamental rights.

Douglas Ross was critical of the number of debates in Parliament on the EU and the amount of time that they have taken. However, a few moments ago, in answer to a question from Stewart Stevenson, Gordon Lindhurst spoke about parliamentary scrutiny of other issues relating to the EU. Surely that is what we are doing today. There seems to be some confusion in the narrative from the Conservatives in this Parliament.

**Douglas Ross:** Does the member believe that debates on the future of the EU are four times more important than debates on education? His party has given four times more time in Parliament to the EU than to education.

**Stuart McMillan:** It is one of the most important things that is going on in society. If Mr Ross does not fully understand or appreciate that, he really needs to get off the football pitch a bit more and go into communities and talk to people. The issue of Brexit is vexing many people in Scotland. Mr Ross needs to listen to the electorate that put him in Parliament and in the council that he represents.

As a nation, Scotland takes its place within not only the United Kingdom but Europe. The law of the European Union and human rights law from the Council of Europe, through the European convention on human rights, are crucial to Scotland. Under the Scotland Act 1998, each of those areas of law restricts the powers of the Scottish Parliament. The act refers directly to the ECHR, created by the Council of Europe. The instrument of the ECHR was agreed among many states at the foundation of the Council of Europe in 1950. The purpose of the instrument was to ensure that every person, throughout Europe, was entitled to live life with a certain level of dignity as a result of the protection of fundamental rights and freedoms. It is worth bearing in mind the history: it

came about at a time when states in Europe were emerging from two horrific world wars. We have already heard from colleagues about Winston Churchill's comments. The loss of life—millions of people—had resulted in a desire to ensure that human beings never again faced the atrocities that occurred during those conflicts.

European Union law and European institutions have been instrumental in promoting equality and human rights across all member states, yet that progressive European vision is now at risk. Inexplicably, the Conservative Party's manifesto for the 2015 UK election included a commitment to abolish the Human Rights Act 1998 and to create a so-called British bill of rights. Before the turn of the new year, *The Telegraph*—which is not a paper that I quote often—reported that the Prime Minister hopes to put ECHR withdrawal at the heart of a post-Brexit election in 2020. The removal of obligations that are set down in European law could open the door to the erosion of protections that we have come to take for granted. Those rights matter in everyday life, and my colleague Christina McKelvie gave a few examples of cases that have been taken to the European Court of Human Rights.

The Scottish Government has been elected to take forward a progressive agenda: embedding human rights in everything that we do, not seeking to erode safeguards that matter to everyone in society. People and organisations in Scotland are far more concerned with questions of how better to fulfil all human rights in practice, in people's everyday lives. Any action that weakens or undermines participation in international human rights mechanisms, including in particular the Council of Europe and the ECHR, will be resisted at every opportunity. I commend Alex Rowley's speech, because I agree with much of what he had to say—I do not always, but today I certainly do.

Members should make no mistake: the strong cross-party support for the ECHR and the Human Rights Act 1998 in both the Parliament and Scottish civil society means that consent for such a bill of rights would not be forthcoming. Its purpose would be very definitely to govern and restrain devolved powers and devolved executive action.

The Tories have a reckless ideological obsession with attacking human rights, but their attempts to leave the ECHR and to draw up a so-called British bill of rights have been utterly shambolic so far. We know that a rightward surge in politics is taking place south of the border, and clearly the Tories are following that with their UKIP colleagues.

Any attempt by the UK Government to repeal existing rights would be likely to provoke a

constitutional crisis. In its 2016 report, the House of Lords EU justice sub-committee said:

"The difficulties the Government faces in implementing a British Bill of Rights in the devolved nations are substantial. Given the seemingly limited aims of the proposed Bill of Rights, the Government should give careful consideration to whether ... it means unravelling 'the constitutional knitting for very little'."

Before she became Prime Minister, Theresa May set out her view of a UK

"in which Scotland, Wales, Northern Ireland and England continue to flourish side by side as equal partners"—

maybe that is what she meant by the "shared society". It is time for the Prime Minister to honour those words. The way in which the Westminster Government responds to the Scottish Government's proposals in "Scotland's Place in Europe", published in December 2016, will tell us much about whether the UK is indeed a partnership of equals.

15:17

**Neil Findlay (Lothian) (Lab):** Human rights and their protection and enhancement are things that must exercise us all. Around the world, we see sophisticated major technological advances including new vaccines, agricultural techniques and systems of industrial production—all of which should mean not just that the human race is sustained, but that we live and prosper together healthily, peacefully and co-operatively in a way in which everyone enjoys a fulfilled life. Of course, that is far from reality.

Across the world, we see human rights abuses taking place. People are denied their rights, victimised and subjected to oppression, violence and displacement, and are dragged into disputes over land, resources, religion or ethnicity. Families are torn apart and children are orphaned. We were told that the Arab spring, which many people in the west encouraged and supported, would bring democracy to the region. Instead, it has brought bloodshed, fear, violence and instability. It is just one example of the many conflicts around the globe that impact on the European Union, the United Kingdom and Scotland, and all our citizens.

As the Syrian, middle east and north African crises have deepened, Europe's response has been to offer some help, yes, but it has also been to erect barriers and take action to prevent people from fleeing trouble spots. We have seen increased marine patrols, barbed-wire fences being erected and refugee camps being forcibly flattened. In many countries, we have seen increased attacks on the Roma community, a rise in Islamophobia, in racism and in anti-Semitism, and we have seen the far right on the march, with fascist, neo-Nazi and extreme nationalists being

elected in Greece, Germany, France, Austria, Slovakia, Hungary, the Netherlands and elsewhere.

Human rights is one of the great issues of our time. All those abuses have not come about by accident; they have been fed by the policy decisions of global and European institutions. Is it any surprise that war and the diplomatic failure to bring about peace create in people a sense of injustice and desperation? Is it any wonder that political power games and the resulting instability have resulted in civil wars and mass movement of people? Is it any surprise that military intervention from outside forces creates more problems than it solves by devastating the lives of ordinary families?

Many other human rights issues need to be addressed, but they are not spoken about. Who is championing the rights of the 50 per cent of young Greeks and the 40 per cent of young Spaniards who are out of work? Is the EU delivering human rights for them? The right to work and sustain a good life is a human right, but the EU's economic policies have created those appalling levels of youth unemployment. Therefore, it is important to question the assertion in the motion that all EU powers are in the interests of all the people of Scotland.

Today, the Labour leader Jeremy Corbyn rightly raised the issue of workers' rights and pay. He said:

"Labour will take action against undercutting of pay and conditions by closing down cheap labour loopholes, banning exclusive advertising of jobs abroad and strengthening workplace protections."

I think that most people would agree with him on those points.

**Sandra White (Glasgow Kelvin) (SNP):** On the very interesting aspect of advertising abroad for workers, it has been reported that Jeremy Corbyn is really

"not wedded to freedom of movement"

for EU citizens. Does that mean that EU citizens would be able to work in Britain, or would it be "British jobs for British people"? Mr Findlay seemed to say that.

**Neil Findlay:** I will come to free movement at the end of my speech. I hope that it will help Sandra White.

I believe that it is a human right to have a home and not to have to sleep rough in a shop doorway, but homelessness is on the increase. The right to food and water is one of the most basic human rights, but food-bank queues are growing across Europe, more people in our country are going hungry and countries are privatising their water systems.

What did the post-crash austerity policies of the European Central Bank and the International Monetary Fund do to the rights of our fellow citizens? Let me tell members. Wages were frozen or cut, public sector jobs were slashed, pensions and social security benefits were reduced, essential civilising public services were privatised and the young, the old, the weak and the poor were punished by the very people who created the crisis in the first place. Where is the respect for people's rights as all that plays out, with all its ugly manifestations?

Finally, I want to address free movement of labour, which Sandra White asked about. We need to stop kidding ourselves that it is not an issue in Scotland. It is. Some people want us to believe that it is about protecting people's rights to exercise basic freedoms. It is not. Like the free movement of capital, it is a neoliberal policy that was designed by and for big business in order to maximise profit. That is what it is about. Capital is free to move to where it can benefit from low or no taxes and the cheapest labour costs, and people often follow to take up insecure and low-paid work. We then see competition in our communities for jobs, housing, school places and other public services. Against a backdrop of austerity and cuts, we see a recipe for social tension. If we ignore that and think that it does not affect Scotland, we do our constituents and the people whose rights we seek to defend a great disservice.

I want all the people in every country of the world to have security, protection and freedom from fear and exploitation. However, by seeking to avoid difficult questions we do our people—whose rights we seek to protect—and Parliament a disservice.

15:24

**Sandra White (Glasgow Kelvin) (SNP):** I thank Mr Findlay for the clarification. I will also mention freedom of movement in my speech.

I reiterate what the Rev David Logan said in time for reflection today. He said that it is our duty to treat people "with dignity, respect", fairness "and charity". We in this Parliament—and people elsewhere—would do well to remember those words, because they are surely the very basis of human rights and fundamental freedoms.

I will touch on an issue that Neil Findlay raised, because one of the basic and fundamental freedoms is freedom of movement. I believe that it must be retained, and I join my colleagues in condemning the UK Government for refusing to provide non-UK EU citizens who are resident in Scotland with an immediate and unequivocal guarantee of future security and fair treatment. That is shameful. I remind the Conservatives—and

others—that non-UK EU nationals are not “bargaining chips”. We cannot say, “If I want to do this, you must do that.” They are human beings who have families, jobs, friends and lives here. They should not be treated in such a disgraceful way.

I also want to put out a question. We are talking about freedom of movement, and earlier this afternoon during topical questions we discussed the national health service. What will happen to the NHS if all those people are told by the Brexiteers and the Tory Government—who are fundamentally very negative in their thoughts—that they can no longer stay here? What will happen to our industries? At present, people are living in limbo with no idea one way or t’other about whether they can remain here. That question has not been answered, regardless of what the Tories say. It must be answered as quickly as possible in order to ensure that those people can get on with their lives—not just in my constituency, but throughout Scotland and the UK.

**Neil Findlay:** Does Sandra White also accept that a number of people come here to work out of sheer economic necessity, because of the conditions in which they find themselves in European countries? Members say that Europe is a great success, but it is failure of European economic policy that is forcing people out of their homelands, away from their families and the social scaffolding that they have around them. We also need to address that.

**Sandra White:** I agree with some of the points that Neil Findlay has raised, but there have been “economic migrants”—I remember one of the Tories calling them that—for centuries, and not just people coming here from abroad, but people from here going abroad. It is not just about the European Union. Migration is being created by poverty. I agree with Neil Findlay about that, and we have to look at that, but ending freedom of movement will deny people—whether they come from here or elsewhere in Europe, or are non-EU citizens—the opportunity and the chance to live a better life, and to change the lives of their fellow citizens in their countries, as well. That is something that we should be looking at; I am sure that we will.

When I started to think about the debate, I thought that it is unbelievable that circumstances that are quite literally out of Scotland’s control have led us to a point at which we are debating Scotland’s place in Europe and, importantly, the protection of human rights. If we do anything, it should be to enhance human rights and not just to protect the ones that we have. I think that Neil Findlay would agree with me on that. This is about enhancing people’s human rights no matter where they live.

A substantial majority of people in Scotland and the SNP Government have made it quite clear that the preferred option is to remain a member of the European Union. However, we face the prospect of being pulled out of the EU without wanting to leave it. We now have to face up to and deal with the situation that has been created by the leave campaign. Nobody has mentioned the leave campaign yet this afternoon, but it certainly got enough coverage in the media—in the press and on TV. However, it had absolutely no plan in place for the event of a leave vote and I think that it was shocked when that vote was actually delivered.

People have to give the Scottish Government some credit. It has taken steps to address the situation that we find ourselves in—unlike the UK Government, which is presiding over nothing more than a shambles. The SNP Government has published a paper, “Scotland’s Place in Europe”, that sets out proposals to mitigate the risks of Scotland’s being taken out of Europe against our will. First, it argues that the UK as a whole should remain within the European single market. Secondly, it considers how we could, if that is not possible, work with the UK Government to find a solution that would preserve Scotland’s membership of the European single market even if the remainder of the UK chooses to leave. Thirdly, it considers how we could work with the UK Government to ensure that, in the light of removal of the rights and protections that are provided by EU law, and whatever the outcome of the Brexit negotiations, the powers of the Scottish Parliament are fundamentally revisited and enhanced to continue to protect Scotland’s interests within the UK.

That is an eminently sensible approach from a Government that is thinking about the future. We should be debating the issues, even though we do not know when Brexit will happen—it might be in two years or in 10 years. It is eminently sensible that we protect Scotland’s interests and that we represent the views of the people of Scotland who rejected the prospect of being dragged out of the EU.

The cabinet secretary and other members mentioned the Human Rights Act 1998. Repeal of the act has been on the Tories’ agenda for some time—Theresa May appears to think that by the 2020 general election she will have put forward her own ideas on human rights. The opportunity to step up and do something about that exists.

The SNP Government has long argued that it should have a place at the table and be fully involved in all decision making with regard to negotiations with the EU. We were assured that that would happen, but it has not happened and I very much doubt that it will.

“Scotland’s Place in Europe” proposes a sensible approach. It considers how to keep Scotland in the single market in the future and, if that does not happen, it proposes the transfer of substantial powers from Westminster to Scotland.

The SNP Government has put forward a measured proposal on how we can move forward. The UK Government needs to step up to the mark. If it does not do so—if it rejects what is, so far, the only comprehensive strategy for the current circumstances—the people of Scotland should be given the right to decide whether they wish to remain a part of a UK that is outside the EU.

15:31

**Ross Greer (West Scotland) (Green):** I commend the Scottish Government for recognising, in the motion, the indivisibility of all human rights—as the motion puts it, they are

“civil, political, economic, social and cultural human rights”.

That is a tremendously important aspect of human rights. In Europe, we enjoy access to the European convention on human rights on issues that relate to civil rights, and oversight of social rights is provided by the European social charter, although I am disappointed that Westminster Governments of all colours have failed to ratify the revised European social charter, despite the Westminster Government signing it in 1997.

I will focus on the Conservative amendment and the claim that the Westminster Government will safeguard and strengthen workers’ rights. That must be a joke that the rest of us are not in on. We are talking about the same Tory Government that recently brought in the Trade Union Act 2016, which David Davis—who is now the Brexit minister—described as being more akin to fascism in Franco’s Spain than to Britain today. When Conservative members of this Parliament talk about their Westminster colleagues’ commitment to workers’ rights post-Brexit, it is worth asking them whether they agree with the Brexit minister that their most significant piece of recent legislation in the area is fascist in nature.

The 2016 act introduces excessive restrictions on the rights of workers, including arbitrary thresholds on industrial action, restrictions on pickets and restrictions on trade unions’ campaign activities. The Tories have mandated that union ballots in what it defines as “important public services” should be subject to a 40 per cent approval threshold. It is notable that the Tory Government won an election just over 18 months ago on only 37 per cent of the vote and that the Foreign Secretary, who was a strong supporter of the legislation when he was mayor of London, was elected to that position on a 38 per cent turnout. Does the Government in Westminster consider

itself and the office of the mayor of London to be “important public services”?

The new restrictions on trade union activity have been introduced in an area of law that is already highly restrictive. Before the 2016 act was passed, the European Committee of Social Rights, which is tasked with overseeing the European social charter, had determined that the UK has the lowest conformity with labour rights across the whole European Union, including former Soviet satellite states. The committee said:

“The possibilities for workers to defend their interests through lawful collective action are excessively limited;

The requirement to give notice to an employer of a ballot on industrial action is excessive;

The protection of workers against dismissal when taking industrial action is insufficient.”

On top of that, the Government at Westminster is considering going further, by lifting the ban on using agency workers to break strikes. That could only undermine the fundamental right of workers to collective bargaining.

**Neil Findlay:** I do not disagree with a single word of the member’s speech, but we should not be too precious about what is going on in Scotland. Is he aware that the Union of Construction, Allied Trades and Technicians has not been allowed on site by the contractor for the new Dumfries hospital, which is a major public infrastructure project? That is also unacceptable.

**Ross Greer:** I do not disagree with a word that Neil Findlay said. Our parties have both been consistent in their defence of workers’ rights in Scotland in recent years.

It is difficult to see how the Tories believe that workers’ rights will be safeguarded and strengthened by their Westminster Government, and nothing that I have heard today has reassured me. We know that the European Union has a mixed record on workers’ rights—Neil Findlay brought that up—but the achievements that we have secured at a European level face a deeply uncertain future in Brexit Britain.

It is not only workers’ rights that are at risk. According to an inquiry by the UN Committee on the Rights of Persons with Disabilities, the Tory Government has systematically violated the basic rights of people with disabilities. The UN committee criticised the Government for ignoring its own impact assessment, which foresaw an adverse effect on disabled people, for repeatedly refusing to conduct a cumulative impact assessment and for even refusing to authorise an impartial inquiry into deaths that have occurred following welfare assessments that found people fit for work.

That goes beyond negligence. The Government at Westminster has repeatedly been warned, not only by campaigners but by international bodies, about basic human rights violations, including people dying as a result of its policies. It is simply offensive for the Scottish Conservatives to lodge an amendment that claims that they support basic human rights while their colleagues in Westminster are responsible for reforms that are literally killing people. They cannot even come to the Parliament today and distance themselves from those changes. Indeed, in the past few days, Ruth Davidson has said that cuts—dubbed the second bedroom tax—that could mean that young renters in social housing lose up to a quarter of their support are “necessary”.

In Scotland, we are fortunate to have some powers to mitigate such damaging policies. The effect of the first bedroom tax has been mitigated and the independent living fund has been replaced. We are reassured that the Scottish Government’s disability delivery plan directly responds to the findings of the UN committee, and we hope that everything possible will be done to prevent and undo the harm that Tory Government policies have caused in that area.

In that area, the progressive parties of the Parliament will prove a far more effective Opposition than the Conservatives. We appreciate the Scottish Government’s having worked with us when research by the Scottish Greens found that sanctions of 13,000 people per year could be prevented after the devolution of new powers. However, we cannot be complacent and we cannot pat ourselves on the back, because much more needs to be done. Can the Scottish Tories assure us that they will respect their own amendment and publicly call on their colleagues in Westminster to stop the regressive and damaging welfare reforms?

As the Tory amendment notes, the European Union and the ECHR are distinct—leaving one does not entail leaving the other. That is why we are dismayed to hear that Theresa May plans to campaign to receive a mandate to leave the ECHR as well. Its domestic implementation in the Human Rights Act 1998 has been directly responsible for and has underpinned many rights and freedoms that we enjoy today, whether that means ensuring that employers respect the wearing of symbols of one’s faith, ensuring that disabled people have a say in their care arrangements or ensuring that newspapers and journalists have the freedom to report on legal cases if doing so is in the public interest.

What is it about such cases that the Conservatives dislike so much? Is their opposition to the ECHR even based on fact, or will they be reduced again to making up stories about cats, as

the now Prime Minister did in her role as Home Secretary? Yet again, this Parliament has to entertain Tory hypocrisy and diversion, and I trust that we will reject that before the end of the day.

15:38

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Presiding Officer,

“The Movement for European Unity must be a positive force, deriving its strength from our sense of common spiritual values. It is a dynamic expression of democratic faith based upon moral conceptions and inspired by a sense of mission. In the centre of our movement stands the idea of a Charter of Human Rights, guarded by freedom and sustained by law.”

That was Winston Churchill to the congress of Europe in 1948. In 1941, Franklin Delano Roosevelt said:

“Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights and keep them. Our strength is our unity of purpose.”

The issue of human rights is hardly a new one. It would be selfish and wrong of us to turn our backs on the hard-won expression of shared values and duties that Governments owe to those in whose interests they serve.

It would be selfish and wrong to turn our backs on international treaties. We would certainly undermine their value and applicability and the respect that they have by resiling from signing them. We would be talking about rights without law, law without enforceability and enforcement without rights.

This important debate, which is on leaving the European Union, is about our rights. It is one that we can have in this Parliament but which people seem reluctant to have in the Parliament further south, which also purports to represent us.

Let us consider a little of the history of how we got to where we are. Like a couple of other members who are in the chamber, I was born and brought up in the immediate aftermath of the second world war. None of us is old enough to have had any direct experience or real memory of it, but we were certainly close to its effects. We did not smell the putrefaction of human corpses across Europe, and we did not hear the booming of the guns or the crashing of explosions. We were lucky to be born after that war into a world that was determined to step away from the economic and social chaos that authoritarian regimes brought us—in particular, the desolation that came from the Holocaust.

I am old enough to remember watching “The Brains Trust”, which was shown on Sundays, and seeing Jacob Bronowski, who was a Jew who had escaped from the horrors of the Holocaust and

had come to the UK to seek refuge. The UK has a long and honourable tradition of providing refuge to people from around the world, which the present Tory Government appears to want to put under threat.

Jacob Bronowski, whom I have referred to in a previous debate, made the most moving piece of television in his series "The Ascent of Man". In one episode, while standing in a concentration camp in Poland, he leans forward to pick up some mud from a puddle, looks at the mud in his hand and, slowly turning to the camera, he says, "These are my relatives." His relatives all died in the concentration camps.

If we wonder why human rights matter to us, we need only think of what the denial of human rights in Nazi Germany and the attrition against an entire community caused for those people and for all of us. Hundreds of innocent, terrified people were herded into the gas chambers. Today, we can barely imagine that such a thing could happen. However, if, as Gordon Lindhurst would have us do, we reduce "Human Rights" to "human rights", we are taking a dangerous first step, albeit that I accept that it is on a long road, in a relatively democratic country—the UK is not fully democratic, because the majority of our legislators are not elected. As Edmund Burke said,

"Laws, like houses, lean on one another."

If we take away a critical part of the structure, we threaten the whole structure.

**Gordon Lindhurst:** Does Stewart Stevenson accept the historical fact that the atrocities to which he refers, which took place in the concentration camps and so forth, happened under the auspices of a Government that was elected under a constitutional framework that included the Weimar constitution, which was set out to guarantee rights and freedoms? That is therefore not the issue at debate.

**Stewart Stevenson:** On the contrary, I suspect that Gordon Lindhurst has inadvertently just made my point for me. Democracies and structures are not good enough; as Edmund Burke said in the 18th century,

"The only thing necessary for the triumph of evil is for good men to do nothing."

We are the good men and women who will not stand by to see our human rights, which are encapsulated in the laws of this country, deconstructed by the mindless Visigoths who reside on the Tory benches. I have my history as an autodidact as an excuse for my ignorance; I do not know what excuse the Tories have for theirs.

15:44

**Alexander Stewart (Mid Scotland and Fife) (Con):** I might be slightly incapacitated due to a back problem, but I am very glad to be here today to participate in the debate.

The vote to leave the European Union was not a vote to water down or to undermine the fundamental rights and freedoms that we in this country are proud to defend. The UK Government has been absolutely clear that it is committed to ensuring that those rights are protected and maintained. The great repeal bill will enshrine all the current EU laws into British law, as well as all the rights and protections that currently come with those laws. The only things that will change once we leave the EU are that the sovereign British Parliament will have democratic oversight of those laws and that British courts, rather than courts in Luxembourg, will enforce our legislation.

To that end, Theresa May has guaranteed that all workers' rights will be upheld and that her administration is committed to strengthening those rights. The Prime Minister has ordered a review of workers' rights, which will focus on more modern and flexible working, especially for those individuals who are self-employed or for others who want to work flexibly.

The Scottish National Party's motion is another example of its posturing over Brexit. Not so long ago, the SNP sought to weaken and undermine the right to a fair trial—one of the essential pillars of any democracy—by attempting to abolish the practice of corroboration, which sits at the very heart of the Scottish judicial system. That policy was criticised by many organisations in civic Scotland. Corroboration helps to guard the public against miscarriages of justice.

**Stewart Stevenson:** Will the member take an intervention?

**Alexander Stewart:** Shortly.

The abolition of corroboration could have had serious consequences, particularly for those individuals who work with other individuals on a one-to-one basis. For them, such a change might have led to an increase in the number of inappropriate prosecutions.

**Stewart Stevenson:** Will the member give us his view of the English legal system, which lacks the provision of corroboration?

**Alexander Stewart:** We have, I believe, a different jury system in the situation, but I take on board what the member says. At the same time, you up here attempted to do that—you have to stand up and recognise that. You cannot hide from it.

**Michael Russell:** "You up here"?

**Dr Allan:** “You up here”?

**Alexander Stewart:** They cannot hide from it, Presiding Officer.

In 2015, Lord McCluskey, a former Solicitor General for Scotland, observed that the way in which the Scottish Government had gone about trying to impose the change should “ring alarm bells” across many sectors in Scotland. The SNP’s approach to that issue has sadly proved to be indicative of its style of government.

I would also like to address the issue of the European convention on human rights, which—as has been mentioned—is fundamentally separate from the European Union. Our leaving the EU does not automatically mean that we will leave the ECHR. Any such decision seems to be something that will be considered post-Brexit.

Implicit in the defences of the convention by the nationalists and others on the left of the political spectrum—as well as in their criticisms of where we are—is the assumption that Britain is somehow not responsible enough to be trusted with the human rights of our own citizens. That suggestion strikes me as utterly ludicrous.

**Pauline McNeill (Glasgow) (Lab):** Is it not fair to say that Governments of all shades and opinions are sometimes irresponsible? Based on the convention, this Parliament had to legislate to give every citizen the right to have a lawyer present. Sometimes we get things wrong.

**Alexander Stewart:** We have an independent judiciary. It is independent because it manages that situation.

We also hear endlessly that our membership of the ECHR sets an example to the rest of the world and that it encourages other countries to have a greater respect for human rights. If we look at the records of countries around the world, it seems difficult to make that assumption.

What we want is the strengthening of those rights, not the weakening of them. Moreover, although the motion criticises the UK Government for not giving European Union citizens currently living in Britain unconditional leave to remain, it is in fact the Scottish National Party that has been playing politics with people’s lives. Given the current situation, a point that I have mentioned previously in the chamber bears repeating: during the independence referendum campaign, Nicola Sturgeon, now the First Minister, threatened EU nationals’ right to remain in an independent Scotland. Nicola Sturgeon said:

“There are 160,000 EU nationals from other states living in Scotland ... If Scotland was outside Europe, they would lose the right to stay here.”

In sharp contrast, Theresa May has been absolutely unequivocal in her commitment to guarantee the future residency in the UK of those from the rest of the EU so long as a reciprocal arrangement can be agreed to allow Britons living in other parts of the European Union to continue to do so. It is European Union leaders who have failed to accommodate that reasonable request prior to the triggering of article 50.

As I said, I am glad to be here today to say that Britain’s vote to leave the European Union was not a vote to undermine or weaken human rights and workers’ protections but rather one to have greater national democratic oversight and have decisions over the implementation of rights and protections taken closer to home. That is what the people wanted and that is what they will get. I support the amendment in Douglas Ross’s name.

15:51

**Clare Haughey (Rutherglen) (SNP):** Without the benefits of EU human rights legislation, there is a strong possibility that I would not be here in this chamber; and it is not a stretch of the imagination to believe that many other women MSPs might not be here today either. EU legislation has ensured that my rights as a woman, an employee and a parent are all protected. In my working life before coming to Parliament, I was protected from employment practices in the workplace that would have discriminated against me and my family. Those rights continue to protect people in all walks of life every day, to ensure that equality is maintained, discrimination is tackled and, above all, fairness is enshrined in our legal system.

In the workplace, women are more likely to be in part-time work: 40 per cent of us work part time, compared to 12 per cent of men who do so. The EU has helped part-time workers gain equal pay and benefits to bring them into line with full-time colleagues. That, like so many progressive European policies, helps us all but benefits women and children most. EU law underpins the right of women to get paid time off for antenatal appointments, safeguards the rights of pregnant women in the workplace and guarantees maternity leave for mothers. I not only experienced those benefits as a working mother but, as a nurse in what is a predominantly female profession, I saw so many examples of other working mothers for whom time off and pay protection meant having both a career and a family.

The introduction of parental leave, which guarantees 18 weeks of leave for parents to care for and bond with their infant, was also a direct result of EU law; as is the right for parents and carers to take emergency leave to care for their children. Without those progressive measures,

women would have remained second-class citizens in the workplace and the care of many thousands of children would have suffered. Although all workers have benefited from the protections guaranteed by Europe, women have doubly benefited. First, women's legal protections rose to equal those of men, then all workers' protections improved.

The Equal Pay Act 1970 was a landmark piece of legislation that prohibited unequal treatment of men and women in the workplace in terms of pay and conditions. The events that made that 1970 act happen were not exactly the forces of progressive leadership but a reaction to hard-fought industrial action by women and, ultimately, the UK's impending obligations on joining the EEC. Progressive policies and workers' rights have been hard won in Britain, but they are often underpinned by European legislation that absolutely requires the UK to comply. We should all be concerned that, without the pressure of the obligations that the UK is required to uphold as a condition of single market membership, progressive policies on workers' rights will be at substantial risk from successive Administrations at Westminster.

**Liam Kerr (North East Scotland) (Con):** Will the member take an intervention?

**Clare Haughey:** No, not at the moment.

As Ross Greer mentioned, we have already witnessed attacks on trade unions through recent legislation. We are in a period of uncertainty about the legal basis of so many of the rights that have improved the lives of everyone in this country. The repeal of the Human Rights Act 1998—an absolutely vital piece of legislation that further protects the rights of people in the UK across many areas, including employment—has already been promised by the Lord Chancellor. There is no better symbol of the Tories' desire to shred the rights of ordinary working people than their commitment to repeal the Human Rights Act. Its promised replacement, a British bill of rights—who knows what that will contain—is of huge concern to all of us who care deeply about the impact of repealing the 1998 act. We are clear about who will be writing the legislation, and I have little confidence that Theresa May's Government will draft a bill that provides the same level of protection for ordinary people. Thankfully for Scotland, European convention rights are embedded in the devolution settlement, and I am certain that many members in the chamber will not allow fundamental rights and freedoms to be removed at the whim of a UK Tory Government that we in Scotland did not vote for.

Even if we can, for a moment, take various Conservative ministers at their word when they say that our existing rights would not be cut back

after leaving the EU, what guarantee do we have that the on-going development of rights on the continent would be matched here in the UK? The direction of travel in Europe for the rights of the individual is clear. Just one example is the EU's spending nearly €6 billion between 2014 and 2020 on promoting gender equality, and there are repeated examples of the clear commitment to the rights of the individual that is core to the European project, going back to the Treaty of Rome in 1957. Maintaining and further developing individuals' and workers' rights will simply not be at the top of the agenda in Westminster for the foreseeable future. With the likelihood of UK Tory Governments for the next decade, whom should we in Scotland trust with the protection of our rights—the Scottish Government, which is doing all that it can to maintain connection and parity with Europe, or the Brexiteers, who are determined to cut what they see as red tape and the rest of us see as basic human dignity?

I am heartened to hear the Scottish Government's determination to either retain our rights or ensure that this Parliament can legislate on these issues after Brexit. I think that most of the members in the chamber today will agree with me that the fundamental protections that are underwritten by Europe have been overwhelmingly positive for workers and for women. I wholeheartedly support the motion that seeks the retention of the hard-won rights of the people of Scotland.

**The Deputy Presiding Officer (Christine Grahame):** I call Alex Cole-Hamilton. I see that Mr Cole-Hamilton is already on his feet, anxious to begin.

15:57

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I take the opportunity to wish you, Presiding Officer, and all our colleagues a happy new year.

I start by declaring an interest. Before I came to this place, I was convener of Together—the Scottish Alliance for Children's Rights, and I sat on the leadership panel for the Scottish national action plan on human rights. I have spent much of my career steeped in the defence of human rights in this country. Unlike the Conservatives, I welcome this important debate and the contributions that have come forth so far. It is the first debate since the Scottish Government announced its approach to the Brexit discussions and negotiations. Although the Scottish Government and my party differ manifestly, in particular on the spectre of another potential independence referendum, I was heartened to hear the First Minister state on "The Andrew Marr Show" that her first priority would be to keep the UK in the EU if that were possible.

That was why I was keen to intervene on the cabinet secretary—I am grateful to her for taking my intervention—to ask whether the Scottish Government would support Liberal Democrat calls for a referendum on the deal regarding the final terms of the article 50 negotiations. The amendment that was lodged at Westminster by the Liberal Democrats called for such an approach, and I do not think that it is incompatible with anything in the Scottish Government's stated approach. I hope that the minister who is dealing with Brexit will, in summing up, explore that a little further and give us an assurance that the SNP will support us in that regard.

**Ross Greer:** I have much sympathy for the argument that there should be a referendum on the terms of Brexit. However, would Alex Cole-Hamilton and the Scottish Liberal Democrats consider it acceptable if there was a second referendum that resulted in the same outcome, with Scotland voting one way and the rest of the UK voting another, and we then had to leave the European Union despite having voted twice to stay in?

**Alex Cole-Hamilton:** I thank Ross Greer for his intervention. The fundamental principles of being an internationalist mean embracing political unions with other countries wherever they are found. If what he said were to be the case, I would not jettison the other political union that I hold dear; I would spend the rest of my political life fighting for closer integration with the EU.

On 24 June, we saw etched on the faces of so many leave voters an incredible buyer's regret as the leave campaign and its case evaporated around them. The Liberal Democrats accept that people have voted for a departure but they have not yet voted for a destination. To its credit, in the 2014 referendum, the SNP produced a white paper that delineated what an independent Scotland would look like, but we saw no such prospectus from the leave campaign. Instead, we saw pledges being jettisoned within hours of the result.

Since then, we have seen pension funds collapse and the value of the pound nosedive, and with that, the rise in the cost of living. While the original Brexiteers have largely quit the field, we see alarm and warning lights being tripped and triggered in every aspect of our economic outlook. The experts who Michael Gove told us to ignore are back, and they look terrified.

It is not hugely surprising that the leave campaign had no discernible plan for what to do in the event of its success, but it is profoundly terrifying that Conservative Party central office did not seem to have one either. If the international future of these islands is to be determined on the back of a napkin at Chequers, there is no question

but that the people whom we all serve should have the right to a final say on what that future should be.

Very few people expected a hard Brexit. Many leave voters—leave voters who are known to members and to me—did not expect the hard Brexit that lies before us. Let me put it this way: had we narrowly edged a victory for remain and the Tory Government was now actively seeking a hard remain—

**The Deputy Presiding Officer:** Excuse me a minute, Mr Cole-Hamilton. Interesting though this is, have you mentioned human rights? Have I missed that?

**Alex Cole-Hamilton:** I mentioned them at the start and I am just coming on to them.

**The Deputy Presiding Officer:** That is kind.

**Alex Cole-Hamilton:** Absolutely. It is all tied together neatly.

If we were now looking at a hard remain with immediate entry to the euro, the European army and Schengen, there would be open rebellion within the ranks of the leave campaign. The calamity that we have seen since the Brexit vote can only be resolved with the endorsement of the electorate.

My first speech in this place supported continuing membership of the EU because of the rights that that enshrined in this country. As in the excellent speeches that we heard from Clare Haughey and Ross Greer, we are talking about not just our human rights but our rights at work and our personal rights. I referred to the fact that, in many ways, the founding treaties of the community were an answer to centuries of conflict on the continent, and it is a measure of the success of the project that I am in only the second generation in the recorded history of my entire family that has never had to face a war with our European neighbours.

It is not only warfare that the European project intended to answer but internment, forced labour and genocide. With the project came the conventions and treaties that enshrine our rights and freedoms, the epicentre being the Treaty of Rome in 1957. The free movement of goods, people, capital and services was the most important charter for freedom that our world has ever seen.

For decades, multitudes of the dispossessed and persecuted have flocked to the shores of this great continent in search of the protections that those treaties and conventions afford them in relation to their human rights, which they are denied in their homelands. The treaties and conventions stand as a beacon of hope and safety for many people in our troubled world. When we

withdraw under Brexit, the charter of fundamental rights will be the first casualty.

Withdrawing from any rights institution diminishes us as a nation; so too does our reluctance in Scotland to enshrine international treaties into Scots law. I have spoken in the chamber many times about our failure to incorporate the principles of the United Nations Convention on the Rights of the Child. By that failure, we deny every child who grows up in Scotland access to justice through the courts, should their rights be impinged. I was interested to hear Michael Russell say in an earlier intervention that we would be seeking to incorporate principles that are like those in the UNCRC, and I hope that he will confirm in his speech that he intends to incorporate the UNCRC into Scots law.

As Alex Rowley said, the Scottish Human Rights Commission advises that the best way to counter any threat, whether from Brexit or from anything else, to the treaties and freedoms that we enjoy is to look inward to the steps that we can take within the competence of the Scottish Parliament and through the powers that are available to us to improve the rights of our citizenry. That is why the Liberal Democrats will support the Government today and why we will reject the Tory amendment.

16:05

**Mark Griffin (Central Scotland) (Lab):** It is right that we restate our commitment to human dignity and to acting at all times to respect, protect and promote human rights. The human rights set-up and its relationship with Brexit is complex. Brexit will lead to our leaving the EU, so we will no longer be signed up to the Charter of Fundamental Rights of the European Union. Until and unless we decide otherwise, the European convention on human rights will still be applicable, through our membership of the Council of Europe and through the Human Rights Act 1998. However, it is not clear what the impact of Brexit will be on equalities and human rights or what Brexit negotiations will mean for those protections.

The Charter of Fundamental Rights of the European Union includes a broad range of civil, political, economic, social and cultural rights. If the charter no longer applies in the UK as a result of Brexit and no changes are made to compensate for that, there will be fewer human rights limits on the UK Parliament and the Scottish Parliament.

According to what we know now, the great repeal bill is meant to repeal the European Communities Act 1972. However, the Scottish Government has said in response to parliamentary questions that it has not yet received any information regarding that bill. It should therefore

use joint ministerial committee meetings to clarify the protections that will be transferred to UK law.

The 1998 act, 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—a problem caused by Europe. They have consistently been the focus of right-wing press misinformation since the 1998 act 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 it brings. The 1998 act 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 of not only the size of our economy but 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.

Scotland's place in the UK and the EU was put at risk because of the Tories' reckless Brexit gamble. The Tories have been willing to put the future of the UK in danger at every turn, and it is high time that they shouldered responsibility for that. Now, with Brexit, human rights are at risk because of them. The Tories are not content with leaving the EU; they have threatened to scrap the Human Rights Act 1998 for years. They promised to do so in the 2005 general election campaign and again in 2010, and they failed to commit to protecting human rights in May. We committed to protecting the 1998 act and we seek to right the wrong of denying people the basic human right to work by delivering a full inquiry into the practice of blacklisting. The Scottish Government said that it would oppose the repeal of the 1998 act and would refuse to consent to its abolition.

The Scottish Government also said that it would embed Scotland's national action plan on human rights and the sustainable development goals in the national performance framework. The action plan's most recent progress report called for fundamental steps to be taken to increasingly enshrine human rights law into domestic law, noting that this should be done by 2020. In particular, that focus needs to underpin the proposed social security bill, building on the idea that the system will be built on the principles of dignity and respect. Sandra White made the

argument about not just protecting but enhancing human rights.

The Scottish Human Rights Commission, in the powerful paper “Creating a Fairer Scotland”, has said that tackling poverty has to be done with a human rights-based approach. The arguments in that paper are compelling and give meaning to complex abstract legal mechanisms. When key bills are lodged in Parliament this year—in particular, the proposed child poverty bill and the proposed social security bill—it is highly likely that we will revisit those themes so that we can best secure and enhance civil, political, economic, social and cultural rights for people in Scotland.

In the coming months, Parliament will consider how it instils the dignity and respect that the Government has promised. By considering a human rights-based approach, the Scottish Parliament will have the opportunity to ingrain protections in future laws, and we will be able to restate our commitment to human dignity and to acting at all times to respect, protect and promote human rights.

16:11

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I do not know how others feel, but I have never felt such a deep sense of responsibility and such a strong compulsion as I have in recent times to stand up for protecting and promoting human rights and fundamental freedoms here in Scotland, on this island, around this continent and throughout the world. That is why today’s debate is so important.

Progressive values are under attack in Europe, liberty is being challenged around the globe and equality is being questioned. Narrow forces of prejudice and discrimination are playing on fear, economic injustice and austerity to further their regressive interests, and they are gaining worrying and dangerous traction, whether in the streets, on social media or at the ballot box.

The point has been made that membership of the EU and participation in the European convention on human rights are distinct. That is true and significant, but it is also true and significant that the entities are profoundly connected. It is true and significant that, when implemented, Brexit, which Scotland did not vote for, and the Tory UK Government’s determination to needlessly scrap the Human Rights Act 1998—a proposal that Scotland also did not vote for—will be seriously damaging blows to the protection and promotion of human rights and social protections on this island and beyond. Those measures will signify a step backwards on a journey and a step away from our fellow men and women.

I am very proud to say that I am an internationalist. Like many others, first and foremost I believe that we are all citizens of the world. Our characteristics may be remarkably diverse, but our core humanity is the same. What is inspiring about human rights, conceptually, morally and legally, is that the notion of our shared rights binds our stories; articulates our universal bonds; enshrines our equality; and protects the rights of all, whether friends or enemies, in a true spirit of democracy.

From Thomas Paine’s “Rights of Man” to the American constitution and from Anthony Eden’s signature on the European convention on human rights in 1950 to the passing of the Human Rights Act in 1998 and the creation of our Scottish Parliament in 1999, the protection and promotion of human rights has been a long road forward. Why would we want to turn back now, especially when so much negativity is already challenging the progressive liberal values that took so many generations to gain?

Repealing the Human Rights Act 1998 would be both wrong and wrong-headed. With Brexit already fanning the flames of regression elsewhere, what message would it send to our fellow men and women struggling to defend their human rights in other countries if the UK, a country that helped to draft the European convention on human rights, took the retrograde step of repealing the implementation of those fundamental freedoms in its domestic law?

The question today is not just whether we should protect and promote human rights, but who is going to make that stand. Joanna Cherry MP, who has been leading brilliantly on these issues at Westminster, asked Prime Minister May not to bow to pressure from Tory back benchers to scrap the Human Rights Act 1998. In that same spirit, today I ask the Scottish Tories, in good faith, not to bow to Theresa May on proposals to scrap the Human Rights Act 1998 and to challenge her if she is indeed planning on running a 2020 election campaign on the basis of withdrawing from the European convention on human rights.

The UK Government’s proposal to repeal the Human Rights Act 1998—an internationalist, outward-looking, progressive and important piece of modern legislation—and to replace it with a potential so-called British bill of rights is inward-looking and reckless, and it would be a momentous step backwards for this island and for all those in harsher parts of the world who look to us for democratic leadership and inspiration in their struggles for equality and justice.

I hope that the Scottish Tories will have the wisdom and good sense to oppose proposals to scrap the Human Rights Act 1998 and replace it with a British bill of rights, and to oppose any

measures to withdraw from the ECHR, because such moves would be deeply insular, damagingly separatist, irresponsible and a profoundly misguided example of narrow British nationalism.

Now is a time to stand up for human rights and other fundamental freedoms and social protections, and I urge all who believe in them to do so with passion and intent. I call on members to support the Scottish Government motion.

16:16

**Liam Kerr (North East Scotland) (Con):** Protecting and promoting human rights is not something about which there should be contentious debate. It is right that this Parliament restates its commitment to human dignity and to acting at all times to respect, protect and promote human rights, and that it reiterates the importance of freedom, democracy, equality and the rule of law, but I am less persuaded about the merits of a motion that runs to 267 highly charged and often polarising words when a simple statement, such as the one that I have just made, would have been an appropriate statement of intention on human rights. It would be foolish and misleading to generate an argument that somehow the protection and promotion of human rights is jeopardised as a function of the people of the UK's decision to leave the EU, yet that is what is risked by drafting such an extensive missive: there is the risk of misinterpretation and misunderstanding.

The UK is leaving the European Union, but that does not mean that the UK is leaving the European convention on human rights. It does not mean that human rights in this country will by default be reduced or in some way disintegrate. The recognition of fundamental human rights in the United Kingdom predated EU membership and it will postdate EU membership. Christina McKelvie was right to say that the United Kingdom was one of the first countries to sign up to the European convention on human rights, which enshrined rights such as freedom of expression and the right to a fair trial across the continent and established the European Court of Human Rights. The convention is entirely separate from the European Union. Brexit will have absolutely no effect on the ability of people to enforce convention rights or privileges in the UK.

I generally prefer to listen to history lessons from Stewart Stevenson. That sentence is not entirely accurate, but here, by way of reassurance, are some key dates regarding human rights on these islands. In 1215, we had the Magna Carta. In 1688 in England and 1701 in Scotland, we had habeas corpus. In 1689, we had the Scottish claim of rights. The Reform Act 1832 was followed by the 1833 factory acts. We had the Representation of the People (Equal Franchise) Act 1928 and

then, in 1948, the Universal Declaration of Human Rights.

**Stewart Stevenson:** Will the member take an intervention?

**Liam Kerr:** I wondered whether I would get one.

**Stewart Stevenson:** It is interesting that the member omitted the letter that the Scottish nobles sent to the Pope in 1320 to protect the rights of the people in Scotland.

**Liam Kerr:** I thank Stewart Stevenson for the addition to my list of human rights that this country has recognised over a considerable time. My point is this: we must avoid the conflation of the democratic decision of the people of the United Kingdom to vote to leave the EU with fears that, by handing back control to a democratically elected sovereign Parliament in Westminster from an unelected and unaccountable European Commission in Brussels, there will be some dilution of human rights in the United Kingdom.

Let me reassure Ross Greer and Clare Haughey and point them to our amendment, which recognises the numerous assurances that workers rights will be safeguarded and strengthened.

**Christina McKelvie:** Liam Kerr says that we are not withdrawing from the ECHR. Is he saying that I should not believe that organ of truth, *The Telegraph*, which said the other day that Theresa May said that she was going to put withdrawal from the ECHR as one of her first proposals on Brexit?

**Liam Kerr:** What we are talking about is pulling the UK out of the EU in accordance with the democratic decision of the people of the United Kingdom. It is to fundamentally misunderstand the debate to start talking about pulling us out of the ECHR. To argue otherwise is either to misunderstand how European law ports into domestic law or to prefer the control of the European legislature operating under a democratic deficit to the law of a democratically elected UK Government.

"Many of the protections under EU law have already been implemented into UK domestic law by legislation. These laws themselves would have to be repealed or amended otherwise any rights conferred by them would continue to apply"

—not my words but those of Inclusion Scotland.

As Professor Murray Hunt of the University of Oxford has said,

"human rights discourse is everywhere bedevilled by a permanent crisis of democratic legitimacy."

I am sure that no one seriously thinks that by increasing the democratic legitimacy of those who make our laws, we diminish people's human rights. The democratically elected UK Parliament

will have the power to amend and improve any law that it chooses, and if the people do not like what is proposed by the Government, they will vote it out. That is democracy.

**Stewart Stevenson:** Will the member give way?

**Liam Kerr:** I am afraid not.

As Douglas Ross said, this Parliament has spent four times as much time on discussing the EU referendum as it has on discussing education. We would be far better focusing parliamentary time not on overarching statements about who has the most concern for human rights but on the practical difficulty of protecting, promoting and legislating for human rights.

In her opening speech, the cabinet secretary referenced private life and article 8. Only last year, the Scottish Government breached article 8 through its named person scheme. Only following pressure from, among others, the Scottish Conservatives did the SNP Government U-turn on plans to abolish corroboration. Douglas Ross talked about children being stopped and searched, and we cannot forget that, in 2014, Nicola Sturgeon threatened to strip EU nationals of their right to remain in an independent Scotland.

It is clear to me that human rights are inalienable and irrevocable. We stand here today proud of this nation's history of defending the rights not only of its subjects but of people all over the world. Our amendment makes clear that the UK Government is determined to not only protect but enhance the rights of British workers. That is why this chamber should give serious consideration to whether it could support an unamended Scottish Government motion today. The human rights of the people of this country are safe now, as they have been for centuries. I commend the Scottish Conservative amendment to the chamber.

16:23

**George Adam (Paisley) (SNP):** If you stay in this place long enough, you will hear just about everything from the Tory benches.

This debate concerns protecting and promoting human rights and fundamental freedoms. Those rights and freedoms are under threat if the Tory Westminster Government gets its desired hard Brexit.

I will explain to Conservative members why Scotland's place in Europe is so important. One of the many reasons is that a Tory hard Brexit could cost Scotland 80,000 jobs—that represents a further 80,000 Scots pushed into poverty by an uncaring Conservative Party. The Tory members in this debate are clearly not of this world, nor do

they appear to be aware of the challenges that our communities face. Theirs is the party that gave us the so-called Westminster welfare reforms, which have victimised people throughout our nation, particularly disabled people.

The Tory attack on our disabled people has been such that the UN report published on 7 November 2016 described the austerity policies that the UK Government has introduced into the welfare and social care system as amounting to “systematic violations” of the rights of people with disabilities. The report stated:

“there is reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities has been met in the State party.”

It went on to say:

“Several measures have disproportionately and adversely affected the rights of persons with disabilities”.

The Conservative Government has refused to accept that and has tried to defend its position, saying:

“While the government continues to improve and build on the support available to disabled people, it stands by and is proud of its record.”

It is proud of a record that is bringing misery to many families living with disability. It is proud of a record that, on more than one occasion, has made some disabled people end up in such a dark place that they can see no light and have considered taking their own life. In some cases, they have taken their own life. The Government is proud of that record and asks us to trust it with protecting the human rights of our communities post-Brexit. Are the Conservatives having a laugh? They are so arrogant and distant from the realities of life that they cannot see the irony in that. Perhaps they just do not care. I, for one, will continue to stand up for the rights of disabled people in Scotland and will not allow the Westminster bully-boy mentality to get in the way.

Following the result of the EU referendum, the Poverty Alliance expressed a fear that the outcome would potentially weaken the bonds of solidarity that are necessary for tackling poverty. Alex Rowley has already quoted the Poverty Alliance, but what it said deserves to be repeated:

“Tackling poverty and seeking social justice is ultimately about solidarity.”

Whether that solidarity is expressed at the community level, within a country or internationally, it is the bedrock of what is needed for a better society.

We need to stay focused on the important people in this debate, who are the people we represent, and ensure that we get the best possible deal for them, which will provide the type of opportunities that our communities yearn for.

That is not a hard Brexit, with a weak Tory Westminster Government that is obsessed with immigration because of a fear of Tory extremists on the right of the party. At times like this, we must keep our eyes on the prize. As the First Minister articulated on “The Andrew Marr Show” on Sunday, it would not be acceptable for Scotland to be disregarded. How the Westminster Government responds to sensible compromise and consensus proposals from the Scottish Government will tell us much—possibly everything—that we need to know about whether Scotland really is an equal partner.

Our First Minister asks a very simple question of Theresa May: is Scotland an equal partner and will we be treated as one? There has been the promise of full engagement for Scotland before any further action is taken, but that does not happen in reality. The Scottish Government’s proposals, published in “Scotland’s Place in Europe”, are sensible, compromise, consensus proposals that set out how to mitigate the worst damage of Brexit by keeping Scotland in the single market and transferring powers from Westminster to Scotland. The ball is now firmly in the Tory Government’s court. It must show some strength and resolve and look to that paper as a way forward. Will it be difficult to achieve many of the points in “Scotland’s Place in Europe”? Probably, but the important things in life are seldom easy. If we believe in the common values on which the EU and the Council of Europe were founded, we must fight for those rights.

Westminster shows no interest in Scotland or the rights of Scots. As the cabinet secretary Angela Constance mentioned in her opening remarks, echoed by Alex Rowley, what about the rights of the 181,000 non-UK EU nationals living in Scotland, who bring new skills and expertise and help to underpin future productivity and growth? All those European citizens, as well as those living in other parts of the UK, should be given an assurance by the UK Government, without further delay, that their residency status here is secure. These people are part of our communities—they are our friends and neighbours. It does not matter how much Douglas Ross tries to spin Theresa May’s position, she has not offered those members of our community anything—no promises and little hope is all that they have had from Theresa May.

Where is the commitment from the UK Government on their future rights? As I have said previously, we are dealing with the important issues in life. That is seldom easy, but we must be up for the challenge. The Scottish Government has shown that it is willing to work and compromise to ensure that we retain the level of access to Europe that we need. It is up to us to ensure that we can provide the values and support

that Scotland believes in and not to listen to the right-wing extremists from the Westminster UK Government.

**The Presiding Officer (Ken Macintosh):** We move to closing speeches.

16:29

**Pauline McNeill (Glasgow) (Lab):** Britain has a long history of protecting human rights and contributing to international jurisprudence. As Ben Macpherson eloquently said, Britain was the first signatory to and a key player in the development of the European convention on human rights. In fact, Britain and Scotland have legislated to protect the rights of women, in the Equal Pay Act 1970, and the rights of same-sex couples to marry. We have done that without reference to the European convention on human rights, but if anyone believes that we did that not because of the backdrop of the constant challenges and decisions in the European Court of Human Rights, the body of jurisprudence and international law, they are very much mistaken.

As I said in my intervention earlier, Governments do not always act in people’s best interests. This Parliament had to legislate for a citizen’s basic right to have a lawyer present when they are being questioned by the police, because the decision of a seven-judge bench in Scotland was overturned—rightly, in my opinion—by the Supreme Court with reference to the ECHR.

Liam Kerr is not persuaded by the Government motion—I point out that the Tory amendment would delete most of the Government motion. The amendment talks about the “universal importance” of human rights, as if everyone was in agreement with what the Tories say, but if human rights are of universal importance, by their nature, it is obvious that it must be the collective experience of countries internationally, not isolated experiences, that creates an international obligation. I do not believe that we can provide the same level of protection for human beings if we come out of the ECHR. Labour is committed to standing up for it—that is why we brought it in—and we will fight any attempt to water it down.

One point on which I agree with the Conservatives is that the Government should use more of its time to let us concentrate on other issues that we want to question it about, such as education. However, there is some unfinished business in relation to human rights in this debate.

The only sentiment in the amendment that I can really agree with is that the ECHR is a legal structure that is distinct from the EU and the charter of fundamental rights. It is true that people commonly confuse them. Leaving the EU means that we leave the charter of fundamental rights,

but the Tories' position creates a bit of confusion, because they have announced the intention to leave the ECHR and replace it with a bill of rights.

"The Convention is an entirely sensible statement of the principles which should underpin any modern democratic nation."

That is a statement by Chris Grayling, the minister, in his foreword to the document in which the Conservatives first said that they intended to bring in a bill of rights. We have heard nothing since. We have heard no detail and there has been no debate about how a bill of rights would operate. Has it not struck anyone who is arguing for a bill of rights that whether we have a bill of rights or a convention, we have to create a body of law that is underpinned by the basic universal principles of human rights? I suggest that if the Conservatives create a bill of rights, we might go back to where we started, so we might as well remain in the ECHR.

The UK Government and the Tories here are confused about the question of sovereignty. The Human Rights Act 1998 requires courts to take into account the judgments of the European Court of Human Rights. However, the Supreme Court confirms on its website that

"it is open to"

any

"domestic court to decline to follow the Strasbourg decision, giving reasons",

so our sovereignty is not compromised.

Before the Human Rights Act 1998, it was not possible for any individual in the UK to challenge a public authority's decision on the ground that it violated their rights under the convention. As Neil Findlay alluded to, many ordinary citizens had to go directly to the European Court. That is not an easy thing to do—it takes a very long time—which is why Labour incorporated the convention into domestic law. I do not need to go on about the many rights that have been established: rights of people with disabilities, rights regarding pension equality and the dignity of older people, and LGBT rights, all of which are at stake if we meddle with the convention.

I turn to the issue in the motion of EU law and the implications of the UK and Scotland leaving the EU. Like many other members, I would argue that EU residents who live in Scotland are morally entitled to a legal entitlement from the UK Government. I really do not know what is holding the UK Government back if that is not being used as a bargaining chip, as has been said, as that is the only other reason for holding back. It makes Britain look weak and insular when Theresa May does not simply say that if an EU citizen has chosen to make Scotland—or Britain for that

matter—their home, we will enshrine in law their right to stay here, in the very same way as she has said that she will adopt EU law in British law. I do not see what the difference is.

We live in uncertain times not just because we have decided to leave the European Union. As others have said, that is compounded by the global situation, the conflict in Syria and economic uncertainty. Few answers have been provided to us so far on any substantial Brexit matters, such as immigration, freedom of movement, the position of Northern Ireland in relation to the Republic of Ireland, and membership of trade agreements.

When we finally leave the EU, there will be an impact on the rights and protections of individuals. We wait to see the outcome of that as it unravels. However, that is not to say that there are not opportunities from our decision to leave the European Union. As Alex Rowley said, it gives us an opportunity to strengthen workers' rights.

I have heard many Tory members talk about how the Tory Government has plans to improve workers' rights and I would like to hear more about that. I have followed the issue of employment rights since I became a trade union official and before I came to the Parliament, and I have never known the Tory party to strengthen the rights of workers.

Many things could be repatriated.

**Liam Kerr:** Does the member accept that the Westminster Government has gold plated a vast body of employment legislation in the UK, so actually it does look after workers?

**Pauline McNeill:** If the member believes what he says, what about gold plating the rights of workers when they are transferred to a new employer, giving them gold-plated redundancy rights? What about gold plating people's pension rights when they move from an employer to a new employer? Is the member up for that? That is the kind of gold plating that I am interested in.

Neil Findlay is quite correct that the enforcement of human rights is about the lives of ordinary people and the right to challenge power and Governments who make decisions on their behalf. The right to work is a fundamental right to be protected. I do not really know what a bill of rights looks like—I would like to hear more about that, because we have not really heard anything about it.

We must remember that human rights can be enforced on any matter that affects any one of us who believes that rules or laws have discriminated or worked against us. That can be any matter that affects any one of us or our families. Labour will fight alongside all parties, organisations and, indeed, individuals who believe in the European

convention on human rights and human rights themselves.

16:38

**Oliver Mundell (Dumfriesshire) (Con):** I have genuinely enjoyed this debate if for no reason other than that I have heard Christina McKelvie talk up Britain and shower Winston Churchill with praise. Before we are finished with Winston Churchill, I say to Stewart Stevenson that I might be a “Visi-something”, but he is no Winston Churchill.

**Stewart Stevenson:** Correct.

**Oliver Mundell:** Thank you.

More generally, I would have genuinely welcomed the opportunity to close the debate if I had thought that it was going to be a genuine attempt to strengthen our nation’s very proud history of human rights. Like Ben Macpherson, I share a passion for standing up for rights, and I look forward to pushing forward, during the rest of the parliamentary session, things such as the TIE—time for inclusive education—campaign and to working with other members to highlight concerns that Enable Scotland has expressed. I say to him that although there are legitimate challenges for us around holding our Westminster Government to account, there are real questions for the Scottish Government about how it will take forward rights in Scotland.

I think that what we heard from George Adam gave away the nature of today’s debate—as ever for the SNP, it is not about the topic that is covered in the motion. Instead, it is another veiled and crude attempt to lay a trap for the Conservatives here. That is politics, of course, and I can accept it. It probably now amounts to a compliment, given the amount of time that the SNP and the Scottish Government have chosen to dedicate to attacking our party, rather than to getting on with the day job.

What I cannot overlook, and what is poor coming from ministers who I have a lot of time and respect for, is the desire, or the impression of a desire—deliberate or accidental—to conflate leaving the European Union with the future implementation of the European convention on human rights. That seemed to catch Alex Cole-Hamilton out. The truth is that the two things are distinct. Indeed, as the Law Society of Scotland has reminded us:

“The EU is not a signatory to the European Convention on Human Rights ... and is not subject to the jurisdiction of the European Court of Human Rights.”

It went on to say that

“following the UK’s exit”

from the EU,

“the ECHR would still apply and the UK would remain bound by it.”

That point was well made by my colleague Gordon Lindhurst.

**Pauline McNeill:** Oliver Mundell is absolutely right—many people are confused by the difference between the EU and the European convention on human rights. However, why make the point if it is the UK Government’s intention to come out of the convention anyway?

**Oliver Mundell:** I am not aware that that is the UK Government’s intention. That has been reported by *The Telegraph* which, I add, does not speak on behalf of the Government—[*Laughter.*]—and certainly not here in Scotland. I remind SNP colleagues that we are in Scotland. On a serious note, that is an idea that has been floated but has not been confirmed or put forward in any definite sense whatever.

The UK Government is—pretty fairly—quite busy at present working towards an orderly Brexit that will protect EU nationals’ right to stay in the UK. In that context, on which Theresa May has made her views very clear, it is legitimate that we try to come to a suitable arrangement that ensures not just the human rights of EU citizens who are already resident here, but the human rights of British citizens who are living elsewhere in Europe. We should be aiming for that parity. Obviously, it is going to be difficult when not only does the UK Government not want to make its negotiating position clear, but the other member states are reserving judgment on those matters.

To me, that begs the question of motive. There is, at least, the perception that the SNP is trying to whip up concern around Brexit. I do not say that this debate is necessarily entirely part of that, because there are legitimate questions, but mixing the two issues together does not—

**Angela Constance:** Oliver Mundell quoted the submission from the Law Society of Scotland, which says that

“The UK’s exit from the EU is arguably the most significant constitutional development to affect the UK since 1945.”

Surely it is highly appropriate for us to debate the consequences of Brexit in this Parliament. Given that *The Telegraph* apparently does not speak for the Conservatives here in Scotland, I wonder whether Mr Mundell will give his commitment to oppose any moves to withdraw from the European convention on human rights.

**Oliver Mundell:** I am certainly in no hurry to withdraw from the European convention on human rights.

**Alex Cole-Hamilton:** Oliver Mundell should join a different party.

**Oliver Mundell:** If members want to intervene, they are welcome to stand up. I note that Mr Cole-Hamilton was absent when I mentioned that he seemed to have been confused between leaving the EU and leaving the European convention on human rights.

I am very quickly running out of time. I want to pose a couple of the more tricky questions that arise from the balancing act that comes with being part of the ECHR. There are questions for the Scottish Government about its position. Here in Scotland, just as is the case across the rest of the United Kingdom, we must be open and honest enough to admit that it grates a little when our democratic decisions are curtailed or brought into question by common observance of the European convention on human rights. In this Parliament we have seen that happen in relation to the recent named person legislation and to minimum pricing of alcohol. There is a little hypocrisy from some SNP members in that regard, so I remind them that it was not a Conservative member who called the UK Supreme Court's decision to uphold the ECHR "disappointing", and nor was it anyone in my party at Westminster who accused the court of blocking the Scottish Government. It was one of their SNP colleagues who did that.

On prisoner voting, for example, the current rhetoric and the SNP's thinking seem to be muddled, to put it mildly. Former Cabinet Secretary for Justice Kenny MacAskill hit the nail on the head when he wrote:

"Shamefully, the Scottish Government has so far refused to adhere to the spirit and the judgements of the European Courts."

It is worse than that—and here we get to the rotting core. Kenny MacAskill went on to tell us that the Scottish Government

"Initially ... hid behind the franchise"—

for the independence referendum—

"being reserved to Westminster ... It was the wrong thing done, albeit for the right reasons. It was to avoid any needless distractions in the run up to"—

members will guess it—

"the referendum, to deny the right-wing press lurid headlines that could tarnish the bigger picture."

I do not want to bore members by quoting a lot more from Mr MacAskill, but his intervention is worth hearing and—I dare say—he is right. He went on to say:

"To have credibility on the issue the Scottish Government must now review their position on votes for prisoners or the defence of the Human Rights Act will ring hollow."

Where does the Scottish Government stand? Is it with the settled will of the British people or with a European court? Which bits of the ECHR and which court rulings will it stand by? Is the truth that the Scottish Government, as many members of my party do, accepts that there are questions about how some aspects of the ECHR should be applied domestically?

Let us not pretend—as we are so keen on doing in this Parliament—that just because something is positive it is perfect, or that just because something is good it is untouchable. The SNP itself has said that

"the protections offered by the Human Rights Act are central to any civilised country and should be a floor rather than a ceiling in protecting the most vulnerable in society and we should look to go even further."

I want to join members of the Scottish Parliament in going further to protect the rights of people in Scotland, which are not always upheld. As the Law Society of Scotland said in a submission to an inquiry in the previous parliamentary session:

"The HRA has had a positive impact on the development of law and policy both in the UK and in Scotland. We therefore support the retention of the HRA ... However, we also accept that there is room for improvement of the Act."

Rather than jumping the gun, throwing accusations around and indulging in speculation, is not it time for the Scottish Government to come clean and to admit that it does not believe that every aspect of the European convention on human rights or the Human Rights Act 1998 works perfectly or that the convention and act fully encapsulate all the fundamental rights that our citizens should enjoy?

16:49

**The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell):** If that was a defence of the ECHR, I would not like to hear a condemnation of it.

During the festive season, I think that people will have been a little surprised to read in the press a taster of the next Tory manifesto, which was no doubt offered as a means of distracting the public from the chaos that is being caused by the current UK Administration, which operates without a manifesto or indeed any plan at all.

That taster was the promise to abolish the ECHR, just as soon as the Tories have done with abolishing a host of other rights in relation to employment, environmental protection, free movement, trade and all those things that the Tories are hell-bent on abolishing when they leave the EU, including the European charter of fundamental rights.

The ECHR promise is not new; for the past decade, successive Tory shadow ministers and then ministers have salivated at the prospect of getting rid of the gold standard in the global protection of human rights. However, when they have been pressed on why they want to do such a wilfully stupid and damaging thing, all that they have been able to do is fall back on entirely erroneous claims—as Michael Gove proved when he gave evidence to a Westminster committee and as, unfortunately, Oliver Mundell has just done—that the ECHR is confusing, or benefits the bad and the undeserving, or allows courts in Luxembourg, as Alexander Stewart put it earlier, to ride roughshod over good, plain and non-nonsense so-called British law. Of course, the ECHR does none of those things.

What the ECHR does is challenge the powerful. It reminds those who rule that they do so by consent and must do so with justice. The Human Rights Act 1998 helped to uncover the truth about Hillsborough and to challenge the bedroom tax; it allowed rape victims to access their records; and it still protects each of us in our right to enjoy our homes. Underpinning that act is the EU charter of fundamental rights. It is part of the *acquis communautaire* and is a necessary condition of being in the EU. Leaving the EU means leaving the protections of that charter. Leaving the EU also means leaving the dynamic progress that is being made in developing and extending rights to every citizen across Europe.

Professor Alan Miller, who is a UN envoy in human rights and the former chair of the Scottish Human Rights Commission, is a member of the First Minister's standing council of European advisers. He has been active in taking forward the issue of the threat to human rights from leaving the EU. In her opening speech, Angela Constance addressed the fear that exists of being left behind in the development of human rights, which is one of Alan Miller's concerns. He is also concerned that, once the UK is outside the EU, it will be perfectly possible for a UK Government to chip away at the protections that are given in the charter.

Alan Miller rightly wants the Scottish Government to go further on human rights. He has welcomed the First Minister's commitment to ensuring that the charter and its protections are enshrined in Scots law and embedded in our everyday lives and practices. However, he and others have also made it clear that the fear is that the Tories' agenda—and most definitely the aim of the plan to abolish the ECHR—is to erode rights. Nothing that we have heard from the Tories today would make him feel more confident about the future.

Mr Ross's opening speech certainly did not contribute to raising confidence. Not only was he reluctant to talk about the nub of the matter, but he merely repeated a series of Theresa May-like platitudes without any sincerity and often without any indication that he understood the issues that underpin them.

**Douglas Ross:** I am interested in understanding things. As a former education minister, is Mr Russell concerned that his Government is dedicating to the EU more than four times the amount of parliamentary debating time that it is giving to the subject area for which he used to be the cabinet secretary, which is raising concerns up and down Scotland?

**Michael Russell:** That is a misrepresentation. I will deal with the reason why the Tories are afraid of these debates—they are now afraid of these debates—when I get to the end of my speech.

The reality is that Mr Ross does not understand very much. He does not understand what independence is, although he talks about it a lot. He does not understand the ECHR and the means by which it applies to legislation—he showed that in his completely erroneous description of the named person case. He does not understand the link between the charter and the convention, and the effect of leaving the EU on the former. He is clearly not in the loop on his Westminster bosses' intention to get rid of the ECHR.

I recommend to Mr Ross an excellent YouTube video that was recorded by the actor Patrick Stewart. It is called "What has the ECHR ever done for us?" I think that the member should watch it this evening; he would discover how it undermines every single sentence of his speech.

Alex Rowley does know about the subject, on which he spoke in detail and eloquently. We can make much common cause in ensuring that the ambition that we share of seeing rights fully enshrined in our law and increased year on year is fulfilled. That contribution was born out of experience.

Unfortunately, Mr Lindhurst, although he was legalistic and scholarly, made what I might call uncharitably a bloodless contribution. This is about people in real difficulty and usually in extremis. Splitting hairs about which piece of legislation might or might not apply does not confront the tragedies or the aspirations.

Mr Lindhurst concluded by describing the EU as a structure of the past. He is at least consistent in his hostility towards it. He was one of the seven Tory MSPs who voted on 26 May to leave the EU, although one of them—Maurice Corry—later said that he had pressed the wrong button. Mr Lindhurst might have achieved a coup d'état in his party, as the Tories are all now Brexiteers of the

hardest persuasion, but he did not achieve that coup d'état in Scotland. Scotland does not believe that the EU is a structure of the past. Indeed, many of us are happy to say that it is a structure—imperfect as it might be—that we need if we are to achieve a better, more peaceful and more prosperous Scotland.

Mr McMillan anticipated a constitutional crisis if the UK Government forced the issue of repealing the ECHR. He might well be right, but the best way of not getting to that point is to retain the protections of the charter and thus retain membership of the EU or achieve something that is as close to that as we can.

We have heard a lot today about freedom of movement and immigration. Alexander Stewart's speech was about the other *idée fixe* that exists in the Tory Government in England—that of courts in Luxembourg being permitted to have an opinion on anything. The pleasure that he showed at the thought of bringing that to an end was palpable—he was another of the original magnificent seven Brexiteer Tory MSPs.

Mr Stewart's point appeared to be that anybody should be able voluntarily to work any number of hours that they or their employer want. Who knows? Children might suddenly want to go up chimneys, too. He probably got the loudest applause from his fellow Tories when he finished expressing those sentiments. The idea of overthrowing courts in Luxembourg, which was once anathema to every one of the Tories, is now something that they treat with enthusiasm, along with allowing people to work for as long as they or their employers want.

The correct balance came from Clare Haughey, who cleverly and cogently connected equal pay with the overall issue of human rights and employment protections, which made the subject human and personal. That is how things actually are. The debate is not just about high principles and is still less about the Tories' ideological fixation; it is about individuals having had their lives improved, as Clare Haughey said, by the growing influence of human rights legislation and practice on a European scale, which is now embedded in the devolution settlement.

That improvement is being put seriously at risk by the Tories, who go on insisting that they mean no harm by it. We should be wary of those assurances—indeed, we should be afraid of them. The Tories want to go on ruling for a long time. Their agenda for the next two decades includes the steady and continuous erosion of the rights of each and every one of us. Jacob Rees-Mogg said recently that what is “good enough for India” should be good enough for us. The tragedy is that India aspires to greater worker protection,

whereas the Tories want to go in the opposite direction.

Human rights are a progressive matter. That point, which was ably made by Sandra White and Mark Griffin among others, needs to underpin our consideration of how to take forward the issue of human rights in the Brexit negotiations. We are not at the acme of civilisation; we can and should do more and make more progress. There is still more to do, and a European project that is based on the betterment of society and the improvement of the lot of the individual is taking forward that agenda. We need to play an ever bigger part in it, not be relegated to the sidelines. As Ben Macpherson put it, we must not be forced to step aside and then be left behind.

As the Tories keep saying, my day job is to find a way to prevent the journey that the Tories are on from taking place. The day job of all of us should be to ensure that Scotland survives the political vandalism of the Tories in every part of our nation's life. The refusal of the Tories to do their day job without whining and moaning about it speaks volumes. They should be helping Scotland to fight back, not punching it below the belt on every possible occasion.

This Government will not be distracted from what we have to do. We have ready a route, which we have outlined, that is different from the Tory one. We published our proposals just before Christmas, and we will pursue them with vigour. We have done so with generosity and in a spirit of compromise. Now it is time that the chamber rallied round that approach, because it is not only the best but the only bulwark against the wrecking, selfish Tories—which is what they have today, once again, revealed themselves to be.

## Decision Time

17:00

**The Presiding Officer (Ken Macintosh):** There are two questions to be put as a result of today's business. The first question is, that amendment S5M-03297.2, in the name of Douglas Ross, which seeks to amend motion S5M-03297, in the name of Angela Constance, be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (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)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Ross (North East Scotland) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 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)  
 Evans, Mairi (Angus North and Mearns) (SNP)

Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 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)  
 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)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (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, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 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)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (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)

**The Presiding Officer:** The result of the division is: For 30, Against 92, Abstentions 0.

*Amendment disagreed to.*

**Claudia Beamish (South Scotland) (Lab):** On a point of order, Presiding Officer. My vote did not register.

**The Presiding Officer:** Ms Beamish, if your vote did not register, do you wish to rerun the division? The result was 92 to 30.

**Claudia Beamish:** I think that I am okay.

**The Presiding Officer:** Your point about your vote not registering is noted.

The final question is, that motion S5M-03297, in the name of Angela Constance, on Scotland's place in the European Union—protecting and promoting human rights and fundamental freedoms, 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)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (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 Kinrossshire) (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)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 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)  
 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)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (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, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 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)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (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)  
 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)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Ross (North East Scotland) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 93, Against 30, Abstentions 0.

*Motion agreed to,*

That the Parliament restates its commitment to human dignity and to acting at all times to respect, protect and promote human rights; reiterates the importance also of freedom, democracy, equality and the rule of law as common values shared by all progressive nations; acknowledges that the EU is founded on these same fundamental values, which are of universal importance and transcend national borders; calls on the UK Government to give an undertaking not to take, or propose, any action that weakens or undermines participation in other international human rights mechanisms, including in particular the Council of Europe and the European Convention on Human Rights, and records its opposition to any loss in Scotland of the human rights, equality, social protection and other safeguards and standards enshrined in EU law and set out in the EU Charter of Fundamental Rights; emphasises that civil, political, economic, social and cultural human rights are universal, inalienable and inviolable, and are simultaneously indivisible, interrelated and interdependent; further calls on the UK Government to ensure that Scotland is fully involved in all decision-making with regard to negotiations with the EU, including in relation to all matters affecting fundamental rights; condemns the refusal of the UK Government to provide non-UK EU citizens resident in Scotland with an immediate and unequivocal guarantee of future security and fair treatment, and resolves to defend not only the common values on which the EU and the Council of Europe are founded, but to act to the full extent of its powers to ensure that the rights and interests of all of the people of Scotland are safeguarded and protected.

## Type 1 Diabetes

**The Deputy Presiding Officer (Linda Fabiani):** The final item of business is a members' business debate on motion S5M-02223, in the name of Clare Adamson, on type 1 diabetes in Scotland. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament understands that Scotland has the third highest incidence of type 1 diabetes in the world and that more than 29,000 people are living with the condition with incidence rising particularly rapidly in children under the age of five; recognises the challenges that people with the condition face on a daily basis with constant monitoring and injections of insulin to manage it; understands that it is not linked to lifestyle factors such as diet or exercise; commends the work of JDRF, which is the type 1 diabetes charity that is funding research projects in Dundee, Edinburgh and Glasgow to improve the lives of people with the condition until a cure is found, and notes JDRF's objective to foster collaboration between industry, academics and clinicians to ensure that new research is driven forward and that Scotland can play a leading role in finding a cure for type 1 diabetes.

17:05

**Clare Adamson (Motherwell and Wishaw) (SNP):** I thank my colleagues across the chamber for supporting the motion and enabling the debate to happen. I welcome to the public gallery representatives of the Juvenile Diabetes Research Foundation and members of the type 1 diabetes family community in Scotland.

The debate is intended to raise awareness of type 1 diabetes, a condition that affects 29,000 people living in Scotland. Scotland has the third-highest incidence of type 1 diabetes in the world. I am by no means an expert on the disease; my relationship with the JDRF began when I was invited to the wonderful Strathclyde country park in my constituency to open the JDRF one walk fundraising event this year. I met many families at that event, which raised over £70,000 for type 1 diabetes research. I commend the families and those who support people with type 1 diabetes, which is an extremely profound diagnosis for someone in a family to have. For young children, it can mean disruption to sleeping patterns and their education, with constant monitoring required to ensure the glucose balance in the body.

I was very pleased to meet some families at a JDRF event held by my colleague Anas Sarwar in the Parliament. Again, I commend the family representatives at that event, who included Ruth Elliot, whose son Ben was diagnosed with type 1 diabetes when he was 18 months old. Ruth raised over £23,500 for the JDRF by climbing Kilimanjaro and taking part in other fundraising events. I commend, too, David Ballantyne, whose

granddaughter has a type 1 diabetes diagnosis and who made national headlines last year when he hauled a 19-stone anvil up the Arran peak, Goatfell, over a 26-day period. It was a Herculean effort that raised £15,400. Again, I commend the community for getting behind and supporting those who suffer from the disease.

I also want to mention Anna Ferrar, who I am sure was having a day off school when she visited the Parliament, but it might even have been a day off nursery. She came along and was able to demonstrate how she manages her diabetes with continuous glucose monitoring technology, which she can read using her mobile phone. Her family has to fund that method of controlling her disease on an on-going basis.

To set the tone for the debate, I will quote Peter Jones, chair of the JDRF Scotland development group, who said:

"I was diagnosed with type 1 diabetes when I was 37 and the impact that had and will continue to have on my life is quite profound. It is not linked to lifestyle and there is no known cure. Managing the condition on a day to day basis is like walking a tightrope. We have the expertise to accelerate the path towards the discovery of new treatments — and one day the cure — if we can encourage Scotland to lead the global fight against type 1 diabetes."

We should be doing that, and that quote sets the tone for what I want to share with my colleagues and the wider community in Scotland about the work that the JDRF does. The JDRF has three research streams, one of which is to find a cure for type 1 diabetes sufferers through a system that would replace the molecules lost in the pancreas because of the attack on it by the immune system, which causes type 1 diabetes. The JDRF also has a treatment research stream that is looking specifically at the development of an artificial pancreas to replace the body's pancreatic function and provide insulin and monitor glucose levels in the body automatically. The JDRF is also looking at a smart insulin that could be injected at any time by a type 1 diabetic but that would become active in the body only when glucose levels required it.

That is very innovative research work, but the JDRF is also looking at a prevention research stream that involves furthering the understanding of genetics and the immune system to try to prevent the immune system fault that leads to the development of type 1 diabetes in the body.

Scotland is home to some of the world's best type 1 diabetes research, and Scotland-based researchers in Dundee, Edinburgh and Glasgow receive funding in the region of £3.9 million from the JDRF every year. The Scottish Government's chief scientist office co-funds the Scottish diabetes research network type 1 bioresource, which contains samples of blood, urine and DNA from

more than 6,100 type 1 diabetes patients in Scotland. That unique and fantastic resource, coupled with Scotland's world-leading and award-winning SCI-Diabetes system, from the Scottish care information—diabetes collaboration, provides a comprehensive snapshot of diabetes in Scotland, and it is the envy of others across the globe. SCI-Diabetes data can be viewed at general practices and hospitals, and patients can view their own data to support self-management of their condition.

The Dundee-based Scottish care information—diabetes collaboration delivers SCI-Diabetes, which was commissioned and is owned by the Scottish Government and provides a fully integrated, shared electronic patient record to support the treatment of NHS Scotland patients with diabetes. The JDRF says that that patient record is

"the jewel in the crown of Scotland's arsenal to fight diabetes and has been successfully exported to the Middle East."

It provides functionality for both primary care and secondary care clinicians, and includes special modules for paediatrics, podiatry, diabetes specialist nursing and dietetics.

When I met patients I learned that they sometimes get frustrated that type 1 diabetes is linked with type 2 diabetes. At the time of the walk that I attended, patients were particularly concerned about the Food Standards Scotland campaign that had been run, which did not initially make the distinction between type 1 and type 2 diabetes. I can tell the families I met that day and the families who are in the public gallery today that, to the best of my ability, I addressed that with Food Standards Scotland. I thank the chair, Ross Finnie, and the chief executive, Geoff Ogle, who met me at a productive, open and helpful meeting. I am sure that the concerns of the type 1 community are very well understood at this time.

I again thank my colleagues for the opportunity to raise the concerns and challenges that are faced by the type 1 diabetic community. I look forward to the rest of the debate.

17:12

**Alex Rowley (Mid Scotland and Fife) (Lab):** I congratulate Clare Adamson on securing this members' business debate on type 1 diabetes. I hope that we can agree a consensus across the chamber to raise awareness of the condition and of the work that is needed to drive forward research into a cure.

I, too, commend the work of the JDRF, whose passion and dedication to research and campaigning to find a cure for type 1 diabetes is exceptional. I am grateful for the comprehensive

briefing that was provided by the JDRF, and particularly for the way in which it set out the issues that it wishes to form the basis for continuing discussion with the Parliament, with a focus on excellence in research and collaboration across northern Europe.

Last September I attended a meeting hosted by Anas Sarwar, where families affected by type 1 diabetes called on MSPs to raise awareness of the condition and to put Scotland at the forefront of type 1 diabetes research. It is valuable for politicians to hear testimonies of what the condition is actually like from those who must live with it.

I welcome the research that is being undertaken by the JDRF into curing, treating and preventing the condition. I hope that that work will help us to understand why the incidence of the condition is rapidly rising among children under the age of five in Scotland.

The approach that is being taken to foster collaboration between industry, academics and clinicians is welcome, and I hope that it proves successful in producing results that can improve the condition of those who live with type 1 diabetes.

The JDRF has shown that it wants to work with parliamentarians to target investment at type 1 diabetes research, reduce the bureaucracy that hinders that research, and improve the delivery of the research findings. I hope that members across the chamber can agree to work with the JDRF on those aims.

I welcome the additional funding of £10 million from the Scottish Government to fund more insulin pumps and continuous glucose monitoring equipment. It is a step in the right direction but we must continue to strive further to improve research into and treatment of type 1 diabetes. I hope that the Scottish Government will commit to safeguarding and fully funding the Scottish care information—diabetes collaboration database, which the JDRF describes as

“the jewel in the crown of Scotland’s arsenal to fight diabetes.”

The JDRF has also shown interest in a northern European area of excellence. We share a mutual interest with various Scandinavian countries such as Finland, Sweden, Norway and Denmark, each of which is among the top ten countries in the world for type 1 incidence in children. There is an opportunity to enter discussions with those countries on shared interests in research.

It is clear from the dedicated campaigning work undertaken by the JDRF that there is a three-way approach to dealing with type 1 diabetes. There must be understanding, management and

treatment of the condition. Parliament and all parliamentarians can take steps to progress that. Tonight’s debate alone is essential in raising awareness, particularly when we consider the fact that Scotland has the third-highest incidence of type 1 diabetes in the world. The debate will help to generate further understanding of the condition and hopefully will lead to further discussions on the management and treatment of type 1 diabetes.

I hope that we can continue to work together to support the world-leading research that is happening here in Scotland and, with political will alongside the work of leading industries, academia and clinicians, that we can eventually deliver a cure for type 1 diabetes.

17:17

**Miles Briggs (Lothian) (Con):** I congratulate Clare Adamson on securing the debate and on the work that she has undertaken in this area inside and outside Parliament. I also thank Diabetes Scotland and the JDRF for their useful briefings ahead of this evening’s debate. As the motion makes clear, type 1 diabetes, unlike type 2, is not linked to dietary or lifestyle factors. Rather, it is an autoimmune condition whose cause is not yet understood and which cannot be prevented at present.

I have a good friend who has had type 1 diabetes her whole life. I have to say that it has always amazed me how she has never let it hold her back in anything she has turned her hand to. Growing up and working with her, I was always concerned about the constant strain that the monitoring of her blood glucose levels had on her body as well as the insulin injections that she has to take and the effect that it all had on her life, especially when she was a young woman growing up. As has been mentioned, blood glucose levels must be monitored up to 10 times a day so the development and roll-out of continuous glucose monitoring, an area in which Scotland has recently lagged, will be a real benefit to type 1 diabetes patients.

The Scottish Government’s recent announcement of £10 million is welcome, although we need more details about how and on what timescale that funding will be rolled out, so that the many thousands of Scottish patients who desperately need CGM can access it without further delay. I hope that the minister will outline those details when responding to this evening’s debate.

I join Clare Adamson in paying tribute to the JDRF for its excellent work both in supporting people who have type 1 diabetes and funding the research to prevent the disease, improve current treatments and eventually, I hope, find a cure.

With Scotland having such a high incidence of type 1 diabetes, it is entirely appropriate that our scientists are at the forefront of such vital research. As the motion suggests, internationally important research is currently being undertaken in Scotland with the support of the JDRF. For example, at the University of Edinburgh in my region, Professor Helen Colhoun and her team are working on a project to develop a set of indicators of the disease, or biomarkers, to be used along with clinical data to find out who is most at risk of rapid progression of diabetic kidney disease. They aim to produce useful information that will help to accelerate the process of developing drugs to prevent and reverse kidney disease in type 1 diabetes patients. I wish those researchers and others working in this area every success.

We must ensure that our national health service is providing the best possible service and support for type 1 patients. Diabetes UK's 2015 "The Age of Diabetes" report highlighted a range of areas in which improvements are clearly required in Scotland. It is of real concern for everyone in the chamber that the evidence suggests that people with type 1 diabetes are receiving a poorer level of care than people with type 2, with the percentage of type 1 patients who receive their vital HbA1c check each year being lower than the percentage of people with type 2 diabetes. That must be addressed to help to reduce the risk of potential complications as a result of people not being supported to manage their diabetes well. I hope that that is also an area in which we can make changes in the future.

Diabetes is rightly high on the public health agenda and it must remain so. Tackling the rise in the number of people with type 2 diabetes is clearly a policy priority for Governments across the western world. However, we must also recognise the needs of our constituents who have type 1 diabetes and ensure that they are getting the best possible treatment, support and care until our scientists can, I hope, develop the cure that we all want to see.

17:21

**Graeme Dey (Angus South) (SNP):** I congratulate Clare Adamson on securing this debate on a very important issue that touches the lives of and impacts on so many, especially here in Scotland, where more than 6,000 families are known to be affected.

At the beginning of December last year, I attended an event at Dynamic Earth to celebrate the 30th anniversary of the JDRF. I did so to support my constituents Helen and Malcolm Taylor, who in 2012 tragically and needlessly lost their teenage daughter Claire to undiagnosed type 1 diabetes. The Taylors, in seeking to ensure that

some small good emerged from a tragedy that has impacted the lives of all the family, have organised events to fundraise for the JDRF and to raise awareness of type 1 diabetes. Let me take this opportunity to express my admiration for the way in which Helen and Malcolm have gone about that and how they have conducted themselves, especially given the specific circumstances around Claire's passing.

I also note how struck I was by two contributions that were made to the 30th anniversary event at Dynamic Earth. The first of those contributions was from the First Minister, who has very clearly maintained a passion for tackling type 1 diabetes from her days as health secretary. The second came from a 12-year-old type 1 diabetes sufferer called Katie Shaw, who captivated the audience as she explained how research has helped her and her younger sister.

I came away from Dynamic Earth genuinely uplifted because what we heard all round was a story of progress and hope—a story firmly rooted in Tayside. As Clare Adamson's motion mentions, the JDRF is funding research into type 1 diabetes at the University of Dundee, as is the Scottish Government.

The main project is initially receiving \$1.7 million from the charity. The scientists involved in the project are conducting the biggest study of its kind in Europe. They are looking at a new hypothesis that an inexpensive drug with a simple treatment regimen can prevent type 1 diabetes. The study aims to contact all 6,400 families in Scotland affected by the condition, with a view to expanding into England at a later date. Children aged five to 16 who have a sibling or parent with type 1 diabetes will be invited for a blood test to establish whether they are at high risk of developing the disease. If they are, they will be asked to take part in the trial. Researchers will then examine the impact of administering metformin, the world's most commonly prescribed diabetes medicine, to young people in the high-risk category. If successful, the large-scale trial could explain why the incidence of type 1 diabetes has risen fivefold in the last 40 years and provide a means of preventing it.

Another area in which Dundee is at the forefront of tackling diabetes is the SCI-Diabetes system, which is based in the city. The JDRF, as we have heard, cites this as the jewel in the crown of Scotland's arsenal to fight type 1 diabetes. SCI-Diabetes provides a fully integrated shared electronic patient record to support treatment of NHS Scotland patients. With the right safeguards in place, it can also be a great tool for researchers studying patterns in type 1 or looking to recruit people to trials.

There is much to be optimistic about in getting to the root cause of type 1 diabetes and finding a cure, but we are not there yet and as long as there is no cure, we must do what we can to make the lives of those with diabetes easier. That is why I so warmly welcome the recent announcement of £10 million of funding from the Scottish Government for insulin pumps and continuous glucose monitoring equipment. There are now 3,200 insulin pumps in use in Scotland, which is an increase of 400 per cent since 2010 and is thanks to £7.5 million in previous funding from the Government. The new tranche of funding will build on that over the next five years and will help people to better manage their diabetes. Beyond that, the JDRF states that, one day, there will be

“a world without type 1 diabetes”.

I will conclude on those positive and hopeful notes.

17:25

**David Stewart (Highlands and Islands) (Lab):**

I, too, congratulate Clare Adamson on securing the debate and on her clear and passionate speech on type 1 diabetes. I should declare an interest of sorts, as the long-standing joint convener of the cross-party group on diabetes and as the first Scottish parliamentary diabetes champion. I put on record my thanks to all the groups and people in Scotland who work with people with diabetes, including the JDRF, Diabetes Scotland, the scientists and researchers and, of course, the dedicated doctors, carers, consultants and diabetes nurses.

We should not forget our proud history on the issue. In 1921, a Scot, Professor John Macleod, along with Banting and Best, discovered insulin, for which he received a Nobel prize in medicine. Before 1921, having type 1 diabetes was a death sentence. My late father-in-law was diagnosed at the age of 10 and was told that he would live only until he was 20 but, in fact, he lived for another 65 years. He taught me that, with well-regulated pen-needle injections and diet, people can live a normal and balanced life.

What is the big picture? The prevalence of the condition has doubled since 2003. It is the main cause of blindness in those of working age, and 10 per cent of NHS hospital expenditure relates to the treatment of diabetes and its complications. Forty per cent of people living with type 1 have some form of diabetic retinopathy.

Clare Adamson’s motion rightly focuses on research. We have a huge acute challenge, but we also have unparalleled opportunities to improve the lives of people with the condition. In my view, we should aspire to be the world leader in type 1 research and development. Scotland has

real strength in the life sciences and biotech sectors. We have a real comparative advantage that we should exploit.

I will give one example of best practice in collaboration from my region of the Highlands and Islands involving the so-called triple helix of business, public agencies and the university sector. Johnson & Johnson acquired the UK assets of Inverness Medical Ltd, which was originally established in Inverness to design and manufacture glucose test strips and electronic meters for the global diabetes market. More than 1,000 people are employed at the site, which is regarded as a centre of excellence for those working in the field of diabetes. Highlands and Islands Enterprise played a major role in attracting Johnson & Johnson to the Highlands, which reinforces my view of the importance of a locally based enterprise agency. The site is part of the Highland diabetes institute, which is a unique model bringing together in partnership a commercial company, an academic institution—in this case, the University of the Highlands and Islands—and the national health service.

Just a few short months ago, I took part in a JDRF round-table dinner to debate type 1 research. The participants were leaders in their fields in science, medicine and biotechnology. The clear conclusion was that, with 800 to 900 new cases of type 1 in Scotland every year, we need to make major strides in bio-banking, which is the jargon for the process of taking samples of tissue for research use. As previous speakers have mentioned, first-class work has already been carried out in the Scottish diabetes research network type 1 bioresource. That is a phenomenal resource, but we need a rigorous strategy to protect, grow and nurture the next generation of world-class researchers in Scotland.

I again thank Clare Adamson for her initiative in securing the debate. In the 1920s, a Scot made a revolutionary step change with the discovery of insulin. Our goal for 2020 must be to foster world-class research to prevent, treat and cure type 1 diabetes.

17:29

**Brian Whittle (South Scotland) (Con):** I, too, thank Clare Adamson for bringing this important debate to the chamber.

I am a member of the cross-party group on diabetes and although my initial area of interest was type 2 diabetes and its prevention, I am fast catching up on the details of type 1 diabetes, the difficulties that living with the disease can bring, the fast pace at which technology that can bring relief to sufferers is developing, and the incredible

work that is being done by the JDRF and others in the search to find a cure.

A decade ago, the daughter of a friend of mine was diagnosed with the condition at the age of four. How does a parent explain to their four-year-old that she has to have injections every day? My friend gave himself a placebo injection at the same time as his daughter had her injection to help her through it—parents will do anything that they have to. A cure cannot come fast enough.

It has been a steep learning curve for me on the CPG, and my colleague, Emma Harper, who is the group co-convenor and a very patient teacher, has led my education. Ms Harper can speak from personal experience, and she has a much deeper knowledge and understanding of the disease than I have and speaks much more eloquently and in more depth on the subject than I can.

I coach an athlete who has type 1 diabetes. He goes through the routine of testing his blood sugar at the start of every training session to ensure that it is at the correct level for intense physical activity. That speaks to a very important point, which is that, in most cases, with careful monitoring and a healthy diet, having a type 1 diabetes diagnosis does not prevent a person from continuing with a full, active and inclusive lifestyle. For example, the athlete concerned has medalled at the Scottish championship and—let us face it—it is possible to be diagnosed with type 1 diabetes and still become Prime Minister.

However, it has become clear to me that there is an uneven spread of access to information, advice, education and certain types of treatment, especially treatment that involves developing technology such as insulin pumps and constant glucose monitoring. That inequality inevitably leads, in turn, to inequality of opportunity and inequality in people's ability to lead more fulfilling, inclusive and productive lives. We in the cross-party group have heard compelling testaments to the difference that an insulin pump can make to the lifestyle and therefore the wellbeing of a type 1 diabetes sufferer. I can remember a talk that was given at the most recent meeting of the CPG by a young lady about her intense struggles with the condition, which included blackouts, hypoglycaemia, a year lost at university and the constant mental pressure of not knowing when the next collapse might happen. Now that she has been fitted with an insulin pump, despite her initial reservations, it has transformed her life. She now lives a normal, fulfilling life and has even learned to drive, which she thought would be far beyond her reach.

While the search for a cure continues, the challenge in tackling type 1 diabetes is twofold. Education is key to ensuring that all have access both to the information that they require to

understand the condition and to the innovations and management systems that allow for normal living. Secondly, a constant financial battle is going on in the health service for appropriate funding to be allocated to the treatment of all diseases and conditions, as well as research into the development of more effective treatments and, ultimately, cures. It is becoming more and more of a juggling act to ensure that all bases are covered, and some of the covers on those bases are inevitably wearing rather thin.

We must not consider conditions in isolation. For example, if we were able to reverse the rise in the incidence of type 2 diabetes and the consequent increasing drain on NHS resources—we are talking about some 12 per cent of the NHS's overall spend—some of those savings, along with savings on other preventable diseases such as obesity, alcoholism, drug addiction, smoking, musculoskeletal conditions, strokes and heart disease, could be reallocated to the treatment of type 1 diabetes and research into finding a cure. Such a reallocation of precious resource could ensure that access to effective treatments for type 1 diabetes need not be a postcode lottery.

I warmly welcome the chance to discuss type 1 diabetes in Scotland, to commend our NHS staff for their commitment to delivering the very best in care and treatment to sufferers, and to highlight the fantastic research work that the JDRF and other organisations are doing to treat and ultimately cure this potentially debilitating condition.

17:34

**Emma Harper (South Scotland) (SNP):** I, too, congratulate Clare Adamson on securing the debate, which I have really enjoyed, so far. I also want to declare an interest: I am, with David Stewart, a co-convenor of the Scottish Parliament cross-party group on diabetes. Understanding how serious type 1 diabetes is means knowing that in Scotland more than 30,000 people have the condition—26,517 adults and 3,812 children.

Type 1 diabetes is not caused by lifestyle and there is currently no way to prevent the condition. The long-term implications of the disease are well documented and include many complications, including increased risk of dying from heart disease and stroke—both of which are clinical priorities in Scotland. Furthermore, microvascular complications can affect the eyes, the heart, the kidneys, the extremities and even the gastrointestinal system. Diabetes complications have a major economic impact on the NHS. About £1 billion a year—10 per cent of the NHS budget—is spent on diabetes and its complications.

People might not be aware of the short-term complications and the day-to-day issues around living with type 1 diabetes. People with type 1 diabetes must continuously monitor glucose levels day and even night to ensure that their blood glucose levels are correct. Blood glucose levels that are too low can lead to hypoglycaemia and even to seizure and loss of consciousness. Levels that are too high can send patients into hyperglycaemia, which can be life-threatening. Therefore, living with type 1 diabetes can, unsurprisingly, disrupt one's life on a daily and sometimes hourly basis.

It is incredibly important to me to use the platform that is available to me as co-convener of the cross-party group to explore what can be done to help people who live with diabetes. I am particularly passionate about helping families with diabetic children to manage the disease because, during my time as a nurse, I saw how difficult that can be and heard parents' stories of their daily lives and the behaviours that they have to adapt to. Things can be especially difficult for the parents of children who do not know the symptoms of hypoglycaemia and who therefore have to be monitored closely throughout the night. I would like to emphasise that issue. Some parents wake their kid three times during the night to do a finger stick for the blood glucose sample. Being unaware of low blood sugar can have difficulties, as has been mentioned. Waking children to check blood glucose levels is exhausting for all involved. A child who is diagnosed with type 1 diabetes at the age of five faces up to 19,000 injections and 50,000 finger sticks by the time they are 18—five or more finger sticks a day.

The JDRF is an excellent charity that is working to give a voice to those children and their families and to drive forward research until we find a cure. The research is crucial. I remember in 1978 testing my urine for the presence of sugar. We have come a long way. The charity has funded some of the world-leading research that is happening in Scotland right now, with researchers in Dundee, Edinburgh and Glasgow receiving funding in the region of £3.9 million.

A big step that we can take—and are taking—to make the lives of people with type 1 diabetes easier involves development and funding of new and innovative methods of meeting the challenge of continually monitoring blood glucose levels. For example, we now have continuous glucose monitoring with wee gizmos, such as the one that I am holding up, that enable flash monitoring, which allows greater scrutiny of blood glucose levels. Such improvements allow young people to lead independent lives and to do things that their peers take for granted—for example, travelling to university on public transport, or obtaining a driver's licence or even a job.

Last year, a new plan to improve the management of type 1 diabetes was backed by £10 million of investment by the Scottish Government.

I again thank Clare Adamson for the debate. I am confident that Scotland can continue to lead the way in development and implementation of technology to help people with type 1 diabetes, and to find a cure.

17:38

**Anas Sarwar (Glasgow) (Lab):** I join colleagues in congratulating Clare Adamson on securing the debate, and I genuinely thank her for the compassionate and passionate way in which she has worked on the issue. She joined me at the meeting that we had with the JDRF, at which we heard some extraordinary and moving contributions, in particular from young families. She mentioned young Anna, who touched all of us on that day. We thought that the politicians were the centre of attention, but I assure members that young Anna was the centre of attention.

I also want to pay tribute to the JDRF. It is the leading global charity in the area and is leading research that will benefit people not only in Scotland but right across the world. I thank the charity for its hard work and dedication on this important issue.

Although colleagues have already mentioned some of the statistics, I will run through them again quickly. Scotland has the third-highest incidence of type 1 diabetes in the world. More than 29,000 people in Scotland live with the condition. As Alex Rowley said, the condition is increasing at a rate of 4 per cent a year and its increase is particularly prevalent in children under five. At the same time, Scotland-based research is receiving £3.9 million from the JDRF, and research projects based in Glasgow, Edinburgh and Dundee are looking at complications of and treatments for type 1 diabetes.

I want to focus my remarks on how we can improve matters in Scotland, and on some key asks of the Government—indeed, of all political parties. It came across clearly at our meeting that what drives people who suffer from type 1 diabetes is the hope of a cure. That is why the 19 research universities and higher education institutions that are playing their part in a collaboration between industry, academia and clinicians are recognised worldwide. We in Parliament can take pride in Scotland's potential to be the global leader and to find a cure for type 1 diabetes.

I congratulate the Scottish Government, via the chief scientist office, for pledging £1 million annually to research on type 1 diabetes. I ask the

Government whether there is a plan to expand funding for research in the coming years. The JDRF is working closely with the chief scientist office to develop research fellowships in Scotland. Will the Scottish Government commit to supporting the fellowships so that we can widen the research that is aimed at prevention, treatment and a cure for type 1 diabetes? Much important research is happening in Scotland. Can we have a commitment that not only will that research be published and acknowledged but that it will lead to action in Scotland to widen access to, and use of, pumps and continuous glucose monitoring, and that we will share that knowledge and best practice with other parts of the UK—indeed, with the world?

One of the overarching messages that we got from the meeting was about the need for public awareness to stop the confusion between type 1 diabetes and type 2 diabetes. I hope that we have played a part today in creating more awareness; it would be helpful if we could create awareness more generally in the public.

We have heard about the increasing availability of pumps and the extra funding, which are to be welcomed. What level will that be rolled out at in all parts of Scotland? We do not know the details yet about individual health boards. We need to avoid any kind of postcode lottery among health boards—we need uniform access to insulin pumps throughout Scotland. How can we accelerate the delivery of CGM and ensure that access to it is uniform throughout Scotland?

Finally, as someone who has employed an individual with type 1 diabetes, I do not think that we sufficiently acknowledge the impact that type 1 diabetes can have on the individual, whether at school, at college or university, or in the workplace. More work can be done to ensure that we educate employers and educators about how they can support people with type 1 diabetes much more meaningfully.

I genuinely hope that Scotland can find a cure and be a beacon of hope for the rest the world.

17:43

**The Minister for Public Health and Sport (Aileen Campbell):** Like others, I thank Clare Adamson for bringing the debate to the chamber and welcome to the public gallery the JDRF and others impacted by type 1 diabetes. I congratulate the efforts described by Clare Adamson to raise so much, whether that is by walking at Strathclyde country park, climbing up Kilimanjaro or hauling an anvil up Goatfell. The Scottish Government acknowledges the challenges that are faced daily by people living with all forms of diabetes.

However, today's debate has, rightly, focused on type 1 diabetes.

Scotland has a strong track record on helping people with type 1 diabetes to live longer, healthier lives. The Scottish Government does not, however, act alone or have all the answers. The cause of type 1 diabetes is not known. It is not linked to lifestyle factors and, at the moment, there is no cure. Eighty per cent of diabetes complications are preventable or can be delayed with early detection, good care and self-management. That is what made Graeme Dey's contribution so profound. I, too, pay tribute to his constituents Helen and Malcolm, following the tragic loss of their daughter Claire. That loss shows that we must do more to make improvements across Scotland.

Our Scottish diabetes survey is informed by SCI-Diabetes, which is probably the most complete diabetes register in the world. We know from the survey that there are now more than 30,000 people in Scotland living with type 1 diabetes. The survey is an incredibly important tool in helping us to achieve improvement, enabling us to see and monitor changes over time. It shows us that although the number of people with type 1 diabetes is increasing, the rate of increase has remained relatively static. The picture is similar for the under five-years-old group.

Research is very important. As Clare Adamson, Anas Sarwar and others rightly said, the JDRF's work—its research, which includes investment of almost £4 million in Dundee, Edinburgh and Glasgow, and its support and advocacy services—is hugely valuable, not just to the Government, but to society as a whole.

In 2015, the Scottish Government published the health and social care research strategy "Delivering Innovation through Research", which set out an ambitious agenda for change. It required new ways of working and identified four areas that are critical to our future success: efficient support for research; partnership with patients and the public in Scotland; targeted deployment of resources; and investment in the future. In that context, the Scottish Government's chief scientist office invests more than £60 million each year to support the health research infrastructure, buy into United Kingdom-wide funding programmes and directly fund research studies, primarily through its two response mode committees.

In order to improve our understanding of the impact of changing diabetes care on our population, the complications associated with diabetes and the development of new therapies, the CSO also funds the Scottish diabetes research network. The network supports the set-up and

delivery of clinical and epidemiological research across Scotland. Recent studies have included a range of commercial trials of novel therapies for people with diabetes, a groundbreaking multi-centre trial of insulin pump therapy and research into rates of amputation in people with diabetes.

Scotland can draw on a series of unique research assets to support research in diabetes, including SCI-Diabetes, which tracks real-time clinical information on all people in Scotland with type 1 and type 2 diabetes. It is used in all hospital clinics and 1,200 general practices, and it has been successfully employed to recruit to clinical studies.

We also have the Scottish diabetes research register, which is an electronic database of more than 10,000 patients who have agreed to be contacted about research for which they are eligible. The research register uses the latest clinical data on each patient to identify suitable patients for studies, thereby increasing the efficiency of recruitment to clinical trials.

Many treatments for diabetes are delivered in primary care, and primary care professionals have a key role to play in achieving the aims of diabetes research and maximising access to clinical studies for diabetes patients in Scotland. Implementation of the Scottish diabetes research network primary care initiative aims to expand the number of studies that can be carried out in primary care by engaging with GP practices and providing them with support to conduct clinical trials. The initiative recently won the primary care award for innovation in service delivery at a Diabetes UK professional conference.

The Scottish Government is proud to have been involved in the setting up of the type 1 diabetes bioresource, which is co-funded by the chief scientist office and Diabetes UK. More than 6,100 type 1 patients have consented to take part in the study, thereby creating the largest biobank of type 1 diabetes adults in Europe, with blood, urine and DNA available for further study. The resource is well placed to enable exciting new discoveries in the causes and treatment of type 1 diabetes.

Scotland can be proud of the strong body of research into diabetes that we both lead and host. However, we are not complacent and together we must rise to the challenge that is posed by such a serious disease, which impacts on the lives of thousands of people in Scotland, as many MSPs have articulated tonight.

Alex Rowley is right: the power of people's testimonies is important to ensure that we continue to make the improvements that we need. Miles Briggs and Brian Whittle are also right to acknowledge the impact that type 1 has on young people in particular, and in her speech Emma

Harper demonstrated an in-depth knowledge that, like the authoritative way in which she spoke, is particularly compelling.

While we in Scotland strive nationally and internationally to find a cure for diabetes, we continue to work hard to ensure that people are supported by world-class diabetes services. Through our diabetes improvement plan, we are progressing a wide range of actions to achieve that. Examples include the diabetic ketoacidosis campaign, which has run for two consecutive years and which aims to raise awareness of signs and symptoms to prompt quick referral and early diagnosis; the know your numbers national glycaemic target campaign for children and adults to help people to understand the blood glucose reading that they should aim for; and structured education resources for people who have been newly diagnosed with type 1 and type 2 diabetes. That is only a small flavour of the activity, and I will move on to talk in a little more detail about three important areas in particular.

As other members have highlighted, the First Minister announced £10 million of new funding at the JDRF's 30th anniversary event. That funding will support a further increase in the provision of insulin pumps for adults and improve access to continuous glucose monitors. We know that those technologies can be literally life changing for some people.

At the start of 2016, we introduced a new quarterly reporting mechanism that enables diabetes teams to monitor and identify improvement across 12 key measures of diabetes care. Those measures include the nine essential healthcare checks that are important in keeping healthy, reducing risk and detecting signs of the complications that are associated with diabetes.

Access to information to support people to self-manage their diabetes is equally important. The my diabetes, my way website is an award-winning resource that enables people to see and check their clinical results and health information. It provides a wide range of advice and is demonstrating its value in helping people to improve their blood glucose control.

To further help to raise awareness of living well with diabetes, we will run a poster campaign in community pharmacies from next month to encourage people to ensure that they get all nine of their healthcare checks.

To conclude, I give our thanks to Diabetes Scotland for its incredibly valuable work in supporting people who live with diabetes and, of course, to the JDRF for its dedication, efforts and research. I also thank Clare Adamson and other members for their contributions to the debate.

David Stewart reminded us that Scotland led the way in the discovery of insulin treatment in 1921. We should aspire to continue to lead and build on the strengths that I and other members have outlined, as we are all united in a desire to help people who live with diabetes to live longer and healthier lives and to support the work of the JDRF and others to find the long yearned-for cure for type 1 diabetes.

*Meeting closed at 17:52.*



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.

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba