

MEETING OF THE PARLIAMENT

Wednesday 2 December 2009

Session 3

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CONTENTS

Wednesday 2 December 2009

Debates

Col.

TIME FOR REFLECTION	21713
VIOLENCE AGAINST WOMEN	21715
<i>Motion moved—[Alex Neil].</i>	
<i>Amendment moved—[Johann Lamont].</i>	
<i>Amendment moved—[Bill Aitken].</i>	
The Minister for Housing and Communities (Alex Neil).....	21715
Johann Lamont (Glasgow Pollok) (Lab)	21720
Bill Aitken (Glasgow) (Con)	21724
Robert Brown (Glasgow) (LD)	21726
Shirley-Anne Somerville (Lothians) (SNP)	21729
Rhoda Grant (Highlands and Islands) (Lab).....	21731
Christine Grahame (South of Scotland) (SNP).....	21734
Cathy Peattie (Falkirk East) (Lab)	21736
Mary Scanlon (Highlands and Islands) (Con).....	21738
Anne McLaughlin (Glasgow) (SNP)	21740
Marlyn Glen (North East Scotland) (Lab)	21743
Alison McInnes (North East Scotland) (LD).....	21745
Angela Constance (Livingston) (SNP).....	21747
Margaret Curran (Glasgow Baillieston) (Lab).....	21749
Margaret Mitchell (Central Scotland) (Con).....	21752
Sandra White (Glasgow) (SNP).....	21753
Mike Pringle (Edinburgh South) (LD)	21755
John Lamont (Roxburgh and Berwickshire) (Con)	21757
Mary Mulligan (Linlithgow) (Lab)	21760
Alex Neil.....	21762
BUSINESS MOTIONS	21766
<i>Motions moved—[Bruce Crawford]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTIONS	21768
<i>Motions moved—[Bruce Crawford].</i>	
DECISION TIME	21769
DUNGAVEL (DETENTION OF CHILDREN)	21772
<i>Motion debated—[Sandra White].</i>	
Sandra White (Glasgow) (SNP).....	21772
Linda Fabiani (Central Scotland) (SNP)	21774
Pauline McNeill (Glasgow Kelvin) (Lab)	21776
Bill Kidd (Glasgow) (SNP)	21777
Jamie McGrigor (Highlands and Islands) (Con)	21778
Anne McLaughlin (Glasgow) (SNP)	21779
Nicol Stephen (Aberdeen South) (LD).....	21781
Karen Whitefield (Airdrie and Shotts) (Lab).....	21782
Christina McKelvie (Central Scotland) (SNP).....	21784
The Minister for Children and Early Years (Adam Ingram)	21785

Scottish Parliament

Wednesday 2 December 2009

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Alex Fergusson): Good afternoon. The first item of business is time for reflection. Our time for reflection leader is the Rev John Forbes, retired Church of Scotland minister from Banchory.

Rev John Forbes (Retired Church of Scotland Minister, Banchory): Presiding Officer and members of the Scottish Parliament, it is a great privilege to share these thoughts with you as we move forward in the Advent season.

This is a season when something in human nature seems to change. We become more welcoming and more generous. One Advent, I was telling primary school children in Angus, up Glen Esk, the story of Moses crossing the Red Sea with the Israelites, including the story of the Israelites being chased by Pharaoh's 600 chariots. After the story ended, I asked whether anybody could remember what it was exactly that was chasing the Israelites. One child put up his hand and answered, "Six hundred charities". That is almost a Christmas message in itself; as we approach Christmas, our in-trays tend to pile up even more with numerous appeals for great causes. Charities know that we are more generous at Christmas-time and rightly focus on that generosity.

But this is also a time to dream and perhaps to dream the impossible:

"The wolf will live with the lamb, the leopard will lie down with the goat, the calf and the lion and the yearling together; and a little child will lead them."—Isaiah.

Is that a vision of the impossible or a vision of the possible?

I have regularly visited Bosnia with a Scottish charity, Dumfries and Galloway Action, and one of the most stirring memories that I have is from that ghost-ridden, war-torn, horror town of Srebrenica, where I listened to the mayor, a Muslim, echoing Martin Luther King's words: "I have a dream". He said, "I have a dream that my children will attend school where Muslim children and Serbian children can mix, learn and play together." Surrounded as the mayor was by Serbian councillors, those were brave words from a brave man. Excitingly, that afternoon, while dropping off stores at a Muslim primary school close to Srebrenica, one noted that the headmaster was

Serbian. Things do move and dreams can start to become true.

Dream the impossible? The day when we can talk to the Taliban, perhaps with respect on both sides? Impossible, undesirable—or is it? With an army son in Afghanistan, and in the name of the prince of peace, one dares to dream the seeming impossible.

"I have a dream!" said Martin Luther King—and who sits in the White house now?

God bless each and every one of you as you seek the fulfilment of your own vision of tomorrow, even if today it may look like the seeming impossible!

Violence Against Women

The Presiding Officer (Alex Fergusson): Our next item of business is a debate on motion S3M-5307, in the name of Alex Neil, on safer lives: changed lives—working together to end violence against women.

14:35

The Minister for Housing and Communities (Alex Neil): I have much pleasure in introducing—for the first time as minister—this afternoon's annual debate on an extremely worthy subject. This year, the debate is being held at a special time—almost in the middle of the 16-day campaign initiated by the centre for women's global leadership. The theme of this year's campaign on violence against women is commit—act—demand: we can end violence against women! We have just heard the Rev John Forbes talk about having a dream, and I am sure that all of us share the dream of eliminating violence against women in all its forms, as it is totally unacceptable. It is fair to say that all parties share that objective and the principles that underlie it.

Like many other members, I am wearing a white ribbon as part of the white ribbon campaign. I urge as many others as possible to do so, too, to show that we are actively engaged in the campaign against violence against women. I was encouraged to note that at football matches throughout Scotland last Saturday and Sunday, the referees wore white ribbons and carried white whistles. In Fife, all members of the emergency services—the police, ambulance and fire services—will wear white ribbons during the 16 days of activism.

Last week, the police published the latest statistics on incidents of domestic abuse in our society, and they make depressing reading. A total of 53,681 such incidents were reported to police forces around Scotland in 2008-09, which works out at more than 1,000 each week and nearly 150 each day. When one looks behind the figures, the picture is even more depressing, as 55 per cent of those incidents led to the recording of a crime or offence; the figure for the previous year was 50 per cent.

In the incidents on which information was available, 61 per cent of victims had previously been recorded as victims of domestic abuse, whereas the figure for the previous year was 54 per cent. The figures on the number of incidents per 100,000 of population show that females are most at risk of being victims of domestic abuse when they are between the ages of 22 and 25, and that males are most at risk when they are between 26 and 30 years old. Another depressing feature

of the statistics is that about 10 per cent of all recorded incidents now involve violence against males, which must also be dealt with. The overwhelming majority of recorded incidents took place in the home—89 per cent, where such information was recorded. This was more likely if the victim and perpetrator cohabited. All in all, the statistics paint a depressing picture that presents some major challenges to everyone in our society.

Michael Kaufman, the originator of the white ribbon campaign, said:

"If it were between countries, we'd call it a war. If it were a disease, we'd call it an epidemic. If it were an oil spill, we'd call it a disaster. But it is happening to women, and it's just an everyday affair. It is violence against women."

That sums up the need for action.

Mary Scanlon (Highlands and Islands) (Con): Does the minister acknowledge that the greatest increase in incidents of domestic abuse over the past nine years has been in cases of women committing violence against women?

Alex Neil: Yes, in percentage terms, that is right.

Overall, the statistics show an 8 per cent increase in incidents over the previous year. Of course, it is not just women who are affected.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It is absolutely right to get on the record our support for having this debate—I fully support having it—but will the minister enlighten members about the Government's intention to have a debate that focuses on violence against men?

Alex Neil: As a result of an approach that an informal cross-party group of members made to me about domestic violence against men, I have initiated work in my department to consider how such violence is being dealt with in Wales in particular—Wales is probably further ahead than any other part of these islands in dealing with that issue. I have said that I would be happy to lead a debate on that some time in the new year. However, this debate is specifically about violence against women. Cases that involve such violence make up the vast majority of the cases that we are talking about. Of course, not only women are affected by domestic abuse; children and young people in Scotland are affected by it far too often.

Marlyn Glen (North East Scotland) (Lab): I welcome the answers that the minister has given and the fact that he has gone back to the subject of today's debate, which is violence against women. Will he confirm what he said to the Equal Opportunities Committee about the importance of a gendered analysis of domestic abuse?

Alex Neil: I am happy to reiterate the importance of that. Violence against women is by

far the most predominant problem, and it must be treated separately. It is in some ways related to the issue of violence against men, but that is a separate issue that requires specific attention on its own merits. Cases of violence against women represent around 90 per cent of the problem, and it is clear that we are dealing with violence against women today.

Last week, I had the honour of meeting a group of young experts aged between 16 and 22 who have formed a new group called voice against violence. The eight young people from throughout Scotland have come together to advise on the implementation of the national domestic abuse delivery plan for children and young people. The Minister for Children and Early Years, Adam Ingram, also met them. Their plan is to try to make a real difference to children and young people throughout Scotland. They will hold regular meetings with ministers, the Convention of Scottish Local Authorities and other stakeholders to discuss progress across the 13 priority areas. Obviously, eight young people cannot speak for the thousands of children and young people who are affected by domestic abuse in our country, but the group will work with the Government across Scotland and through different Women's Aid groups, local authority services, schools and youth projects to identify issues that need to be addressed and to disseminate best practice throughout the country.

As members know, the Scottish Government has, in recognition of the impact of domestic abuse on young people, specifically allocated more than £11 million for the three-year period between 2008 and 2011 to ensure that children throughout Scotland have access to dedicated domestic abuse support workers, no matter which locality they live in. I am glad that the young people whom I mentioned were particularly complimentary about the work of many of the support workers who have helped them through very difficult times in their lives. They went out of their way to stress the importance of continuing with the provision and funding of support workers, who are a key element in dealing with the problem.

We have been developing our strategic approach to violence against women for some time. Obviously, we want to take into account the new landscape in civic Scotland and the new relationships between national and local government and other partners in particular.

Refuge accommodation is another area that we are working on through the affordable housing investment programme. Through consideration of the strategic housing investment programmes, local authorities must make submissions to the Scottish Government in which they must identify

the additional refuge accommodation that is needed in the different parts of Scotland.

Christine Grahame (South of Scotland) (SNP): Will the minister take careful cognisance of the fact that there can be difficulties with refuge accommodation in rural areas such as the Scottish Borders? In such areas, the refuge may be 60 miles from where the mother and the children—it is usually mothers and children who are involved—live. That disrupts school life and so on. Specific logistical problems exist in rural areas.

Alex Neil: I totally agree with Christine Grahame. Indeed, I heard of a case in which a phone call was made to a rape crisis centre by someone who lived in a rural area. The adviser advised the person to contact the local policeman but, unfortunately, she was the wife of the local policeman. In her village, it was difficult for that lady to access the services that she required.

I am very cognisant of the particular difficulties regarding refuge accommodation in rural and island communities. In the strategic housing investment plans that have been submitted to the Government for the period 2009 to 2012, four local authorities have specifically identified the need for additional refuge accommodation in their areas. However, I believe that more than four local authorities need additional refuge accommodation. I will discuss the issue with all local authorities to ensure that we identify and act on the need for additional facilities in different parts of Scotland.

Margaret Curran (Glasgow Baillieston) (Lab): I come to the issue from a slightly different perspective from that of Christine Grahame, as I represent an area in one of our bigger cities. The minister will know—I have written to him about this—that whenever there is an old firm game, the incidence of domestic abuse increases, putting particular pressure on Women's Aid groups in my area. I ask him to ensure that that is fed into the consideration of resources that may be made available as a result of the work that is being undertaken.

Alex Neil: Partly as a result of representations from Margaret Curran and other stakeholders, during this year both Kenny MacAskill, the Cabinet Secretary for Justice, and I have worked with key stakeholders, including the police, to identify where additional resources are required in the run-up to, during and immediately after an old firm game. I congratulate Strathclyde Police, which, for the past two old firm games, has engaged in a range of activities. For obvious reasons, I will not go into the detail here, but during the latest old firm game, there was a welcome 28 per cent reduction in incidents of domestic abuse compared with the figure for the previous game. That shows the impact that those police activities

and other activities are having around old firm games.

We still want to step up the effort and do better, but that example shows that, when services—the services for which I am responsible and the police service—work together with the old firm football clubs, which both support our campaign against domestic violence, we can make a real impact. A 28 per cent reduction is very welcome, but we want to make an even greater reduction in the future. I totally recognise the point that Margaret Curran makes.

Earlier this year, Councillor Harry McGuigan, representing COSLA, and I provided a joint foreword for our strategy, which we launched at the Rape Crisis Scotland offices. That demonstrates COSLA's commitment—and the commitment of various local authorities—as a key partner in the implementation of "Safer Lives: Changed Lives". Other key partners are health boards and the Association of Chief Police Officers in Scotland.

Some of the achievements that have been made already are worth mentioning. I do not present them in any partisan way, as a lot of the initiatives were started under the previous Administration. Whatever the colour of the Administration of the Scottish Government, we are all equally determined to tackle the problem of domestic abuse. One innovative measure that has been taken is the rolling out of the Caledonian system under which services are provided to women and children throughout Scotland at the same time as the perpetrators of domestic abuse are dealt with. As I have said, the statistics show many cases of repeat domestic abuse. We must identify those repeat cases and act on them in a preventive way, as Strathclyde Police has done around old firm games, but we must do so more systematically, and not just around old firm games.

There are many other examples that I could mention, but I have run out of time and will perhaps use my closing speech to highlight some of the points that I have been unable to make in my opening speech.

I move,

That the Parliament is pleased to reaffirm its commitment to ending violence against women; supports the 16 Days of Activism Against Gender Violence and its theme this year of Commit – Act – Demand: we can end violence against women!; celebrates the commitment of partners across Scotland, including the voluntary sector, local authorities, the police, NHS boards and others, to work together to end violence against women; acknowledges the importance of the shared understanding developed through the Safer Lives: Changed Lives strategic approach, and welcomes the progress that has been made to date on tackling violence against women in Scotland, including the groundbreaking work to involve young people who have experienced domestic abuse as expert advisers.

14:49

Johann Lamont (Glasgow Pollok) (Lab): It has been a mark of this Parliament that, since its establishment, it has sought to build an understanding of the causes and consequences of male violence against women. I believe that a consensus has been created across the chamber about the significance of the issue for the health and wellbeing of far too many women and children in our communities.

I recognise the significance of that consensus, but I believe that we owe it to our shared commitment to tackle violence against women not to settle for a cosy coming together. Rather, we should see the debate as an opportunity not only to acknowledge that but to reflect on a number of critical issues that need to be addressed.

On Monday, we marked St Andrew's day. For some, it was a day to acknowledge our Scottishness, for a bit of flag waving and perhaps for some sentimentality. I was privileged to hear Alastair McIntosh—a Quaker, author and fellow of the centre for human ecology—on Radio 4, providing a fascinating insight into and a challenging view of our patron saint. I will quote, or rather abridge, his words. He said: "Today is the day of Andrew, the patron saint of Scotland, but for some people—men and children, but I am thinking especially of women—it won't be a happy day to wake up to. It will be a day of nursing last night's wounds. In many ways, domestic violence is the most confusing type of assault, because it comes from those who are supposed to love you. We learn of St Andrew in the Acts of Andrew. These tell how he became the spiritual teacher of Maximilla, wife of the Roman proconsul, Aegaeates. She confided how, every night, her husband came home drunk and forced himself on her. Andrew—whose name means 'manliness'—encouraged her to treat this with zero tolerance. Aegaeates had him flogged, specially tied to an X-shaped cross to prolong the agony, and crucified at Patras. Here, domestic violence links to the ugliness of empire and strikes out far beyond the home. It profoundly distorts a person's sense of what is normal and acceptable. Andrew stood by Maximilla as she broke that spell of violence. May his gentle manliness be our inspiration. Let us today remember Andrew—patron saint of a woman's right to say no."

That wonderful contribution reflects a powerful message about the long existence of male violence, but it also gives us hope that male violence is not inevitable. Perhaps, in Andrew, we see a more optimistic view of what manliness might be. In our various debates about what a future Scotland might look like, we are determined to ensure that, whatever the constitutional arrangements, we must seek to create in our

communities and our country a place where women and children are safe, where rape and abuse of women through trafficking and prostitution are tackled and women are protected, where perpetrators are challenged not tolerated and where our young people are taught to grow up together in safe and respectful relationships.

I will highlight a number of areas of concern that I would like the minister to address, given our shared commitment to protection, provision and prevention.

Our amendment notes that we are still awaiting a report on the implementation of single outcome agreements, despite a commitment that that would be available in September. If we cannot analyse what is happening with single outcome agreements in relation to violence against women, how can their effectiveness be assessed, how can confidence be given to those who were fearful of the consequences of the end of ring fencing for consistency of provision, and how can there be certainty that any problems with the agreements will be addressed?

The minister will be aware that I have fought hard to get John Swinney to agree not to accept single outcome agreements without evidence of an equality impact assessment having been carried out. I believe that that approach would respond to the concerns that were highlighted by the Equality and Human Rights Commission in its briefing.

The minister will also be aware of the analysis of single outcome agreements that was done by Scottish Women's Aid. That must ring alarm bells about the safety of women in our communities.

Women's Aid tells us that its analysis of single outcome agreements raises questions about whether the protection of women and children from violence is one of the highest priorities across Scotland. It points out that only 11 single outcome agreements state that addressing violence against women locally is a priority; that only 10 single outcome agreements include a specific reference to children affected by domestic abuse; and that only five single outcome agreements make reference to violence against women in relation to gender equality.

I am sure that the minister will agree that that is a troubling trend for those who are committed to consistency of understanding and provision across Scotland.

Linked to that are the concerns that have been highlighted to me that the work on violence against women is being diluted and increasingly subsumed into a more generalised community safety role. I am all for putting energy into addressing disorder and antisocial behaviour, but we all know that a fundamental of our

understanding of violence against women and domestic abuse is that the crime needs to be named so that it can be tackled. It is essential to maintain a sharp focus on the distinctive nature of male violence and its consequences.

With regard to the protection of women and children, we must welcome the continued focus on multi-agency working, in which education, police, housing, social work and health all play a role in supporting women and minimising the impact on children. However, it is the justice system that is central in protecting women. We should never forget the horrific statistics on the murder of women, which show that women are most at risk from a partner or ex-partner and most vulnerable at the point of their decision to leave.

I commend Rhoda Grant's proposed member's bill, which will give women increased support and access to legal support; I believe that she will say more about that today. I welcome the Tories' amendment, which acknowledges the role of domestic abuse courts and repeats Labour's call for Kenny MacAskill to ensure that such courts are rolled out beyond Glasgow. It will be essential that the courts, in whatever form they are developed, allow for partnership working and effective risk assessment. That approach is currently provided in Glasgow through the advice, support, safety and information services together—ASSIST—project.

We need to explore the availability of perpetrator programmes, and, connected to that, programmes for the families of perpetrators. Women's organisations resisted the push for pre-court diversion for men who had committed domestic abuse offences in the past, as women believed that the crime should be recognised as precisely that: a crime.

Today, we need to take heed of what women's organisations are saying about the plans to end sentences of six months or fewer. We need to deter men by marking domestic abuse as a significant offence. There is no doubt that for some families, a sentence—even if it is for less than six months—can afford not only respite but, more critically, enough space for a woman to make a life-changing decision, and to get out and be supported to do so.

I raised that issue with the First Minister at First Minister's questions last week, and he replied that serious offences should attract serious sentences. I seek clarification on that. Does that mean that domestic abuse offences would be exempt from the presumption against sentences of six months or fewer, or that all domestic abuse offences would attract sentences of more than six months? How would such approaches be enforced?

Christine Grahame: Surely, in certain cases, the term “domestic abuse” is the wrong one to use. The offence is purely and simply a criminal assault, and should be dealt with in the courts—whether it is the sheriff court or the High Court—as just that: a criminal offence.

Johann Lamont: In the 10 years that we have been debating the issue, we have argued precisely the opposite. We have argued that we need to understand domestic abuse and violence against women in the context of the power of men over women in the home and in the community.

What action has the minister taken, and what work has been carried out by the equality unit, to ensure that that dimension of the justice proposals is taken seriously? Women’s organisations say what they are saying because of their experience of working with women. That is why our amendment asks for a statement on how, across Government, policies are tested against their impact on those vulnerable women and children.

It must be a concern to us all—indeed, the minister referred to it—that the incidence of domestic abuse continues to rise. I acknowledge that that is due, at least in part, to more confidence among women and more rigour by the police. However, I ask the minister to reflect again—and I say this gently—on one explanation that he gave on television. He suggested that the rise in incidents was in part because we live in a time of economic recession.

We know that male violence is not caused, or excused, by poverty, and that male perpetrators are no respecters of class or income. I seek an assurance from the minister that he does not seek to perpetuate such a distorting view of where the problem manifests itself and what causes it.

I do not doubt the desire of members on all sides of the chamber to address violence against women, or their heartfelt wish to see women and children safe—and we must welcome anything that recognises the particular impact on children. However, we have a responsibility to bring together what we say and what we do. Caring is not enough, and will not in itself protect one woman, give one child back their childhood or open the eyes of one young man to a life of respect, not violence. Not one step on the road to greater equality was ever made by accident.

We need aspiration that is delivered locally bit by bit, wherever need is, throughout Scotland. The aspiration to deliver through the practicalities of action is laid out for all of us each week in the ASSIST bulletin. The reality of violence against women and the statistics may overwhelm us, but the results of the project give us great hope.

The Scottish Government must address the concerns and not dismiss them. If the current

processes to secure protection, provision and prevention are examined and found to be wanting, they must be changed. The Scottish Government and the minister would have our support if that happened. That would be a legacy of listening and responding of which we could all be proud.

I move amendment S3M-5307.2, to insert at end:

“and regrets that a report on the implementation of the first round of single outcome agreements has not yet been published, given the concerns of Scottish Women’s Aid about the level of provision across Scotland; believes that the strategy of protection, provision and prevention remains central to the tackling of violence against women, and agrees that the Scottish Government should produce a joint statement from across its directorates to ensure that all its key policies are tested against their impact on women facing violence.”

15:00

Bill Aitken (Glasgow) (Con): As the minister commented, at the weekend officials at league and cup football matches in Scotland wore white ribbons in support of a campaign against domestic violence. Despite that heartening gesture, the continuing prevalence of domestic violence in Scotland is a discouraging reality. Although I sincerely hope that domestic violence will one day become a dead issue, at the moment, sadly, it is certainly not.

Official figures that were released late last month show record numbers of domestic abuse cases in Scotland. The figures are pretty stark. Specifically, there were 53,681 recorded incidents in 2008-09—4,026 more than in the previous year and an increase of approximately 8 per cent. Furthermore, the number of male domestic violence victims increased by almost a fifth. It would be ludicrous to suggest other than that the vast majority of assaults are perpetrated by men against women, but violence is simply unacceptable, whoever perpetrates it.

The most depressing statistic might be that the number of repeat offenders increased by 39 per cent in comparison with the previous year’s figures. In addition to proving that many domestic abusers are undeterred by punishment, that statistic might suggest a disturbing parallel with the dangerous culture of heavy drinking in Scotland.

Although some might argue that the increased numbers merely show a police crackdown on domestic abusers in Scotland—and I think that we would all take some encouragement from what Mr Neil said about that today—the reality is that a large number of domestic violence cases are never reported. We know that to be a fact. Therefore, the true number of domestic abuse situations in Scotland is, unfortunately, much

higher than the number in the recently published statistics.

It depresses me, as a keen football supporter, that there is a clear correlation between the activities at football grounds and domestic violence. Although the particular circumstances that surround old firm matches are well known to us all, there could well be a wider reflection of domestic violence following games in which one or possibly both of the Glasgow sides suffer a disappointing result. Perhaps Scotland's obsession with football is becoming just a little bit dangerous. People require to understand that, at the end of the day, it is only a game.

It must be understood that domestic abuse is an appalling crime that simply cannot be tolerated within any civilised society. The problems of the primary victims are bad enough, but when there are children within the household those problems become magnified. As we all know, a stable and friendly home environment is vital to children's mental and physical development during their formative years. Parents are tasked with the duty of instilling principles within their children and aiding them in becoming responsible, law-abiding adults. Children who are forced to live in abusive environments are often denied that educational process and suffer lasting psychological trauma that can manifest itself later in violent behaviour.

The man who beats his partner on a regular basis may, through his actions, suggest to his adolescent son that violence is acceptable or even normal. As a result, the young boy may gradually begin to adopt such a mentality and eventually follow his father's example as an adult, thus continuing the vicious cycle not only of domestic abuse but of violence in general.

Johann Lamont: Does the member agree that statistics and the evidence from testimonies show that some of those young men feel guilt at not being able to protect their mothers and that, although they are damaged, they do not necessarily become violent themselves?

Bill Aitken: As I have said on many occasions in this chamber, there is absolutely no excuse for any kind of violence, whatever the background. Johann Lamont is correct to highlight that particular evidence, which has considerable validity, but nevertheless children in violent households tend to reflect the violence in their behaviour. It is therefore vital that we recognise that domestic violence affects not only the current population but future generations of Scots. The fact is that a culture of aggression is being created.

I recognise that my amendment might lead to some practical problems, but I believe that the dedicated domestic violence court that has been

established in Glasgow should be considered in sheriffdoms outwith Glasgow and Strathkelvin. Johann Lamont has already dealt with some of the attractions of the Glasgow set-up, but for me one attraction is that in those courts it is more likely that the appropriate disposal will be made. Of course, judicial specification will require a wider programme of reforms than those under debate this afternoon, but the fact is that domestic violence courts have available to them certain disposals that might be seen as beneficial.

I have no great problem with the number of cases that end in admonitions, as long as the sentence is deferred for 12 months to ensure that the accused demonstrates good behaviour. In certain cases, the circumstances will be regrettable but occasional in nature; in a case in which, for example, something happens in a relationship of 20 years, it would be unwise for a court to prejudice any real prospect of reconciliation. However, as I have said in the past, repeat offending cannot be tolerated, and I would find it very difficult to accept its being dealt with through anything other than a custodial sentence.

We have been successful in raising public awareness of the issue and must continue that work. I hope that, with what I feel will be a largely consensual debate, we can send out the message that we consider such conduct to be totally unacceptable.

I move amendment S3M-5307.1, to insert at end:

"and calls on the Scottish Government to consider, where practical, extending the principle of domestic violence courts throughout Scotland."

15:07

Robert Brown (Glasgow) (LD): On behalf of the Liberal Democrats, I am very glad to support the motion and the sentiments that it expresses, and I certainly welcome the inclusive attitude that not only the minister but colleagues across the chamber have shown. After all, this issue should not divide us along party-political lines.

I thought that Johann Lamont's comments about St Andrew added an interesting cultural veneer to the debate. Now that we are in the middle of the 16 days of activism against gender violence, I was also interested to see that a number of schoolchildren whom I spoke to in Parliament this morning were wearing white ribbons that someone had brought into the school. In some ways, that is a more encouraging development than the actions of officials at football matches, important though they are, because it emanates from the ground up through the education system.

Although we have previously debated motions on violence against women, it is, as Bill Aitken

mentioned, still difficult to get a feel for trends. It is difficult to say whether there are signs of change in the climate of opinion, whether there is less tolerance of what goes behind other people's closed doors—or, unfortunately, what we can hear through people's open doors and windows—and whether more offences are being reported to the police or whether the 8 per cent increase in reported incidents last year represents a real increase in the scale of the problem. I mentioned the schoolchildren wearing white ribbons because it appears that a remarkably high number of boys and even girls still think that it is all right to assault one's partner or girlfriend in certain circumstances. That must make us worry about the underlying cultural aspects that we all agree are important.

Either way, 53,681 recorded incidents in 2008-09 represent an unacceptable amount of abuse. In Strathclyde alone last year there were 15,499 incidents of domestic abuse, including 11 homicides, 28 attempted murders, 241 serious assaults and 41 rapes. No one could regard any of those offences as minor or trivial.

Most of the abuse is by men against women, but it has been noted that there has also been a huge increase in incidents of abuse by women against men, although at a much lower level. That might also influence our understanding of the nature of the problem.

Christine Grahame: I do not want to dance on the head of a pin, and I hope that the member can answer my question. I am hearing the terms “domestic violence” and “domestic abuse” interchanged. Are they the same thing? The Conservative amendment refers to “domestic violence courts”, and we seem to be mixing the two terms up.

Robert Brown: I am not sure that there is much substance to Christine Grahame's point. It is valid as far it goes, in that violence is the particularly sharp end of domestic abuse, but, as we have said during previous debates on the subject, the range of abuse covers emotional violence, pressure, threats and intimidation. It goes wider than assault in the normal sense of the word, however it is defined.

Much of the violence is rightly viewed as gender based, but perhaps that is not the whole story. It is certainly true that there are recurring themes of tactics of control, humiliation and degradation, and of transferring blame to the victim for many incidents involving sexual assault and emotional abuse within relationships. It is also true that alcohol and drug abuse make a significant contribution to the figures, as do the domestic financial pressures caused by the current economic crisis. In response to Johann Lamont, no one is suggesting that those problems cause or excuse domestic violence, but we all know that

crime rates move up and down and that that movement can be, in a general sense, caused by such outside factors. At the end of the day, we must come back to the figures and the number of women who suffer as a consequence of those particular forms of abuse.

I am also very clear that, time after time, the innocent victims are the children in the family who are harmed by domestic violence and abuse that is directed sometimes against them but more commonly against a parent. Children grow up witnessing that behaviour and regard it as normal and, as we know from other spheres, that perpetuates a generational problem in which there is a much-increased risk of domestic violence when the children become adults. That is not to say that domestic violence leads to children growing up to be violent themselves, but undoubtedly there is a higher risk in that situation than there is otherwise.

Tackling domestic violence means changing the culture and creating a society in which domestic violence is known for what it is: a crime as bad as or worse than other violent crimes and one that breaches human rights, destroys the life chances of children and partners, and degrades and corrodes personal relationships.

There has been a major shift in opinion and practice. The police are much better trained in how to deal with domestic violence. The law has long moved away from the time when the wife and children were regarded as the husband's property, and it recognises that it is an offence and serious crime for a man to rape his wife. A lot of resource has gone into supporting the work of organisations such as Scottish Women's Aid and into working to turn round men who are in a pattern of violence and abuse against their partners.

I want to mention three particular issues. The first is the increasing concern expressed by Scottish Women's Aid and others about the effect of the local government concordat and the reduction of ring fencing. Johann Lamont earlier mentioned the figures and the single outcome agreements. Half of the Women's Aid branches are operating with a standstill or reduced budget, and it is a challenge for the Government to specify, enforce and drive the SOA, or to do something different. It is unacceptable that key services should be chopped as a result of changes to bureaucracy.

The second issue is that of repeat offending, which has been touched on, along with the work of Strathclyde Police's domestic abuse task force. The Tory amendment alludes to the success of the Glasgow domestic abuse court, and I support the calls that such courts should be rolled out in a way that is sensitive to different local situations across Scotland.

My third issue relates to the problem of women who come from abroad, possibly on an arranged marriage, but who are threatened and disempowered because their husband holds the threat of their lack of settlement status over them. The work of Hemat Gryffe Women's Aid to support women in that situation is hugely important and hugely underfunded. The problem also needs proper recognition by the United Kingdom Border Agency and by the UK Government and others that interact with it. People without that support are left in an awful position, probably at the worse end of the spectrum.

The motion is timely. It is a small part of the change in culture that lies at the heart of the challenge. We live in a society that is still too tolerant of violence, and that must change. On behalf of the Liberal Democrats, I have great pleasure in supporting the motion and the amendments.

15:15

Shirley-Anne Somerville (Lothians) (SNP): The statistics on domestic violence have already been set out in some detail by colleagues, and there is no need for me to repeat them. Up to a point, they are helpful in that they describe the extent of the problem, but they do not convey the impact that the isolation, intimidation, degradation, physical assaults, rapes and murders have on women and children throughout Scotland, year in, year out.

I welcome the Scottish Government's commitment to ending violence against women and the joint publication with COSLA of "Safer Lives: Changed Lives". I also welcome the contribution from Scottish Women's Aid on the single outcome agreements with local authorities. As that organisation points out, there have been some improvements, but we can and must do better. There are undoubtedly lessons to learn.

One issue that requires further examination is the amount of available information on domestic abuse. The only available national indicator is statistical information collected by the police on recorded incidents of domestic violence. It is difficult to measure progress—nationally or locally—against that one target, as increases in reporting may be because more women feel supported enough to report abuse or, on a more sinister level, may represent an increase in the number of victims. That is why I am pleased to note that the safer lives: changed lives approach acknowledges that the range of information needs to be improved.

Johann Lamont: Given the concerns about single outcome agreements that Scottish Women's Aid identified, does the member agree

that it would be helpful if the minister were to refuse to accept a single outcome agreement unless an equality impact assessment has been done on it, in order to protect those services?

Shirley-Anne Somerville: There is not necessarily one simple solution. The lessons that I said need to be learned apply to every aspect of single outcome agreements, especially in relation to domestic violence.

With that caveat, the motion is welcome. It is vital that we do not lose sight of the good work that is going on in local authorities and other agencies throughout Scotland.

I take encouragement from the success of the Caledonian system, which was piloted in Edinburgh, the Lothians and the Borders. It provides services to women and children who have been affected by domestic violence and encompasses a two-year programme of intervention to target the perpetrators. I am pleased that the Scottish Government has committed nearly £2.5 million to fund the roll-out of the scheme across the country, as that type of prevention work is vital. Figures show that more than 60 per cent of victims have previously suffered from abuse, so we must not only punish offenders for their past behaviour but do all that we can to prevent future attacks, for example by challenging and changing abusive behaviour wherever possible.

I am also pleased that ministers, in partnership with COSLA, have launched the "national domestic abuse delivery plan for children and young people", which was mentioned earlier by the minister. On the vast majority of occasions, the child is in the same or the next room while their mother is being attacked, and half of the residents in women's refuges are children—not exactly an ideal set-up in which to bring up a family. It is perhaps no surprise therefore that a significant proportion of boys and girls think that using violence in an intimate relationship is acceptable in certain circumstances. It does not make them more violent, as some members seem to suggest, but it makes them more likely to be victims in future.

The impact on both mother and child was brought home to me recently at a party that was organised by Shakti Women's Aid in Edinburgh. By the time I arrived with some of the staff, the room was already full of women and children enjoying a fantastic day. Given the dancing and hilarity among the women, and the enthusiastic use of the bouncy castle by the children, it was difficult to comprehend that everyone in that room was there because they had been helped by the organisation to break away from violent partners, husbands or other members of their extended

family. That day was a million miles away from the horror that they had lived through for too long.

One of the women I spoke to told me how she had recently arrived in Edinburgh from London after leaving her abusive partner. She felt that she was truly starting a new life—being reborn, as she put it—after the help that she received from Shakti. She and everyone else present were a tribute to the hard work and dedication of the staff not only of that organisation but of the many others working in the sector throughout the country. It is literally a life-saving service in many circumstances.

We as a society are still failing one group of women in particular—those who have no recourse to public funds. There is something fundamentally wrong when charities such as Shakti are unable to offer refuge places to women and children who are fleeing domestic abuse because they do not tick the right box according to the immigration system and are therefore not entitled to financial assistance. Charities do what they can to help, but they are placed in an impossible situation. Often women are forced to remain in an abusive relationship because they have nowhere else to go and no family or friends to turn to. I understand that the Home Office has announced a pilot project on the matter. I hope that it will be a first step to resolving that discrimination once and for all.

Although much has been done to tackle domestic abuse under previous Administrations and this Government, much more remains to be done. Crucial to the monitoring of progress and accountability of all bodies involved in the battle against domestic abuse will be better information. That said, we are moving towards a situation in which we have the right mix of national leadership and local implementation. That implementation is vital because behind every statistic is an individual who is isolated, alone and abused. We should never lose sight of that abuse nor of our resolve to end domestic violence once and for all.

15:21

Rhoda Grant (Highlands and Islands) (Lab): I am grateful for the opportunity to speak in this important debate. Domestic abuse has been taken seriously by this Parliament, but we still have much to do. We are a long way behind other countries in our response, which is why this week I launched a consultation on a member's bill to improve the protection that we give to victims.

There are three parts to the proposal: first, automatic access to non-means-tested legal aid for anyone looking for an injunction with powers of arrest to protect them from abuse; secondly, a provision that a breach of such an injunction would

become a criminal offence, punishable with a prison term; and thirdly, easier access to non-harassment orders by removing the requirement to show a course of conduct.

It is my opinion that the state has a duty to protect people from abuse. In any other crime, the state takes on the roles of investigation and prosecution to protect the victim, but that is not always the case with domestic abuse. That means that people who suffer from abuse—let us be clear that the vast majority of them are women—need to access support for themselves, but whether they can protect themselves and their families depends on whether they can afford it. The Government has raised the income level that is taken into account when calculating legal aid contributions, which will make civil legal aid more easily accessible for many, but it is still wrong that someone is required to pay for their own protection in a modern Scotland.

When a perpetrator breaches an interdict, they can be arrested and held for a couple of days. If in breaching the interdict they commit a crime—for example, an assault—they will be charged with that offence and prosecuted. However, if they do not commit a crime while breaching an interdict—for example, if they just sit outside someone's house—all that can happen is that they are removed and remanded for a couple of days. The victim can return to the court regarding the breach of interdict, but that involves more cost, time and probably harassment, while the perpetrator gets legal aid to defend himself. There is something wrong with a system that protects the offender but not the victim.

The second part of the consultation involves making all breaches of interdicts a crime. That would mean that the state rather than the victim would have to deal with any breach by the perpetrator of the abuse. Currently, interdicts are difficult to get because it is difficult to find corroboration. Due to the lack of real sanctions, they also offer limited protection.

Robert Brown: How would the member's proposal fit in with the existing system of Matrimonial Homes (Family Protection) (Scotland) Act 1981 interdicts and orders?

Rhoda Grant: My proposal builds on what is in the 1981 act and the Protection from Abuse (Scotland) Act 2001. It would give more teeth to those injunctions and ensure that their breach was a crime.

Christine Grahame: Will the member give way?

Rhoda Grant: I want to make progress before I take another intervention.

Thirdly, I am consulting on non-harassment orders, which are currently available and which

provide more protection for the victim. They can be requested by a procurator fiscal during a disposal, or the victim can apply for them themselves through the civil courts. Breaching a non-harassment order carries a prison sentence of up to five years, and they are therefore a much better deterrent. However, to get a non-harassment order it is necessary to show a course of conduct; the perpetrator needs to have been convicted of a crime of harassment twice before a non-harassment order can be applied for. The very nature of domestic abuse means that, in reality, those orders are out of the reach of many victims. Corroboration is needed to secure a conviction but, because the crimes are committed behind closed doors, it is difficult to find such corroboration once, far less twice.

The nature of domestic abuse is such that the victim often tries to hide the crime, which makes detection and prosecution even more difficult. When a victim finds the strength to come forward, the state needs to respond with high levels of protection.

It is not clear to me why non-harassment orders require a higher level of proof than a conviction for an offence. A non-harassment order is not a conviction. If someone does not breach it, there is no crime and no conviction. It is a vehicle to prevent future abuse, not to punish past abuse.

If a victim can assert that they reasonably suspect that someone might abuse them in the future, they should be granted a non-harassment order. That is the case in Australia, where the courts work on the balance of probability rather than a conviction. Because of the restrictions of members' bills, I cannot include such a provision in my bill, because it is difficult for a member to propose such legislation.

While we look at protecting victims, we need to look at protecting the children who are affected by such crimes. In this country, we underestimate the damage caused to children; in countries such as New Zealand, access to the children is not given to parents who are found to have committed domestic violence or are suspected of it. My postbag is full of correspondence about cases in which the justice system has been used as a lever for further abuse when a couple have split up. When an abusive partner gets access to the children, they use that lever to continue to abuse their victim.

I have acknowledged that the bill that I am proposing is limited, but that is due to the nature of members' bills—there is a difficulty in progressing complex issues in that way. However, I believe that the bill is a step in the right direction, and I ask members to respond to my consultation and support the process in order that we have better protection for those who suffer abuse.

15:27

Christine Grahame (South of Scotland) (SNP): In due course, I will come to the intervention that I was going to make, which was about interdicts and moving from civil to criminal procedures.

As has already been said, violence can be physical, emotional and psychological—that is not an exhaustive list. Domestic violence can be incremental, it can happen over an extended period, it can be a combination of all the above forms and it can come out of the blue.

Physical violence is sometimes easier to detect, but, quite often, the victim conceals it, because they are either ashamed of what has happened to them or fearful that the perpetrator will revisit them will further violence.

Emotional and psychological violence can take the form—as some of us might have seen—of belittling the victim in private or even in public, reducing self-esteem and making the victim deferential or even obsequious towards the perpetrator.

Alcohol consumption is not the cause of domestic violence, but it can be a contributing factor. A parliamentary answer from Shona Robison on 11 March stated:

"Homicide (the most serious violent crime) statistics for 2007-08, published in December 2008, show that 45% of the 148 persons accused in homicide cases were reported to have been drunk or on drugs at the time of the incident.

In relation to domestic abuse, the Scottish Government recognises that alcohol misuse can exacerbate the problem but is not an underlying cause ... The relationship between alcohol and domestic abuse is complex, but where domestic abuse exists, alcohol is often present. A 2003 Home Office study into domestic violence found that in 62% of cases alcohol was present, while almost half (48%) convicted for domestic violence were alcohol dependent. It concluded that alcohol may be a distinguishing factor in domestic violence offenders."—[*Official Report, Written Answers*, 24 March 2009; S3W-21759.]

Johann Lamont: Will Christine Grahame reflect on the conundrum—it has been mentioned in this chamber and was mentioned in the old chamber by her colleague Kay Ullrich—that it is odd that men can stand intoxicated in a pub and touch nobody but exert violence against their partner when they go from the pub to their home? The problem is not the alcohol but the man's attitude to his partner.

Christine Grahame: I have certainly said that alcohol is not the cause but an exacerbating factor. There is no excuse for violence, but we must consider the facts as they are displayed in the analysis that I mentioned. One consequence of alcohol consumption is violence, which is quite often demonstrated in the safety and security of the home, against the least resistant person. My

point is that alcohol exacerbates violent tendencies in people.

Domestic violence is controlling and manipulative and can cause serious emotional and physical harm, to the point of murder or culpable homicide. Statistics are available on that. Domestic abuse crosses all classes, all demographic groups and all cultures. Violence can be partner against partner, son against mother or granddaughter against grandfather. That list is not complete—Mary Scanlon and Mike Rumbles have referred to that point.

When we talk about violence against women, it is important to remember that it can cross boundaries. I will give an example of violence crossing classes that I have cited to Parliament before. When I was in civil practice, a middle-class and rather composed professional woman came into my office. She was swathed from neck to wrists in a large Aran sweater. Only many minutes into her interview with me did she reveal—on my request—the clearly identifiable hand marks around her neck and the bruises to her wrists and back where her husband had pushed her to the floor and kneeled on her. She was reluctant to disclose that attack. She was adamant that it came out of the blue and that he was so ashamed of himself that he voluntarily removed himself from the matrimonial home. I never found out whether the attack was the culmination of other events and threats, but the example illustrates that we must not stereotype the people who are involved, the violent acts or how they come about. The issue is complex and requires a range of interventions.

I need to read the consultation document on Rhoda Grant's proposed member's bill, but I am troubled by some of what she said, because she did not mention the Protection from Abuse (Scotland) Act 2001. The Justice 1 Committee introduced that important legislation to extend to interim interdicts and interdicts the power of arrest. Previously, that power attached only to matrimonial homes interdicts, which meant that the people involved had to be married, which excluded the increasing number of people who were in partnerships and a range of people in other relationships, who had no protection. The power of arrest can now be attached to a common-law interdict.

The evidence issues that Rhoda Grant raised will always exist. The principles of evidence in civil law are completely different from those in criminal law. To be frank, we cannot treat one particular offence differently.

Rhoda Grant: Will the member give way?

The Deputy Presiding Officer (Alasdair Morgan): Rhoda Grant will need to be quick as Christine Grahame is almost out of time.

Rhoda Grant: I make it clear that I propose to make it an offence to breach the interdicts to which Christine Grahame referred. That would mean not only that the power of arrest could be attached but that breaching an interdict could be punished by up to five years—not two days—in prison.

The Deputy Presiding Officer: Christine Grahame needs to wind up her speech.

Christine Grahame: Breaching an interdict is already a criminal offence. The matter moves from civil law to criminal law if breach of the interdict is proved. I look forward to reading Rhoda Grant's consultation document, but we must be careful about the language that we use and the levels of proof that are required. Is it possible to change the burden of proof and the standard of proof for a particular offence? The principle in Scots law is that, in civil cases, the burden of proof rests with the pursuer and the standard of proof is the balance of probabilities.

The Deputy Presiding Officer: The member must conclude.

Christine Grahame: In criminal cases, the burden of proof rests with the Crown and the standard is proof beyond reasonable doubt. Those principles are and should remain enshrined.

15:34

Cathy Peattie (Falkirk East) (Lab): The 16 days of activism against gender violence is an international campaign that has involved more than 2,000 organisations in 156 countries over the past 18 years. The 16 days run from 25 November, which is international day for the elimination of violence against women, to 10 December, which is international human rights day—16 days that link symbolically violence against women and human rights, emphasising that such violence is a violation of human rights. In every country of the world, women and children face violence and abuse. The abuse can be open and institutional—genital mutilation, forced marriage, honour killing and systematic rape in military conflicts—or hidden by a conspiracy of silence or the mistaken belief that it does not occur among every class, nationality, religion or creed.

Even in the past few days, we have seen headlines such as "Victims scared to complain in Nepal", "Silence increases domestic abuse in Uganda", "One in three women a victim of violence in Austria" and "42% of women in Turkey are victims of violence." There was also the United Nations statement: "Violence against women rooted in Afghan society". We know of many more reports from every country and continent. As one Chinese source said, there is

"a global pandemic of violence against women and girls".

The media detail the horrific scale of violence and abuse, but also highlight the huge international effort to address this global pandemic.

We know of inspiring stories of men and women who are making a stand. I am pleased that the minister is wearing a white ribbon today. Increasing numbers of men are joining the white ribbon campaign. In Scotland, footballers and referees joined forces with the police last weekend in supporting the campaign. Also, from reports on South Africa, we know that

"Traffic in Pretoria was brought to a standstill on Thursday when members of the South African Navy marched through the streets in support of the 16 Days of Activism."

There is an idea that we could use for next year's campaign.

This year, the theme is commit—act—demand: we can end violence against women! Indeed, we can also end violence against children. As the chair of the cross-party group on men's violence against women and children, I am sponsoring three events during the 16 days that relate quite well to the theme. At last week's meeting of the interfaith group on domestic abuse, an enormous commitment was made to the campaign. I thank the MSPs who attended the meeting. Tonight, at 6 pm in committee room 1, Patricia Byrne will perform her one-woman play "Don't Say A Word", which is highly recommended. A few seats are still available. Next week, a meeting organised by Engender will look at the demands that were made at the fourth world conference on women, which was held in Beijing in 1995. Nearly 15 years on, we will ask what progress has been in meeting the Beijing goal of

"equality, development and peace for all women"

and the goal to

"Prevent and eliminate all forms of violence against women and girls".

One objective of the 16 days of activism is the establishment of a clear link between local and international work to end violence against women. Sadly, we do not always get that right. At the last cross-party group meeting, Shakti Women's Aid gave a presentation on the subject of women with no recourse to public funds—women whose immigration status is such that they are not entitled to welfare benefits or local authority housing.

I pay tribute to Scottish Women's Aid. On 24 September, Women's Aid groups across Scotland took part in a 24-hour census. On that day, 101 women contacted Women's Aid for the first time; 47 women requested refuge for themselves and their children. Those Women's Aid groups were able to accommodate 18 women and 6 children.

However, 31 women and 25 children were not accommodated, mainly because of a lack of appropriate refuge space. Twelve women and five children were turned away because there was no space for them; others were unable to access refuge for reasons such as difficulties with public transport and accessibility.

It was found that women without refuge were likely to stay with their families or friends or to get temporary accommodation through local authorities. However, some women had to return to their abusive partner. Four women had to be turned away because they had no recourse to public funds. Those women cannot be accommodated by a Women's Aid group; for them, the options are even more limited. Most are forced to return to their abusive partner.

The importance of Women's Aid's specialist support for women cannot be overstated, yet there is huge pressure on those services as a result of the removal of ring-fenced funding and the increased funding pressures that local authorities face. We need a stronger commitment, matched by funding, to ensure that women, children and young people always have full access to specialist domestic abuse services. More than that, we need to tackle the causes of gender violence, to show that women and children can live their lives without fear of violence and abuse. Commit, act, demand—we can end violence against women.

15:40

Mary Scanlon (Highlands and Islands) (Con):

I welcome the opportunity to speak in this debate. Our 10-year-old Parliament has prided itself—rightly—on addressing equality and social justice issues. Today's debate presents us with another equality challenge that will be addressed by the planned future debate. I hope that that debate will deal not just with violence against men but with violence in same-sex relationships and, in particular, the situation of children in those relationships, who are currently denied support.

I put on record my appreciation and thanks to the Minister for Housing and Communities, Alex Neil, for agreeing to meet John Wilson, me and members from other parties, who were, however, unable to attend. His commitment to consider the situation of all domestic abuse victims and their children is welcome.

It is only right and just that the Parliament and the Scottish Government continue to support the Women's Aid movement, shelters and refuges, the provision of counselling and support for women and children, and programmes for males to address their abusive behaviour. In a modern, compassionate Scotland, we should expect no less.

As other members have said, in the past nine years, the number of domestic abuse incidents with a male perpetrator and female victim has increased by 39 per cent, the number of incidents with a female perpetrator and male victim has increased by 172 per cent, and the number of incidents with a male perpetrator and male victim has increased by 215 per cent. The biggest increase of all has been in the number of incidents with a female perpetrator and female victim, at 427 per cent. That is more than 10 times greater than the increase in the incidence of violence by males against females. I agree that, undoubtedly, the majority of cases involve violence by males against females, but that is no excuse for ignoring other cases and the children in those relationships.

Marlyn Glen: Will the member give way?

Mary Scanlon: Not just now.

In the same nine-year period, recorded female abuse of males doubled from 7 to 14 per cent of all incidents. I refer members to page 13 of "Safer Lives: Changed Lives", which indicates that the only existing evidence on male victims is from 2002. The report states:

"there is a need to have robust evidence and greater understanding of what if any specific needs men might have."

Marlyn Glen: Will the member give way?

Mary Scanlon: I will do so when I have finished making this point.

In Scotland, there are no services for male victims, except for a telephone helpline in Somerset—that is what men in Scotland are offered.

Although today's debate is about domestic violence against women—I will come on to the issue of female-female relationships—it is the situation of the children who are involved in domestic abuse and violent incidents that gets me so passionate about the issue.

I mentioned that there is a telephone helpline in Somerset; the Scottish Government's website also provides information on a telephone helpline in Surrey.

Marlyn Glen: Will the member take an intervention?

Mary Scanlon: I will do so when I am ready.

There is nothing in the report or elsewhere in Scotland that will enable women to address their abusive behaviour, whether that behaviour is directed against men or against other women. There is no recognition in Scotland of the fact that women can perpetrate domestic abuse.

It is the children who I am mainly concerned about.

Marlyn Glen *rose*—

Mary Scanlon: I will come to Marlyn Glen in a second.

The United Nations Convention on the Rights of the Child gives children and young people the right to special protection measures from all forms of physical and mental violence—but that does not apply in Scotland.

The amount of money that is committed to violence against women is £44 million, but there is not one penny for violence against men.

I realise that I am running out of time.

There is no other service for victims of crime that the Scottish Government would leave to another organisation in another jurisdiction. The three publicly funded CEDAR—children experiencing domestic abuse recovery—pilot projects that are under way in different parts of Scotland have a remit to support women and their children. There is nothing for men. There is nothing for the children of same-sex relationships or the children of men who are being abused.

My final point—sorry, Marlyn—is to welcome the future debate on victims of domestic abuse and domestic violence. I very much welcome the future debate on supporting the needs of all children in relation to all domestic violence.

15:46

Anne McLaughlin (Glasgow) (SNP): Last night, when I was considering what I was going to say today, I did not know where to start. There is so much to say, with so many angles from which to approach the issue of domestic violence. There are so many victims, so many perpetrators and so many who turn a blind eye. That is where I want to start. Whether or not our lives have been touched by domestic violence, it is a problem that all of us need to work on together to overcome. None of us can afford to turn a blind eye—and nor should we.

The debate is not just about women's problems; it is about men's, too. It is not just about an adult problem; as we have heard, it is very much a problem for children, too. Skin colour, religion, class and educational background do not stop someone becoming a perpetrator or a victim of domestic violence. It knows no barriers, therefore it is a problem for all of us.

It might surprise people to hear members of the Scottish Parliament saying that the issue of violence against women is not one that any Government, political party or organisation can solve on its own. The motion acknowledges that

when it mentions “partners across Scotland” working together.

In particular, the motion honours the 16 days of activism against gender violence, which is a successful and truly collaborative example of communities working together to learn from each other. The motion also highlights the safer lives: changed lives strategic approach from the Government and COSLA. I wish to look more closely at one of the four main objectives of that approach: to ensure that policies and practices are based on the experiences of those individuals who have required to use the relevant services.

The voice against violence group, which was announced last week by the Scottish Government, is an independent group of children and young people who have been affected by domestic violence. The group is being used as a source of expertise: its experts will speak directly to COSLA leaders and Scottish Government ministers to ensure that the new approach is implemented in a way that makes a difference to children who have been affected by domestic abuse. I cannot imagine what courage and commitment it must take for those young advisers to step forward. I am sure that everyone in the chamber applauds their efforts.

Along with a shared approach, we must remember that there is no one-size-fits-all solution, and we must also bear in mind cultural and religious differences, which might impact on a victim's willingness to tell someone and their ability to access help.

As a Glasgow MSP, I have been fortunate to meet representatives of some fantastic women's organisations from the black and minority ethnic communities, which are creating their own strategies to fight domestic violence. They recognise that women and families have cultural, linguistic and religious needs that must be accommodated in service provision. One such group is Amina—the Muslim Women's Resource Centre. Based in Govanhill in Glasgow, which is one of the most diverse and densely populated communities in Europe, Amina has developed into a vibrant, well-attended community group. Among its services are a multilingual confidential helpline and a befriending project, which helps women who might not be accustomed to going out alone so that they can go out, get services, find work and develop their lives. We have to use everyone's experiences. Groups such as Amina must be part of the shared approach, because they understand the additional barriers that women from BME communities can face.

The Scottish Government's approach is wide ranging. The Government published the first draft budget to include an equality statement, which is significant, because it means that the entire

budget must be spent in a way that takes account of access and equality issues. Of course, the Parliament will want to monitor spending to ensure that that happens in practice, but as a statement of principle the equality statement is highly significant.

Johann Lamont: Will the member give way?

Anne McLaughlin: The member must forgive me. I have not quite mastered the art of sticking to time, so I cannot take an intervention.

I want to talk about someone I know who has been a victim of domestic violence. For several months, I have been working with Florence Mhango and her 10-year-old daughter Precious. Florence is originally from Malawi, but she and Precious live in Cranhill—when they are not in a detention centre such as Dungavel or Yarl's Wood, as is currently the case. The family were put on a flight for deportation last week but were saved at the last minute by an advocate who secured a judicial review of their case.

Florence is 32. She came to the United Kingdom almost seven years ago with her husband, on a student visa. She believed that starting a new life with him would stop the beatings. She was wrong: the violence only intensified after the move to England. With the help of a women's refuge, she finally got the courage to flee to Glasgow. She is terrified of being sent back to Malawi, not because Malawi is particularly unsafe but because her husband's family have made it clear that they are waiting to take Precious into their care. The legal system in Malawi offers Florence few rights, so she would lose her child. The huge irony in the situation is that she must fear her husband's family but not her husband, because he—the perpetrator of the violence—is not in Malawi but is living and working in the UK under no threat at all. As Rhoda Grant said, we cannot defend a system that protects the perpetrator but not the victim.

I am inspired by Florence and Precious, who have reached out and become active in their community after fleeing violence. They participate in a variety of projects to help other people, and hundreds of people throughout Scotland are campaigning for their release, because of the impact that they have both made on the community. They were never able to make such an impact when they were living with domestic violence. By working together to end domestic violence, we are enabling thousands of people like Florence and Precious to contribute to society. There are many people who could contribute as much as they do, but the reality of violence is stopping them.

I was inspired and moved by a performance by the interfaith group on domestic abuse at a reception in the Parliament last week, and I was

reminded of something that I read that was written by a victim of domestic violence:

"It's hard to look for the light when you're lost in the darkness".

The Deputy Presiding Officer: You should wind up now.

Anne McLaughlin: I am winding up, Presiding Officer.

None of us should turn a blind eye to domestic violence. We are all responsible for enabling victims to come out of the dark and for enabling them and their children to lead normal lives, free of the fear of violence in their homes.

15:53

Marlyn Glen (North East Scotland) (Lab): I am pleased to speak in the annual debate on the 16 days of activism to end male violence against women. It is essential that we give the issue as much publicity as possible, to help to create a culture change. In particular, it is essential that we support the white ribbon campaign, which calls on all men to pledge never to commit, condone or remain silent about violence against women. The campaign's website asks men and boys to sign up to the pledge, and I urge members to do so.

I welcome the reaffirmation of the commitment of the Scottish Parliament on the issue. We have had 10 years of commitment and some real achievements, which we should be proud to mark. I welcome COSLA and the current Administration's document "Safer Lives: Changed Lives", which outlines aspirations to tackle domestic violence. When the Minister for Housing and Communities gave evidence on the document to the Equal Opportunities Committee in September, he clearly accepted—as he has done today—the importance of a gendered analysis of domestic abuse.

I refer Mary Scanlon, in particular, to pages 7 and 8 of "Safer Lives: Changed Lives", where a clear definition of violence against women is set out. All violence is wrong, but there is widespread agreement about the spectrum of violence that women suffer, which includes pornography, prostitution and rape, as well as domestic violence. The minister acknowledged that to the Equal Opportunities Committee when he said:

"prostitution and pornography are part and parcel of the problem of violence against women in our society and must be tackled."—[*Official Report, Equal Opportunities Committee*, 22 September 2009; c 1238.]

I welcome that acknowledgement from the minister.

It is a challenge to recognise and respond to that interconnectedness, so I am disappointed that the minister is not planning to take the lead and

prioritise those issues. I accept that choices have to be made, but if domestic abuse has been prioritised, we should see evidence of that. The Scottish Government must give a lead and ensure that the necessary infrastructure, resources and budget are available to deliver what is set out in "Safer Lives: Changed Lives".

In the section that deals with the costs of violence against women, the document gets it right. Violence against women is unacceptable and a violation of human rights, but it is also a major drain on the public purse and the economy. In addition to the human and emotional costs, there are costs to the criminal and civil justice system, the health service, social services and housing. It is estimated that the cost of domestic abuse in Scotland is £2.3 billion and that the cost of violence against women is £4 billion, although the budget equality statement was silent on that issue.

I applaud the provision of a toolkit on domestic abuse for courts throughout Scotland, which draws on the learning from the domestic abuse court in Glasgow. Members of the Equal Opportunities Committee visited the domestic abuse court in Glasgow just last month, and we all speak highly of the court's actions and the tenor of proceedings. In our short visit, we saw use being made of translation services and the adoption of a realistic attitude to perpetrators, both male and female. Specialist courts work extremely well and it is essential that lessons are learned from them.

"Safer Lives: Changed Lives" states that it "is not an action plan"

and that

"all partners ... will require to develop their own action plans in order to ... monitor and report on progress."

The minister should also monitor and report on progress—to the Parliament—but, sadly, that has not happened. Johann Lamont gave details of the results of Scottish Women's Aid's monitoring of single outcome agreements, which I will not repeat, but I urge the minister to examine them carefully.

The briefing that members received from the Equality and Human Rights Commission offers the clearest guidance on the way forward. "Safer Lives: Changed Lives" aims for

"greater consistency of service provision ... and improved outcomes",

which can be achieved only through the provision of strategic leadership and adequate resource at local and national levels.

The gender equality duty is identified as a key policy lever, but the EHRC expresses concern that the reduction of ring-fenced funding for violence

against women services may result in financial decisions being taken that disproportionately affect women who experience violence and, as such, may not comply with the equality duty. Guidance already exists on that, and the commission will publish the findings of its counting the cost project in the spring of next year. Now is the time to take action, as the commission has already stated its readiness to use its enforcement powers.

15:58

Alison McInnes (North East Scotland) (LD):

Like other members, I am pleased to support the 16 days of activism against gender violence campaign and to pledge my continuing support for the elimination of violence against women. Women and children have the right to live free from the threat of violence.

We have an annual debate on the issue, and I am sure that we all agree that it would be great if it were not necessary to do so, but sadly, as Bill Aitken said, that day is still a long way off. The fact that levels of violence against women in Scotland are still extremely high ought to be, and is, a matter of grave concern to us all. As others have noted, the recording of 53,000 incidents of domestic abuse in 2008-09 represented an 8 per cent increase on the figure for the previous year. Each of those cases represents a human life in turmoil. The huge number of incidents is even more concerning given that, in many cases, domestic abuse is not reported to the police. Liberal Democrats have consistently called for the adoption of a zero tolerance approach. It must be made crystal clear that there is never any excuse for domestic abuse.

Ministers must tackle underlying factors that contribute to domestic abuse, notably drug and alcohol misuse but, fundamentally, there needs to be a culture change if we are to stamp out the problem once and for all. Repeat victimisation has been mentioned, and I agree that the number of such incidents is extremely concerning. We must give further consideration to how repeat offenders in particular are dealt with—the damage that is caused to partners and to the welfare of children demands no less. The domestic abuse task force that was established recently by Strathclyde Police has been referred to. That task force actively targets the most persistent offenders to protect those who are at high risk of serious violence and ultimately to reduce incidents of domestic homicide.

Progress has been made, but much more needs to be done. Violence against women continues to be a major social problem and a real challenge to all the agencies and individuals involved in prevention, protection and supporting. I acknowledge the contribution that voluntary sector

groups, particularly Scottish Women's Aid, Engender and Rape Crisis Scotland, have made in driving policy change and in practical support.

“Safer Lives: Changed Lives” rightly acknowledges that the solution lies in health services, local councils, the police, the voluntary sector and the justice authorities taking a shared approach. However, that document is not an action plan, and fine words alone will not effect the change that is needed. Having a shared understanding and taking a shared approach need to be kept at the forefront of everyone's minds every day, not just once a year, and they must be reflected in budget decisions and underpinned by safeguarded funding.

“Safer Lives: Changed Lives” identifies three priorities that I agree should be the three priorities: prevention, protection and provision. I will spend a little time on those.

Prevention is surely the hardest priority, as it involves changing culture. Many members have said that. It is appalling that one in two boys and one in three girls believes that there are some circumstances in which it is okay to hit a woman or to force her to have sex. It is clear that investment is needed in work that tackles root causes and creates an understanding of women's inequality as a cause and a consequence of violence against women.

On protection, Scotland's rape conviction rate of just 3.7 per cent is one of the lowest rape conviction rates in the world and the lowest in Europe. In August, the Liberal Democrats revealed that less than 10 per cent of rape cases went to court in 2007-08. It is obvious that much more needs to be done to improve the prosecution levels in rape cases in Scotland. It is not the place of politicians to interfere with the legal process, which must, of course, continue to allow people who have been accused of rape to have a fair trial, but the Government must ensure that victims of rapes can be confident that their case will be taken seriously, that they will be treated with sympathy, and that everything possible will be done to bring justified and provable cases to court.

The domestic abuse court in Glasgow has been successful in delivering faster and more effective justice, more convictions and better support for victims; the Liberal Democrats—particularly my colleague Robert Brown—have been vociferous in our support for that kind of specialist court. We were therefore disappointed when the Scottish Government did not rethink its decision not to roll out domestic abuse courts beyond the court in Glasgow. We are pleased to see the amendment in Bill Aitken's name. If specialist courts are available throughout Scotland and are seen to be dealing effectively with domestic abuse, more people will come forward to report incidents of

abuse. That would mean that more victims would get more help.

On provision, I was going to refer to the Scottish Women's Aid census on 24 September, but Cathy Peattie mentioned the figures in that. Of those figures, I was most concerned about the 47 women who requested refuge, the 12 women who were denied access to a refuge due to lack of space, and the five children who were turned away due to lack of space. Those figures are chilling. Some of those women had to return to their abusive partners.

It has been said that violence can have far-reaching and long-lasting effects. It can result in physical and psychological damage, isolation, low self-esteem and even economic losses as a result of people losing their jobs. Much more needs to be done to provide victims with practical help, emotional support and information to help them to escape from violence and recover from the experience of being a victim of violence.

With the squeeze on public sector funding, we must redouble our efforts to ensure that targeted funding is available for such critical work. Significant pressures are being put on the voluntary sector as a result of the local government concordat and single outcome agreements, as well as by local authorities' tight financial settlements. The situation is compounded by the effect of the recession on charity revenue and business investment. The Scottish Council for Voluntary Organisations has described the current combination of effects as "a perfect storm". We should all be concerned by that.

The Equality and Human Rights Commission's map of gaps campaign highlighted the postcode lottery that exists in the United Kingdom in respect of support services for women who are the victims of violence. In Scotland, which has a female population of around 2.6 million, there are only 45 domestic violence services, 13 rape crisis centres and one sexual assault referral centre. Ring fencing funding is not always a solution, but the removal of ring-fenced funding for those services has been detrimental. Therefore, I welcome the significant counting the cost research that the Equality and Human Rights Commission Scotland has commissioned. Local authorities' funding and organisational decisions will be analysed. I hope that the Government will heed the findings when that research is published in the spring.

16:04

Angela Constance (Livingston) (SNP): I hope that the debate will give a national focus to the many local campaigns that are contributing to the international campaign of 16 days of activism against gender violence. As has been said,

violence against women is both the cause and consequence of women's inequality, linked to disparities in employment, health, wellbeing and participation in public life. It is continuously related to poor mental health and substance misuse. Crucially, it disables women from being everything that they are and want to be. We should not and must not underestimate the social and economic costs of gender-based violence, as well as the harm that is caused to individuals and their families; Marlyn Glen referred to that. In essence, violence against women continues to be a human rights violation.

The motion rightly celebrates the work that is being undertaken in communities the length and breadth of Scotland, supported by the Government. I will, therefore, touch on the cutting-edge work that is being done to create sustainable services for women survivors and their children in West Lothian. Resources and skills are shared across a strategic partnership involving social work, police, health, education, criminal justice, housing and Women's Aid. West Lothian is one of the local authorities that include the issue of violence against women in their single outcome agreements. Crucially, there is an acknowledgement that survivors are diverse and not a homogeneous group and that there are multiple forms of abuse and deprivation. Therefore, services across various disciplines, while encouraging disclosure, must provide a supportive and single point of contact for multiple services. Substance misuse services in West Lothian now screen all women service users to establish whether there is a need to refer them to violence against women services. Locally, there will be moves towards implementing routine inquiries of abuse across key priority settings such as mental health, accident and emergency, primary care, sexual and reproductive health and maternity services. The practice of just asking the question struck a chord with me.

Given the focus that there is now on the impact of domestic violence on children and young people, I thought that colleagues might be interested to know about the excellent preventive educational programme that is being delivered in all West Lothian secondary schools and the West Lothian domestic abuse children's screening group, which, in 2008-09, received a staggering 2,000 referrals of children who had been exposed to the physical and psychological dangers of domestic abuse and violence. For me, that is a stark reminder of the pervasiveness of violence against women and children. It is well known that one in four women will experience gender-based violence at some time in their life. As has been stated, 54 per cent of survivors report repeat victimisation.

Johann Lamont: On the issue of repeat victimisation and the role of domestic abuse courts in addressing that, does the member want to see a domestic abuse court established in her constituency to match the services that are delivered there and to ensure that the perpetrators are dealt with timeously so as to protect families?

Angela Constance: I listened with interest to the arguments that were made in favour of establishing domestic abuse courts throughout Scotland, but I would like the practices of such specialist courts to become routine in every court the length and breadth of Scotland.

I am glad that the minister acknowledged the need for more refuges, given that Scottish Women's Aid recently reported turning away 52 per cent of women who were seeking a place of safety. Surely it cannot be beyond our wit to ensure that the affordable housing investment programme provides a focus and impetus for the building of purpose-built facilities.

Like Shirley-Anne Somerville and others, I raise the issue of women who are refused accommodation and support because they have no recourse to public funds. The UK Government has announced the pilot sojourner project, which is available to women who have entered the UK under spousal visa, but what happens to women who are fleeing violence who have entered the UK as students and workers? What about asylum seekers and trafficked women? What representations will the minister continue to make to the UK Government in that regard?

With regard to violence against women, I believe that we have begun to climb the mountain, but we have not yet reached the summit.

I end by quoting the former UN secretary-general, Kofi Annan, who said:

"Violence against women is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace."

16:10

Margaret Curran (Glasgow Baillieston) (Lab): We come again to our annual debate on this subject, which has become a standard feature of the parliamentary calendar and is, as many members have said, related to the 16 days of activism.

As the minister said in his opening speech, a consensus around the core elements of this work has been established in the Parliament, and it is fair to say that some progress has been made over the 10 years in which the Parliament has been in existence. The explicit priority that is given

to action on domestic violence is giving Scotland a sense of direction. We have linked that to broader issues of violence against women, as many people—particularly Cathy Peattie—noted. That has led to Scotland leading the way across the UK, particularly in relation to, for example, national funding for rape crisis centres. I would lobby my colleagues down south about some of those issues as much as I would lobby the Scottish Government.

In response to a point that was made by Mary Scanlon, I would say that, as a result of the work that is done by women's organisations, we have a much deeper and broader understanding of child sexual abuse and its causes and consequences. Much of that work reflects earlier work that was done by organisations such as Women's Aid and, in particular, the Zero Tolerance Trust, which highlighted protection, prevention and provision as key areas of work on which we should focus our efforts. However, there has been some success in relation to another P—the profile that has been given to that work, which has legitimised domestic violence as an area of proper public intervention and has, hopefully, given victims some confidence and hope that something can and will be done.

However, there is a big but. Some years ago, when I was on the Parliamentary Bureau and we were timetabling a debate on this topic, Bill Aitken—being right, for once in his life—suggested that we must be careful when we approach this issue, as there is a tendency for us to be cosy and self-congratulatory when we discuss it. The fact that there are no big partisan divisions on the issue should not allow any of us to get off the hook, as there are still many terrible issues that must be confronted. It is in that context that I make my remarks this afternoon.

Many members have commented on the statistics, and I will not repeat what they have said. However, anyone who watched "Reporting Scotland" this week would have heard gross examples and evidence of the scale and profundity of domestic violence in Scotland in reports about a number of women who have been murdered by their partners.

I have no doubt that there is a shared agreement across the Parliament. We should protect that and celebrate our recognition that there is a need for decisive and sustained action. Whatever our perspectives, we have that shared commitment and we need to fight to hold on to that. Nonetheless, it makes none of us exempt from criticism, and we need to give ourselves a shake and accept that there are big worries out there just now that we must pay attention to. I do not say that in a partisan way at all.

I am grateful that the minister referred to refuge provision. I acknowledge the work that Rhoda

Grant is doing on that issue. A big part of me always wonders why we should focus our efforts on helping women get out of situations rather than saying that the man who is abusing the woman should have to get out. Nevertheless, we must be realistic and accept that we must give priority to refuge provision. Glasgow East Women's Aid consistently turns away 70 per cent of the women who come to it, having had the courage to say, "I have had enough and I need to go." A lot needs to be done in that regard.

I draw the minister's attention to the single outcome agreements and to the "worsening situation" in that regard. Those are not my words, but the words of organisations that say that they are desperately worried that the situation will get worse.

We have worked very hard in the Parliament to give attention and focus to the distinct needs of women who experience violence and the need for provision in that area. However, many are worried that as we generalise, that focus is being lost. I ask the Government to pay serious attention to that.

We have broadened our work to include other issues that relate to violence against women. I draw the minister's attention to a letter that I received recently from Glasgow East Women's Aid, which wrote to inform me

"that funding provided by the Scottish Government in March 2008 to provide services to female adult survivors of child sexual abuse will not be continued after March 2010."

That is the hard reality of what is happening in Scotland. Projects are closing down and women are being turned away, and we have some serious work to do. A degree of rethinking is required on that.

I will mention briefly one other aspect of policy, to which Johann Lamont referred: sentencing. Again, I emphasise that I am not making a partisan point, but we are entitled to ask about the Government's direction on the sentencing of perpetrators of domestic abuse. Is the Government saying—I hope that the minister will clarify this—that someone who is convicted of a crime of domestic abuse will face a higher sentence or that they will face no sentence at all? That question has enormous implications for policy in that direction.

Believe me: those of us who have been active in this field know that if a man is sent away even for a month, that month can be vital for the family that is on the receiving end. It can give them the space, the time and the resource to get themselves together and to be able to avoid—

Angela Constance: Will the member give way?

Margaret Curran: I think that I am running out of time.

That month can give a family the time that it needs, so the question about the Government's sentencing direction is critical. If we make a decision on sentencing in another debate, that could have huge implications for what we will be saying in a debate on this issue next year. The sentencing policy is something that we radically need to address soon.

16:16

Margaret Mitchell (Central Scotland) (Con): Domestic violence against women is unacceptable and a violation of human rights. Although it is impossible to measure the human and emotional turmoil, not only for the victim but for the children who are involved, the cost in purely financial terms represents a huge drain on the public purse and the economy.

Domestic abuse, which can take many forms ranging from physical violence to verbal abuse, cuts across the social divide and is no respecter of persons. Given those facts, it is in everyone's interests to do whatever we can to help eliminate it. The motion highlights the importance of various organisations,

"including the voluntary sector, local authorities, the police, NHS boards and others",

working

"together to end violence against women".

That being the case, my contribution to the debate will focus on two examples of that co-operation and partnership from a local perspective, in my Central Scotland constituency.

The first example involves local authorities working with the voluntary sector in the form of Women's Aid groups in Lanarkshire to provide essential funding and other support to maintain local refuges. Those refuges are quite literally, in some circumstances, a lifeline for women and children who are fleeing violence and abuse. They provide transition accommodation until a new home, school and a place in the community can be established. It is clear that the importance of that support cannot be emphasised enough.

However, at a recent annual general meeting of the Hamilton branch of Scottish Women's Aid, concern was expressed at the possible adverse consequences of the reduction in local authority ring-fenced funding for violence against women services, including the support that the group receives for refuges. That concern is echoed not only by other Women's Aid groups throughout Scotland, but by the EHRC Scotland, which points out that if those services were reduced, there could well be—as Marlyn Glen and many others

have pointed out—an issue regarding local authorities failing to implement the gender equality duty. The minister made some encouraging remarks about refuges in his earlier speech, but I ask him to comment on the issue that I have just outlined when he closes the debate.

My second example of that co-operation is the superb ending the circle of violence campaign, which operates in the Monklands area and is now in its second year. Since its launch by the police in 2008, the campaign has achieved some dramatic success in raising awareness locally about the issue. The campaign has brought together representatives from voluntary organisations and local authorities, procurators fiscal, politicians, and crucially the *Airdrie and Coatbridge Advertiser*.

This year, the campaign took a new direction with the establishment of a crime unit to reduce domestic abuse and violence. The first of its kind in Scotland, it consists of a dedicated team of police officers who proactively target the most prolific domestic abuse offenders. The initiative will reduce repeat domestic abuse incidents by the highest tariff offenders and reduce repeat incidents for the highest risk victims of domestic abuse. That is to be done in tandem with specific partner agencies who will work together to prevent domestic abuse and help the victims.

In conclusion, it is to be hoped that the new campaign, which was launched in October under the title working together, will make the perpetrators of domestic abuse and violence against women think again.

16:21

Sandra White (Glasgow) (SNP): I give apologies from Stewart Maxwell, who was to take part in the debate but is, unfortunately, unable to do so. I acknowledge his support as a previous minister with responsibility for the issue.

I welcome the fact that Parliament is once again putting on the record its support for the 16 days of action, and its abhorrence of violence against women. I am reminded that, in a previous debate on violence against women, I mentioned Cathy Peattie's tenacity on the subject. I think that we both said that we hoped that we would never have to take part in another debate on the subject; unfortunately, however, we have had to do that. I acknowledge that we need to continue to discuss it.

The fact that we are having this debate is a sign of the Parliament's continuing commitment to tackling violence against women and our recognition of the fact that it is endemic in our society. However, recognising the fact of its existence does not equate to accepting the inevitability of its continuation. There is no room

for complacency or resigned acceptance. Violence against women must continue to shock and appal all of us every time we hear evidence of what goes on in our midst.

I am pleased that the Scottish Government has continued to support Scottish Women's Aid and Rape Crisis Scotland as well as the media campaign domestic abuse there is no excuse, and that it is promoting the important message of the this is not an invitation to rape me campaign. Much has been made of the domestic violence court in Glasgow, which has been successful, and we are aware that the Dumbarton sheriff court will open up a separate courtroom for domestic abuse cases on 21 December, which might address some of the issues that Bill Aitken mentioned. However, despite our debates, the investment and the good work of many people, we still face the problem. We have to ask ourselves why.

It is clear that too many people believe that it is acceptable for a man to hit a woman on most occasions, on some occasions, or on any occasion. Surveys of public opinion have proved that. Worryingly, a survey showed that even young women think that it is okay for men and boys to hit them in certain circumstances. That is a worrying trend. As are others who have raised the matter, I am keen to ensure that the impact of domestic abuse on children is an integral part of the work that is taken forward. I know that Adam Ingram is working with the Minister for Housing and Communities on that.

Anne McLaughlin mentioned the no more violence campaign. I had the pleasure of hosting the launch of that campaign last Thursday, which the minister attended. It is funded by the Government, and it involves a group of young people from throughout Scotland who have been elected by their peers. They will have access to ministers, the Convention of Scottish Local Authorities and officials and they will raise awareness of this heinous crime among their teachers and peers. It is the first campaign of its type in the world. We should pat ourselves on the back for going down that road, because the campaign is an excellent part of our work on the subject.

Like Margaret Curran, I will not use a lot of statistics because they have already been quoted. We need to look beneath the statistics to discover why violence against women happens. We must continue to work towards stamping out the repugnant idea, which is rooted in some parts of our culture, that it is all right to hit women. Even after 10 years of the Parliament, that is easier said than done, especially as the depiction and treatment of women in some parts of our so-called "popular" culture reinforce the very behaviour that we are trying hard to get rid of.

I am deeply concerned at the number of young people who are being exposed to brutal images on the internet. Of course, given the nature of the medium, we have very little chance of preventing that, but I note that the issue was covered in last week's stage 1 debate on the Criminal Justice and Licensing (Scotland) Bill, in which I spoke.

I am also worried about the portrayal of women in certain music genres and entertainment venues; about the language that is used in lyrics to describe women; and about the sometimes disturbing images in the music videos that accompany these songs. No doubt some people will say that this is only a Mary Whitehouse-type rant from someone who knows nothing about music. Indeed, people have already said as much to me. It is true—I cannot pretend to be a music expert. However, it is totally unacceptable to justify what is nothing more than the degradation of women by saying that they are only words in a song or images in a video, or by arguing that it is all about artistic freedom. I will probably get lots of e-mails about that, but as far as I am concerned, this has nothing to do with artistic freedom and everything to do with perpetuating the objectification of women by portraying them as second-class citizens. I hate to use these words, but these songs, which are aimed at children and young people and have been deemed acceptable as entertainment, often describe women as bitches and whores. What lessons are such songs teaching the next generation? Will boys be able to grow up to respect women? Will women be able to grow up with confidence and aspirations? They will most certainly not, if they absorb such messages.

In addition to tackling the violence that gets reported to authorities, we must also tackle its root causes at the cultural and social level of our communities. Blind acceptance of the portrayal of women in some sections of the media and the music industry could frustrate our attempts to deal with violence against women. We simply cannot let that happen, and it is our responsibility to speak out against it. If that unacceptable view of women is not tackled, it will spread unchecked and another generation will grow up with a distorted view of the relationship between men and women. This Parliament has a duty to all the men, women and children outside the chamber to do all that it can to prevent that.

16:27

Mike Pringle (Edinburgh South) (LD): Scotland has developed an international reputation for its work on violence against women and, in particular, domestic abuse. It is vital that this work be driven forward, which is why the Liberal Democrats welcome this afternoon's

debate and the 16 days of activism against gender violence campaign.

Johann Lamont, Robert Brown and other members have highlighted the Scottish figure for incidents of domestic abuse, which is appalling, as everyone will agree. Each one of the more than 50,000 reported cases represents a human life—often more than one—that is in turmoil. The numbers are huge, but of even greater concern is the fact that—as Bill Aitken and Alison McInnes pointed out—such abuse is often not reported to the police. How many more cases than those 50,000 might there be? My guess would be that there are a lot more.

The Liberal Democrats have consistently called for a zero tolerance approach, because it must be made crystal clear that there is no excuse for domestic abuse. I certainly believe that this is a poignant time to be considering the issue, given that evidence suggests that Christmas is one of the worst times of the year for such cases. Christmas is a time for children but, as many members have pointed out, children themselves are very often the victims of this kind of abuse. I see that Mary Scanlon has left the chamber, but I have to say that she made a very passionate plea to help those children.

Last December alone, the domestic abuse helpline in Wales took 2,200 calls—an average of almost 70 a day. The rise in the number of cases over Christmas is, no doubt, attributable to several factors, not least of which are the fact that the holiday season can put strain on relationships, and the link that several members have mentioned between domestic abuse and that evil thing called alcohol. Unfortunately, given the financial strain that many Scottish families are under this year, the problems might well be exacerbated this Christmas. It is important to note that none of those factors is an excuse for domestic abuse; instead, they are common factors that are often present in domestic abuse cases.

I know that on boxing day last year the Scottish Government launched its advertisement entitled "I Soar", which highlighted the help that is available to vulnerable partners. It is vital that the Government continues to promote available services over the coming festive period.

The police also have an essential role to play. Last year, more than 6,837 cases of domestic violence were reported to the police between 8 December and 18 January, and 59 per cent of those incidents involved alcohol. Those figures, and the increasing rates of reporting overall can—at least in part—be attributed to the success of the national violence reduction unit, which launched its seasonal crackdown on domestic violence yesterday.

That said, if the police and judiciary are to be as effective as possible in tackling violent partners, it is vital that they be given the right tools. Given the obvious link between domestic abuse and alcohol, a step forward would be for the Government to introduce alcohol treatment and testing orders, which would give sheriffs a new option in tackling alcohol-fuelled abuse and would prevent courts from becoming a conveyor belt for offending.

The minister and other members were right to highlight the statistics around gender violence, so I will not repeat any of them. However, I would like to mention briefly discrepancies in prosecutions between geographical areas. Although it is encouraging that the proportion of incidents of domestic abuse that result in reports being made to procurators fiscal has increased, it is concerning that considerable variations exist among police forces. Ministers must find out why a referral is made in only 26 per cent of cases in the Lothian and Borders Police area while one is made in 75 per cent of cases in the Northern Constabulary area.

Finally, I have a comment to make on the issue that was raised by Robert Brown, by Angela Constance and, in particular, by Shirley-Anne Somerville, about asylum-seeking women whose claims for asylum are refused, who have no recourse to public funds, and who are denied access to services. I will quote from the briefing from the Scottish Refugee Council, which states:

"The Scottish Refugee Council believes that the UK strategy is a missed opportunity to send a signal to refugee and asylum-seeking women that their experiences of violence in their country of origin, in transit and in the UK will be treated as seriously as those of other women."

Surely in this day and age, whoever we are, wherever we are, and regardless of our situation or personal circumstances, we must all have a right to protection from violence. Domestic abuse is unacceptable in 21st century Scotland, and we must continue to work together to tackle this continuing problem. I hope that by the time we have this debate next year, we will have seen some improvement. I support the Government's motion.

16:33

John Lamont (Roxburgh and Berwickshire)
(Con): I start by apologising to Parliament for having briefly to leave after the opening speeches in order to meet constituents.

Today's debate has been constructive and has shown the Parliament's continuing commitment to the eradication of domestic abuse and violence against women. The debate has addressed the range of domestic abuse that happens every day and how it affects the women who are the victims and the children and families. It is a distressing

fact that in 2009, domestic abuse remains a problem that faces a significant number of our population: it is estimated that one in five women in Scotland has experienced domestic abuse at some stage in her life, although—as Mary Scanlon pointed out—it is not just women who suffer domestic abuse.

I pay tribute to the many organisations that work with women, children and men who experience domestic abuse and offer them support, help and hope at what must be the scariest and darkest point of their lives. Despite the efforts that are made by Government agencies and by numerous voluntary organisations, there seems still to be a sector of society in which domestic abuse persists.

We need therefore to continue to keep the safety of victims—principally, women and children—central in our fight against crime. Domestic violence is an atrocious and unjustifiable crime. It is unacceptable and it is a violation of basic human rights. Victims experience not only physical torment; there are psychological and emotional costs, not just directly to the victim but to the children who have to listen to the damaging way in which their father speaks to their mother, or who are terrified to upset their dad because it might result in a beating for their mum.

As was pointed out by Marlyn Glen and Margaret Mitchell, we need also to be aware of the financial implications for the criminal and civil justice system, the health service, social services and housing. Domestic violence is a heinous crime that impacts on all areas of society. It is therefore especially important that we continue our commitment to ending domestic violence. Everyone deserves a life that is free from fear.

As we heard from Johann Lamont and Cathy Peattie, domestic abuse affects people regardless of their social background, job, age, ethnic group and ability. Five per cent of victims of domestic abuse are under 18, and 2 per cent are 61 or over. As the minister pointed out, recent statistics show an 8 per cent increase in reported domestic violence over the past year. That figure undoubtedly creates mixed feelings. It is good that more people are reporting domestic abuse and trying to retake control of their lives, but does that figure also mean that domestic abuse is happening more frequently? Taking into consideration that many incidents are never reported, that is a truly saddening figure. On average, women are likely to experience 35 assaults before seeking help. According to statistics that were published last week, 13 per cent of those who recorded incidents of domestic abuse with the police had done so at least 11 times previously. Each day, 147 incidents of domestic abuse are recorded by the police and in 57 per cent—more than 30,000—of the cases that

were recorded last year, the victim had previously recorded incidents of domestic abuse.

We should, in fighting domestic violence, therefore continue to promote the four Ps—prevention, protection, provision and participation—so that we and other groups that are involved in the fight can help those women escape the vicious circle of domestic violence. That is of paramount importance, because women who have experienced abuse are five times more likely to attempt to commit suicide, three times more likely to be diagnosed as being depressed or psychotic, 15 times more likely to abuse alcohol and nine times more likely to abuse drugs.

As we heard from a number of members, including my colleagues Bill Aitken and Mary Scanlon, the effects on children who live in situations of domestic abuse are profound. In nine out of 10 cases the child is in the same room or the next room when domestic violence takes place, but children do not have to see it to be affected by it. Children who live with domestic violence are at increased risk of behavioural problems and emotional trauma, as well as of mental health difficulties in adult life.

We need to look more closely at prevention education in relation to domestic violence. A recent Scottish study involving more than 1,300 young people aged 14 to 18 found that one third of young men and a sixth of young women think that the use of violence in intimate relationships is acceptable in certain circumstances. The same study found that 17 per cent of young women had experienced violence or abuse in their relationships with boyfriends. We must therefore continue our efforts to teach boys and girls alike that violence is never acceptable. We must remedy that cultural aberration and end the harmful cycle.

The work that is done by the domestic abuse courts in Glasgow has brought benefits not only to victims but to families, so the Scottish Conservatives call on the Scottish Government to consider how that can be replicated throughout Scotland.

I fear that among all our efforts to end domestic violence, the Government's decision to axe short sentences in its Criminal Justice and Licensing (Scotland) Bill will have a negative impact on domestic abuse sufferers. As David McLetchie explained during the stage 1 debate last week, that is an important point. Only 12 per cent of the 5,000 people who were convicted of domestic violence in 2007-08 received custodial sentences, 19 per cent received community sentences, 39 per cent were fined and 29 per cent were merely admonished. As Mr McLetchie noted, if there was ever an argument for short-term sentences, those figures surely provide it. The perpetrators who do

receive custodial sentences are more often than not repeat offenders. A custodial sentence can provide a much-needed respite for the victims and an opportunity to escape their violent environment. Many women are trapped in a vicious circle of abuse, and it is our duty to provide a criminal justice system that will protect them by not putting their abusers back in their homes.

The Scottish Conservatives believe that domestic abuse is a deplorable and inexcusable crime that continues to have a negative impact on children and families across Scotland. Although legislation definitely has its place in the fight against domestic abuse, the answer does not rest solely in our powers to legislate. We must encourage a cultural shift concerning domestic violence. We must continue to spread the message that domestic abuse—whether against women, children or men—is an intolerable violation of human rights that should not be accepted in Scottish society today.

16:40

Mary Mulligan (Linlithgow) (Lab): I am pleased to join other members in speaking in today's debate. I am sure that they will join me in welcoming to the public gallery some of the very many people who work to support women experiencing domestic abuse. This may be an annual debate, but I am sure that the people in the gallery will not let it become anything like routine. They will no doubt continue to challenge us to do more on domestic abuse.

Much work has been done—started by the previous Scottish Executive and carried on by the current Scottish Government—to tackle domestic abuse but, unhappily, the figures that the minister and others gave show that the problem continues to increase. Incidents of violence against women have increased by 8 per cent since last year, so there is still much to do. Although contributors to the debate have agreed on the need for a number of measures, there are still challenges ahead. I will concentrate on those in my closing remarks.

In his opening speech, the Minister for Housing and Communities said that only four local authority strategic housing investment plans acknowledged the need for refuge accommodation. Although the minister expressed scepticism about whether that was the full story, Margaret Curran and other members have confirmed that there are issues, in particular to do with on-going provision. Therefore, when making allocations to local authorities for next year through the affordable housing investment programme, will the minister identify what funding within those allocations he assumes will be spent on refuge provision, whether for new facilities or for upgrading present facilities? Without such a recognition of the need for the

money to be spent in that way, I suspect that we will be back here next year saying exactly the same thing. That is not the kind of action that we hope to see.

On local government spend on other issues connected with tackling domestic abuse, a number of members mentioned the single outcome agreements. Helpfully, the Scottish Women's Aid briefing provides a breakdown of exactly what can be found in the single outcome agreements. It is unfortunate that the system has become difficult to read and understand. The fact that we do not know what the inputs are or what the outcomes are likely to be leaves open the possibility that we might criticise local authorities that are in fact taking action. However, the difficulty is that we cannot see that action from the single outcome agreements. If we do not know what commitments are being made, we cannot judge whether they are being fulfilled. How we read single outcome agreements is a real issue. As Johann Lamont and others mentioned, we had hoped that the review of single outcome agreements would have been published back in September, but that is still not available. I hope that, in summing up, the minister will give us an indication as to when it will be published.

Several members referred to women who have no recourse to public funds. The problem was highlighted by Shirley-Anne Somerville and Anne McLaughlin and it is an issue for many members of the Parliament. However, my understanding is that the minister has not only had discussions with his Westminster colleagues but established a working group to look at the issue. I ask him to tell us in closing whether that working group has reached conclusions and made proposals for the future. Although the Parliament does not have specific responsibility for the issue, he might want to enlighten us on further progress in that regard.

The Labour group will support the Scottish Conservatives' amendment on domestic violence courts, to which a number of members, including Alison McInnes and Marlyn Glen referred. In fact, Marlyn Glen mentioned the Equal Opportunities Committee's visit to the Glasgow domestic abuse court. The Glasgow pilot was established because it was recognised that a specialism of that sort could offer huge benefits, particularly for those who have been affected by domestic abuse. The assessment of the pilot said that it made a difference. How can the Scottish Government turn its face against that and say that it does not intend to continue with the pilot or to roll it out across Scotland? I welcome the fact that Glasgow is benefiting, but many other areas could benefit equally. The Government has to recognise the benefits that have been seen to occur.

There is still an issue with the policy to remove custodial sentences of less than six months.

Angela Constance: Does Mrs Mulligan agree that the real issue is that we have to ensure that violent perpetrators go to jail for more than six months and that a sentencing council would help us to ensure that violent offenders are sentenced in a much more consistent fashion? Therefore, the issue of the presumption against short-term sentences is largely redundant.

Mary Mulligan: I put the question back to Angela Constance. Is she saying that someone who is found guilty of domestic abuse should be given a sentence that is longer than six months? I believe that domestic abuse is a serious crime, but I want to know what her Government's policy is in that regard.

I am conscious of time, Presiding Officer, so I will try to conclude.

The Deputy Presiding Officer (Trish Godman): You are okay.

Mary Mulligan: Thank you.

I encourage members to look at the consultation document that Rhoda Grant has issued on her proposed civil protection orders and access to justice (Scotland) bill. I think that everyone who has taken part in the debate will be aware of some of the gaps in the current legislation, which the bill seeks to address. I ask members to look at the consultation document; I hope that they will respond to it.

Angela Constance quoted the former secretary-general of the United Nations, Kofi Annan. I will finish by quoting the present secretary-general, Ban Ki-Moon, who said:

"All of us – men and women, soldiers and peacekeepers, citizens and leaders – have a responsibility to help end violence against women. States must honour their commitments to prevent violence, bring perpetrators to justice and provide redress to victims. And each of us must speak out in our families, workplaces and communities, so that acts of violence against women cease."

I think that we would all agree with that. Domestic abuse is the problem of all of us. Words of support and debates such as this are good, but actions are even better.

16:49

Alex Neil: This has been a good debate and there have been high-quality speeches from throughout the chamber. I, too, welcome the people in the gallery who have been sitting through the debate. I pay particular tribute to organisations such as Scottish Women's Aid, which do a tremendous amount of work for which we are all grateful. I reiterate that we all agree that

we have a shared commitment to dealing with the issue and facing the challenges that it presents.

I will update members on four subjects that were mentioned in the debate. First, as members know, we held a consultation on forced marriage. We will shortly publish our analysis of the consultation responses. The UK Government has just published its review of the impact of the legislation south of the border, one year after its implementation. We will take into account the lessons that the UK Government has learned about the impact of forced-marriage legislation down south and we will shortly present to Parliament our views on the way forward.

Women who have no recourse to public funds are particularly vulnerable in our society. The numbers that are involved are not high, but the issue is nevertheless important. As members have said, the Home Office has—after a delay that was not entirely of its making—recently announced a pilot project for such cases that is running from 30 November to the end of February. Mary Mulligan asked about the role of our monitoring group in that. The group will exist for as long as is necessary to monitor the pilot's impact in Scotland, on which we will work with our Home Office colleagues. I was supposed to meet Phil Woolas recently but, unfortunately, he had to withdraw at the last minute. I am seeking an early meeting with him, at which the pilot project will be top of the agenda. We will continue to work with the UK Government on issues that relate to women who have no recourse to public funds.

I think that Margaret Mitchell talked about support for victims of human trafficking. The Scottish Government awarded quite a bit of funding last year and this year to the trafficking awareness-raising alliance, which has bid for additional funding to allow it to maintain a service throughout Scotland. The alliance estimates that it will support about 50 women a year. That bid and alternative approaches to providing support are being considered, to ensure that support is provided in accordance with best practice and that accommodation is appropriate and best meets victims' needs. The Government has also entered into an agreement with Migrant Helpline for the remainder of the financial year to support adult victims—other than those whom TARA supports—who include women who are trafficked for labour exploitation or domestic servitude.

I put it on the record that the Criminal Justice and Licensing (Scotland) Bill contains a new offence in relation to extreme pornography. That is another part of our overall strategy for dealing with the exploitation of women and the issues that we have discussed this afternoon.

I hope that that update shows some of the other action in which we are involved. The list was by no

means exhaustive but, as those issues were mentioned, I wanted to cover them in my speech.

I am keeping a close eye on the bill that Rhoda Grant proposes to introduce. We welcome the publication of the consultation document and we encourage all interested groups to make submissions to the consultation, which runs until 26 February 2010. We are interested in the consultation's outcome. Once we see the details of the bill, we will consider the proposals. If we believe that they should be supported, we will be happy to consider that. We approach the bill with an open mind. If we believe that it would make a significant contribution and achieve the objectives, we will certainly be sympathetic and empathetic to it.

Many references have been made in the debate to single outcome agreements and in particular to Scottish Women's Aid's work on the subject. Members may recollect that Scottish Women's Aid published a report in 2008 in which it analysed the local authority single outcome agreements at the time. The report made four recommendations, two of which we have already implemented, by publishing "Safer Lives: Changed Lives" and establishing the issue of violence against women as a ministerial priority.

Scottish Women's Aid also recommended that we establish

"key indicators to measure the scope, prevalence and incidence of violence against women and the impact of policy initiatives on its reduction."

We are carrying out such a review in the national group on violence against women and are in the process of developing robust indicators. I will report to the chamber and, indeed, the Equal Opportunities Committee at the appropriate time.

The final recommendation was that we monitor

"the performance of local authorities in relation to violence against women"

in single outcome agreements. [*Interruption.*]

The Deputy Presiding Officer: I am sorry to interrupt, but there is far too much noise in the chamber.

Alex Neil: We have four reports that are available or are to come. Between them, they cover a lot of this work. First, we have published the "Draft Budget 2010/11: Equality Statement". Secondly, we will shortly publish the statement to which Johann Lamont referred. Thirdly, we have to produce the gender equality duty report by 1 July 2010. That detailed report will set out the progress that the public sector has made right across the board and must be informed by survey work to identify good practice in Scotland on two priority areas: violence against women and occupational segregation.

Margaret Curran: Will the minister address Angela Constance's point on the Government's sentencing policy? That issue is germane to the debate and we need clarity on it from the Government.

Alex Neil: As the member knows, sentencing policy is the responsibility of the Cabinet Secretary for Justice. Obviously, he is looking at sentencing policy in terms of the Criminal Justice and Licensing (Scotland) Bill. As Angela Constance said, when the sentencing council is established, it would be worth while asking it to look at the whole issue of the adequacy, or inadequacy, of sentencing and violence against women.

Johann Lamont: Will the minister give way?

The Presiding Officer (Alex Fergusson): No. The minister is in his last minute.

Alex Neil: The Tory amendment to the motion recognises the success of the domestic abuse courts in Glasgow and calls on the Government to roll out the initiative, where practicable, to other parts of Scotland. The Government is happy to support the amendment at decision time. I hope that that is warmly welcomed throughout the chamber.

Unfortunately, I cannot support the Labour amendment. I agree with the wording in the middle part of the amendment but, in its drafting of the beginning and the end, Labour has been overtaken by events. As I said, we will publish the report to which the beginning of the amendment refers and we have published the report to which it refers at the end: "Safer Lives: Changed Lives", which meets the definition of an assembly of all that we are doing cross-directorate on the issue.

Johann Lamont *rose*—

The Presiding Officer: No. The minister is closing.

Alex Neil: The debate has been worth while. We are all joined at the hip in taking the issue seriously and in doing everything that we can to face the challenge of violence against women. I think that that concern is shared equally in every part of the chamber. We will continue to step up our efforts to deal with this scourge of our society.

Business Motions

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-5321, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised start time for business on Thursday 3 December.

Motion moved,

That the Parliament agrees that "09:00" be substituted for "09:15" in Rule 2.2.3 for the purpose of allowing the meeting of the Parliament on Thursday 3 December 2009 to begin at 9.00 am.—[*Bruce Crawford.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-5322, also in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme for Thursday 3 December.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Thursday 3 December 2009—

delete

9.15 am Parliamentary Bureau Motions

and insert

9.00 am Parliamentary Bureau Motions

followed by Appointment of Minister—[*Bruce Crawford.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-5323, again in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 9 December 2009

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Debate: Further Powers for the Scottish Parliament

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 10 December 2009

9.15 am Parliamentary Bureau Motions
followed by Scottish Labour Party Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time
 Rural Affairs and the Environment;
 Justice and Law Officers

2.55 pm Scottish Government Debate:
 Climate Change

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 16 December 2009

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 17 December 2009

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time
 Finance and Sustainable Growth

2.55 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business—[Bruce Crawford.]

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Alex Fergusson): The next item of business is consideration of three Parliamentary Bureau motions. I ask Bruce Crawford to move motions S3M-5324 and S3M-5325, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the draft Budget (Scotland) Act 2009 Amendment Order 2009 be approved.

That the Parliament agrees that the draft Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 3) Order 2009 be approved.—[Bruce Crawford.]

The Presiding Officer: I ask Bruce Crawford to move motion S3M-5326, on the designation of a lead committee to consider the Alcohol etc (Scotland) Bill.

Motion moved,

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the Alcohol etc. (Scotland) Bill at Stage 1.—[Bruce Crawford.]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:01

The Presiding Officer (Alex Fergusson):

There are six questions to be put as a result of today's business.

The first question is, that amendment S3M-5307.2, in the name of Johann Lamont, which seeks to amend motion S3M-5307, in the name of Alex Neil, on safer lives: changed lives—working together to end violence against women, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)

Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)

Tolson, Jim (Dunfermline West) (LD)

Whitefield, Karen (Airdrie and Shotts) (Lab)

Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 53, Against 0, Abstentions 59.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-5307.1, in the name of Bill Aitken, which also seeks to amend motion S3M-5307, in the name of Alex Neil, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-5307, in the name of Alex Neil, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament is pleased to reaffirm its commitment to ending violence against women; supports the 16 Days of Activism Against Gender Violence and its theme this year of Commit – Act – Demand: we can end violence against women!; celebrates the commitment of partners across Scotland, including the voluntary sector, local authorities, the police, NHS boards and others, to work together to end violence against women; acknowledges the importance of the shared understanding developed through the Safer Lives: Changed Lives strategic approach, and welcomes the progress that has been made to date on tackling violence against women in Scotland, including the groundbreaking work to involve young people who have experienced domestic abuse as expert advisers; regrets that a report on the implementation of the first round of single outcome agreements has not yet been published, given the concerns of Scottish Women's Aid about the level of provision across Scotland; believes that the strategy of protection, provision and prevention remains central to the tackling of violence against women; agrees that the Scottish Government should produce a joint statement from across its directorates to ensure that all its key policies are tested against their impact on women facing violence, and calls on the Scottish Government to consider, where practical, extending the principle of domestic violence courts throughout Scotland.

The Presiding Officer: The next question is, that motion S3M-5324, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the draft Budget (Scotland) Act 2009 Amendment Order 2009 be approved.

The Presiding Officer: The next question is, that motion S3M-5325, in the name of Bruce Crawford, on approval of an SSI, be agreed to.

Motion agreed to,

That the Parliament agrees that the draft Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 3) Order 2009 be approved.

The Presiding Officer: The final question is, that motion S3M-5326, in the name of Bruce Crawford, on designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the Alcohol etc. (Scotland) Bill at Stage 1.

Dungavel (Detention of Children)

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-5109, in the name of Sandra White, on the detention of children at Dungavel. The debate will be concluded without any question being put.

Motion debated,

That the Parliament expresses serious concern over figures obtained from the UK Border Agency that show that, between October 2008 and September 2009, 103 children were detained at Dungavel in Scotland; notes that, in the last five years, 889 children from 488 families throughout the United Kingdom have been held for over 28 days, thus requiring UK ministers to personally approve continued detention; considers that these figures show that, despite the welcome commitment and efforts of the previous administration and the current Scottish Government to end the practice of the detention of children at Dungavel, children and families from Glasgow and throughout Scotland are still being subjected to this unacceptable practice, and would welcome further efforts from all political parties in Scotland to ensure that this practice is ended.

17:04

Sandra White (Glasgow) (SNP): It is with a certain amount of disappointment and sadness that I find myself revisiting the issue of child detention. Despite previous debates on the subject and overwhelming support from all political parties for an end to such practices, they continue. I will not quote all the figures that I have—I know that other members will also have them—but the most up-to-date ones show that, shockingly, 884 children were detained at Yarl's Wood in England during the period July 2008 to July 2009. As for Scotland, 103 children were detained at Dungavel between October 2008 and September 2009. A total of 1,315 children were detained in three detention centres in the United Kingdom over a 15-month period. That is shameful and immoral in a society—not just Scotland, but the United Kingdom—that prides itself on justice, compassion and the protection of children.

I thank all those individuals and groups who have been working tirelessly, giving of their own time to help and highlight the plight of those children and their families. Without those groups, the needs of the children would not have been properly served, either at Dungavel or in the community.

I honestly thought that we had made progress in Scotland. In 2005 we called for a protocol to be established regarding the detention of asylum seekers and their families. In 2006 it was hoped that the agreement with the Home Office would begin to address concerns over the detention of families and their children. Although that was a welcome development, it has not removed those

concerns. The pilot scheme that the Government brought in, which is running in Glasgow, is a start, and I congratulate the Government, but it is not enough. Even to this day, children in Glasgow are being taken to Dungavel, having been removed by the UK Border Agency.

The UK Government's removal of its reservation concerning the provisions in the United Nations Convention on the Rights of the Child relating to immigration control is long overdue, and I would be interested to hear the minister's views on the legal implications of that reservation for our powers here in Scotland.

Last year's commitment to limit the detention of children in Scotland to a maximum of 72 hours appeared at the time to be a step forward. Unfortunately, the measure has simply resulted in children being taken from their homes to Dungavel, held for the maximum 72 hours and then transferred to Yarl's Wood in England after that period has expired.

Just the other day I was speaking about the fact that there were people who had been held in Dungavel for six weeks. Luckily, with the help of the groups that I mentioned, they were set free yesterday. We thought that that maximum period of 72 hours was progress, but it has provided a way to manoeuvre the figures. The lip service that has been paid to the agreement and the way in which the Home Office is getting round the commitment that it made is shameful and totally unacceptable. I urge the minister to take the issue up with the Home Office. As we know, the Home Office is actively directing its staff not to deal with MSPs, and it is encouraging MPs not to intervene, as that can halt the deportation process.

I and members from other political parties have been working with asylum seekers and refugees for the past 10 years. We have contacts, we know people and we do our utmost to help them. It is scandalous when people who are being detained are denied the basic right of having their case heard. Many families end up being wrongly deported—that can be life threatening. It seems that the Home Office and the UK Border Agency do not want people to know what is going on, and let us not forget that that is being done in our names.

What is it that is being done in our names? It fills me with shame and sorrow, but it gives me energy to continue to fight to end what are barbaric practices. It is the children who are the most vulnerable. Many of them fall ill as a result of their detention, and they are left scarred by the experience. Anyone who visits Dungavel, as I and other members have done, will never forget it. People get fingerprinted and photographed as they walk in. We are not allowed to give the kids sweets, and the guards, as I call them, take them

off us and tell us that they will give them to the kids later. I will never forget the fear on the faces of the kids and their family members. I remember the sadness and hopelessness of it all when we could not even give the kids sweets. A five-month-old baby was admitted to hospital having fallen ill, due to being imprisoned at Dungavel. Babies have lost weight because their mums could not feed them, due to the stress of being in Dungavel. Would we allow that to happen to our children? Would we be outraged? Of course we would. We would be terribly outraged. What would we do about it?

We have to give those children a voice. They have witnessed terrible, unimaginable horrors—mutilation, rape, the murder of family members and even whole communities—but what do we do? We lock them up and for many children those nightmarish images recur. Night after night they relive the events that they experienced, without getting the support that they need and deserve. I can only begin to imagine the dreadful effect that that must have on children and I am ashamed that children are still in detention.

I will leave members with some quotations from children who have been detained: "You're locked in when you eat"; "It looks like a jail"; "There's jagged glass over the bricks"; "There's a big door to let cars in and a wee door to let the people in"; "There are jaggy bits here and jaggy bits there"; "You can't get out to play"; "If you want to get out to play, you've got to ask these people, 'Can I get out to play?' You've got to wait till they tell you you can go out"; "I'm sad". On and on and on it goes.

We should all be not just sad but ashamed that that is happening to young children in Scotland in this day and age. We would not let it happen to our children. I beg the minister to get in touch with Home Office ministers and tell them that enough is enough, for the sake of the children who are suffering terribly and should not be locked up in Dungavel.

The Deputy Presiding Officer: We move to the open debate. The debate is fully subscribed, so I will stop members after four minutes.

17:11

Linda Fabiani (Central Scotland) (SNP): I thank Sandra White for securing the debate.

The cross-party group on asylum seekers and refugees was one of the first cross-party groups to be set up in the Parliament. It was established in 1999 because we had news of the dispersal of asylum seekers in Glasgow. The group was indeed cross-party and members will excuse me if I name a few folk who were active in it: Sandra White, of course, James Douglas-Hamilton, Donald Gorrie, Elaine Smith and Tommy

Sheridan. There were others, and Patrick Harvie is the group's current convener.

Not just those members but most members, including the previous Executive, felt the same way about the issue. The current Government feels the same way. I remember that an attempt by Jack McConnell and Nicol Stephen to establish a protocol on dawn raids was scuppered by the then UK minister.

To that group of people I can add civic Scotland, churches, voluntary support groups, people who worked at Dungavel in various roles and even the locals in Strathaven, where I live. People came from all over the country to take part in vigils at Dungavel.

Scotland cares about the detention of children. Concern about the issue is not the preserve of a single person, group or political party. There is consensus: it is wrong to lock up children. It is wrong to lock up someone who has done no wrong, whatever their age, but locking up children is much worse. It is immoral, unethical and brutal to lock up a child, whether they are with one parent, two parents or unaccompanied—and to add to that experience the experience of seeing a parent in handcuffs.

The evidence of the effect on children is there for anyone to see, as a result of the pilot study at Yarl's Wood. I experienced particular horror when I read that one child reported the re-emergence of post-traumatic stress disorder. I have seen the effects of PTSD on someone close to me. How on earth can we justify inflicting such horror on a child in this country?

We all care and I suspect that we are all frustrated that despite the existence of the Children (Scotland) Act 1995 there seems to be a little piece of Scotland—wherever an asylum seeker family happens to be—that is not Scotland and over which we have no jurisdiction.

Many people have tried to tackle the issue and there has been progress, but the last resort or exceptional circumstance criterion is not being applied. According to Scotland's Commissioner for Children and Young People, more than 100 children have been detained at Dungavel during the past year, so the detention of children is not an exceptional occurrence but a normal part of the process of deporting a family. The detention of children at Dungavel is limited to 72 hours, but a stay in Dungavel is often a precursor to a move to detention elsewhere in the UK. We send children who have been part of our community and sometimes have been born in Scotland away from Scotland and the people they know, to be locked up.

There is no doubt that the UK Government is wrong to detain children. It is right that Scotland

stands against the detention of children. As I said in Parliament four years ago—the same was said five, six, seven, eight, nine and 10 years ago—we must all get together and keep shouting about how wrong the detention of children at Dungavel is. Four years and one week ago, I said:

"We all want the practices to stop, because such treatment offends us and it offends the people against whom it is meted out; it offends those who have come to care for those people in their community and it offends everyone who has dignity."—[*Official Report*, 23 November 2005; c 21005.]

That still stands.

17:15

Pauline McNeill (Glasgow Kelvin) (Lab):

Sandra White has been dedicated in her work campaigning for the removal of children from Dungavel detention centre. I am happy to support her motion. Although I did not get around to signing it, I endorse it and put on record my wholehearted support for it.

I am sure that many of us will repeat each other's points, but that does not matter. What matters is that we speak with a common voice. As Linda Fabiani said, there is a consensus—the practice of detaining children at Dungavel must come to an end. The detention of the children of asylum seekers has been a central topic of debate for the Parliament. The practice is not acceptable and it must be changed forthwith, because all of us believe that, as far as is possible, children should be shielded from the harsh and difficult process of our immigration system. To some degree, adults who are fleeing from persecution or who simply want a better life can weigh up the risks of coming to a strange country and all that that entails, but children tend not to have a choice.

As Sandra White outlined, the detention of children can be severely damaging. Being confined in grounds surrounded by barbed wire is disconcerting, and we know that it can affect the emotional development of a young child. Similarly, the tactic of dawn raids, which are alarming to adults but especially disconcerting for children, should be brought to an end. We must argue for the adoption of a child-centred approach in everything that we do. It does not matter how the detention came about or whether the adult who seeks asylum has a sound case. It is our duty to try to avoid the impact that being imprisoned behind barbed wire has on young minds.

I am certain that the pilot project that this Parliament argued for as an alternative to detention is still a stressful experience for the families who may benefit from it, because it is bound to be followed by deportation, but I am sure that it is far less stressful for the child if the environment is normalised to an extent. The

former First Minister, Jack McConnell, tackled that issue head on and the current First Minister has continued in that vein.

The motion highlights the fact that high numbers of children continue to be detained at Dungavel, and that requires some explanation. We need to get to the bottom of that and find out why it is still the case, despite the existence of a consensus among members of this Parliament, the Secretary of State for Scotland and, to an extent, the UK Border Agency. In October 2008, Jim Murphy announced the pilot that would be run with Glasgow City Council, which has provided houses for families to live in. The Scottish Refugee Council pushed for that to happen and should be congratulated.

There is a new duty on the UK Border Agency that compels it to resolve the issue once and for all. The policy that we adopt is symbolic of the kind of society that we want, so we must obtain a resolution as soon as possible. There is cross-party support for doing so, so it is achievable.

17:18

Bill Kidd (Glasgow) (SNP): I thank Sandra White for securing a debate on such an important issue. In theory, the issue is reserved, but it is of vital importance to us because it concerns the rights of children, responsibility for which has been devolved to us on the grounds of health, welfare and education—and in any case it is the duty of us all to stand up and be counted if a wrong is being done to a fellow human being, particularly a child. As has been said, there is cross-party consensus on that.

If a child is locked up for a potentially indefinite period without automatic oversight by the courts and without any crime having been committed, a wrong is done to that child and, by extension, to all children and to society as a whole. As Sandra White and Linda Fabiani said, the detention period in Dungavel has been limited to 72 hours. That is bad enough, but that period is in most cases a precursor to transfer to Yarl's Wood or another detention centre. It is known that that approach is used to cause maximum disruption to claimants' maintenance of full legal representation.

All members will know that stress is one of the greatest medical complaints of the 21st century. If members think that they have known stress, they should think about what I am about to say and consider what they would think if the children involved were theirs. What would be the impact on them of a dawn raid at home followed by transportation in a van by people they did not know, while their parents and siblings were terrified by the prospect of an imminent return to a war zone or into the hands of an oppressive

regime? That is stress. It should be remembered that the impersonal approach allows all that to take place; the people are not known and it is not known where they came from or what they are going back to. There are attempts to keep it that way because if the people involved are not known they are unlikely to be empathised with.

Earlier this year, I secured a members' business debate to congratulate the youngsters of Knightswood Youth Theatre on their well-deserved winning of a Philip Lawrence award, which they won exactly a year ago today. Knightswood Youth Theatre brings together young asylum seekers, refugees and local Glasgow children. Through hard work and just by being together, those people learn that they have many more things in common than things that separate them. They are fine young people with intelligence, determination, good manners and a lively sense of humour. Given a chance, those young asylum seekers and refugees will grow up to contribute greatly to their adopted homeland of Scotland. That they or others like them should be subjected to arbitrary detention in a prison setting is unconscionable.

I whole-heartedly support the Parliament's work in promoting the welfare of children in Scotland and in the rest of the United Kingdom through increased engagement with the UK Border Agency to consider how it deals with children. I also whole-heartedly support our continuing commitment in the Parliament to alternatives to detention, which will see an end to children being locked up at Dungavel. It should end now.

17:22

Jamie McGrigor (Highlands and Islands) (Con): I, too, congratulate Sandra White on securing this debate, which is important. I respect and acknowledge her sincerity and recognise and sympathise with the widely held concerns that have been powerfully expressed by her and many others of all parties over the years and by many elements of civic Scotland. That includes the Church of Scotland. The Rev Liz Gibson of Dalmally, who is a constituent of mine, is a member of its church and society council, which has worked hard to highlight the issues involved.

In general, the Scottish Conservatives believe that the UK Government and Parliament must retain reserved powers over asylum and immigration so that a consistent approach is taken throughout the UK. However, a civilised approach must be taken.

The detention of young children is the problem that surrounds Dungavel. Surely nobody is comfortable with young children being detained in detention centres, especially for long periods of time. They should be in detention centres only

while they await deportation or for an initial check. The fact that families spend so long in such centres is indicative of the chaos that the UK Government has created in the asylum system. I hope that, if we are fortunate enough to win the next general election, a Conservative Government will tackle the problem effectively.

The motion correctly refers to

“efforts of the previous administration and the current Scottish Government to end the practice of the detention of children at Dungavel”.

I look forward to the minister updating members on the situation. The Scottish Government has, of course, been exploring alternatives to detention, including the three-year pilot in Glasgow that is aimed at reducing the number of children who are held in Dungavel, and encouraging and assisting the voluntary return of families, which has been mentioned. We all hope that the pilot is successful.

I recall the debate that we had in the chamber on the subject in September 2005, in which my friend James Douglas-Hamilton, who famously declared an interest in Dungavel as a former resident, albeit in completely different circumstances, spoke extremely well. He correctly said that it is important that children's issues are addressed with sensitivity and that the views of our Scottish experts in the education and social work inspectorates are listened to. He concluded:

“The Home Office must be reminded of the key point, which is that, whatever the parents may or may not have done to cause them to be in Dungavel or in reception centres, children are there through no fault of their own.”—*[Official Report, 22 September 2005; c 19377.]*

The needs of the children and their welfare are paramount. The detention of children should be exceptional and for the shortest period possible. We really must have some progress on the issue.

17:25

Anne McLaughlin (Glasgow) (SNP): I congratulate my colleague, Sandra White, on securing the debate and recognise the work that she has done on the issue for several years.

Just half an hour ago we completed a debate on domestic violence and there was cross-party consensus on the need to protect victims, yet a week ago last Friday I found myself sitting in Dungavel comforting Florence and Precious Mhango as they waited to be deported. Florence is a victim of her husband's violence. Precious, in witnessing and living with the consequences of her father's violence, is his victim too. He—the perpetrator of the violence—is living and working in the UK, but they are to be deported. Ten-year-old Precious is a bright, articulate, clever and artistic little girl. What messages are we giving her by sending her away? What are we doing to her

young mind by locking her up in a place such as Dungavel?

I can tell members the effect that just visiting Dungavel had on me. I was made to wait between heavy, locked iron security gates for a guard to accompany me into grounds that were surrounded by a high perimeter fence complete with barbed wire. Being fingerprinted for the first time in my life and being accompanied by a guard into a locked room was not a pleasant experience. I was only visiting and the staff were perfectly nice, but I felt that I was doing something wrong. Of course I knew that I was doing nothing wrong, but I am a grown woman who is able to rationalise and can tell the difference between how I feel and what I know to be true; I am not a 10-year-old child who is not yet emotionally equipped to understand anything other than how she feels. Research that was carried out this year at Yarl's Wood, in Bedfordshire, found that the experience of detention is damaging to children's physical and mental health.

However, let us not rely on my experience or the little research that has been carried out. In August, Precious Mhango was taken to Dungavel, then Yarl's Wood, with her mum—this is the second time it has happened to her. When they were released, after legal and political interventions, Precious, who is a keen writer, was encouraged to write about the experience. Here are some of her own words:

“I saw 5 or 6 giant men officers ... It was like we were in the court and had been found guilty of killing someone ... my whole body was numb. ... I was in a different world ... No friends, no good fun and no smiles from my mum. ... People were sad like they'd had someone die ... I am so scared ... it's haunting me at night.”

A recent report by Her Majesty's inspectorate of prisons regarded Dungavel as the jewel in the crown of British detention centres, but the fact that we continue to incarcerate children there is not a badge of honour. Rather, it is a badge that Scotland should be ashamed of. As we have heard, the detention of children is not being applied as a last resort, as is required by international law; more than 100 children have been detained in Dungavel over the past year, so it looks as though we are locking children up in prison as part of our standard removal system. The UK Government cannot hide from that, but it can stop it. It can direct resources towards alternatives such as the family return project that is being piloted in Glasgow.

On 2 November, a new duty on the UKBA to “safeguard and promote the welfare of children”

under section 55 of the Borders, Citizenship and Immigration Act 2009 came into force. On 18 November, 10-year-old Precious Mhango was taken to Dungavel again. Given the trauma that

she experienced the previous time, of which the UKBA was well aware, I would like to know how that decision was made while having regard to the UKBA's duty to

"safeguard and promote the welfare"

of that child.

Linda Fabiani is right to call the practice brutal. It is brutal. No so-called civilised society should tolerate it, and the UK Government must end it now.

17:29

Nicol Stephen (Aberdeen South) (LD): I, too, thank Sandra White for raising this important issue. How do we, as a society, treat some of the most vulnerable and disadvantaged, who have done no wrong and whose only crime is to have parents who seek refuge in the United Kingdom? That is an important question for all of us in the chamber. Let us be clear: children in detention centres across the UK and in Dungavel detention centre in Scotland have done absolutely nothing wrong, yet they are locked up and treated like criminals. As we have heard, the impact on them can be horrific. As a society, we fail a fundamental test of civilisation, democracy and common humanity. In the 21st century, we should not lock up the children of asylum seekers and neither should we have dawn raids to remove children from their homes.

There has been a great deal of concern about Dungavel over recent years. There have been inspection reports from HM chief inspector of prisons, Her Majesty's Inspectorate of Education and the Scottish Commission for the Regulation of Care, and there have been outspoken comments from Scotland's Commissioner for Children and Young People and from the churches.

One of the reports that members might expect to defend the Government is worth having a look at. It is the follow-up report from the chief inspector of prisons in England and Wales, who is responsible for inspecting Dungavel. She says:

"the detention of children in itself is a cause for concern, and, in spite of efforts by centre staff, there was still little evidence that children's welfare was taken into account before a decision to detain, nor was it independently reviewed immediately after detention. Now that the UK has indicated that it will remove the immigration reservation to the International Convention on the Rights of the Child, the whole policy and practice on detention of children needs to be reviewed."

That report is dated December 2008. Why, then, has that not happened? Why are children still being detained at Dungavel?

The start of the report contains these chilling words:

"Dungavel Immigration Removal Centre ... has always received good inspection reports: indeed, at the last inspection, we described it as the best IRC we had inspected."

We must remember that, even though the issue is being tackled in Scotland, there remain great issues to be resolved in other parts of the UK, and we should be concerned about that as well.

In short, our procedures—today, in Scotland, in the 21st century—create fear in the hearts of innocent children. That is badly wrong. The key, however, is the attitude not of this Parliament but of the UK Government. I have witnessed how difficult and frustrating it can be to try to get the UK Government to move on this issue. We have got to keep up the pressure and maintain a cause that is right and just. Our simple message to the UK Government should be: not here, not in our name; put a stop to the detention of children in Dungavel now.

17:33

Karen Whitefield (Airdrie and Shotts) (Lab): Like many others, I congratulate Sandra White on securing tonight's members' business debate. As others have said, her commitment on this issue over the lifetime of the Scottish Parliament has been considerable.

Although there has been some progress in recent years to prevent the detention of children at centres such as Dungavel, as well as an improvement of the conditions in those centres, considerable work still needs to be done

The detention of children must always be the last possible resort. However, as Linda Fabiani and others have pointed out, the reality is that it is not an exceptional circumstance. The figures show that more than 100 children have been detained at Dungavel over the past year and that, across the UK, around 1,000 children have been detained. The vast majority of those children are under 11 years old.

Although care and facilities at Dungavel have improved significantly thanks to steps that were taken by Jack McConnell, in the previous Executive, and by the current Administration, there is no doubt that detaining children can cause considerable damage to their physical, emotional and social wellbeing. It is rare that the detention of any child will be in that child's best interests. The detention of a child, when that detention has nothing to do with the needs of the child, should be of concern to us all. Getting it right for every child must include getting it right for the children of refugees and asylum seekers, too.

I am sure that members have had the opportunity to look at the Scottish Refugee Council's briefing. It highlights the devastating

impact on children of being detained, which includes physical health problems, depression and anxiety. It also highlights the worrying fact that although children are now detained at Dungavel only for a maximum of 72 hours, they are often transferred over a long distance to Yarl's Wood, and many families are moved between several different detention centres. I am sure that all members agree that that is an unacceptable position for those families to be in.

It is vital that the Scottish Government continues to work closely with the UK Border Agency to support measures to prevent children from having to endure the experience of detention, and to examine other available measures. In that respect, initiatives such as the family return project, which was developed as a partnership between Glasgow City Council, the Scottish Government and the UK Border Agency, are a welcome step forward.

Such initiatives help to reduce the need for detention and the enforced return of families in Scotland who have had their asylum claim refused; to safeguard the wellbeing of children at the end of the asylum process; to provide intensive family support that is aimed at encouraging families to make sense of their stay in Scotland; to enable families to confront the issues that are delaying their return and to help them to make positive plans for a voluntary return—plans that will help them to build a successful life back home.

I believe that projects such as family return will help to ensure that, in the future, there will be much less need to enforce the return of families and to detain them in centres such as Dungavel. There may still be a need for some families that are in Scotland illegally and fail to return voluntarily to be detained, but that should only ever happen in exceptional circumstances. I reiterate that that is quite clearly not the case in relation to today's debate.

With regard to detention, we must always, and in every circumstance, be reminded of our obligations under the UN Convention on the Rights of the Child, and we must ensure that those rights are fully adhered to. The Scottish Government must continue to work with the Home Office and the UK Border Agency—

The Deputy Presiding Officer: The member should wind up.

Karen Whitefield: In conclusion, the protection and welfare of the children of asylum seekers is vital. There is a role for each of us as MSPs, as members of the Scottish or UK Governments, in local authorities and in the voluntary sector. By working together, we can end the shameful practice of the detention of children in those circumstances.

17:38

Christina McKelvie (Central Scotland) (SNP):

I congratulate my colleague Sandra White not only on securing the debate, but on the 10 years and more in which she has resolutely campaigned on the issue, along with Linda Fabiani and—as we have heard—members of other parties.

Since I became an MSP, I have been pleased to be able to add my voice to the voices of other members in deploring the on-going detention of children in Dungavel and other UK immigration detention centres. It is, of course, not only members of this Parliament who stand opposed to child detention: many groups and individuals throughout civic Scotland have spoken out against a practice that they regard as an affront to every basic notion about the welfare not only of vulnerable children, but of any child.

One such group is the justice and peace group in Lanarkshire and Ayrshire, which gathers regularly at Dungavel to demonstrate its solidarity with and support for those who are detained inside. Linda Fabiani and I joined the group in its annual mother's day vigil earlier this year, and on Sunday I was privileged to address its St Andrew's day gathering. The group's members live by the simple maxim that we should treat others as we would wish to be treated ourselves, and treat the children of others as we would wish our children to be treated.

Members should not be in any doubt that Dungavel is a prison: it has 20ft fences topped with razor wire. I am pleased that Scotland's Commissioner for Children and Young People has voiced his support for Sandra White's motion. He has a remit to speak up for all of Scotland's children, regardless of their—or their parents'—national origin, or the method by which they came to live here. It is therefore no surprise that he deplores the fact that a small group is singled out for such harsh treatment.

I am also encouraged that more and more voices from other parts of the UK are being raised in protest at the detention of children. I have been in contact with a recently formed citizens campaign group in England, end child detention now, which has impressively quickly mobilised Westminster MPs, including a number of principled Labour MPs, to make public their opposition to the UK Government's policy on detention. The members of that campaign aim to achieve in England the same media and public awareness of child detention that has been built up in Scotland. They are greatly encouraged by the Scottish Government's consistent opposition to child detention and its efforts to find alternatives.

The assiduous efforts of all those who have campaigned against child detention in Scotland

have had some effect. Children are now detained in Dungavel for no longer than 72 hours, and the UK Border Agency has been persuaded to partner the Scottish and United Kingdom Governments in piloting community alternatives to detention, although whether it is respecting the spirit or even acknowledging the existence of the initiative is a moot point, as Sandra White pointed out.

However, that is not enough—not by a long shot. Children and families are still routinely detained at Dungavel and then moved to Yarl's Wood, where detention can go on for much longer—sometimes very much longer, as we have heard. All the evidence shows that the cumulative effect of each day of detention on a child's emotional, physical and mental health is devastating.

I do not believe that the UK's immigration ministers are deliberately cruel or callous people, but, perhaps because they have become so wedded to a political rhetoric that emphasises toughness on asylum seekers and migrants, they persist in pursuing a cruel policy. It is true that it is discriminatory, unethical and violates the UN Convention on the Rights of the Child, but what most appals me and others is the inherent cruelty in the act of depriving children who have committed no offence of not only their liberty but almost every aspect of a decent childhood. Detention wrecks children's lives, pure and simple. No immigration or asylum policy justifies it, and it must end now.

17:41

The Minister for Children and Early Years (Adam Ingram): I congratulate Sandra White on bringing the detention of children at Dungavel to the chamber for debate. It is not the first time that she has done so; she has been a doughty fighter on the issue. I also congratulate every other speaker in the debate who has passionately advocated the overturning of a wrong that continues to be perpetrated in our name and in our country. The sooner we can remove the stain on our reputation as a civilised country, the better.

The Scottish Government remains fundamentally opposed to the detention of children in Dungavel and to dawn raids. We have made it clear that asylum seekers and refugees must be treated fairly and humanely, and must be welcomed and supported while they are in Scotland. The Scottish Government believes in the integration of asylum seekers from day one. We firmly believe that that policy is in the best interests of not only asylum seekers but the settled community.

We have heard many examples of the contribution that asylum seekers make to their

communities and the void that is left when they leave. Although we understand that not everyone can stay—I am sure that members understand that there are people whom we would not want in Scotland—we firmly believe that the detention of children in Dungavel is totally unacceptable.

As members know, the Scottish Government is committed to the UN Convention on the Rights of the Child and to promoting and supporting the rights of all children in Scotland, no matter what their country of origin. That is why we have been working with partners, including Glasgow City Council, the Scottish Refugee Council and the UK Border Agency, to improve the experience of children who are seeking asylum in Scotland, where we have the power to do so. That includes giving young asylum seekers equal access to further and higher education, and we are working with Glasgow City Council to ensure that the children of asylum seekers can access free nursery places.

We are doing what we can within our powers, but we are unable to decide which families can stay in Scotland and which should leave, nor can we decide what should happen to families with children when they have been told that they cannot stay. At present, families whose asylum claims have been refused and who are not willing to leave voluntarily are forcibly removed and may be detained in Dungavel. Although we understand the principle that a child should not be separated from a parent who has reached that stage in their asylum application, we do not agree that Dungavel is an appropriate place for a child.

However, we are not just content to criticise. We have been taking a constructive approach to exploring alternatives to detention for families. For example, the family return pilot project, which has been developed in a partnership involving the Scottish Government, Glasgow City Council, the Convention of Scottish Local Authorities, the UK Border Agency and the International Organization for Migration, provides a range of support to up to five families at any time and is aimed at reducing the number of children who are held in Dungavel and at encouraging and assisting the families' voluntary return. The pilot project, which is the first of its kind in Scotland, was launched on 12 May and will run for three years.

Voluntary return is widely recognised as being by far the best option for asylum seekers who have reached the end of the asylum process and have failed in their application. It is a more humane approach that enables families to prepare themselves more effectively for return. The project offers additional support to assist families in making the transition to ensure that, even if they do not choose to return voluntarily, they will be better prepared for their return.

Our opposition to the detention of children at Dungavel has been consistently expressed to the UK Government by the First Minister, the Cabinet Secretary for Education and Lifelong Learning and the Minister for Culture, External Affairs and the Constitution. The latter did so as recently as 9 November.

We in the Scottish Government will continue to do all that we can to ensure that the experience of these children is as positive as it can be. We will also ensure that as they wait for their claim to be considered—or, if the application fails, as they have to go through the process of leaving the country—these families are treated with humanity and dignity during their time in Scotland.

Meeting closed at 17:47.

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