



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 15 June 2011

Session 4

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[The Presiding Officer *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader is President Cecil O Samuelson of Brigham Young University.

Cecil O Samuelson (Brigham Young University): I appreciate the high honour of this privilege to share my reflections with you this afternoon. At the outset, I confess that I consider myself a son of Scotland, if somewhat removed. My maternal grandfather, Joseph Mitchell, was born and reared in Dalry, Ayrshire. I lived in Scotland for two years while serving as a missionary for the Church of Jesus Christ of Latter-day Saints and have returned multiple times since then. My love and admiration for this nation and its people are deep and abiding.

As the leader of one of the largest private universities in the United States and as a general officer of my church, I bring their greeting. We are grateful for the courtesy and generosity of this body in accepting our student interns. Brian Adam MSP deserves our especial thanks, but we wish to include all who have treated our young people so well. We know that they return to us more mature and dedicated to public service as a result of your examples and teaching.

At the entrance of the Brigham Young University campus in Provo, Utah, USA, is found our motto:

“Enter to learn, go forth to serve.”

Central to our theology is the conviction that all people are the spiritual progeny of God and are, therefore, brothers and sisters in a literal sense.

In our scriptures is found this statement of a great prophet-king:

“And behold, I tell you these things that ye may learn wisdom; that ye may learn that when you are in the service of your fellow beings ye are only in the service of your God.”

Thus our faith and trust in heaven are strongly linked to our respect and responsibility for all people, including those of vastly different backgrounds or persuasions.

With conviction that heaven smiles on your consecrated service in this chamber of the people, it is my privilege to invoke a blessing on you. I bless you, the people you serve and this special land that has given so much to the world with all

that is needed to be successful in fulfilling your responsibilities as you serve. I extend these blessings to your families and loved ones, with the assurance that God honours those who serve with integrity and humility.

Points of Order

14:32

Patrick Harvie (Glasgow) (Green): On a point of order, Presiding Officer. I am glad that I have the pleasant privilege of serving in a Parliament that decided back in 1999 to have not prayers but a time for reflection at the beginning of its parliamentary week. That decision endorses the inclusive spirit that the Parliament should always try to achieve. Sadly, today in our time for reflection slot we have heard from a speaker who represents an academic institution with a despicable track record of homophobic discrimination. That institution is willing to ruin the life chances of young people and to force them to live in fear simply on the grounds of their sexuality and sex lives.

The Presiding Officer (Tricia Marwick): Mr Harvie, will you make a point of order, not a speech?

Patrick Harvie: I was under the impression that we were allowed three minutes to make a point of order, but I will come to the point.

For us to have confidence that time for reflection properly reflects the inclusive spirit for which we should aim, we need to understand the context within which the decision to invite this academic institution to address us was made. I would not make such a point of order in respect of a religious hierarchy figure or a religious organisation. We are dealing with an academic institution that pursues a policy that would be utterly illegal and unacceptable in this country. Was the decision to invite the organisation and individual in question made in full knowledge of the institution's track record in respect of such issues, or was the matter not understood?

The Presiding Officer: Mr Harvie, you might not be aware that time for reflection is not an issue that is covered in standing orders—and that that was not a point of order. I am aware that you have raised the issue today both inside and outside the chamber. I remind you that time for reflection contributors are guests of the Parliament and should be shown courtesy by all members. Any member who heard the speech that Professor Samuelson made today would take absolutely no issue with it whatever. All contributors adhere to strict guidance on the content of their speech, as was the case today.

Margo MacDonald (Lothian) (Ind): On a point of order, Presiding Officer. Although I accept your ruling in this case, I think it advisable that, in future, when people propose the sort of policy that today's time for reflection speaker has done, the

matter be discussed further with a representative group of members.

The Presiding Officer: The guests for time for reflection are ultimately my responsibility as Presiding Officer. However, all time for reflection guests are approved by the Parliamentary Bureau, which is made up of one member from each of the major parties in the Parliament. I am satisfied that the choice of Professor Samuelson today—and the choice of every speaker that we have ever had for time for reflection—accords strictly with that.

Taking Scotland Forward: Justice

The Presiding Officer (Tricia Marwick): We now move on to the next item of business, which is a debate on taking Scotland forward—justice.

14:37

The Cabinet Secretary for Justice (Kenny MacAskill): In 2007 we set out to build a safer and stronger Scotland. Working with the police, prosecutors, prisons and other justice partners, we made significant progress across the justice portfolio. Crime rates fell by a fifth and are now lower than they have ever been over the past 32 years. Eighty thousand fewer crimes are recorded by the police each year. The incidence of violent crime is down by 11 per cent, to its lowest level for 25 years. Serious assaults are down by 14 per cent; robberies are down 16 per cent; and knife crime is down by a third.

We are on a journey to replace ineffective short sentences with tough and effective community sentences. The incidence of domestic violence is falling, but it remains a major concern. Parliament legislated to modernise the law on civil protection orders against domestic abuse, and we took action to close a loophole in breach of the peace and to modernise the law on sexual offences.

We are proud of that record, and we are proud that the strategic direction that we set is paying dividends. We are proud that the extra 1,000 police officers in local communities are making Scotland safer. However, we are not complacent, and there is a considerable journey still to travel.

Now, in the second term of a Scottish National Party Government, we will build on that progress and advance our justice agenda with determination and vigour. Working with our justice partners, we will do the right thing for the people of Scotland, and we will strive for an inclusive and respectful society.

Last season was not a football season to remember, and we are taking immediate and decisive action: a bill will soon be introduced that strengthens the law on sectarian and other offensive behaviour at football matches and outlaws threatening communications, giving the police and procurators fiscal clearer and tougher powers. At the same time, we are working with the police and the football authorities to deliver the eight commitments that were agreed at the football summit that was held in March. Along with the proposed bill, that can bring about real and lasting change.

Racism, bigotry and sectarianism are not welcome here. We must now look to the future and focus on how we can make Scotland the

country that we all want it to be: a diverse and inclusive society in which all members are accepted and able to flourish.

Over the past four years we have made progress in tackling violence, gangs and knife crime. However, even one life lost to knife crime is one too many. Last weekend in Greenock and Airdrie, two more young lives were tragically cut short in knife-related incidents. I offer my sincere sympathy to those who have lost loved ones to this horrific crime.

Fewer people carry knives. Of those who carry knives, more are being caught, and they are being given sentences that are longer than ever before. I am absolutely clear that we all need to continue working in a united way to tackle Scotland's blade culture wherever and however it occurs. Initiatives such as the community initiative to reduce violence gangs project in Glasgow and our no knives, better lives campaign are equipping young people to move towards positive alternatives to violence, and many local groups work tirelessly to rid their communities of knife crime. We cannot and will not let up in our collective efforts to stop violence in all its forms, and we will continue to work with the Crown, the violence reduction unit and other partners to tackle the issue. We look forward to working together—we hope—across the chamber.

In our first term, we made dealing with organised criminal gangs a priority. Under the Proceeds of Crime Act 2002, we took more than £40 million from organised criminal gangs and caused significant disruption to their criminal activities. Having recovered those significant sums of money, we were able to reinvest them to allow more than 600,000 young people to enjoy and benefit from a wide range of sporting, cultural and youth activities. We remain committed to the cashback scheme, and I hope that other parties' previous support for it remains strong. We must provide an alternative outlet for all our young people.

However, we can do more. Currently, there is an annual limit of £30 million on money raised under the proceeds of crime legislation. We will open negotiations with the United Kingdom Government to remove that limit so that all money seized from criminals can be invested in our communities. Previously, members of other political parties supported that approach, and we hope that that will be replicated. We will also introduce new serious crime prevention orders to restrict the activities of those with known criminal connections in order to prevent serious organised crime and protect the public—especially hard-working Scottish men and women. We will continue to support the police to disrupt and dismantle organised crime across Scotland. That includes

support for the Scottish crime campus at Gartcosh, which will bring together all the agencies responsible for tackling serious organised crime. We are on track for occupation of the campus in 2012.

On youth justice, to tackle crime over the long term we must reduce the number of young people coming into the justice system in the first place, and we are doing just that. The roll-out of early and effective intervention for young people across Scotland demonstrates an effective approach to addressing young people's offending behaviour. Offence referrals to the children's reporter are reducing year on year, with a 40 per cent reduction over the past four years. We welcome the actions taken by many local authority partners in providing the early intervention and wrap-around care that prevent young people from coming into the justice system. We will continue to promote targeted and robust early interventions for all under-18s across Scotland.

As I said at the outset, we are proud of having delivered an extra 1,000 police officers in our communities—extra police who we believe have been pivotal in helping to deliver the lowest recorded crime levels in 32 years. However, we face unprecedented Westminster cuts. We will continue to improve and reform the way in which our public services are delivered, and that must include the police and fire and rescue services. Before Parliament was dissolved for the election, I indicated that there was a broad consensus across the chamber—apart from a small minority—that maintaining eight police forces and eight fire and rescue services was unsustainable. That situation remains the same, but we look forward to working with colleagues to ensure that we can deliver that reform and that the services are even more engaged with and accountable to the diverse communities that they serve.

In recent meetings with the Association of Chief Police Officers in Scotland, the Scottish Police Federation, police board conveners and the Convention of Scottish Local Authorities, I have made it clear that the case for a single force has strengthened. However, legitimate concerns and worries remain about centralisation, accountability and governance. We will seek to find answers to those concerns over the summer, and I will return to the chamber to address the matter in the autumn.

It is not only police and fire and rescue services that will be reformed. We are determined to make our justice system more accessible, more affordable and quicker. Before the election, Parliament debated Lord Gill's recommendations, and we will take them forward and remove obstacles that hinder and inhibit access to justice.

Justice must be available to everyone, irrespective of their wealth. We will ensure that legal aid is available to those who need it most and we will discuss with stakeholders how best to target resources. As with actions that were taken in the previous session, we look forward to working with Opposition parties on how we can best implement Lord Gill's reforms. This is not a party-political or ideological matter; it is about rolling out work that has been carried out by one of our most senior judges, supported by many other able people and, as I said, I look forward to continuing to work with Opposition parties on it.

The most important people in the criminal justice system are victims, although they have often been forgotten. In our first term, we made progress on rebalancing the justice system in favour of victims, and I again pay tribute to my former colleague, the previous Lord Advocate, who drove that agenda forward in the previous session and as Solicitor General and Lord Advocate under a previous Administration.

We are determined to build on that work. We will introduce a victims' rights bill to enshrine in law a victim's right to damages and compensation and to give victims input into sentencing policy and parole decisions, a matter that was raised by an Opposition member in the previous session. We look forward to working with colleagues across the chamber as we progress those important reforms. They are vital but, as with many things, the devil is in the detail, and there are complexities within them. I hope that we can share details with Opposition colleagues and seek to reach consensus and an agreement, because I do not believe that anyone in any party in this chamber does not wish to progress the rights of victims, whether in relation to parole, sentencing or any other issue.

Other matters must also be addressed, such as the law of damages. Our ambition for Scotland is also about the framework of rights and obligations that make a fair and just society. Earlier this year, Parliament unanimously passed legislation to modernise the law on civil protection orders against domestic abuse and on damages for wrongful death—Bill Butler and Rhoda Grant deserve great credit for those pieces of legislation. The damages legislation should bring benefits—emotional and financial—to the victims and their families, where negligence and a breach of a duty of care results in premature death. I am pleased to tell Parliament that a commencement order is being made shortly to bring that legislation into force on 7 July. We will build on that momentum and—with input from stakeholders, not least the Scottish Law Commission—further reform our civil law.

Recent court decisions have drawn attention to the way in which the Scotland Act 1998 explicitly subjected the Scottish criminal courts to London oversight. That was never intended, whether in the treaty of union or the 1998 act. Those decisions have resulted in major and hugely expensive changes to our criminal justice system. In contrast to the position of other jurisdictions in Europe, those changes were forced on Scotland without our being given an opportunity to put before the court at Strasbourg the context of a legal system that carefully protects a person's human rights.

Conversely, the UK Supreme Court can intervene even in Scottish cases of no general significance because, unlike in England, there is no mechanism to restrict it to cases in which public importance has been certified. Although our view is that the Scottish courts should make the final decision in Scottish criminal cases, the issue requires careful and objective examination, which is why we have appointed a review group of the highest calibre, which will consider the roles of the Scottish courts and the UK Supreme Court, and develop options for reform. That group is now at work.

Taking Scotland forward is about giving our young people the best chance to succeed in life, protecting front-line services and doing what works. Making Scotland safer and stronger is an ambition that we all share. If we are innovative and creative and we work collectively as a Parliament, we can realise that ambition and help Scotland to achieve its full potential.

14:51

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to open on behalf of the Labour Party in my new role as our spokesperson for justice, which is such an important area of responsibility for the Scottish Government and the Parliament. This is quite a difficult speech to craft properly; there are so many areas on which I could spend a great deal of time. I welcome the fact that the justice secretary has outlined a range of areas in which his Government intends to move forward. The reality is that the driving force for the next period will be the Scottish Government. It will shape the justice agenda, to which we hope to be able to contribute, so we welcome the justice secretary's commitment to working with the Opposition.

I will make a couple of general points about the justice portfolio and then I will make some specific comments about particular areas, although inevitably there will be areas that I will not have time to cover.

Where we can, we are keen to work with the Scottish Government to take action to ensure that

Scotland's justice system is underpinned by fairness, transparency and consistency. We also want to make sure that it has as its central and powerful focus ensuring that our communities are safe, that protection is afforded to individuals and families, that criminality is deterred, and that victims are confident not only that they will be listened to but that they are at the centre of the process and—critically—believe that to be the case.

From the inception of the Parliament, Labour has always sought to stand on the side of the victim, listening properly and closely to what they describe as their experience, and seeking to respond to that. We sometimes talk about justice issues in a cartoon-like way, but when people talked about the impact of youth disorder on their young people, children or grandchildren, we listened. When people spoke about the impact of unregulated private landlords driving down the confidence of communities and allowing them to disintegrate, we listened. People have described to us the community bullying and talked about the silence that they feel they need to keep because they fear what will happen when they speak up, and we have heard about the sense of injustice of the rape victim or the victim of violence and their feeling that the system does not understand their experience and compounds that injustice in the court system. Those were the driving voices of justice policy in our time in government and, in part, since then.

We have understood how dangerous it is when those who commit violent crime, organise crime and prey on individuals and families feel empowered and unchallengeable, and when their victims feel that they are being silenced and ignored, or when the only alternatives that are apparent to victims are to stop complaining or to take the law into their own hands. We do not need to reflect for more than a moment to recognise that we cannot overstate the impact of that lack of confidence of individuals and communities in the authority of the justice system.

The driving force for us is to shape legislation and action that understand that impact and respond to those experiences. We must realise that it is not enough to assert our compassion and that we must do the tough stuff of government—getting the detail right and putting in place the resources to ensure that people's voices are heard and that we can make a difference.

In the first full debate on justice in the new session, we need to be honest and rigorous. We must recognise that our role, as the Opposition, is to co-operate when we can, but to challenge when it is necessary for us to do so. Across the Parliament, we recognise the challenge that the sectarianism that reflects on us as a society

presents for all of us, but our view is that there is no quick fix to a problem that has existed for a significant period—it is a long-term problem that will not be fixed simply by legislation. We have a concern—at this stage, I highlight it only as a concern—about the pace at which the minister and his Government are going.

In *The Times* this week, the Lord Advocate was quoted as saying:

“Passing laws is what the Parliament is there for. Yes we could spend a few months talking about it and then passing it. Or we could just get on and do it and have it in place in time for the football season starting.”

I understand the impulse to move quickly, but the fact is that the parliamentary process does not involve only us talking to one another; it is about breaching the walls of the Parliament to allow those who understand the issues to help shape legislation. Neither as a minister nor as a back bencher have I ever come across a piece of legislation that has not been strengthened immensely by the end of the process as a result of the way in which, through the committee structure, people have shaped it. We have genuine concerns about what the Lord Advocate said—and not only in relation to the proposed sectarianism bill, which we all want to work, but because there is nothing worse than legislation that is derided as soon as it enters the system. If the Government’s attitude is that the time that is spent in the committee process is just time that is spent talking, it is missing one of the key strengths of our parliamentary and legislative process. It is with a genuine sense of co-operation that I urge the minister to reflect on the seriousness of getting the proposed legislation right.

Equally, there needs to be honesty on police numbers. In its evidence on the budget process, Unison said that the budget for 2011-12 could mean the loss of 1,100 civilian police jobs. That would surely have an impact on front-line policing, and we need to interrogate that matter further. Would that mean police being taken from front-line jobs to do the administrative work? In my view, that would be a big step back from where we were before.

On short sentences, I urge the minister not to stick to the position that he has held in the past. We recognise the importance of rehabilitation. Our view is that if we have effective community service orders, short sentences will wither on the vine, but the approach that the Government is taking means that the risk is being borne by those communities in which there are people who believe that they are untouchable and for whom CSOs have not worked. We know that one in three CSOs is breached, and there are disturbing figures that show that the length of time that it takes to complete a CSO is stretching. I urge the minister

to reflect on that. Our communities need the certainty of knowing that CSOs are effective before we signal a shift away from the position that prison can have a role to play.

On antisocial behaviour, we need to understand the persistent nature of the harassment, intolerance and intimidation that can make people’s lives a misery. Antisocial behaviour orders emerged out of that experience, and if they are ineffective, we need to think about how we can make them more effective rather than simply dismissing them. There is a gap between criminal acts and the low-level, persistent, horrible and nasty way in which some people conduct themselves, which must be addressed. The slightly sneering tone that sometimes comes from some quarters on ASBOs does not serve our communities well, and I would welcome discussion of how we can deal with that.

I hear what the minister says on knife crime. We also understand that the courts must play a role in deterring young men from destroying their own lives, not just those of their victims. We know that the culture of routinely carrying a knife brings with it a heavy price that is paid by people throughout our communities. We know what it means for the victims and their families. When we spoke before about mandatory sentencing in this area, there was a sense of outrage and offence among the people in our communities who were told that the court system could not make a distinction between a carpet fitter and a man with a machete down his sock going into a dance hall. That beggars belief. It is important that we recognise the fear of knife crime in some of our communities and that we address the problem seriously.

On following a positive agenda, as I have said, it is important that we co-operate where we can. I hear what the minister says about public sector reform. We will support a reorganisation of police and fire services where we can, as long as there is confidence that local accountability and local direction in setting policing priorities remain.

On women offenders and Cornton Vale, it is important that we work together. We acknowledge the establishment of the commission, but over the past 18 months we have been concerned about the absence of leadership in addressing the problem of women offenders in Cornton Vale.

We will also work on sexual offences issues, including the rolling out of domestic abuse courts. We will draw on the experience of the advice, support, safety and information services together project to understand how domestic abuse is experienced and the way in which the court system does not seem able to offer support when there are breaches of bail. When people are not automatically remanded, there are consequences for the families involved. We understand the

importance of the powers in the proceeds of crime legislation, but we ask that that money be invested in those communities from where the money was harvested in the first place.

Across the Parliament, members are committed to trying to address the issues that bring out crime and mean that people become the victims of crime—and not just within the narrow focus of the justice portfolio. We will support the Government in creating a strong economy and jobs where that approach can make a difference. We are happy to work with the Government where the focus is on addressing the lived experience of crime and injustice in our communities. Where our job is to challenge, we will do that. However, we want a justice system in which victims of crime can have real confidence. I look forward to our doing our part to create that system in the coming period.

15:02

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I am pleased to be able to speak in this important debate this afternoon. The wide-ranging issues that we are discussing are crucial to our country. It is therefore welcome that the Government is taking this opportunity at the start of the parliamentary session to set out its priorities for the coming five years.

Although the political make-up of the Parliament means that the role of Opposition parties is somewhat different from before the election, I welcome the Government's stated desire to work closely with members from all parties. I hope that that responsible approach will be more than warm words and will mean something in practice. My colleagues and I on the Conservative benches will engage fully with the Government on issues where there is common ground, and we will challenge the Government where we feel that it has got things wrong.

I congratulate Roseanna Cunningham on her new role and I look forward to working constructively with her. Similarly, I welcome Johann Lamont and Alison McInnes to their new roles.

The issues that will be raised today are of fundamental importance in determining what kind of society we live in, how we prevent crime and how we deal with those who break the law. Too many people in Scotland today feel that the criminal justice system is on the side of the criminal, not the victim. That balance is wrong. I will explore a few key areas where I think that we could do more to restore public confidence in our justice system.

The first area is policing. We should recognise the progress that has been made in recent years. Today, there are 1,000 more police officers on our

streets than there were four years ago, preventing crime and providing reassurance to our communities. I am proud of the role that the Scottish Conservatives played in achieving that, although it is disappointing that certain other parties felt unable to support the extra police officers. A key priority for the next five years is retaining those extra officers. We will push the Government at every opportunity to provide the additional funding to back the policy.

As members will be aware, there has been a great deal of discussion about the future of police forces in Scotland. We have made it clear that, in any restructuring of the police forces, the priority must be to retain a visible, effective and locally accountable police presence on our streets. None of us wants to be in the position that we are in—having to make cost savings in important public services such as the police—but if savings need to be made it is preferable that they are made by cutting duplication in police headquarters up and down the country rather than by cutting front-line policing.

One of the biggest frustrations that Scots feel with our justice system relates to sentencing, and there is considerable room for improvement in restoring public confidence in the criminal justice system in that regard. We should not be seduced by the view that prison exists only to exact retribution on criminals and to punish them, and that it should be used as little as possible. Putting dangerous criminals in prison means that they cannot terrorise communities and commit more crime, which means that our streets and communities are safer. Prison can and should be the starting point for rehabilitating offenders towards a life free from crime and addiction. We should be aiming to turn criminals from tax burdens into law-abiding, tax-paying citizens.

Another challenge for the Government is to restore honesty in sentencing. The public and the victims of crime are becoming increasingly exasperated with criminals being let out after serving only a small proportion of their sentence. We have long argued that the situation would be improved by ending automatic early release. The SNP has made the same case over the past few years. It is just a shame that it has not found the time to take action to end automatic early release.

We believe that the SNP Government was wrong to abolish prison sentences of less than three months. Short-term prison sentences are not appropriate in all situations, but we should leave it to the courts to decide when a prison sentence is necessary. The fact that sheriffs and judges used short sentences highlights the fact that they had little confidence in the community sentences that were provided as an alternative. In some cases, custody is appropriate, as it can provide much-

needed respite to a partner in an abusive relationship or can give a family the time to move on with their lives in relative peace.

More also needs to be done to toughen up community sentences, so that courts and the public have confidence in their effectiveness. Offenders should be carrying out meaningful work so that they are genuinely contributing to society rather than just costing taxpayers money.

Last, but by no means least, I want to mention drugs and alcohol. It is a sad fact that drugs and alcohol are involved in a large proportion of the crime that takes place in Scotland. If we want to tackle crime and make our streets safer, we need to tackle the blight of drug abuse in communities across Scotland. I am therefore pleased that the Scottish Government listened to our view and introduced a new national drugs strategy, placing an emphasis on abstinence, rehabilitation and recovery rather than dependence. However, a strategy in itself is not enough, and we will watch closely to see that the Government makes good on its promise to overhaul drugs treatment in Scotland. Quite simply, we cannot afford not to address the problem.

Tackling drugs effectively also means dealing with drug abuse in prison, which is a particularly worrying aspect of the problem. If prison is to be the secure environment that we need it to be to allow those prisoners with a drug problem to get clean, we need to be willing to tackle the issue head-on. The Government should consider introducing drug-free wings in every prison to ensure that those who want to beat their habit are given the best possible chance of doing so.

We also need to be tough on those who think that they can use prisons to carry on taking and dealing drugs. We remain of the view that the Government should introduce compulsory drug testing for all inmates on arrival and departure from prison. Not only would that prevent the spread of drugs from inmates on arrival, it would send out a message loud and clear that drugs will not be tolerated in our prisons.

In conclusion, this debate is a helpful opportunity to outline our priorities for improving Scotland's justice system in the forthcoming parliamentary session. The decisions that this Parliament will take on the issues will have a direct impact—positive or negative—on the people whom we represent, and it is important that we get them right. Our constituents are also concerned about the manner in which decisions are taken. I hope that the Government will continue to consult all political parties from across the chamber to ensure that we come up with the best possible solutions and results for communities.

The Presiding Officer: We now move to the open debate. Members' speeches should be no longer than six minutes, unless the member has taken an intervention. The Presiding Officers will do their best within the time available to add additional time if a member takes an intervention, but members should not feel obliged to take the full six minutes.

15:09

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I shall not take that last part of your remarks personally, Presiding Officer. In this broad debate, I shall focus on criminal justice issues, in particular short sentences, Cornton Vale, the Supreme Court and sectarianism.

I separate my comments on short sentences from John Lamont's remarks on serious crime and the serious criminals from whom the public definitely need protection. It is indisputable that short sentences do not work—they do not act as a deterrent. They also offer no time for rehabilitation of those with alcohol, drug or literacy and numeracy problems. That was the case in 2002, when I convened the Justice 1 Committee, and the situation remains unchanged. Therefore, I fully support alternatives to custody and the presumption—I emphasise that it is a presumption, not a mandate—against sentences of three months or less. I also note Johann Lamont's comments, which were well made, about the need for pragmatic progress and delivery on alternatives to custody in which the community has faith.

In 1999, the cry was that too many women were being imprisoned in Cornton Vale. Although the prison population overall has increased by some 25 per cent, the female prison population has increased by some 90 per cent. I recall Lord Wallace of Tankerness—then Jim Wallace, the Minister for Justice—agreeing in 1999 that too many women were being imprisoned, yet successive Governments have failed to remedy the situation. Therefore, I welcome the appointment of Elish Angiolini as the chair of the commission. Let us also put down a marker that, in the five years that we have, the Parliament will seek a real improvement in the area.

Although, as a Scottish nationalist, I fully understand the furore at the erosion of the finality of the decisions of the High Court when it sits as a court of appeal, it must surely be conceded that the Supreme Court is and was acting *intra vires* and that the European convention on human rights has rippled across many aspects—often unforeseen—of our justice system, both civil and criminal, and including quasi-judicial hearings, which has often been welcomed. Nevertheless,

what is distinct and different is that, whereas in England and Wales the UK Supreme Court cannot overrule the Court of Appeal when the Court of Appeal refuses leave to appeal unless the Supreme Court certifies that the case raises a matter of general public importance, that is not the case in Scotland, so there is no level playing field, even at the start. However, I await the report of the review group and look forward to a lot of light and a lot less heat.

I turn to the Scottish Criminal Cases Review Commission, which should be another bulwark against injustice, although its role was regrettably emasculated, ironically, by the emergency legislation that followed the Cadder decision. I know that Lord Carloway is considering the matter as part of his review of that legislation, and I look forward to his findings, which I believe are due around August. I also look forward to the promised legislation to ease publication of the SCCRC's findings in the Megrahi case and ask the cabinet secretary whether he has a timescale for it.

The proposed anti-sectarianism bill is to be laid before Parliament some time this week, so we have not yet had sight of it. Notwithstanding that, I share the concerns about the fact that it is to be dealt with through emergency or truncated procedure, with little time for parliamentary, let alone committee, scrutiny. That rather contradicts the recent statement by the Cabinet Secretary for Parliament and Government Strategy that he wants to improve pre-legislative scrutiny. As I understand it, there will be only token scrutiny during the passage of the bill. As a back bencher and convener of the Justice Committee, I cannot say that I find that appropriate. I really do not see why the bill is emergency legislation.

The joint action plan that was produced in May, during the recent summit on football and sectarian violence, has a lot to commend it. It recommends

"Greater enforcement of existing legislation to deal with sectarianism and drink related offences"—

minimum unit pricing would have helped with that. It also calls for

"The establishment of a task force comprising senior police officers, government representatives and club security personnel to deliver more consistency in policing of football matches across Scotland".

The recommendations are worth reading. I would have preferred those actions to have been given a chance while we considered legislation—indeed, while we considered whether we even need legislation—at a measured pace. However, if the Government is to push ahead, I respectfully suggest the insertion of a sunset clause of, say, a year or 18 months. That would give some comfort to those of us across the Parliament who have experience of the past 12 years and who are

uneasy about legislating in haste and finding out that there are unintended consequences. I am not informed about how such a sunset clause could be drafted, but I submit the suggestion as a practical way of addressing some of our concerns.

I have time to refer to the Labour Party's proposal on knife crime. Much of Johann Lamont's speech was welcome, but the examples that were given were misguided. I share the horror at previous and recent crimes, but surely the suggestion that there should be a mandatory sentence for a conviction for carrying a knife has been discredited. Such a step would remove judicial discretion in relation to the circumstances in which such a conviction took place and would lead us down the road of the law of unintended consequences. Someone of good repute who had no problems but was convicted of carrying a large knife—just for carrying it; not for what they did with it—would receive a mandatory prison sentence without anyone looking at social inquiry reports or conducting an inquiry into the person's background to establish the reasons for what happened. There are issues with that proposal.

As a final full stop, on serious organised crime—which I do not have time to address—I note that the Government has said that there will be a prohibition on security companies with links to organised crime being awarded public sector contracts. I ask the cabinet secretary to look at contracts that such companies are given for recycling and dealing with waste. There was a great presentation in Parliament by the Scottish Environment Protection Agency and serious organised crime officers. I had no idea that recycling and dealing with waste was how serious organised crime laundered much of its money and I would like the Government to look at that issue.

15:16

Paul Martin (Glasgow Provan) (Lab): I welcome the opportunity to speak in a justice debate. Unlike others who have made speeches over the past couple of weeks, this is not my maiden speech. Indeed, the subject that I will focus on—how best to manage registered sex offenders—is one that I have covered on many occasions, but I make no apologies for that.

On 24 June 2004, Mark Cummings, aged eight, was murdered by registered sex offender Stuart Leggate. Members will recall the campaign that Margaret Ann Cummings brought to this Parliament, following that tragic event, for better management of sex offenders. Her public petition ensured that the Parliament formed its first ever justice sub-committee, the Justice 2 Sub-Committee, which the current Cabinet Secretary for Justice was a member of, along with others. The sub-committee made 33 recommendations,

the vast majority of which have been taken forward.

We should be encouraged by that, as we sometimes hear criticisms of the effectiveness of the Justice Committee and other committees in the Parliament, but we should recognise that during that process we set aside our political differences to protect our communities from the most dangerous individuals on our planet. I say that in the context that the vast majority of adults in Scotland have a decent and honest relationship with young people and interact positively with them. However, we need to recognise that sex offenders, in particular, find ways to evade being monitored, and we should take every measure possible in this Parliament to deal with that.

There have been many recent well-publicised examples, which is why it concerns me that, of the 33 recommendations, the one issue that remains outstanding—with which the cabinet secretary will be familiar—is the fact that sex offenders are not required to disclose their background to prospective housing providers. That is an issue for both the social rented sector and the private housing sector. Following the murder of Mark Cummings, I contacted the local housing provider and was astonished to learn that he had no knowledge of Stuart Leggate's background when he allocated him a property in the Charles Street area of my constituency, within a multistorey development with closed-circuit television monitoring.

As protocols stand at the moment, housing providers do not require that information to be disclosed to them, although other information requires to be provided, such as information relating to an individual's background—for example, whether they have been involved in antisocial behaviour and whether an antisocial behaviour order has been served on them. I welcome such questioning, but we should not exclude disclosure of information about sex offenders from housing application forms. I ask the cabinet secretary to address the matter in his concluding remarks and to consider it in further detail.

I hope that the Government will take forward challenges that were brought to us in Professor Irving's report. I am sure that those of us who are familiar with his report recognise that he amplified several serious issues about how best to manage and monitor registered sex offenders—particularly the issue of social profiling, which I hope that the Government will progress.

We need to consider how we categorise offenders. Simply placing sex offenders on the register without properly assessing risk is not good enough. We must consider how best to develop that.

There are 3,258 registered sex offenders in Scotland, 2,591 of whom live in our communities. What concerns me about the statistics from police forces throughout Scotland is that 26 offenders are missing or abroad. The information that I can examine and interrogate shows that those individuals have been missing for the past five months. I seek an assurance from the Cabinet Secretary for Justice that the appropriate resources have been put in place to monitor those individuals. Does he find it acceptable that they have remained missing or abroad for the past five months? That is a challenge for the Government, which it should consider taking forward.

Johann Lamont talked about parliamentary scrutiny of the legislation to which Christine Grahame referred. On several occasions, I have heard politicians refer to the need not to have a knee-jerk reaction. Following the World's End case, the First Minister said that politicians should not have a knee-jerk reaction. If that was good enough following that case, surely we should consider it in the context of what Christine Grahame, as the Justice Committee's convener, has said.

I hope that the cabinet secretary will deal with some of the issues that I have raised. I hope that we can move forward, particularly following the sad anniversary of the tragic murder of Mark Cummings.

15:22

Colin Keir (Edinburgh Western) (SNP): The safety of our communities affects us all and is a concern that is raised time and again by neighbourhood and community partnerships, as well as individuals and local organisations. The facts certainly speak for themselves. Our extra 1,000 police officers have helped to drive our national crime rate to a record 32-year low. Youth crime has reduced, and the number of offence referrals to the children's reporter fell by 15 per cent between 2008-09 and 2010-11. That is a continuing trend, under which offence referrals have fallen by almost 40 per cent since the Scottish National Party came to power.

The risk of being a victim of crime is lower in Scotland than in England and Wales. Even more important, the fear of crime is reducing for the first time since devolution. I think that members will agree that people losing their fear of crime speaks volumes for the state of affairs.

However, more can always be done. The national figures paint a picture, but the reality is that many communities have become victims of crime. Far too many communities across Scotland continue to be blighted by antisocial behaviour. While I was campaigning in parts of my

constituency of Edinburgh Western, many residents raised that issue. Most of them believe that alcohol, drugs and a lack of respect, values and opportunities are the root causes of antisocial behaviour.

The lack of respect and—often—the lack of understanding between people of different age groups and generations are also worrying. Acts of generosity and responsibility by young people—such as giving their seat to a frail elderly person on the bus or helping a disabled person across the road—still undoubtedly go on, but it is unfortunate that we do not see them as often as we used to. Equally, however, the community should be in a position to take responsibility for its young people and their future. Of course, such issues raise wider questions about the kind of society we live in, but the fact is that, unless we bridge the gaps, the breakdown between the different groups in our society will continue.

The only way we can effectively address the problem of antisocial behaviour and encourage people to change their habits is to identify its underlying causes. For example, from helping to improve parenting skills to running classes in domestic budgeting, many local family support projects and partnerships have been central to supporting people with all sorts of difficulties. Indeed, the Scottish Government's framework for tackling antisocial behaviour makes it clear that the focus should be on prevention, on encouraging agencies to work together more effectively and on involving communities in developing local solutions. It places education and support at the heart of its recommendations, alongside enforcement. If any long-term success is to be achieved, prohibitive enforcement measures must be accompanied by support to change the underlying causes of antisocial behaviour.

For a large number of people, antisocial behaviour arises from a lack of opportunities. One of the Scottish Government's answers to that problem has been the cashback for communities scheme, which is financed by money recovered from serious organised crime. The scheme, which is undoubtedly one of the Government's greatest achievements, has brought in a wide range of partnerships with Scottish sports, arts and youth associations to provide activities for young people and develop their interests and skills. The Scottish Government has committed more than £40 million of investment in the programme, which has benefited more than 500,000 people. I should also point out that the resources have been concentrated in areas with the highest levels of crime and antisocial behaviour. Indeed, the former chief executive of the Scottish Football Association described cashback as "fantastic".

One group that is taking advantage of the funds is Muirhouse Youth Development Group in my constituency. With few activities to engage in, little to do in the evenings and no voice to be heard with, many young people in the area inevitably turned to crime. The group's simple aim was to increase youngsters' self-esteem and aspirations, place them at the heart of the community, and develop their sense of self, of others and of the community to which they belonged. However, what is admirable about the organisation is that it was formed by the people in the community who believed that their youngsters were entitled to a much brighter future. To begin with, it was unstructured and peer and volunteer-led, with a strong community commitment, and to this day it continues to play a part in the growth and development of the young people in Muirhouse and other parts of western and northern Edinburgh.

I firmly believe that action in the community by the community, with the support of organisations such as Muirhouse Youth Development Group, is the way forward. We must not marginalise our youth; instead, we must integrate them. Antisocial behaviour is complex, but if we can begin to understand its symptoms and prevent the scars in the first place, we can improve safety and quality of life for all.

15:28

Annabelle Ewing (Mid Scotland and Fife) (SNP): I am very pleased to have the chance to speak in this important debate on the various wide-ranging issues encompassed by the justice portfolio, and I commend the cabinet secretary and my colleague Roseanna Cunningham for the work that they are doing. They have a very hard job indeed.

I am not entirely sure whether I am required to declare an interest, but to avoid any ambiguity I should declare that I am a member of the Law Society of Scotland and hold a current practising certificate. Although I am privileged to have been elected to serve as an MSP, I am not sure whether being a politician and a lawyer makes me doubly unpopular in the eyes of some members of the public. However, I can say in my defence that at least I am not a banker.

Members across the chamber have already highlighted a number of issues in the very wide-ranging justice portfolio, and I know that other members will raise particular concerns, but I shall focus my remarks on the issue of the UK Supreme Court. The act setting up the Supreme Court was the subject of legislative consideration when I was a member of another place. I recall speaking out on a number of occasions about the risks inherent

in the proposals for the integrity of Scots criminal law.

I argued at the time that there were serious issues about the compatibility of the Supreme Court proposals with the Act of Union 1707, which constitutional experts will be aware preserved the independence of the Scottish legal system and provided that Scots law cases could be heard on appeal south of the border only in a court entirely separate from the English legal system. As far as criminal law is concerned, in light of the fact that the Ministry of Justice has responsibility for running, administering and funding the UK Supreme Court, it is hard to see how anyone could argue that it is entirely separate from the English legal system.

It may come as no surprise that at the time of the passage of the legislation in Westminster, I argued that there had been a missed opportunity to end the 18th century historical anomaly whereby final appellate jurisdiction in civil cases in Scotland lay south of the border—a view shared by eminent jurists. However, we have seen an unintended encroachment on Scots criminal law on the part of the UK Supreme Court. That is contrary to what I was told when I was a member in that other place, which was that there was no significant risk of that happening.

Christine Grahame rightly said that the UK Supreme Court acted *intra vires*—within its authority—but I do not believe that anyone foresaw the UK Supreme Court's encroachment on our criminal legal system. In many high-profile cases, particularly the Cadder case, we have seen the implications of a court furth of our jurisdiction having a role to play in our legal system. Indeed, the Cadder case followed a year on from the McLean case, in which a seven-judge bench in Scotland in the High Court of Justiciary decided that, on the issue in question, Scots criminal law was compliant with the European convention on human rights.

For Scots criminal law, the key problem with the UK Supreme Court is that it superimposes on Scots law an extra layer of appeal from our High Court, as far as devolution cases are concerned.

Margaret Mitchell (Central Scotland) (Con): Does the member concede that all the cases that have gone to the High Court have had a European Court of Human Rights angle to them?

Annabelle Ewing: I would not necessarily concede that all the cases have had a major impact on the state of the law as it is, in terms of the Court of Appeal in England having the ability to decide whether to grant leave to appeal or to state the case where a major issue is raised by the case at hand. I do not accept, therefore, that every single case that we have been looking at in

relation to the recent controversy over the UK Supreme Court has fallen into that category.

Be that as it may, the UK Supreme Court has had an unanticipated role, in that it has acted as a filter for the appellate structure in criminal law in Scotland. That is where my key concern lies. It is beyond me why we cannot just go to the European Court of Human Rights in Strasbourg, like any other independent legal jurisdiction.

Johann Lamont: Will the member take an intervention?

Annabelle Ewing: I should probably proceed, because I am getting an indication from the Presiding Officer that I should bring my remarks to a conclusion.

I argue that we should be able to go directly to Strasbourg. I do not see why our criminal law appellate structure is being filtered by a court furth of our jurisdiction that does not take into account the comprehensive nature of the checks and balances of our criminal legal system. I am extremely pleased to see that there will be a review by eminent and expert legal jurists in Scotland, who I understand will report shortly. I look forward to debating the report that they bring before us.

The Deputy Presiding Officer (Elaine Smith): I am afraid that we are now short of time, so any interventions will have to be contained within the six-minute speeches.

15:35

Graeme Pearson (South Scotland) (Lab): I acknowledge Christine Grahame's contribution and associate myself with much of what she said in relation to the Justice Committee. Last month, the First Minister introduced to the Parliament his vision for the next five years, which is underpinned, as he said, by a social wage. Although he stopped short of fully explaining his concept, many have linked the social wage to the 16th century philosophy of the social contract. The Parliament should be reminded that a key tenet behind such a philosophy is that concluding a social contract between the state and its citizens relies on the proper enforcement of laws by the state. The enforcement of laws provides protection and freedom for all, including the weak and poor in our communities, enabling them to contribute to our society. However, legislation that is worthy of enforcement requires proper review and scrutiny by members of the Parliament so that we give knowing consent and an authority to the laws that are to be enforced.

In the context of the Government's anti-sectarianism proposals, the Justice Committee has yet to be circulated with the information on

behalf of the Parliament. We therefore have few, if any, days available to debate and review Government proposals on an issue that the Government deems to be a priority. Press reports have indicated that the yet-to-be-seen proposals will be made law by the end of the month, thereby creating an anticipation in the minds of the public. The Government is displaying a cavalier disregard for the very principles that underpin the First Minister's vision for Scotland for the next five years. That does not demonstrate the inclusive approach that has been promised for this new session of our Parliament.

If the Scottish Parliament is to mature into its rightful position in our constitutional arrangements, its members must be provided with time and due respect from Government ministers to play their individual parts in the creation of Scotland's future. I make a non-partisan point here and reflect the intentions of our forebears in providing in this Parliament an institution to call Scotland's Government to account properly. Governments typically find that process an interference and inconvenience, but a true democracy values not only a Government with vision but a strong Parliament that provides accountability.

I turn to our justice secretary's latest skirmish with the desirability or otherwise of police officers patrolling on our streets. I have sympathy for Mr MacAskill, and I believe that he has been misunderstood by the press and would never make such a comment. In communities across Scotland that are marginalised and threatened by criminality, the presence of effective and visible police officers offers the beginning of a safe and secure environment. It is therefore impossible to believe the cabinet secretary's comments as reported. After all, the justice secretary has enough on his plate. Among other things, he needs to try to keep prisoners locked up in our prisons and to ensure that sufficient assets are seized from criminals and that actions taken under our drugs policy actually work.

For almost a decade, we have suffered the impact of having around 55,000 problematic drug users in our communities. We spend more than £1 million of public taxes delivering methadone programmes in our prisons. The volume of methadone that is prescribed in the methadone programme in Scotland almost doubled in the three years to 2009, to almost 31,000 litres. Although there is a place for methadone treatment as part of a planned and delivered programme of recovery, future initiatives need to give each drug-addicted person the opportunity for health and a return to wellbeing and gainful employment. I commend Annabel Goldie for maintaining a focus on that area of Government policy.

On the Supreme Court, I draw the justice secretary's attention to the 11 June edition of *The Daily Telegraph*, where he will read that the Faculty of Advocates, the Law Society of Scotland, the Scottish Human Rights Commission and the campaign group Justice have all supported the Supreme Court's sensible and proportionate rulings. Who pays the piper is not the issue—nor should it be. I hope that, as with the comments on patrolling police officers that were attributed to him, the cabinet secretary has again been misunderstood.

Instead of holding summits about football matches and arguing over supreme courts, I would want the justice secretary to attend to the issues that affect normal people and their families and communities. The deaths of young men as a result of knife attacks continue, and their families are grieving. In addition to demanding justice, those families want a positive response from the authorities in order to prevent such crimes from being committed in the future. I can tell the cabinet secretary that the provision of high-profile policing after such events does little to give confidence to communities that are facing criminality week after week.

I do not doubt the justice secretary's sincerity in offering his sympathy, but we need to know what his plans are in this regard. Will he ensure that the victims will be placed at the centre of our criminal justice system and will he acknowledge that Children 1st continues to report the negative experiences that youngsters who attend court face? Will he share with us his intentions and will he offer to work in tandem with the Opposition parties in delivering, through the Justice Committee, actions that work and positive outcomes?

15:41

Alison McInnes (North East Scotland) (LD): I must first pay a brief tribute to my predecessor in the role of justice spokesperson for the Liberal Democrats, Robert Brown. Robert was an insightful and incisive parliamentarian and a staunch defender of civil rights and liberal democracy. I believe that not only our group but the whole Parliament is somewhat diminished by his loss.

Given that time is somewhat limited, I will pick out four of the key things that Liberal Democrats believe we need to address in the coming session. First is police reform. I welcome the review of how police services can best meet Scotland's needs. There are of course things that can be improved, such as responsiveness and cost effectiveness. There are aspects of our policing that need modernising and, as such, I look forward to the Government publishing its response to the

consultation on the future of policing in the next few weeks. We will be happy to work with it to make sensible reforms that improve front-line policing.

However, we cannot back any move to a single nationwide police force. Policing is at its best when it is local. It is rightly part of the local government family. Moving to a single force, run from the central belt, would have a devastating effect on community policing. It would mean fewer police on the beat, less responsiveness to local needs and more political control over operational decisions. We cannot support those outcomes and we will continue to stand up for local communities.

Stewart Maxwell (West Scotland) (SNP): Will the member take an intervention?

Alison McInnes: I have been told that I am short of time.

Secondly, the time is surely right for concerted action on prison reform. Decent, safe prison conditions and the proper provision of rehabilitation should be our aims. The alarming report on Cornton Vale—the second such report in the past two years—has underlined again how far we have yet to go. The current facilities are utterly failing women prisoners and the cabinet secretary ought to take personal responsibility for ensuring that improvements are made swiftly. For prison to be effective, it must offer constructive regimes for work and education and it must create an environment that works to stop reoffending.

Thirdly—this is very much related to prison reform—we believe that there should be continued focus on community sentencing. I think that most of us agree that, done properly, community sentences can play a huge role in cutting reoffending and we have already seen some excellent progress being made. Now we want to review how the current system is working in order to check that it is properly resourced and structured. We are keen to work with the Government to look at what improvements we can make to ensure that the system is as effective as possible.

Fourthly, we want to see action on sectarianism. Let us be very clear: sectarianism has no place in our society. Every single one of us in the chamber agrees that discrimination based on religion is unacceptable, that any threatening behaviour based on religion is wrong and that any acts inciting violence because of religion must not be tolerated.

However, I think that the Government is naive if it believes that it can solve a centuries-old problem by rushing through new legislation in the next fortnight. Just this weekend, the Cabinet Secretary for Parliament and Government Strategy wrote that he would like to see more pre-legislative

scrutiny in Parliament. For once, I agree with Mr Crawford. The Government is talking about introducing two entirely new offences on to the statute book. Surely it is right that the Parliament and the people of Scotland are allowed the time to study the proposals and take evidence, to ensure that there are no unintended consequences or collateral infringements on law-abiding citizens' rights and that the new law does what it is intended to do.

There are many questions that any Government should have to answer before it can introduce a new law, and no responsible Parliament can—or at least should—pass a law until those questions are answered. This proposed law is no different. The first and most fundamental question is whether a new law is needed.

Annabelle Ewing: Alison McInnes will have heard Christine Grahame suggest a sunset clause. Would she and her group support that?

Alison McInnes: I will wait to see the detail of the legislation, but Christine Grahame's suggestion was offered constructively and we will consider it in that way.

When the cabinet secretary tried to answer the question whether we needed a new law on *Newsnight* a couple of weeks ago, he said that there are gaps in the current breach of the peace definitions, which means that there could be difficulties in bringing prosecutions in some instances. He might be right, but I say to him that we need to see the evidence. Are there gaps? Just a month ago, the then Solicitor General for Scotland, Frank Mulholland, issued a press release welcoming the high prosecution rate for crimes of religious prejudice. If there are gaps, would the new law close them? I await sight of the bill with interest, but I can guarantee that we will not be able adequately to answer that question in two weeks with no chance to take evidence.

In England and Wales, in the three years to 2010 since the Racial and Religious Hatred Act 2006 was enacted, there were 36,763 completed prosecutions of offences that were racially or religiously aggravated. In that time, exactly one person was charged with an offence that had been introduced by the new act, and he was acquitted. The 2006 act in England is a solid law—it was debated in depth, and expert evidence was taken over many days and weeks—but it has made zero difference to convictions for religious or racially motivated crimes.

I am not saying that the new law will not work, but I am asking the Government to take the necessary time to consider all the possibilities. Is offensive chanting already covered by breach of the peace legislation but simply hard to police because of the number of people involved? Is

sending bullets through the post already covered by anti-terrorism legislation? Is sending death threats via the internet already covered by the UK Communications Act 2003? Is the sectarian aspect of all those crimes already dealt with by section 74 of the Criminal Justice Act 2003, which just needs to be better enforced? Those are the questions that the Government should ask before it introduces legislation, and it should give Parliament the time to find the answers.

15:47

John Finnie (Highlands and Islands) (SNP): Northern Constabulary, the force that covers the majority of the region that I represent, is, like all other Scottish forces, an amalgam of several of the smaller burgh and county forces that existed in Scotland before regionalisation in 1975. I am delighted that Northern Constabulary now has 300 more officers that it did at the time of amalgamation.

Now that police officer numbers have been built to a record level, no one wants to see an erosion of the very front line that has delivered a 32-year record low crime rate. Although we are very keen to sustain police officer numbers, that must not—as our Labour colleague mentioned—be done at the expense of sacking loyal support staff who have served their communities well, too.

Funding for the additional 1,000 officers was not provided to have officers sit in offices to replace support staff who were paid much less. It was given to ensure that those officers were out in our cities, towns and villages undertaking their statutory duty to guard, watch and patrol. That 32-year record low crime rate is more than a statistic. It has improved quality of life for our citizens: fewer constituents are assaulted or are the victims of dishonesty, and there is less knife crime. It means safer communities.

Perceptions of crime are important so, although antisocial behaviour continues to blight many of our communities, it is pleasing to know that the fear of crime is falling for the first time since devolution. That is due in no small part to constables patrolling and reassuring our communities. However, there is no room for complacency, and no reason not to consider whether we can bring about an even more effective police service for our communities, whether they are rural or urban.

The present structure of the Scottish police service has existed for the past 35 years, and the time is right to review it. The Government has retained an open mind on the future, and is rightly willing to consider all options that can demonstrate long-term sustainability. As with any potential reform, it is important to have meaningful

consultation with the staff associations and trade unions. The Scottish Police Federation represents 98 per cent of officers and plays a key role in feeding in front-line officers' views. Its views are important, whereas the shifting sands of opinion of the chief officer ranks that are represented by the Association of Chief Police Officers in Scotland suggest an element of opportunism that we should treat with caution.

Her Majesty's inspectorate of constabulary for Scotland reported that the country's "smaller" forces

"are unable to afford capacity and capability in all policing specialisms, and to do so would be inefficient ... To maintain their existence as an independent force, they need to protect the core corporate and HQ functions, which are fairly small to start with."

The report indicated that retaining those would have a disproportionate impact on front-line resources. It said that ad hoc collaborations with other forces are appreciated at one level but that they

"are not well documented and often sit outside any system of governance by police authorities or the Scottish Government".

There is genuine concern about the issue.

Just going from eight chauffeur-driven chief constables to one chief constable would save almost £1 million—enough to pay for 36 new officers. I am sure that that is one option that the public would support. We cannot encourage greater partnership working across the public sector and have eight police empires—it has to be bobbies, not boundaries.

The Scottish Government is committed to a transparent and efficient way of providing equal access to policing services across Scotland. Crime is no respecter of boundaries, be they local or national. Democratic accountability is vital, but it is hard to evidence in the present police boards, where there is excessive deference to chief constables, who all too often hide behind statements about their "operational independence". It cannot be right that chief constables should not be subject to the same level of scrutiny from elected representatives as directors of finance or education. They are extremely well remunerated from the public purse, hold an important place in our communities and should be accountable.

Local accountability is key to local policing. The present eight forces are made up of 27 divisions. Those 27 areas could form the framework for genuine local accountability. For that to be meaningful, it would be important for the officer in charge of each division to be a budget holder, with operational autonomy. Their accountability could be to locally elected councillors.

The existing police boards are not constituted in such a way as to manage national risks. Local policing must have regard to a national dimension, so the national level, too, will require an accountability structure that is open and transparent and always has clear separation between politicians and practitioners on operational police decisions.

The outcome of any review will provide an opportunity to consider wider matters, such as how any new structure links with other European forces. It is also time to remove the anomaly of the Scottish Parliament not having control over Scottish police officers' terms and conditions. It is time to constitute a Scottish police negotiating board.

In the days of terrorism, international crime and cyber-crime, it is perhaps ironic that the public largely want to see the bobby on the beat. Although the preventive nature of policing is often considered difficult to quantify, it is prevention—a visible, uniformed deterrent—that the public want. I am sure that, at the end of this consultation, regardless of the model that is adopted, the Government will continue to deliver bobbies on the beat in significant numbers.

The Deputy Presiding Officer: I call Roderick Campbell, who is making his first speech.

15:53

Roderick Campbell (North East Fife) (SNP): I begin by acknowledging the contribution of my predecessor, Iain Smith, who served in the Parliament for 12 years and was latterly convener of the Economy, Energy and Tourism Committee. Iain invested a lot of his adult life in politics and was formerly a councillor in Fife. I have no doubt that losing his seat was a big wrench to him, so I take the opportunity to wish him all the best for the future.

It is a great privilege for me to have the opportunity to represent North East Fife in the Scottish Parliament. Not only is it a magnificent part of Scotland, it contains the town that shares its name with Scotland's patron saint—although, if legend is correct, only a small part of St Andrew's bones reached the shores of Fife. In St Andrew, we share a patron saint with many other countries—an early recognition, perhaps, of Scotland's ability to share with others. However, it is certain that St Andrew was a fisherman, like many of North East Fife's inhabitants over the centuries. Within North East Fife, the east neuk retains that fishing link, although Ainstie today is a far cry from the fishing village that it was in my grandmother's day.

Of course, North East Fife is much more than the east neuk or St Andrews. It has small towns

and villages that make it a beautiful part of Scotland and give pleasure and enjoyment to many visitors from the rest of Scotland and the wider world. However, the area is not immune to crime and antisocial behaviour, which is the scourge of too much of modern Scotland.

I turn now to the position of the victim. The first Scottish Government after devolution, under the then Minister for Justice, Jim Wallace, produced a Scottish strategy for victims, drawing on the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. With the support of the major agencies of the criminal justice system, as well as Victim Support Scotland, the strategy was born. That strategy is under review by the Scottish Government, and I would be grateful for clarification from the cabinet secretary as to the current position in relation to the review.

In 2001, the Council of Ministers of the European Union adopted the framework decision on the standing of victims in criminal proceedings, with the aim of setting out minimum standards for the treatment of victims of crime. That was followed in 2004 by the adoption of a directive relating to compensation for crime victims. The directive requires that crime victims should be entitled to fair and appropriate compensation for the injuries suffered, regardless of where in the EU the crime was committed, but the detail has been left to member states. It is my understanding that the European Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding, is considering new laws requiring victim support systems in every EU country. I would be grateful if the cabinet secretary could clarify whether any approach has been made in that regard, even if we believe that our own victim support systems would satisfy any Europe-wide norm.

In Scotland as elsewhere, an order for compensation that is made by the courts is only a first step. An offender often lacks money or assets to pay. Moreover, sums are largely compensation for personal injury, rather than for economic loss. Even under the criminal injuries compensation scheme, a claim for loss of earnings will not be entertained for the first 28 weeks of absence. The compensation that is ordered is inevitably less generous, therefore, than what is available through the civil courts.

As a matter of principle, should we not at least give consideration to ensuring that, if we are to have a victims' rights bill, compensation levels reflect the loss to victims more appropriately? That could have wider implications but, if we are to pay more than lip service to victims' rights at a time when there is a great deal of talk about prisoners'

rights, that might go some way to redressing the balance.

The previous SNP Government passed legislation to ensure that compensation orders were more automatic and flexible and were updated regularly to reflect the means of the offender. However, we need to monitor the effectiveness of such orders in practice. For the victims of crime, the crime itself is unlikely to be easily forgotten, so let us not make the process of obtaining compensation an additional ordeal.

Since April 2009, victims of crime in solemn cases only have been able to choose to make a statement telling the court of the physical, emotional, financial and medical impact that the crime has had on them. That is given after a verdict of guilt is returned, but before the sentence is given. It is designed to give the victim a voice but not to influence the sentence. Notwithstanding earlier pilot projects, it is probably too early to assess the effectiveness of such statements. At the pilot scheme stage, they were not often used. Before adding any extra teeth to victim statements, the Government would be wise to carry out a detailed assessment of their operation. It is a difficult balancing act between the public interest in the prosecution and sentencing of crime, and the desire on the part of the victim for justice as they see it. A certain degree of caution is required.

We should continue to support victim notification schemes, so that parole boards can take account of the comments of victims before releasing offenders. The previous SNP Government reduced the threshold for notification purposes for prisoners serving sentences of 18 months or more. Again, the effectiveness of the policy should be kept under review.

We should ensure that victim support organisations such as Victim Support Scotland and Rape Crisis Scotland are properly funded. We should avoid any temptation to reduce funding because of the more strained financial times that we live in.

On the proceeds of crime, I very much welcome the Scottish Government's commitment to negotiating with the UK Government to remove the £30 million per year limit. The cash that is recovered is going into the cashback for communities scheme, which invests in sporting and cultural projects for young people, such as the Cupar youth cafe, the Cupar racquetball club and the St Andrews racquetball club—where I hope to be on Friday. Those are worthwhile causes indeed.

15:59

Mary Fee (West Scotland) (Lab): I thank members for their input to what has been a very interesting debate. I pick up on a point made by Johann Lamont. She said that our justice system should be underpinned by fairness, honesty and transparency. That statement should resonate around the chamber. It should be our overriding goal.

I am sure that the justice minister has been listening closely to all the issues that have been raised, and that he is not ready to blame the English justice system for the problems in our courts and prisons for which he has had responsibility for more than four years now. After all, it is his department that is cutting funding to the Scottish Prison Service by 22 per cent and to the Scottish Court Service by 14.5 per cent, even though his Government expects the prison population to continue to increase over the next decade. The figures are extremely worrying. Scotland ranks higher than most EU countries for number of prisoners per 100,000 of general population. We sit above England and Wales. Mr MacAskill and his party cannot blame the English for such levels.

The region that I represent—West Scotland—has higher rates of imprisonment than any other region of Scotland. Of the six areas with the highest rates, three are in my region—West Dunbartonshire, North Ayrshire and Inverclyde. Those areas all suffer from worryingly high levels of unemployment and social deprivation. The Scottish Government continues to fail the poorest in those areas, and there are no plans to improve their lives and no jobs to help them.

I welcome the creation of the new commission to consider female offenders and ways of reducing reoffending among women. The commission is to be chaired by former Lord Advocate Dame Elish Angiolini. Female prisoners face challenges in prison that are different from and more complex than those that male prisoners face, and I urge the Scottish Government to show leadership in addressing the problems that women prisoners face.

It is of little surprise that the Scottish prison population has increased over the past decade, but figures showing that female incarceration has doubled in that time are worrying and unacceptable. Many women are imprisoned for non-violent offences, and the question that has to be asked is whether many of them need to be locked up. Many are crying out for help. The vast majority of female prisoners are also mothers, and I have issues with the jailing of mothers for crimes such as the non-payment of fines. That is not to say that, if someone has a family, they can break the law and get away with it. However, more

services are needed to help women, many of whom are the victims of crime themselves.

Despite my criticism of cuts to justice services, I am glad that Mr MacAskill has continued to fund Families Outside, which is the only organisation in Scotland that is focused solely on the welfare and rehabilitation of both prisoners and their families. Families Outside plays a vital role in keeping families together during the prison terms of the mother or father, and it provides great support after release. The helpline for Families Outside receives thousands of calls a year, at least half of which come from three of the largest prisons in Scotland—Barlinnie, Edinburgh and Cornton Vale. I am sure that every member fully supports the work of Families Outside, and that they will back calls by the charity, by Her Majesty's chief inspector of prisons, Brigadier Hugh Monro, and by the Church of Scotland to create family visit centres in every prison in Scotland.

We must work to ensure that each prisoner has a family to return to after their release. In order to do that, we need to place more emphasis on stabilising family relationships during prison terms—the benefits are far greater than the costs. Research has shown that if parents—especially women—feel that their parental needs are being met, it benefits them mentally and physically and reduces the risk of reoffending. Maternal distress can exacerbate the difficult issues that women face in prison, resulting in greater mental health issues.

The impact of imprisonment on children must also be addressed. Children whose parents are in prison are at a higher risk of future imprisonment themselves. They also suffer from physical and mental health problems and show signs of regressive behaviour. According to Families Outside, more children in Scotland each year experience a parent's imprisonment than a parent's divorce. A parent's imprisonment has a serious effect on children, especially in their understanding of the situation that they face. Concerns have also been raised about care arrangements for children. How many of those children end up in care through no fault of their own? When a parent is sent to prison, the family ends up with the characteristics of a single-parent family—with fears over their financial security and over how they can afford to keep a roof over their heads. I would also like to add that, as much as children need their mothers, families need fathers, too.

Earlier in the week, Her Majesty's chief inspector of prisons released his report on Cornton Vale prison and young offenders institute. The verdict of the report was that the prison was unacceptably poor. It has been little more than a year since the previous report, which also

slammed the prison. Brigadier Monro expressed concern about the treatment of women with mental health issues, as well as stating that the prison was overcrowded. The Cabinet Secretary for Justice must do more to protect those vulnerable women and not cut services, to help the rehabilitation of offenders and ease them back into society and back to loving families.

As well as the failure of the Scottish Government on the issue of justice with regard to Cornton Vale and its inmates, there are massive failings in dealing with trafficking in Scotland.

The Deputy Presiding Officer (John Scott): You must close now.

Mary Fee: Phil Taylor, the regional director of the UK Border Agency for Scotland and Northern Ireland has slammed the ability of the criminal justice system to deal with sex and labour trafficking, branding it as too slow. To receive such criticism from inside the system is a major blow to the Government and shows that it is not doing enough to create a safer society.

16:06

Kevin Stewart (Aberdeen Central) (SNP): I declare an interest, in that I am a member of Aberdeen City Council and a member of Grampian joint police board.

It was disturbing to hear Mary Fee blame the Cabinet Secretary for Justice for cuts, when it was the previous Labour Government that almost bankrupted the UK—the cuts have been passed on. The Labour Party is all too good at blaming bankers as well. Perhaps they should consider last week's comments by Timothy Geithner, the United States Secretary of the Treasury, to the effect that Gordon Brown was the man who was responsible for relaxing the regulatory regime that let the bankers go wild. Blame on two fronts, I would say.

James Kelly (Rutherglen) (Lab): Will the member give way?

Kevin Stewart: Not at the moment.

I am pleased that crime is now at a 32-year low. The reason for that is the effort that the cabinet secretary has put in over his term in office to increase police numbers. When I joined Grampian police board in 1999, officer numbers were sitting at under 1,100. In 2007, there were 1,374 officers in Grampian and now there are 1,516. That is welcomed by communities across Aberdeen and the rest of the north-east of Scotland, and has made huge impacts on tackling the kinds of antisocial behaviour that my colleague Colin Keir talked about earlier.

Beyond that, there have been innovative schemes in my area. The council created the city

warden scheme, which has won national awards. I hope that the cabinet secretary will consider that work in order to determine whether it can be replicated in other parts of Scotland. Again, it has been of huge benefit to the communities that I represent.

Earlier, Alison McInnes talked about local policing. Like my colleague John Finnie, I believe in bobbies before boundaries. We have to consider carefully how to proceed because, if we continue to have eight police forces, there will be cuts in police numbers, which is the last thing that people across Scotland want.

We also need to ensure that the police co-operate with other public bodies to ensure that savings can be made. Last week, I was pleased to attend the opening of a combined medical centre and police station at Whinhill in my constituency. That is good practice. What is not good practice—I do not blame Grampian Police for this—is that there was an inability to create a joint fire and police headquarters for Grampian. That will be regretted for a long time to come.

I will move on to some local issues. In Aberdeen, there has been cross-party agreement that something needs to be done about the use of airguns. I know that the cabinet secretary is restricted in what he can do and I hope that we get all the necessary powers to deal with that sooner rather than later. I pay tribute to Councillors Norman Collie and Muriel Jaffrey, who have been at the forefront of trying to put a stop to some of the nonsense that has happened, particularly in the east end of my constituency.

I agree with Mary Fee—who seems to have left the chamber—about the situation of women prisoners. The fact that most female offenders have to go to Cornton Vale is particularly bad for families. I am pleased that the justice secretary managed to ensure the reopening of the women's unit at Aberdeen, which is immensely beneficial.

There is some controversy about the future of the prison estate in the north-east of Scotland, especially HMP Grampian, but anyone who has ever been in Craiginches will tell us that it is not fit for purpose and that we need to improve that estate. It should have happened years ago, but Mr MacAskill has dealt with that. Although I am sure that we will discuss my scepticism about some of the issues surrounding HMP Grampian, the good thing about it is that it will have that dedicated women's unit, so that families will not have to travel mile upon mile to visit their loved ones while they are inside.

I agree with colleagues about cashback for communities. The £30 million restriction is a nonsense. Funded projects such as midnight football have made a huge difference, both in the

city that I represent and elsewhere. I say all power to the cabinet secretary's elbow in trying to ensure that we get more of that cash.

The Deputy Presiding Officer: Thank you, and thank you for sticking to your time.

I call Mark McDonald to be followed by Helen Eadie. Mark McDonald, you have a very tight six minutes.

16:12

Mark McDonald (North East Scotland) (SNP): Thank you, Presiding Officer. We north-easterners are famous for being tight, so you do not need to worry on that score.

I have a couple of interests to declare. Through my membership of Aberdeen City Council, I am the vice-convenor of Grampian joint fire board—for the time being at least—and my brother-in-law is a retained firefighter and member of the Fire Brigades Union.

Alison McInnes mentioned police reform. It is unwise for the Liberal Democrats to continue to cast up that issue, especially given that the main plank of the Liberal Democrats 2011 election campaign in the north-east was to “save local policing” from the SNP. I remind Alison McInnes that every constituency in the north-east is now represented by an SNP MSP and that there are no Liberal Democrat constituency MSPs. Undeterred by that, the Liberal Democrats used that line again during the by-election in Dyce—the ward that I represent on Aberdeen City Council. The Liberal Democrats previously held the seat and this time they received a princely 11 per cent of the vote. I gently suggest to Alison McInnes that it might be time for the Liberal Democrats to get the message on police reform.

As a local councillor, I have spent a large amount of time with police officers on the beat in my ward, observing them and their work. It is phenomenally depressing to spend time on the beat with police officers during a weekend, because the majority, if not the entirety, of the work that they do in such a community is picking up drunk kids and returning them to their parents. It is unfortunate that so many young folk still find that the only acceptable thing for them to do of a weekend is to go out and get bloated.

I commend the work that the cabinet secretary and his department are doing, and will continue to do, to advocate the case for minimum pricing, because that undoubtedly will have an impact. Those kids are getting drunk not on premium-priced products but on ridiculously low-priced booze. Until we tackle that point, we will continue to have to pick up those young folk. In that regard, I sound a conciliatory note to the Liberal

Democrats, who have got the message on minimum pricing. When Willie Rennie spoke in the chamber about leading his troops towards the sound of gunfire, I did not realise that that meant that he would take them on the road to Damascus. Nevertheless, they have got the message on minimum pricing and I warmly welcome that.

I also welcome the work that cashback for communities is doing across the north-east and, indeed, the rest of the nation. It is putting a large amount of money into diversionary activities and is supporting the work of a number of groups and organisations to harness and develop the potential of young people, rather than leave it to be squandered and wasted, as so often happened in our communities.

I will focus now on the fire service reforms, which have not been dealt with to any great extent so far. As I mentioned, I have served on Grampian joint fire board. There was a debate about the reforms that were to take place and although there was not unanimity on exactly what the outcome of the consultation should be, there was unanimity—we unanimously agreed our response to Government—on the fact that reform was needed, that the current system was not fit for purpose and that there was a need to look very carefully at what we do with our fire service.

In addition, it was clear that where local specialisms and centres of excellence exist, we need to look at whether those can be retained and worked into any reform that takes place. I highlight the urban search and rescue specialism that exists in Grampian. A team from Grampian that specialises in urban search and rescue was heavily involved in the relief efforts following the earthquake in New Zealand, and I put on record my commendation for its hard work in that situation.

I will deal briefly with the response of the Fire Brigades Union to the consultation, which—handily for today's debate—appeared in my mail just this week. In response to question 10, which was

“which option do you think should be pursued and why?”,

the available answers to which were single service or regional structure, the FBU opted for single service. In doing so, it stated:

“In principle we could support both options with the correct governance and management structures, but this is subject to there being satisfactory arrangements on the areas highlighted above. We believe that both arrangements could deliver safe communities and fire service employment protection; provided there are clear and distinct responsibilities invested in the regional structures to deliver risk based emergency cover within each region, to an agreed and consistent National Standard. Of the two options, we consider that this would be easier to deliver within a single structure.”

I welcome the involvement of the FBU because its members are the people on the front line—they are the life savers. I do not believe for one second that those dedicated firefighters would support or endorse a proposal that would lead to risks to the public. Ultimately, people in our communities are less concerned about what the badge that their emergency service personnel wear says than about the fact that they are there, that they are visible and that they are working for them in their communities. That is my priority, I know that it is the priority of the cabinet secretary and the Government, and it should be a priority for us all.

16:18

Helen Eadie (Cowdenbeath) (Lab): I begin by congratulating Roderick Campbell, who made his maiden speech today. I thought that it was a well-informed and constructive contribution to the debate.

All of us in the chamber take extremely seriously the safety and security of Scotland's citizens, which is precisely why the Scottish Government will say that it set such store by pledging to increase police numbers by 1,000. It was for that reason, too, that the previous Labour Administration increased police officer numbers by 1,500. I hope that ministers will abide by the clear promise that they made to the people of Scotland in the Parliament to maintain police officer numbers at 17,265, and I hope that the minister who closes the debate will take the time to tell the chamber how much the Government will invest to maintain police officer numbers, not just for the interest of parliamentarians such as me but, most importantly, for the police officers and people of Scotland.

The cabinet secretary will be aware that there are those in the police service who have deep concerns about the sustainability of police officer numbers. A number of high-profile officers have expressed concern, and they deserve to be listened to and given straight information about his Government's plans. Three in every four members of the Association of Scottish Police Superintendents say that they have doubts. Those are serious people, to whom the cabinet secretary should listen. I have no doubt that he takes their concerns seriously and I hope that today he will fully lay out the investment that he intends to make during this parliamentary session.

Scotland's legal system currently faces a number of challenges. We should not kid ourselves that the fall-out from the Cadder judgment has in any way been fully dealt with. The cabinet secretary is awaiting the outcome of Lord Carloway's review, as members said, but I hope that he will give the Parliament an indication of his views on corroboration or at least on the timescale

on which he is working to take forward findings or recommendations.

Yesterday, the new Lord Advocate said that he was willing to go down a similar path to the one that has been called for from the Labour benches, on a new approach to the prosecution of sexual offences and a full and frank examination of the efficacy of corroboration in cases of rape. I know that members of the legal profession and others will caution us not to alter the status quo, but we owe it to the thousands of victims of rape to ensure that the issue is examined properly and honestly.

We also need another cold look at the facts on knife crime. Last weekend another two Scottish citizens had their lives cruelly cut short by knife crime. They joined a long list of knife victims. In my constituency I have witnessed the fall-out from a knife murder—a family crushed, children left without a father. People of all political persuasions queued in the street to sign the petition that I prepared following the event.

Christine Grahame highlighted serious issues about knife carrying, but where there is political will to solve a deadly serious problem we can overcome the important and practical issues that she raised.

Christine Grahame: Will the member give way?

Helen Eadie: I do not have time.

Unlike so many of my constituents, the Scottish Government does not favour a minimum mandatory sentence for carrying a knife. However, we need to move forward and tackle the problem quickly. It is clear from requests to police forces for information that the number of homicides due to knife crime is likely to increase in this year's statistics. I am sure that ministers realise that and accept the implications. The Government set great store by the figures on prosecutions for knife handling when they fell; by the same token ministers must look for fresh approaches when the statistics paint a grim picture.

I firmly believe that we need to send a strong message that knife carrying will lead to jail. The law as it stands is clear about who can and cannot carry a knife for religious or work purposes, and the decision to jail an individual for breaking the law rests solely with the judges. As we know, fewer than one in three people who are convicted of carrying a knife ends up in jail. Too many of those people will not be first-time offenders.

The ball is in the cabinet secretary's court. With the ranks of Scottish National Party members behind him, he can choose a tougher approach or he can continue with more of the same.

Derek Mackay (Renfrewshire North and West) (SNP): Will the member give way?

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

Helen Eadie: When the homicide statistics are published later this year, it will be for the cabinet secretary to say whether he thinks he took the right approach.

We owe it to Scotland's victims to do more for them and to support them in a more coherent way. The SNP said in its manifesto that it would introduce a victims' rights bill. I welcome that, but as part of that approach I hope that the SNP will also consider the excellent work that has been done by my colleague David Stewart, who proposed the creation of a victims commissioner.

The Deputy Presiding Officer: You must close now, please.

Helen Eadie: Thank you, Presiding Officer.

It is clear that at the election ministers made a number of pledges to make Scotland safer. Scotland's victims of crimes are waiting for that response. Like them, I hope that it comes as soon as possible.

16:24

Patrick Harvie (Glasgow) (Green): Over the past four years, I have found a few issues on which to disagree with the Cabinet Secretary for Justice but a great deal of common ground too. I was very happy to work with him in gaining his support for my bill on hate crimes, which became law with the unanimous agreement of the Parliament. I was therefore particularly happy to welcome his comments in his opening speech about the emphasis on building an inclusive and tolerant society that is at ease with its diversity. In order to do that, it is important that when we see prejudice and bigotry we do not ignore it, mutter under our breath out of politeness or find a way to excuse it. We should name it for what it is and challenge it publicly in every setting, whether that is a football match, the pub, the street, online or, indeed, Parliament.

As the cabinet secretary asks us to look at one aspect of bigotry and prejudice in our society—sectarianism—we need to be careful about legislating. In justice in particular, the unintended consequences when legislation is badly or hurriedly drafted can be clear. We have seen, for example, the case of Paul Chambers south of the border. For sending a bad joke about Robin Hood airport—not a funny or sensible joke to make, but a joke—he was convicted of sending a menacing electronic communication. I am sure that members are aware of the case. He lost on appeal as well and was landed with a bill for thousands of pounds

in costs after a year of having his case dragged through the courts.

The threat was not a credible one or one that any reasonable person would have thought was intended to be carried out, but it appears that the legislation that we will be asked to look at—in the space of about a week—will introduce a similar system, removing the requirement for the prosecution to demonstrate an intention to carry out a threat. There are serious issues to address in relation to sectarianism, but if we are serious about the legislation we should take the time to get it right. I have not yet heard a clear argument about why the legislation is required specifically for this football season. If it was, it could have been introduced a year ago. My own bill was two sides of A4—a short, simple little bill—and it took years of consultation and scrutiny before it reached the statute book.

There are other ways in which badly drafted legislation is being misused in our society. On 15 May, as I was wandering through Glasgow city centre with a friend, we saw groups of what I can describe only as pack animals, some of them in green and some of them in blue, causing antisocial behaviour—if we want to call it that—and intimidating people. There was very aggressive behaviour on our streets, and our police struggled to address that with the limited resources that they have. On the same day, a young man in Edinburgh was being arrested for peacefully holding a banner that drew attention to the disgusting behaviour of tax avoiders in the UK who seek to hide their millions, or billions even, from the Exchequer—people who make the agenda of cuts, which we are all so concerned about, so much worse.

There are serious issues with that. We are living in a time when protest, direct action and industrial action play a vital part in our democratic process. It is a difficult balancing act for the police to protect people's civic and individual rights against the state, but it is an important balance to strike.

Many of the people who have to use direct action and protest are doing so in pursuit of environmental justice. Rather than have police forces conduct covert surveillance on them or try to bribe them into undermining the ability of campaigners to organise, we should be taking environmental justice into the heart of our own justice system. In the final few moments that I have, I commend to the cabinet secretary a Friends of the Earth report on compliance with the Aarhus convention. The Aarhus convention requires us to make broad and affordable access to environmental justice the norm in Scotland. We are falling well short of that at present. The recommendations in the Friends of the Earth report for legal reform that would secure broad

and affordable access to justice should be taken up by the cabinet secretary. I commend the report to members, too.

16:30

Nigel Don (Angus North and Mearns) (SNP): I come in at the end of an interesting debate with a few thoughts that reflect things that have, largely, already been said.

I was delighted to hear what John Finnie said about the police force, which was largely what I wanted to say. Nevertheless, I take the opportunity of repeating the central message that it would be sensible if accountability for our police was somewhere close to divisional level. In the north-east, which is the area that I know, that would mean accountability in Dundee city, in Angus and in Perthshire and that those areas would not take an interest in one another's patches. Further north, Aberdeen city and Moray would be concerned only with themselves.

I would have concerns, however, about Aberdeenshire being one division. I am sure that that would make numerical sense to the police, but my constituents in Laurencekirk might feel a little bit further away from Fraserburgh than they would want to be for local accountability. There comes a point at which the miles between communities mean that there is no longer local accountability. I wonder whether it might be appropriate, therefore, for police accountability to be divided between Aberdeenshire north and Aberdeenshire south, with boards on which the local councillors for each place would speak to superintendents and inspectors for those divisions.

That is the practical accountability level at which we should be operating. Above that level, we should say to the police force that, as a very large organisation, it needs to be managed largely in the same way as any other organisation that operates throughout the country. I am not suggesting that we talk to management consultants about how we would do that, as we would spend a very large amount of money for the privilege of doing something that is pretty obvious. In essence, that is the issue. I respectfully suggest that the number of police forces at that level really does not matter.

However, there is one area in which the number of police forces may matter, and it is an issue on which I am sure we will require a debate: the investigation of misdemeanours by our policemen. We are all human, and policemen and policewomen are human. We make mistakes that, by and large, we should not have a problem with, but we also occasionally do things that we should not do, which need to be investigated. There is a risk that, if we have only one police force, there will be no independence to allow accountability

and investigation within the force of what may simply be criminal activities by a policeman or a policewoman. That is an issue that we must address, and we might need more than one operational accountable structure at the national level to ensure that we get that kind of inspection.

I turn briefly to law reform, which I do not think has been addressed by any other member—I apologise for missing one or two speeches due to television schedules, which none of us likes. Members will know—if they attend a meeting shortly after Parliament closes this evening, they will know far better—that the Scottish Law Commission has been producing reports and reviews over a long period and has been doing some extremely good work in looking at the statute book and asking what we should improve. I have in my hand its report on unincorporated associations. I am sure that it is wonderful bedtime reading, but I have not yet found it necessary to resort to that. The subject is the kind of thing that needs to be looked at. It is undoubtedly within the remit of the Justice Committee because it is part of the civil law and it probably does not come with too much party politics attached. I respectfully suggest that it is the kind of thing that we need to find ways of looking at, but it is unlikely that the Justice Committee will ever regard it as a policy priority—for reasons that I well understand, having spent four years on that committee.

Christine Grahame: That is a presumption.

Nigel Don: The Justice Committee's convener disagrees with me, but we will continue that discussion elsewhere.

Members will have got the point, and time is agin me. The position that I suggest is that Parliament may need to address how we look at our civil law—perhaps also our criminal law—and improve it through the mechanism that is ourselves, without falling out about which policy committee it has to go to. That is an issue that we need to address pretty rapidly.

16:35

Margaret Mitchell (Central Scotland) (Con): Today's justice debate has been open ended and, as a number of members have noted, wide ranging. Although a lot of ground has been covered, that has meant that some of the serious and compelling justice issues that require to be addressed in depth and, in the case of knife crime, as a matter of urgency, have not been discussed in the detail that they merit.

In the time that is available to me, I intend to focus on knife crime. True to form, the cabinet secretary has reminded us, with the bravado that he routinely adopts when commenting on criminal justice statistics, that knife crime is down by a

third. However, behind that "good news" is the heartbreak and unimaginable misery of the families and friends of a seemingly ever-increasing number of, for the most part, young men in Lanarkshire and elsewhere in Scotland who have lost their lives in senseless and violent attacks with knives.

The cabinet secretary proffers his sympathy to the families of the latest victims of knife-crime murder, but let me spell out the full extent of the problem. In the past six months, the Lanarkshire knife murder tally alone makes grim reading. For example, in February, 19-year-old University of Glasgow student Reamonn Gormley was knifed to death in Blantyre minutes from his home, after watching a football match on television at his local pub. In April, 20-year-old P J Douglas, a trainee chef, was found with serious knife injuries in a block of flats in Greenhills in East Kilbride. He died in Hairmyres hospital shortly afterwards and his death is the third violent knife death in East Kilbride in a year. Last Saturday afternoon, 30-year-old Christopher Devlin from Airdrie was fatally wounded in a knife attack after being found bleeding to death in the street—in broad daylight—on the estate where he lived. Scotland-wide, in the past six months murders with knives are averaging three a month.

The Scottish Government insists that tough enforcement and education are key to tackling such crime. To date, it has spent £500,000 on initiatives such as the no knives, better lives campaign. It has also put record levels of investment into the national violence reduction unit. So much has been done to try to educate and to help to get the message across to young people about the dangers and consequences of carrying a knife. However, the same cannot be said for the tough enforcement that the SNP Government professes to recognise as being key to tackling the knife carnage that is blighting communities throughout Scotland—carnage that has taken place on the cabinet secretary's watch.

I quote Chief Superintendent David O'Connor, who is president of the Association of Scottish Police Superintendents:

"The country has now reached tipping point in knife crime with urgent political solutions needed. It is hard to see what other deterrents short of imprisonment can work. Warnings on knife crime are no longer being heeded. Those who carry knives need to be eradicated from our communities."

I say to the cabinet secretary that it does not get much plainer than that.

Annabelle Ewing: The member referred to the no knives, better lives education campaign in Inverclyde. Does she not welcome the fact that that innovative project saw a 35 per cent reduction in knife crime?

Margaret Mitchell: If the member had listened to my speech, she would know that we do, of course, welcome any reduction in knife crime, but the point is that the tally of victims continues to increase. It is not a nice debating point; it is a matter of life and death.

Furthermore, David O'Connor's views are the views of the people in towns and villages the length and breadth of Scotland. Those views are exemplified in community campaigns such as the one that Helen Eadie referred to and the one in Hamilton, when the *Hamilton Advertiser* started the hammer the knife thugs campaign. As of last month, it had attracted a staggering 10,000 petition signatures and it is gathering momentum. Even more signatures are flooding in with the support of the newspaper's sister paper, the *East Kilbride News*, which launched the campaign in East Kilbride last week.

The SNP not only is in government, but has a majority in the Scottish Parliament and on the Parliament's committees. In effect, we have a one-party state with no checks and balances. The SNP therefore has the responsibility to listen to the people of Scotland and to replace the rhetoric of tough enforcement in relation to knife crime with urgent political solutions that start with a policy of introducing a presumption of a custodial sentence for carrying a knife. Failure to implement such a policy will not easily be forgiven or forgotten by the Scottish people, who voted for Alex Salmond to be a First Minister of whom they could be proud—not the political wide boy and national embarrassment he is fast becoming when commenting on justice issues. The Scottish people are simply no longer prepared to stand idly by and watch the First Minister and the cabinet secretary grandstand on constitutional issues while the needless slaughter of knife-crime victims continues.

Kevin Stewart: On a point of order, Presiding Officer. As a new boy, I am not completely and utterly au fait with standing orders but, in another place of which I retain membership, a summing-up speech should sum up and should not bring in new stuff, as Mrs Mitchell has done. Will you please make a ruling on that?

The Deputy Presiding Officer: That is not a point of order. The content of a summing-up speech is entirely a matter for the member who makes it.

Stewart Maxwell: On a point of order, Presiding Officer. I accept your ruling on the previous point of order, but surely standing orders say that members must show respect for other members. The criticisms that Margaret Mitchell levelled and the language that was used were inappropriate for the chamber, so I ask you to rule that that was the case.

The Deputy Presiding Officer: Mr Maxwell knows that that is not a point of order. The content of a speech is entirely a matter for the member who makes it.

Bill Walker (Dunfermline) (SNP): On a point of order, Presiding Officer. Is it appropriate to use the term "wide boy" when referring to another member?

The Deputy Presiding Officer: Again, the choice of language is a matter for the member speaking, but I will reflect on that.

I call Mr Kelly, whose time has been somewhat truncated and who will have fewer minutes than were expected.

16:42

James Kelly (Rutherglen) (Lab): Some of the newer SNP members appear not to like the criticism in the theme of Ms Mitchell's speech, but the basis of a true parliamentary democracy is that people can express their views and make strong statements. The points of order had no basis.

I move on to the subject of the debate. I will start positively by congratulating Roderick Campbell on his maiden speech, which he put across well. I look forward to working with him on the Justice Committee and I am sure that he will make many more positive contributions in the Parliament in the coming years.

Several members touched on sectarianism. I share the concerns that Christine Grahame, Graeme Pearson and Patrick Harvie expressed about the rush to legislate. I am glad that modern Scotland has moved on from the situation 50 years ago, when people who gave the wrong answer when asked in employment interviews what school they went to were immediately shown the door and had no prospect of employment. We have moved on from that but, sadly, even previous members of the Parliament have been threatened with letter bombs. Such hate campaigns and instances of sectarianism are unacceptable and there is agreement in the chamber that, if there is a need to fill a gap in the current legislation, any such legislation should be brought before the Scottish Parliament.

That said, as Alison McInnes pointed out, complex technical and legal issues are raised by a sectarianism bill that we have, I remind members, yet to see. Despite that, we have been told that the Government expects the bill to be passed by 30 June at the Parliament's final meeting before recess. I share Christine Grahame's concern that appropriate time for considering the issues is not being allocated either to the chamber or to the Justice Committee.

Surely one difficulty with the bill is how we will assess crimes in relation to the internet. For example, where is the internet site in question being hosted? How will we track down those who perpetrate internet hate campaigns? A parliamentary committee would play a real role in considering not only such questions, but the actual definitions of sectarianism. After all, on the first Saturday after the bill comes into force, police officers will need to know what the new sectarian crimes are, and how they will enforce the bill's provisions. The committee could strengthen the legislation by taking evidence from ACPOS and other appropriate groups, but we are not going to have that opportunity. The bill is going to be rushed through so that the First Minister can sit self-satisfied as he watches the first "Sportscene" of the new season.

Christine Grahame: The member knows that I share many of his concerns, but does he support as a way forward the possibility of inserting a sunset clause into any legislation that might be introduced in order to ensure that it is applied pragmatically and that we have the opportunity, for example, to reconsider it?

James Kelly: My preference first and foremost is for Parliament to properly consider the legislation in the normal way. No one has given us a reason why the bill should be emergency legislation to be rushed through by the end of June; instead, we have simply been told that it has to be in place by the new football season. That is just not good enough. I will give the member's suggestion due consideration if we have to move on an emergency basis, but I stand by my view that we should consider any such legislation under the usual timetables.

A number of important speeches have been made in the debate; for example, Margaret Mitchell made a very brave speech about knife crime. I am sad to say that, since the election, there have been a number of knife murders. Moreover, there have been demonstrations on the streets of East Kilbride and in many other areas and communities throughout Scotland.

Derek Mackay: Will the member give way?

James Kelly: No—I have very little time left.

There is no doubt that people are concerned. I welcome the initiatives that the cabinet secretary has announced and the fact that the incidence of knife crime has dropped by a third, but according to recent statistics knife crime has risen by 56 per cent in Strathclyde alone. Anecdotal evidence and the number of incidents since the start of the year suggest that when the new statistics come out they will show a rise in knife crime. Although we welcome the educational initiatives and the no knives, better lives campaign, we cannot simply

dismiss sentencing options. That is what the people of Scotland are asking for and the new Administration must give the issue more consideration.

I see that the Deputy Presiding Officer is encouraging me to wind up—I seem to have been cut somewhat short.

There have been a number of important contributions. Central to the issue, though, are the victims. We heard from Colin Keir on antisocial behaviour. We heard from Paul Martin on the protection of victims in his community from sex offenders.

As the new Administration looks forward, we must concentrate on the issues at hand and not get distracted by issues such as the Supreme Court, and we should put victims and communities at the centre of our justice system.

The Deputy Presiding Officer: Thank you, Mr Kelly. I apologise again for having to cut your time.

16:50

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): I was going to welcome the constructive nature of this afternoon's debate. It certainly was constructive until Margaret Mitchell's ugly little rant, to which I will return later.

In the main, this is one policy area in which we all tend to agree on the desired outcomes, even if there are occasional differences of opinion on how we should achieve those outcomes. Our arguments tend to be about how we get there rather than where we are trying to get to.

I was pleased therefore that many members recognised the significant progress that has already been made. It is not by accident that crime rates are lower than they have been over the past 32 years, that violent crime is at its lowest level for 25 years and that serious assaults, robberies and knife crime are all down substantially. That progress has been achieved only by good government and by the resolute and unwavering commitment of our partners in the police, fire and rescue services, the courts, the prison service, local government and the many organisations that are part of the justice landscape. We need to pay tribute to every one of them. That resolute and unwavering commitment can help to make our country one in which racism, bigotry and sectarianism are not tolerated. I am sure that all members will champion measures, whether legislative or non-legislative, that will help us to create an inclusive society.

Much comment has been made about the proposed legislation that will be introduced to Parliament tomorrow and which will be available

on the internet first thing on Friday morning. I can reassure members that I have been working hard over the past few weeks, talking to as many external stakeholders as I can reach to ensure that they understand why we are doing what we are doing and what is proposed.

James Kelly: Does the minister agree that if she took more time over the summer she would be able to have more constructive discussions with stakeholders and could therefore produce a more effective piece of legislation, which would have the support of the whole Parliament?

Roseanna Cunningham: The member is aware that the decision has been made by this Government to press ahead with the legislation for the very good reason that we feel that it is important that it be in place before the start of the new football season.

Johann Lamont *rose—*

Roseanna Cunningham: Johann Lamont seemed to suggest that it was our view that there was some kind of quick fix available. The proposed legislation is not viewed by me or by the rest of the Government as anything of the sort. It is not a quick fix for the problem of sectarianism. It is directed very specifically to deal with some very ugly manifestations of sectarianism that have developed rather alarmingly over the past few months. It is absurd to suggest that we believe that the legislation will solve the problem of sectarianism.

Christine Grahame expressed reasonable concerns about the speed with which we are progressing the legislation. Our desire to have the two proposed new offences in place before the start of the new football season is because we want to prevent people from picking up in the new season where they left off in the old one.

I can reassure James Kelly that work is being done to ensure that his concerns about preparation are being met.

Patrick Harvie raised a number of issues that went considerably further than it is intended that the imminent legislation will ever go. I reassure him in passing that the Gill review deals with the Aarhus convention, so there will be an opportunity to return to that.

Quite a few members spoke about reform of the police and fire and rescue services. There is a broad—though perhaps not unanimous—view that maintaining eight police forces and eight fire and rescue services is unsustainable. However, in taking forward reform we must enhance local accountability and ensure that services are more engaged with the diverse communities that they serve.

Helen Eadie asked for more detail about the future spend on police. The cabinet secretary would be happy to commit to giving her that detail if the chancellor was prepared to commit to giving us the detail of what his spend for Scotland will be in the next five years.

Paul Martin raised a serious issue about disclosure of information to housing providers. That has been examined, but there are ECHR issues. Mr Martin is shaking his head, but that is the advice that we have. Right now, we are experiencing considerable concerns over ECHR issues, and we would not want to court further problems.

Many members mentioned victims, including my colleague Roddy Campbell in what was a good maiden speech that I was pleased to hear. There will be legislation on that issue in the current session of Parliament, and the cabinet secretary will be only too happy to hear suggestions that might enhance that legislation. I am sure that many members have to deal with victims' issues in their constituencies and that some of those give rise to possible aspects that could be considered. That is an important issue.

Knife crime remains one of the gravest threats to public safety, but significant progress has been made in getting knives off our streets. Knife crime has fallen by a third, with 3,000 fewer knife crimes per year. However, we need to ensure that further progress is made, which means continuing to focus on the tried and tested methods that have worked and which have brought about that decline. Those methods include the use of stop-and-search powers and raising awareness of the dangers of knife crime among young people.

Johann Lamont acknowledged the involvement of the courts in the prosecution of knife crime, but I am slightly puzzled by the way in which Labour Party members continue to use the word "mandatory" and yet seem to allow a discretionary element. I wonder whether there is a misunderstanding about what that all means.

I turn to Margaret Mitchell's woefully misjudged speech. We heard a six-minute rant from her on the issue of knife crime. I listened carefully, but there was not one single positive suggestion from her as to what she or the Tories think should be done. That says it all, really.

Margaret Mitchell: If the minister had been listening, she would have heard that I advocate a presumption in favour of a custodial sentence. Will the minister now endorse that policy?

Roseanna Cunningham: I am sure that the cabinet secretary would be pleased to discuss the member's proposal with her, if it is a serious one, but he certainly will not do so if she delivers it in the tone that she used earlier.

Some members, including Mark McDonald, spoke effectively about underlying causes of crime, which include drug and alcohol misuse. Our drugs strategy shifted the emphasis in dealing with drugs abusers from managing addiction to recovery, but far too many lives continue to be damaged by drugs and we will continue to invest in front-line drug treatment services.

We have a collective determination to make Scotland safer and stronger, but that will not happen if we do not get to grips with our relationship with alcohol. SNP members made the point that the problems that the police have to deal with on a standard weekend in every town and city in Scotland are almost entirely down to the use of alcohol. The scale of the problem is not in question. There is a broad acceptance throughout the country—and, I hope, in the chamber—that our comprehensive approach is the right way in which to reduce consumption and kick-start the culture change that we need.

Nigel Don usefully reminded us that justice and legal affairs are not all about criminal justice. I reassure him that we are well aware of the need to make progress on many of the Scottish Law Commission's recommendations. I look forward to the Justice Committee convener seeking me out urgently to discuss that.

There is no question but that all of us want to make Scotland safer and stronger. As the Cabinet Secretary for Justice said at the start of the debate, we hope that colleagues from across the chamber will engage with us so that we can continue to reduce crime and reoffending and create an inclusive and respectful society. The task ahead is challenging, but we can deliver real improvements if we are innovative and creative and if we work closely with our justice and safer communities partners. I very much hope that today's debate sets the tone for the work that lies ahead, with the single exception of the tone that we heard in the closing speech from the Tory benches.

Business Motion

17:00

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-00306, 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 22 June 2011

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Debate: Taking Scotland Forward – Rural Affairs and the Environment

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 23 June 2011

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Debate: Taking Scotland Forward – Culture and External Affairs

11.40 am General Question Time

12.00 pm First Minister's Question Time

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

2.55 pm Scottish Government Debate: Proposed Offensive Behaviour in Football and Threatening Communications (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 29 June 2011

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 30 June 2011

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business

11.40 am General Question Time
12.00 pm First Minister's Question Time
12.30 pm Members' Business
2.15 pm Themed Question Time
Health, Wellbeing and Cities
2.55 pm Scottish Government Business:
Proposed Offensive Behaviour in
Football and Threatening
Communications (Scotland) Bill
followed by Parliamentary Bureau Motions
5.00 pm Decision Time—[*Bruce Crawford.*]

Motion agreed to.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There are no questions to be put as a result of today's business.

Sectarianism and Anti-Irish Racism

The Deputy Presiding Officer (Elaine Smith):

The final item of business is a members' business debate on motion S4M-00007, in the name of Bob Doris, on fighting sectarianism and anti-Irish racism. The debate will be concluded without any question being put.

Motion debated,

That the Parliament expresses its concern at reports of racist and sectarian intimidation and high-profile related incidents in Scottish football; believes that these incidents must be investigated thoroughly; would welcome a partnership approach to tackle racism and sectarianism, and pledges to develop a long-term consistent strategy for tackling sectarian-motivated behaviour that will endure long after the latest set of media headlines have faded from memory, both in football stadiums and across Glasgow and Scottish society.

17:02

Bob Doris (Glasgow) (SNP): It is essential that politicians of all parties state clearly and categorically that we will provide active and vocal support in Scotland's fight to tackle sectarianism and anti-Irish racism. My members' business debate relates to how those social ills impact on our national game and how they sometimes create havoc in our communities. However, just as important, it is about how society works together to cure Scotland of those social ills. It is an opportunity for MSPs to take an active stand against sectarianism and racism and to pledge to do all we can to take Scotland forward.

It might seem to some that public condemnation of such unacceptable behaviour is stating the obvious, but those people are wrong. My constituents in Glasgow—our constituents across Scotland—will rightly ask us as individual MSPs to speak out against bigotry and racism wherever and whenever they raise their head. To stay silent plays into the hands of the bigots and the racists.

I know that legislation from the Scottish Government on this matter is imminent. It is only right that we give that legislation a fair wind. This debate is not about the legislation. All I will say on that is that I accept that such legislation must be focused and fleet of foot for the purpose of having it in place for the start of the new football season. However, I would welcome further, more detailed legislation at a later date if it became apparent that it was needed.

We should not tolerate it when professional football managers in Scotland are sent bullets through the post; there is no place for such behaviour. Were bullets sent to Neil Lennon because he is from Northern Ireland, because he

is the Celtic manager, because he is a Catholic or because he is clearly a passionate former player and now an equally passionate football coach? Were they sent because of flashpoints in previous football games?

On one level, it is absolutely irrelevant why the bullets were sent. No person going about their job of work brings on themselves the threats and abuse with which Mr Lennon has had to cope. There are no mitigating factors to justify bigotry, racism, threats and intimidation. It makes no difference whether it is directed towards high-profile individuals or ordinary members of the public. Likewise, our former Deputy Presiding Officer does not encourage threats towards her person because she wears a football top on her last day at work in the Scottish Parliament. There are no mitigating circumstances.

However, I have heard some in wider Scottish society make comments such as, "I know it shouldn't happen, but what do they expect if that's how they behave? They bring it on themselves". If we are honest, we have all heard those comments. No one—absolutely no one—brings that on themselves. I reiterate once more that there are no mitigating circumstances when abuse—verbal or physical—is directed towards any other human being. We must not unwittingly give succour to the bigots and racists.

My motion stresses partnership working. On that front, I very much welcome the on-going work that has followed the anti-sectarianism summit. However, I want to ensure that the partnership working does not involve just the usual suspects talking to one another, as well intentioned as that clearly is. It must be wider and reach every part of civic Scotland.

I believe that bigotry and racism often overlap. We live in a society in which—wrongly—the distinction between, for example, a Pakistani and a Muslim person often blurs. In Scotland, that overlap and blurring sometimes relate to Catholicism and Irish ethnicity, and that is also wrong. For me, prejudice is prejudice, irrespective of the label, and it must be stamped out with equal vigour. For instance, why is it that we rightly celebrate the cultural traditions of third-generation Pakistanis or Bangladeshi families as enriching Scottish society, and yet some in Scottish society do not extend the same welcome to our Irish diaspora? We must not shy away from those awkward questions.

Of course we need a strategy to tackle those issues as they present themselves in and around football, but we need a wider social strategy. We need to ensure that any discussion is inclusive and challenging. This is society's problem, not football's problem.

That is not to say that football does not have to put its house in order: it does, and I am confident that it will. Football is a key part of the solution because that sport unites us more than it divides us. That is why the Show Racism the Red Card charity has been vital in challenging racism throughout Europe and working with football effectively to do so. I hope that its sister organisation, Show Bigotry the Red Card, will be able to do likewise—indeed, it is giving a presentation in committee room 2 after this debate, and I hope that some members will be able to come along.

I said that this debate was about taking a stand—a clear public stand—against bigotry and anti-Irish racism, and it is, but I also said that it is about partnership working. I am proud that our Scottish Government is showing leadership, but that leadership is a personal responsibility for every one of our MSPs in our constituencies and regions throughout Scotland. Just as it is unacceptable to ridicule someone because of their colour, it must be unacceptable to ridicule someone because of their religion or their Irish ethnic background.

If we say “Zero tolerance” and we live and believe that in our communities, we can truly change Scottish society. That is a responsibility that I am proud to shoulder for the next five years, and I ask my fellow MSPs to do likewise.

The Deputy Presiding Officer: I call John Lamont first, as he has requested to leave the debate early due to pressing circumstances.

17:09

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): Thank you, Presiding Officer.

Sadly, the problem of sectarianism has been an all-too-common part of the news agenda in recent months. However, I am pleased to have another opportunity to raise this important issue in the Scottish Parliament, and I congratulate Bob Doris on bringing the debate to the chamber. I apologise to the Presiding Officer and other members for having to leave early.

As all members will be aware, sectarianism has reared its ugly head in parts of our society for hundreds of years. For far too long, it became an accepted part of footballing culture in parts of Scotland. There is no doubt that progress has been made in recent years, and there seems to be a growing determination to rid Scotland of sectarianism once and for all.

Although sectarianism is not confined to footballing communities in the west of Scotland, unfortunately it manifests itself most publicly there.

Recent events both on and off the pitch have provided a terrifying reminder of the problems that the vast majority of responsible Scots who want to tackle the problem head on face. There is no place in a civilised society such as ours for the kind of behaviour that we have witnessed in recent months. However despicable those events have been, they have served to rally the decent majority into condemning what has gone on.

Too often in the past, discussions of sectarianism have been clouded by apportioning blame or claiming credit for initiatives and strategies. Bob Doris’s motion is helpful in that it provides a positive approach to how we can tackle sectarianism effectively. It also recognises that we need a long-term strategy to tackle the problem, rather than a short-term answer to the latest media headlines.

It is important to recognise the work of a number of organisations that have worked with football clubs and communities. They include the anti-sectarianism charity Nil by Mouth and the anti-racism charity Show Racism the Red Card, both of which have worked tirelessly among schools, football clubs and local communities to change attitudes towards racism and sectarianism. Neil Lennon, Walter Smith and Ally McCoist have also taken a brave stance in criticising the excesses of a minority of their supporters. They should be recognised for that.

It is right that the Scottish Government should look to strengthen laws on hatred in our football grounds and on the internet. I look forward to Parliament debating those proposals fully in the coming weeks. I welcome the broad thrust of the Government’s plans and look forward to working constructively as the legislation progresses in Parliament in the next few days. Although it is right for us to make progress, the priority must be to get the new laws right, not merely rushed through. We, like others, have expressed concerns about the lack of time that the Government is leaving for proper scrutiny and debate.

As my colleague Annabel Goldie has made clear in recent months, we will work constructively to help to create robust laws to help to rid Scotland of this vile problem. The legislation needs to crack down on disorderly and violent behaviour in and around football stadiums, but it is important that it also covers threatening communications that could incite serious violence or religious or racial hatred.

Presiding Officer, I again congratulate Bob Doris on securing this important debate and apologise to you and the chamber for having to leave early.

The Deputy Presiding Officer: A great number of members wish to speak in the debate, so speeches of four minutes or less would be appreciated.

17:12

Johann Lamont (Glasgow Pollok) (Lab): I shall try to be brief. I am happy to contribute to the debate, but I am depressed that we have to have it. I commend Bob Doris both on his motion and on his speech—especially the point that he made about the real challenge that we face in this regard, which is that something as horrific as what happened to our Deputy Presiding Officer in the previous session was seen somehow as being something to be explained away. In other circumstances, blaming the victim for bringing something on themselves by how they dressed or spoke would have been seen as being entirely unacceptable, but in this instance it was seen as providing some kind of justification for what had happened. That is a particularly important point that we must confront.

This is a serious issue because, apart from anything else, sectarianism undermines our sense of a diverse Scotland, in which we can be proud of celebrating difference. We have often heard the phrase “One Scotland, many cultures”. We are happy to see people embrace that, so it is depressing to recognise that it is not the experience of some of our communities and people. Bob Doris has recognised that both sectarianism and anti-Irish racism are significant.

We know that the impact of sectarianism and racism in our communities is corrosive. They create difficulties and challenges and they undermine our wish to see harmony across our communities. I acknowledge the need for legislation and appreciate that we will not discuss that at length today. However, it is hard to see how the mindset and action of someone who was willing to post three letters with bullets to Trish Godman, among others, can be sorted out simply by legislation on sectarianism.

As the minister has recognised, we must be mindful of the significance of legislation itself. In the circumstances, the broader issues that we have to address go far beyond tackling terrorism.

We need to have a serious debate, with proper consideration of the various options. I understand that the Government has said that the new legislation needs to be in place in time for the new football season, but I express the concern that if the legislation is introduced at the beginning of the season and is not effective—and is seen to be ineffective—we might end up making things worse and giving succour to those who wish to continue to express sectarian views.

However, as we have said, we will work as constructively as possible around the proposed legislation. As with controversial legislation in the past, the parliamentary process offers a means to build support for what is being attempted. It is

possible to get people to see the need for it and to sign up to it. That is particularly important in this context. The issue will be about not just the new legislation at a punitive level; it will also be about getting people to challenge attitudes and behaviours where they see them and where they realise that the measures are ineffective.

As Bob Doris pointed out, this is not just about football. Sectarian abuse is the abuse of choice in too many communities where there is conflict between neighbours. It happens not just in the football stadium; it happens in the pub. I do not know whether the minister still intends to legislate in that regard.

In football, we also have our greatest resource in tackling sectarian behaviour. There has been evidence in the past that it was football supporters themselves who took on the sexists and the racists on their terraces and stopped behaviour that was regarded as the norm 20 or 30 years ago. We must harness their commitment to, and pride in, their clubs and we must speak to the football trusts and work with them in taking on the job of challenging such attitudes. The mindset will have to shift.

On the critical importance of education, our young people probably embrace more than anyone else the initiatives that Jack McConnell put in place for getting young people to work together to challenge sectarianism. We must harness that energy of bringing people together once more. Furthermore, we should harness the energy of voluntary organisations, which can go into communities and make the changes and the arguments for the change to which we all aspire. We can unite on a range of issues in recognising the importance of effective legislation, but let us also harness all those people in footballing communities and elsewhere who are as hostile to and disturbed by sectarianism and racism as everyone in the chamber.

The Deputy Presiding Officer: I ask members to stick to their four minutes, so that we will, I hope, get everyone in.

17:17

John Finnie (Highlands and Islands) (SNP): I congratulate my colleague Bob Doris on securing the debate. There is no dancing around the point: the debate gets straight to the nub of a pernicious issue that affects not just central Scotland. Sadly, it affects people in Scotland and beyond.

I believe that humans are more tribal than we are perhaps willing to admit, and we often retain a deep interest in other tribes. Some people believe that our tribes are obvious—being visually apparent by colour of skin and/or mode of dress.

Of course, we can never really be sure whether someone is totally loyal to one tribe.

Ethnicity classification is an important part of our administrative process, but it does not tell the entire story. I have been annoyed on many occasions that a form will not allow me to say what tribe I am from. It is important not to disenfranchise anyone or their tribe.

Self-classification is important. We all have our identities, and that is particularly true of children from mixed tribes—if I can use that phrase—who might elect to alter their identity, depending on parental relationships, at any given time.

I like to think that I am tolerant, but I have to work at it. I like to think of myself as a civil libertarian. If truth be known, I would be happy to ban some marches—the marches that I find offensive—and I therefore have to acknowledge that inconsistency. There is a clear balance to be struck between the right to hold views that others find offensive and the right to voice them publicly with the intention of offending.

The Simon Wiesenthal Center in Los Angeles has two entrances: one marked “For those with prejudice”, the other marked “For those without prejudice”. If someone elects to enter through the door marked “without prejudice”, they are directed straight back out on to the street. That is very telling.

Following the tragic death of Stephen Lawrence, the Macpherson inquiry made a recommendation on the definition of a racist incident, which is that it should be

“any incident which is perceived to be racist by the victim or any other person.”

There are therefore clear lines for offence, which we would all recognise, and for perceptions of offence. Of course, my perceptions and sensitivities are worth the same as yours; they are not worth any more than yours.

I am not an adherent of any religious grouping, but I believe that a longer view must be taken about how we have ended up where we are. When one system largely replaces another, the “We are better than them” mentality becomes an important factor for the new adherents. Those who are familiar with the blue-eyed/brown-eyed experiment by Jane Elliott, the American anti-racist activist, will understand how easy it is to corrupt minds. The reformation created anti-Catholic animosity that exists to this day and which I believe contributes to anti-Irishness, too.

With no wish unwittingly to offend anyone, I warm to a comedian who expresses the view that the world’s major religions cannot all be right. What I do not find funny is the BBC’s so-called football comedy programmes that make light of

religious intolerance. That attitude of playing down intolerance must end. I also remain deeply uncomfortable about the separation of our young folk on religious grounds for schooling, and about the undemocratic involvement of clergy in our local authority education committees. I believe that an independent Scotland must be a secular Scotland, if we are to have real social justice. I welcome the proposal to introduce new legislation to tackle sectarianism. The changes will be measured, enforceable and specific and will remove anomalies.

For those who are wondering about my tribe, it is a mish-mash of all sorts, which is the way I want to see a modern Scotland. In the meantime, if we really are all Jock Tamson’s bairns, we should start acting as if we are.

17:21

Siobhan McMahon (Central Scotland) (Lab): I thank Bob Doris for securing a members’ business debate on this issue. I whole-heartedly agree with his calls to develop a consistent long-term strategy to address what remains a source of strife and shame in Scottish society.

I will offer a description of sectarianism. My dictionary defines a sectarian as being

“narrowly confined or limited in interest, purpose, scope”.

Sectarians, then, live in their own worlds and display little or no curiosity about other people’s cultures or values. They look backwards not forwards, and inwards not out.

There is nothing wrong with having pride in a particular set of religious or cultural values. I am proud of my Irish heritage, which has been and continues to be a great influence on my life and that of my relatives and friends. My friend John Patrick Keane took part in Gaelic football during his teenage years in Glasgow, and I love to wear my Gaelic football top representing County Clare, where my family are from. My sister Mairead was an exceptional Irish dancer, and the family supported her in events around Scotland, England and Ireland. My brother’s annual trip to Dublin invariably coincides with the hurling finals.

I have attended St Patrick’s day parades in Singapore and New York, where it is celebrated in a spirit of goodwill and inclusiveness. Just a few short years ago, Michael McMahon hosted the Parliament’s first St Patrick’s day reception. Yet, despite this, in Scotland St Patrick’s Day remains an occasion that is fraught with tension and, in some cases, with violence because for some people my religion and heritage are the cause of suspicion and hate.

I am proud to be a Celtic Football Club supporter and proud of its history. I make no

apologies for that. It pains and frustrates me to go along to games and hear rival fans sing that I am in the wrong country, that “the famine is over”, so “why don’t” I go “home”, or that I only sing in the chapel. During their time in Scottish football, Irish nationals Aiden McGeady and James McCarthy were booed and taunted in football grounds up and down the country. One can only imagine the response if English-born Scottish internationals such as Andy Gormann received the same treatment south of the border.

Those are just some examples of the so-called banter that goes on. Yet, in pointing culprits out to police officers on several occasions, I have been ignored or told that the people would be dealt with later and, on one occasion, told that the officers had not heard anything. It seems that selective hearing as well as selective vision is part and parcel of the modern game.

It is worth noting that in society at large we have made much progress. Irish immigrants and people of other origins are no longer discriminated against in the way they once were. However, although it is tempting to infer from the debate that, outside our football stadiums, the problem of sectarianism is by and large as historical as the conflicts that it seeks to glorify, that is not the case. As others have said, the recent interception of viable parcel bombs that were intended for Neil Lennon, Paul McBride and former Labour MSP Trish Godman—for the heinous crimes of, respectively, being Celtic’s manager, being Celtic’s manager’s lawyer and wearing a Celtic shirt to raise money for charity—shows how easily sectarian attitudes can seep into wider society.

Sectarianism still exercises a pervasive and dangerous influence on the small-minded.

How can we eradicate the scourge of sectarianism? The answer—if I may borrow a phrase—is education, education, education. We must examine the roots of the problem, which might partly reside in the fact that, in Scotland, the boundaries between football and religion have become hopelessly blurred. The same prejudices that persisted through hundreds of years of religious conflict have been imported into the modern game.

An analysis of sectarian crimes is expected to reveal that the victims are overwhelmingly Catholic. Although that might be an uncomfortable truth for many, it is a truth that must be faced. Societies throughout history have feared and persecuted the other. During the 19th and early 20th centuries in Scotland, the “other” was the Irish Catholic immigrant. In the years prior to the outbreak of world war two, Irish Catholics were demonised as being criminal alcoholics who stole jobs and depressed wages.

However, although we must be honest in the way in which we confront sectarianism, we must also be careful not to isolate and antagonise those whose input and engagement are essential. Calls for an end to denominational schools, for example, are not only unnecessary but potentially destructive. By and large, such schools promote understanding and tolerance, not prejudice, and they should remain part of the education process.

Sectarianism is not a problem that is born of religious or social difference; it is a problem that is born of attitude and outlook. In our modern and—for better or worse, depending on one’s point of view—increasingly secular society, there is more to unite devout people of all religious persuasions than there is to divide them. To the faithful, religion is a source of hope and solace—a moral and ethical touchstone that guides our actions in life. In its truest form, religion promotes compassion, empathy and tolerance. Sectarianism is a sad perversion of those values. It is the agent of division and discord. It has no place in football and no place in society, and the sooner it is rooted out and destroyed, the better for all of us.

17:27

Humza Yousaf (Glasgow) (SNP): I begin, like those before me, by putting on record my thanks and congratulations to Bob Doris for securing this members’ business debate. I also put on record my appreciation of the great job that he did in standing up for equality in his role as convener of the cross-party group on race equality—a role that I hope he continues to hold.

Like everyone in this chamber and the vast majority of Scots across the country, I would prefer not to be having this debate at all. I would prefer it if it were not necessary in the 21st century to be discussing the same issue that has been plaguing our communities for hundreds of years.

Sectarianism is a cancer in our society. As a football fan and a semi-regular attendee at matches in Glasgow, I know only too well how sectarian chanting can impact on the atmosphere and enjoyment of a good match. However, the impact of sectarianism extends far beyond the football terraces. It is a catalyst for the drunken violence that can too often be the aftermath of an old firm match. It corrupts the innocence of young people, who grow up with an inherent hatred of the other, without knowing why that hatred exists.

Although sectarianism is a centuries-old problem, it has very much reached the 21st century—the purveyors of hatred have moved online, with dire consequences. Internet sites such as Facebook, Twitter and blogs are actively being used as outlets by bigots, and legislation to stamp that out must be brought forward quickly.

I whole-heartedly support freedom of speech. I always have. I even believe in the freedom to offend—I do not think that it is particularly constructive, but I believe that people have that right. However, we cannot and must not allow people to hide behind the shield of freedom of speech and the anonymity of the internet to incite racial and religious hatred.

Scotland is a diverse country, and we should be proud of that multicultural tartan. I always say that even our cuisine reflects that diversity—our nation's top two favourite dishes are chicken tikka masala and spaghetti bolognese. Anyone who walks into any west of Scotland takeaway will spot cheese, chips and curry sauce on the menu, mixing in perfect harmony—perhaps a metaphor for how far we have come as a cohesive society.

Every immigrant group has made a valuable contribution to Scotland, enhancing our rich culture and boosting our economy—none more so than our Irish and Scots-Irish communities. I had the pleasure of attending the Donegal live show in Glasgow's merchant city during the recent election campaign. It was an incredible celebration of all things Donegal and of the deep and historical connection between Glasgow and that city.

However, we must not kid ourselves that the journey has always been rosy for our Scots-Irish community. We know that it has not been. It was not too long ago that Irish families were changing their surnames from Sweeney to Swann and from O'Donnell to McDonald. No one is interested in petty finger-pointing and playing the blame game, but we must be careful that we do not allow our perceptions of balance to be skewed and therefore do not correctly identify the real problems and issues that exist. Anti-Irish racism exists in Scotland, just as many other forms of racism unfortunately still blight our streets. Our challenge is not to let the fight against anti-Irish racism be lost in the battle against sectarianism. Yes, there is an element of overlap, but to confuse the two would be harmful and dangerous.

Irish culture has been enriching our country for centuries and we are a better nation for it. Let us agree to work together to preserve that rich heritage. Only by stamping out racism, bigotry and sectarianism can we truly let our nation flourish.

I again congratulate Bob Doris on bringing the motion before Parliament and I whole-heartedly support it.

17:30

Michael McMahon (Uddingston and Bellshill) (Lab): I congratulate Bob Doris on securing this evening's debate, and I endorse the motion, which specifically asks Parliament

"to develop a long-term consistent strategy for tackling sectarian-motivated behaviour".

I agree with Bob Doris that Parliament should be actively involving itself in pushing for such a strategy, but there is no getting away from the fact that what is primarily needed is a properly developed and workable Scottish Government strategy to tackle sectarian conflict rather than the sheer opportunism and crisis management that characterise the Government's present position. Although I applaud the Government for finally making the issue of sectarian conflict a priority, we should not forget that it was not so long ago that the minister's predecessor was informing Parliament that

"we do not believe that a further strategy specifically on tackling sectarianism is needed".—[*Official Report, Written Answers*, 5 February 2008; S3W-8846.]

I welcome the minister to her new post and wish her well in her specific remit on sectarianism, but I cannot say that I am comfortable with her Government's knee-jerk legislation and the haste with which it is intended to rush it through Parliament. Jack McConnell was right to raise the profile of the issue, but I have never been convinced that successive Administrations have achieved a coherent and informed approach to the problem. A war of words and chattering-class cogitation has abounded on the subject of sectarianism, but a comprehensive and discerning course of action has never been forthcoming.

The First Minister's—no doubt genuine—intention to stop re-enactments of the battle of the Boyne on our streets betrays a failure to recognise that sectarian conflict existed in Scotland for a century and a half before William met James on an Irish riverside. It certainly began more than 300 years before the first Celtic-Rangers game, so the need to have legislation in place before the start of the next football season truly baffles me.

Although we will soon have legislation to address the modern phenomenon of e-sectarianism or cyber-racism, I fear that the forthcoming legislation will not, or cannot, begin to tackle the real problem. If sectarianism is not to be defined, how can it be tackled or eradicated? If anti-Irish racism is to be subsumed into strategies on sectarianism rather than treated distinctly for what it is, I hold out little hope for a solution to it. The issue is hugely complex and the means of tackling it need to be much more multifaceted than the rhetoric to which we are all too often subjected.

We hear a lot about the good work that is being done on the issue by different groups, and I know that sincere efforts are being made by such bodies. However, although anti-sectarianism is the recognised label of the work of those groups, I am afraid that it could more accurately be called non-

sectarianism. As one academic put it, the term “non-sectarianism” refers

“to a neutral position, reflecting the fact that it is about staying in the middle”.

That is what we have in Scotland. Too many people are trying to claim neutrality, sitting on the fence and proposing measures to deal with the problem based on an attitude that sees the problem as being two sides of the same coin: one lot is as bad as the other—Celtic versus Rangers. That is far too simplistic an attitude and results in people pontificating rather than taking a proactive and positive approach that is aimed at removing the ignorance that underpins sectarianism.

I would prefer people to gain respect for one another's values and place in society than have non-sectarianists monitoring the number of parades and trying to eradicate the traditions and cultures that divide us. I do not want people to stop singing the famine song because they are afraid that they will go to jail; I want them to understand why it is offensive for them to sing it, and why it is important for me to value my Irish heritage and for them to welcome the diversity that Irish immigration has brought to this country. I want people to stop singing the famine song because they appreciate the offence that it causes to people such as me, whose traditions are different from theirs. No amount of legislation will bring that about, and very little that has been done so far encourages me to think that the work that is being carried out will lead us to that positive outcome.

The Deputy Presiding Officer: Because of the number of members who still wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3, to extend members' business by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes—[*Bob Doris.*]

Motion agreed to.

17:35

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I, too, congratulate my colleague Bob Doris on bringing the subject of sectarianism and racism to the Parliament. As it can rarely be discussed with calm voices or without passion and emotion, it was a bold step for him to take. If the subject needs anything, it needs calm heads and a little bit of wisdom to take us forward to where we all want Scotland to be.

Where is that? What do we all want Scotland to be? For me, we want a Scotland that understands and respects differences, promotes common ground and seeks to assure people of the other

persuasion that their views, faith or otherwise are respected and protected.

The bilious nature of sectarian chanting at football matches cannot seriously be explained in terms of religious differences. To justify such behaviour in the name of one's religion must surely make the clerics of all faiths cringe at the very prospect—“Not in our name”, I can hear them proclaim from their pulpits—and, in reality, few, if any, of those who do the chanting will be in church to atone for their sins of the previous day.

As someone whose origins are in Ireland but whose family are all Scots till our dying days, I know how difficult the journey has been for many. Indeed, my own grandfather chose to name my dad William in an effort to avoid any possibility of bigoted treatment as my dad grew up. Someone whose name was Tom or Dan, or Pat or Mick, had to watch out—there was no job for them. “What school did you go to?” seemed to be the only question at job interviews in those days.

Have we moved on from those grim days? I think that we have made considerable progress in our schools, our businesses and our factories, and in Scottish society as a whole. The visit to Scotland last year by the holy father Pope Benedict was warmly welcomed by all faiths in Scotland, and I believe that that was genuine and heartfelt. Many non-Catholics to whom I spoke told me what a wonderful occasion it was for Scotland.

If we are to make more progress in tackling the issue and ridding Scotland of sectarianism, we need to do even more to move us away from those ancient rivalries that simply perpetuate a sense of division. That does not mean that people need give up on their history and heritage, but it does mean that they should not use them as a stick to beat their neighbour.

We are, indeed, one Scotland, many cultures; perhaps we are many religions, too. The true test of a modern Scotland and whether we have reached where we want to be is whether we offer a hand of friendship to those with whom our ancestors may have had differences in centuries gone past, and that hand of friendship is taken with a smile and returned in equal measure. I have no doubt that Scotland will make that progress, and I commend my colleague Bob Doris for bringing the matter to the Parliament's attention.

17:39

Patricia Ferguson (Glasgow Maryhill and Springburn): I am pleased to speak in the debate and I welcome the opportunity that Bob Doris's motion gives us.

Returning members will recall that racism and sectarianism aroused great passion in a former

member with whom I am well acquainted, and I share those concerns. I recall that member securing similar debates in 2004 and 2006. Let us hope that, one day, we will not be required to debate such issues any longer.

For my part, I am proud to represent one of the most ethnically diverse constituencies in the country. One of the largest and most influential ethnic groups is the Irish community, which has played a central role in civic, religious and political life in Glasgow for generations.

It is sad that there are people who have been slow and often unwilling to embrace diversity and who refuse to accept that we live in a multicultural Scotland. Attitudes that are often rooted in ignorance and misapprehension, such as homophobia, Islamophobia and sectarianism, manifest themselves in unacceptable patterns of behaviour.

The events of recent months should leave no doubt in anyone's mind that sectarianism is alive and well in modern Scotland. The sending of parcel bombs to Neil Lennon, Paul McBride QC and former member of the Scottish Parliament Trish Godman was utterly unacceptable and wholly unjustifiable. The people who were responsible for the outrages must be brought to justice and must feel the full force of the law. Their attitudes and actions have no place in Scottish society.

The Scottish Government plans to introduce legislation to tackle sectarianism at football matches and on the internet. Perhaps as soon as next week, we will get the chance to debate and vote on the Government's proposals. I share members' concern about the timescale, but I genuinely hope that the measures in the bill will be sensible, practical and enforceable, and that the Parliament can reach a consensus.

I gently point out that sectarianism is not just an issue for football; it is also an issue in wider society. The recent high-profile events have again turned attention to the issue, but it must be remembered that since 2003 more than 2,200 individuals have been convicted of religiously aggravated offences under section 74 of the Criminal Justice (Scotland) Act 2003. Indeed, individuals have been convicted in every procurator fiscal area in Scotland. That is an average of about 330 convictions per year. Each and every one of those offences had a victim and a perpetrator, and each and every offence was entirely unjustifiable.

If we are to break the depressing cycle of threat, hatred and violence, we must look beyond the football terraces and invest in quality education projects in our schools, colleges and workplaces. Members might have read an editorial in

Saturday's edition of *The Scotsman*, in which it was argued:

"Whatever we do in the courts and at sports stadiums, the longer-term work of educating the next generation has to remain the main goal."

We should all echo those sentiments. People are not born bigoted; they become exposed to bigotry and intolerance. Without early intervention there is a risk that another generation will be blighted by the bitterness of old battles and prejudices.

During my time as Minister for Tourism, Culture and Sport, I was proud to make a small contribution to the first-ever Government action plan to tackle sectarianism. Education initiatives were at the heart of the programme, and the measures that were put in place have borne considerable fruit in recent years, most notably with the building of shared campuses and the twinning of schools. The Keppoch campus in my constituency, which officially opened in February 2007, is a genuine success story and has provided a first-class school building and a multifaith backdrop that supports pupils' education.

Such success has been replicated throughout the country. The aforementioned *Scotsman* editorial highlighted the shared campus that is used by Broomhouse primary school and St Joseph's primary school in Edinburgh, where

"Children who once abused each other across the school fence have been drawn together through, among other things, their love of sport and games."

I would be interested to learn from the minister whether the Scottish Futures Trust has had discussions with local authorities about building on that success and establishing more shared campuses in Scotland. Will the minister also comment on whether the twinning projects, which cost a mere £100,000 to put in place and were so successful in bringing together young people of all faiths and none to work on shared projects and learn about one another, are likely to be replicated?

If we do not tackle the problem now, we run the risk of making what Jack McConnell described as "Scotland's secret shame" a public shame. If we are to break the cycle, we must work together and address the problem wherever it manifests itself.

17:44

John Park (Mid Scotland and Fife) (Lab): I congratulate Bob Doris on securing the debate and I welcome the opportunity to participate, because during the past few months, and particularly since the issue has been in the media spotlight, I have received a considerable amount of unsolicited correspondence from constituents who are really concerned about what they are seeing, particularly in the context of football

games, but also in their own communities and in wider society. It is absolutely right that we are seen as a Parliament not just debating the issue tonight but, over the coming weeks, looking at some of the legislative measures that we can take to make a difference.

I declare an interest as someone who worked alongside the previous Scottish Executive between 2005 and 2007, while I worked for the Scottish Trades Union Congress, on a small task force that looked at how to tackle sectarianism in both the workplace and the community more widely. We worked with groups such as Sense over sectarianism, Strathclyde Police, Nil By Mouth and Glasgow City Council.

At that time, it became clear to me that, although a range of significant voices and organisations were prepared to stand up and do something about sectarianism, there were barriers to overcome as well. There were a lot of semantics around the barriers to tackling sectarianism. It was sometimes worrying that people I might regard as even-minded and pragmatic would say, "Maybe we can't look at that. Maybe we need to look at a different approach." At the end of the day, there is a real concern about how we tackle the issues. That highlights the scale of the problem that we have.

Ultimately, we will need legislation, but we will also need education over the longer term, because there is a huge cultural issue that we have to tackle. That is why I was a little disappointed by the previous lack of focus. Michael McMahon spoke about how the First Minister said in the previous session of Parliament that we did not need a specific focus on sectarianism—I am sure that, with hindsight, he would agree that the focus should have continued.

It is a matter of changing attitudes, and not just in the west of Scotland, at football matches or in supporters of Rangers or Celtic. As someone who lives in Fife and knows what happens at provincial football clubs, I know that there is an acceptance of language and humour around sectarianism that we would not accept in relation to racism, sexism or comments related to sexual orientation. John Finnie alluded to that acceptance, too. Society has moved on, which should give us hope that if we as parliamentarians are prepared, along with society more widely, to challenge the language and humour that are used around sectarianism, we will see a change. It is a question of educating people about what is right and wrong, and of people being prepared to challenge the issues.

Michael McMahon was right on another issue, too. I know from my own experience and from correspondence with a constituent called Tom Minogue in Dunfermline—who tells me this as someone whose family has come to this country—

that there is a huge difference between tackling anti-Irish racism and tackling sectarianism more widely. I agree that anti-Irish racism must be looked at specifically. It requires a much wider view and perhaps legislation in the longer term.

The people who speak to me about the issues have said that they come up against the barrier of authorities' complacency. Their concern is real, and it is up to us as parliamentarians to break down that barrier and to support those who feel that anti-Irish racism is not being tackled sufficiently.

Today is a great opportunity for us to set the tone in the Parliament, but it is a question of not just what we say here in the chamber but what we go out and say in our communities. We must show leadership, because I am afraid that if we do not we may slip into the old habits of the past. That links to Michael McMahon's points about taking a view on neither side of the fence. We need to tackle the issue and work jointly. We need to look at legislation but, most important, we need to ensure that there is long-term investment in education and that we change the culture that blights this country.

17:49

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): I thank Bob Doris for lodging the motion. It comes at an appropriate time and covers issues on which I believe the chamber can and must stand united.

I should probably declare an interest—not one that I have had to declare in the register of members' interests, but an interest as a child of the very mixed Scots-Irish ancestry of which so many of us are children. I, too, have had some of the experiences that others from that background have had to endure.

In today's earlier debate, there was discussion of a number of subjects that are also relevant to the present debate, but I do not want to go back over them. Suffice it to say that there is no doubt that there can be no place for any form of sectarianism, religious prejudice or racism in Scotland. Although sectarianism in Scotland tends to be used as shorthand to refer to the attitude of Catholics to Protestants and vice versa, it can manifest itself in other faith groups as well. Therefore, when we talk about sectarianism we must remember that it is not confined to just those groups. We live in a modern 21st century society in which bigotry, prejudice and discrimination should have no place: all members will be united in their condemnation of sectarian and racist bigotry.

Everybody here knows that I have been given the task of driving forward the Scottish

Government's work to tackle sectarianism. I do not underestimate the scale of that task. We are beginning the session with a piece of legislation, but legislation is not the be-all and end-all of this. I know that, as does the Government. Therefore, I ask members to stop pretending that that is somehow our position, because it is not. It is essential that we co-ordinate our activity to make the maximum impact, so taking a holistic and co-ordinated approach will be central to how I drive forward the agenda. Building a society that is based on equality is central to the Administration, which is why we have, against a backdrop of Government cuts, retained funding for equality projects at £20.3 million for 2011-12.

Sectarianism and the antisocial behaviour that it inspires have plagued the lives of too many people for too long. Sectarianism is a real and insidious problem that needs to be tackled head on. There is no question but that most of our communities have had enough of it—I would like to say that all our communities have had enough of it, but I fear that some are still too mired in it—and we stand united with them when we say that we will not tolerate such behaviour any more. Furthermore, we should not fall into the trap of believing that the problem is confined to the west of Scotland. It is not, and to think that is too easy a way of pushing it into being a regional issue. The Government has already committed more than £525,000, in the 2011-12 financial year, to support for specific projects that are aimed at tackling sectarianism, and the total amount that we will spend on race, religion and refugee integration projects will be £3.7 million in the same period.

In his opening speech, Bob Doris eloquently described what has happened in Scotland in the past few months, specifically surrounding sectarianism in football, which is the reason why the Government wants to move quickly. Tomorrow will see the offensive behaviour at football and threatening communications (Scotland) bill introduced to Parliament. Following a football season that has been marked by some deplorable incidents, we have announced that we seek urgently to clarify and strengthen the law in a couple of crucial areas. The bill will seek to prevent offensive and threatening behaviour that is related to football matches, and to prevent communication of threatening material. We are working to have those provisions in place before the start of the new football season on 23 July.

We should be in no doubt that legislation is effective in tackling abusive behaviour that is associated with football. However, because sectarianism is manifest not only in football, as a number of members have commented, my work will only just be starting with that legislation, not ending with it.

That is how we intend to go forward. I look forward to continuing to build on the good work that is being delivered through key partners such as Sense over Sectarianism, the Iona Community, Nil by Mouth and all the schools that are involved in a lot of the work—including Catholic schools, which, in my view, deliver only benefits to Scotland.

Patricia Ferguson raised a couple of specific questions relating to schools. The £100,000 for education to which she referred was intended for schools to bid for to fund individual anti-sectarianism projects. We also fully support school-twinning projects. If she wants to talk to me more about aspects of that work, I will be happy to meet her.

I now turn to racism. We are committed to addressing the needs of every community in Scottish society, including white communities such as the Irish, English and Polish communities, who are not always perceived as being the victims of racism. We want to ensure that everyone is given an equal opportunity to succeed and achieve in Scotland. The one Scotland campaign continues to deliver that message. We value our engagement with the Irish community, whether it is directly with the Irish diaspora in Scotland or with the diplomatic presence that Ireland has here.

Data on Irish ethnicity was collected in the 2011 census and I look forward to the analysis of that information being published in due course. Of course, we need to remember that not all Irish immigrants were Catholic. A significant percentage of the Irish immigration was Protestant, so some care needs to be taken about making assumptions on the basis of ethnicity. In addition, like me, many people will not—despite their family ancestry—describe themselves as being anything but Scottish. We need to keep all of that in our minds when we look at the census information.

Scotland suffers from a toxic historical legacy: a combination of anti-Catholicism and anti-immigration sentiment that we are still labouring under the burden of today. We need to get out from under that if we are to ensure that our society is to go ahead.

There is a lot more to come and there is a lot more that we are committed to. I look forward to working positively with schools and young people, whom I know have already been among the most eager to positively embrace equalities.

We need to be honest about the extent to which society has implicitly, and sometimes explicitly, endorsed and tolerated a level of sectarian sentiment that is quite unacceptable. John Park made that point very eloquently.

No one should be in any doubt about the work that we intend to do and I hope that every member

of Parliament will work with me as we take matters forward over the coming months and years.

Meeting closed at 17:56.

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