



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 4 December 2014

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CONTENTS

	Col.
GENERAL QUESTION TIME	1
Living Wage (Public Contracts)	1
Construction Industry (Rogue Traders)	2
Local Authorities (Care Home Provision)	3
NHS Fife (Meetings)	4
Disabled People (Access to Rail Services)	5
Listed Buildings (Changes).....	6
Temporary Accommodation (Minimum Standards)	7
RAF Leuchars.....	8
FIRST MINISTER'S QUESTION TIME	10
Engagements.....	10
Secretary of State for Scotland (Meetings)	14
Autumn Statement (Impact on Scottish Budget)	17
In-work Poverty.....	19
Transatlantic Trade and Investment Partnership (Health Services).....	19
Crime Statistics (Reporting).....	21
FOOD TRAIN (MEAL MAKERS PROJECT)	23
<i>Motion debated—[Joan McAlpine].</i>	
Joan McAlpine (South Scotland) (SNP)	23
Elaine Murray (Dumfriesshire) (Lab)	25
Nanette Milne (North East Scotland) (Con).....	27
Sandra White (Glasgow Kelvin) (SNP).....	29
Dr Richard Simpson (Mid Scotland and Fife) (Lab).....	31
The Minister for Public Health (Maureen Watt)	33
SCOTLAND'S NATIONAL ACTION PLAN FOR HUMAN RIGHTS	37
<i>Motion moved—[Christine Grahame].</i>	
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	37
The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil)	41
Elaine Murray (Dumfriesshire) (Lab)	42
Margaret Mitchell (Central Scotland) (Con).....	45
Roderick Campbell (North East Fife) (SNP)	46
John Pentland (Motherwell and Wishaw) (Lab).....	48
Alison McInnes (North East Scotland) (LD).....	49
Margaret Mitchell	51
Graeme Pearson (South Scotland) (Lab)	52
Alex Neil.....	53
John Finnie (Highlands and Islands) (Ind).....	56
VIOLENCE AGAINST WOMEN	59
<i>Motion moved—[Michael Matheson].</i>	
<i>Amendment moved—[Graeme Pearson].</i>	
The Cabinet Secretary for Justice (Michael Matheson)	59
Graeme Pearson (South Scotland) (Lab)	62
Nanette Milne (North East Scotland) (Con).....	65
Sandra White (Glasgow Kelvin) (SNP).....	67
Rhoda Grant (Highlands and Islands) (Lab).....	68
James Dornan (Glasgow Cathcart) (SNP)	70
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab).....	72
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)	73
Liam McArthur (Orkney Islands) (LD).....	75
Gil Paterson (Clydebank and Milngavie) (SNP)	76
Cara Hilton (Dunfermline) (Lab)	78
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	79
Margaret McDougall (West Scotland) (Lab)	81
Mark McDonald (Aberdeen Donside) (SNP)	82

Alison Johnstone (Lothian) (Green)..... 83

Mary Scanlon (Highlands and Islands) (Con)..... 85

Elaine Murray (Dumfriesshire) (Lab) 86

The Minister for Housing and Welfare (Margaret Burgess)..... 89

DECISION TIME 92

Scottish Parliament

Thursday 4 December 2014

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

General Question Time

Living Wage (Public Contracts)

1. James Kelly (Rutherglen) (Lab): To ask the Scottish Government what progress it is making on the payment of the living wage in public contracts. (S4O-03781)

The Cabinet Secretary for Fair Work, Skills and Training (Roseanna Cunningham): Our recently announced programme for government sets out our clear commitment to a range of measures to expand the living wage in Scotland, including through public contracts. We have increased the funding to the Poverty Alliance to promote take-up of the living wage accreditation scheme and we will work with it to explore models to boost public sector and third sector uptake of the living wage. We will host a living wage accreditation summit with business leaders, and the fair work convention will prioritise the role of the living wage in its work to develop a fair work framework for Scotland.

In addition to paying the living wage to those covered by our public sector pay policy, including those in the national health service, we will ensure that the staff of contractors working in our buildings get the living wage, as demonstrated through our catering and cleaning contracts. We will publish statutory guidance for public bodies on how workforce-related matters, including the living wage, should be taken into account in public contracts. We will also implement provisions in the Procurement Reform (Scotland) Act 2014 to require public bodies' procurement strategies to make a statement of their general policy on payment of a living wage.

Presiding Officer, I take this opportunity to congratulate the Scottish Parliament on the recent announcement that the living wage is being extended to contractors in the Parliament building. *[Applause.]*

James Kelly: I, too, congratulate the Scottish Parliament on the payment of the living wage to all workers and contractors.

The cabinet secretary will be aware that the First Minister recently announced that agreement had been reached with Mitie to ensure that all cleaners at Scottish Government locations would be paid the living wage. Mitie has a contract with

Anniesland college in Glasgow. Did the First Minister's announcement cover all cleaners in relation to payments made through the Scottish Government, including those in the education sector and specifically at Anniesland college?

Roseanna Cunningham: James Kelly is asking about contracts that are not within the Scottish Government's direct purview. We encourage all those contracts also to specify the living wage but, at the moment, the deal with Mitie relates to those who work directly for and within the confines of the Scottish Government.

The member refers to specific contracts. I am aware that Mitie has contracts in the higher and further education sectors, and probably some attention will be paid to that and a job of work done on that, but the recent announcement relates to those who are directly paid through the cleaning contract with the Scottish Government.

Construction Industry (Rogue Traders)

2. Chic Brodie (South Scotland) (SNP): To ask the Scottish Government what action it can take to improve customer awareness of the dangers of rogue traders in the construction industry. (S4O-03782)

The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown): There are a great many reputable traders in the construction industry and there is a range of support to help people to find and use them. The Scottish Government encourages home owners to use traders who are members of trade associations.

TrustMark is a Government-backed initiative to help consumers to find reliable and trustworthy local tradesmen to carry out repairs inside and outside the home. In addition, Which? and local authority trusted trader schemes, the Federation of Master Builders find a builder service and the Construction Licensing Executive's reference service are all to be commended for helping home owners to find reputable traders. Advice is also available directly from local authority private sector housing teams and trading standards officers.

Chic Brodie: Although consumer education is a devolved matter, consumer protection is reserved to Westminster. Will the cabinet secretary pursue with his counterpart at Westminster the devolution of consumer protection so that in Scotland, newly qualified, registered and appropriately named tradespeople, such as electricians, plumbers and roofers, can carry out designated work and so avoid heartache for households that are penalised by misrepresentation by those who purport to be so qualified?

Keith Brown: Further devolution of consumer protection powers will enable the Scottish Government to create an effective, efficient and

fair consumer protection regime that focuses on the needs of Scottish consumers and businesses. We welcome the new powers of advocacy and advice recommended by the Smith commission, but it is unclear whether power over redress is to be devolved. We will seek clarification from the United Kingdom Government on that.

The UK and Scottish Governments should start preparing in good faith for the transfer of the powers identified in Lord Smith's report. For our part, the Scottish Government will use whatever new powers are delivered to the Scottish Parliament to take forward our work to create a fairer and more prosperous country for everyone who lives here.

Local Authorities (Care Home Provision)

3. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government what action it takes to support local authorities in meeting demand for care home provision. (S4O-03783)

The Minister for Sport, Health Improvement and Mental Health (Jamie Hepburn): Last year, the then Cabinet Secretary for Health, Wellbeing and Sport commissioned the residential care task force to look at how we commission and deliver services for our most vulnerable people living in care homes. The task force's report was published earlier this year and contains a number of recommendations, not least those on improving the commissioning and provision of those services.

The Scottish Government accepts in principle the recommendations. We are working with the Convention of Scottish Local Authorities, Scottish Care and other partners to take forward the task force's recommendations for the long-term transformation of residential care.

Sarah Boyack: Bed days lost to delayed discharge in NHS Lothian account for more than one in five in Scotland, with older patients particularly affected. In Edinburgh, £8 million is being invested in a new 60-bed care home at Royston, which will increase capacity to about 600 residential spaces, and the City of Edinburgh Council is increasing funding for reablement. However, expenditure on health and social care is 25 per cent of total service expenditure and the council must find savings of £142 million over the next three years. To balance the books for this year's budget, it is looking at increasing care charges and reducing the use of agency staff. Can the Scottish Government take action to address the underfunding of our local authorities, to allow them to deliver the greater capacity that we need in social care services?

Jamie Hepburn: Let me be clear to Ms Boyack and the chamber: the Scottish Government is

already taking action to tackle the issues around delayed discharge. In August, we made £5 million of targeted funding available to seven national health service boards to help to alleviate immediate pressures in the system because of delayed discharges. In November, we allocated to all partnerships an additional £5 million, which is leveraging in other funding from health boards and local authorities, and, of course, jointly with COSLA we established the discharge task force to oversee and agree priority actions to improve discharge from hospital.

The Lothian partnership received £712,000 from the pot of funding that I mentioned. The City of Edinburgh Council and NHS Lothian plan to use some of that funding to reopen Pentland Hills care home, to provide intermediate step-up, step-down care that will enable people to return home following hospital admission and, where possible, to provide an alternative to admission to hospital.

Action is happening. We need more of that kind of service to be delivered and I am aware that many other areas are doing just that.

NHS Fife (Meetings)

4. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government when it last met NHS Fife and what issues were discussed. (S4O-03784)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): Yesterday, I met the chair and the chief executive of NHS Fife, along with the leader and the chief executive of Fife Council, to discuss how to tackle delayed discharge in Fife.

Claire Baker: Following yesterday's meeting, I am sure that the cabinet secretary will be well aware of the pressures that are affecting NHS Fife and Fife Council. We have seen a doubling of locum costs, a reduction in the number of beds, and nursing shortages. Last week, it was revealed that bed blocking has led to more than 11,000 bed days being lost in Fife. Almost three quarters of those cases involved people aged over 75 who were waiting for care arrangements to be made.

I appreciate that the cabinet secretary will go into detail about the steps that she will take to address the issue, but funding remains at its heart. It has been reported in *The Courier* today—

The Presiding Officer (Tricia Marwick): Can I get a question, Ms Baker?

Claire Baker: —that NHS Fife and Fife Council have identified a £3 million funding gap that they are working together to address. How can the Scottish Government help to address that?

Shona Robison: Yesterday's meeting was positive and constructive. We discussed a clear

and agreed plan between the council and the health board, which they are implementing to tackle the issue. The plan includes the discharge of up to 60 patients before Christmas and the joint funding of the council and the health board to continue that plan for the rest of this financial year. We also agreed with NHS Fife and Fife Council that they would continue to work with the Scottish Government on service and funding transition, to ensure that they take maximum benefit from their plans for integration, which will take place from April.

The member will be aware that an additional £836,000 has been allocated since August to NHS Fife to address the issues that relate to delayed discharge. As I said yesterday, my top priority is to make progress on resolving the issue. We are putting in place short-term measures but, without a doubt, restructuring and shifting the balance of care are what will lead to a sustainable change in how we deliver services in the future.

Disabled People (Access to Rail Services)

5. Bob Doris (Glasgow) (SNP): To ask the Scottish Government what action it is taking to improve access to rail services for disabled people. (S4O-03785)

The Minister for Transport and Islands (Derek Mackay): The Scottish Government continues to support substantial improvements to railway stations, trains and the provision of dedicated assistance for disabled passengers provided by ScotRail. For example, the Scottish ministers have prioritised 22 station upgrades through the £41 million access for all fund, which included the creation of step-free access at several stations in Glasgow.

Bob Doris: Disabled access at Gilshochill station in the Cadder area is notoriously poor—in fact, it is virtually impossible. I have met and corresponded with ScotRail a number of times about the issue, and it says that the station does not qualify under the access for all criteria.

Will the minister and his officials specifically consider the barriers in relation to Gilshochill station to identify other funding streams that might be available? Alternatively, would the minister consider extending the access for all criteria? Right now, my disabled constituents and mothers with prams cannot access rail facilities in Cadder.

Derek Mackay: The Department for Transport sets the criteria that guide how we give priority to Scottish stations for inclusion in access to all, which is the fund that is dedicated to addressing access issues at railway stations. Gilshochill station does not meet the criteria, as Mr Doris mentioned.

I am happy to provide further information on additional support that can be given for access to train stations and on my future meetings in relation to disability access and equality on transport services. I am also happy to reconsider how we might be able to support Gilshochill station but, in essence, the criteria for the fund that is dedicated to the issue are set by the Department for Transport.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): As far back as 2009, Transport Scotland indicated to me that Gilshochill station would not be considered because of its relatively—I use that word advisedly—low passenger usage. At that time, it was number 199 out of 343 stations.

If that is the only criterion that can be used, the Scottish Government would be well advised to consider taking up with the Department for Transport the question whether the criteria can be adjusted. Otherwise, stations such as Gilshochill will never be able to qualify for such assistance.

Mr Doris is right that Gilshochill is a difficult station for people to negotiate. Moreover, mothers with buggies do not have access to the assisted passenger reservation service that, fortunately, is available to people with a disability.

Is the minister interested in taking up those discussions?

Derek Mackay: I am happy to pursue the issue. We have every sympathy with those who seek the most local access to a train station. There is an equality issue in there as well.

The latest information that I have is that, with 98,900 passenger journeys recorded in 2013, Gilshochill station is the 214th busiest of the 351 stations in Scotland. I highlight the fact that ScotRail provides any disabled passenger who cannot use the station due to lack of access with alternative transport to the nearest accessible station free of charge.

I am happy to engage with the Department for Transport on the criteria that it uses to guide us in relation to funds that are available.

Listed Buildings (Changes)

6. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what sanctions there are on developers that make significant changes to the inside or outside of listed buildings without applying for listed building consent. (S4O-03786)

The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop): It is an offence to make internal or external changes that affect the character of a listed building without listed building consent. Planning authorities can refer cases to the procurator fiscal with a view to

prosecution. As an alternative, or in addition to seeking prosecution, they can issue listed building enforcement notices that require rectification of the damage done.

The Scottish ministers' view is that prosecution for unauthorised works is best confined to cases in which the works done are so radical that rectification is not feasible. A range of possible actions is available. In many cases, the issue may be resolved through the submission of a retrospective application for listed building consent but, in some cases, the best way to achieve practical improvement to the building's condition is for the planning authority to issue an enforcement notice.

Bill Kidd: I thank the cabinet secretary for her comprehensive reply. Can she elaborate in any way on the action that local authorities and, more important, neighbouring residents who are affected by such works can take to ensure that affected buildings, such as Kelvin court in my constituency, are returned to their original state, as far as that is possible?

Fiona Hyslop: The planning authority, Glasgow City Council, has the key responsibility. However, any neighbouring residents or anyone else who is concerned about alterations that are being made to a listed building without appropriate consents can take action by reporting their concerns to the local planning authority, which in the case to which Mr Kidd refers is Glasgow City Council. A range of actions is available, but rectification without prosecution is the best possible outcome, and I encourage anyone who has concerns to raise them with Glasgow City Council.

Temporary Accommodation (Minimum Standards)

7. Hanzala Malik (Glasgow) (Lab): To ask the Scottish Government whether it is developing statutory guidance for minimum standards in temporary accommodation and, if so, when it will be published. (S4O-03787)

The Minister for Housing and Welfare (Margaret Burgess): The Scottish Government currently has no plans to develop more statutory guidance on temporary accommodation. We recently strengthened the Homeless Persons (Unsuitable Accommodation) (Scotland) Order in relation to households with children and pregnant women in temporary accommodation.

Hanzala Malik: I am sorry, but that is quite a disappointing response. In her response to the question that I asked last week about temporary accommodation, the minister stated:

"the vast majority of temporary accommodation is good-quality, well-managed local authority accommodation."—
[*Official Report*, 26 November 2014; c 14.]

However, a significant number of people are in poor-quality and unsuitable temporary accommodation for long periods of time. For example, on 30 June this year, 73 households with dependent children were living in bed-and-breakfast and hotel accommodation.

Will the minister take up my invitation to visit some homes in which people are living in poor accommodation, including one in which five members of a family are sharing a bedroom, to give her an idea of the extent to which people are suffering? I believe that she has not only a responsibility but a moral duty to do so.

Margaret Burgess: It is important to restate that the vast majority of children who live in temporary accommodation will be in good-quality, well-managed social housing, not unsuitable bed-and-breakfast accommodation, and that they will be waiting to be moved into settled accommodation.

Of course none of us wants to see anyone living in accommodation that does not meet their needs and is not suitable for their needs. If there are issues with any particular accommodation, we certainly want to know about them. Such issues can be raised with the Scottish Housing Regulator, who will inspect the temporary accommodation that people are living in.

The homelessness prevention and strategy group has considered and will continue to consider any evidence in that regard to see whether any additional action is required. We are clear about the importance of ensuring that good standards are met. Scottish local authorities have been surveyed to identify a reasonable standard and cost for temporary accommodation, and that has informed their approach.

I am more than willing to speak to the member about the issues that he has raised. If necessary, I will not shy away from visiting accommodation that is not suitable. I am not shying away from that; I am saying that the regulator has to know about such issues before we can resolve them.

RAF Leuchars

8. Roderick Campbell (North East Fife) (SNP): To ask the Scottish Government when it last met the United Kingdom Government to discuss the future of RAF Leuchars. (S4O-03788)

The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown): The Scottish Government maintained direct contact with the United Kingdom Government on its plans for RAF Leuchars throughout the period of the military basing review. Following the announcement in 2013 that the UK Government was to withdraw the Royal Air Force from Leuchars and convert the base into an Army

barracks, the Scottish Government receives updates on the implementation of those plans through the firm base arrangements, which involve regular meetings with the Ministry of Defence and military contacts.

Roderick Campbell: The cabinet secretary will be aware that the Department for Transport recently closed its consultation on a UK spaceport, in which Leuchars was identified as a potential feasible location. Have any discussions taken place with the UK Government on that matter or on the potential that exists for a feasibility study to be carried out into whether the base could host a civilian airport?

Keith Brown: I am able to confirm that Scottish Government officials received a briefing from the UK Government on its spaceport consultation prior to its announcement in July. The Scottish Government wants the spaceport to be located in Scotland and, at this stage, we remain neutral as regards the six potential Scottish locations.

The Scottish Government and its agencies have offered to provide advice and support to any of the Scottish airfields that want to pursue the spaceport opportunity, but it is for the owner of each airfield to determine whether they wish to do so. In the case of RAF Leuchars, that is the Ministry of Defence.

First Minister's Question Time

12:00

Engagements

1. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister what engagements she has planned for the rest of the day. (S4F-02445)

The First Minister (Nicola Sturgeon): Meetings to take forward the Government's programme for Scotland.

Jackie Baillie: Who was it who said, when talking about the national health service:

"a party that is now in its second term of office cannot avoid taking responsibility for its own failings"?—[*Official Report*, 12 December 2001; c 4711.]

The First Minister: If Jackie Baillie is talking about me, let me say very clearly that I will never avoid taking responsibility for the NHS. It is one of the most sacred responsibilities that any Government has. I am very proud of our national health service, but I will never shy away from facing up to the challenges in it. My job and the job of the Cabinet Secretary for Health, Wellbeing and Sport is to work with the front-line staff in our NHS to ensure that we help them to address those challenges. That is why we are committing extra resources to our national health service. John Swinney had already announced £80 million more than planned for next year; yesterday, he announced £125 million of extra funding.

I have given a commitment that if the Government is re-elected, for each and every year of the next session we will commit to above-inflation increases in health spending. Labour has not yet committed to that. Perhaps Jackie Baillie will do so today.

Jackie Baillie: I am delighted that Nicola Sturgeon, who is not normally coy about recalling her own words, recognises that those words were hers.

I will rise to the challenge. We will match the commitment on all consequential going to health and the commitment to protect the revenue budget, but we will go further: our mansion tax will, in fact, increase funding for health.

Yesterday's debate flew in the face of the comments that the First Minister has just made. There seemed to be a denial of the problems and the challenges. Indeed, last month, Alex Neil said that there was "no crisis" at NHS Grampian. In the past week alone, we have seen the crisis laid bare. Consultant shortages are so severe that doctors are being flown in from Jamaica and India. Accident and emergency treatment times and cancer treatment waiting times have been missed.

There have been fewer nurses to beds than in other hospitals in Scotland. Bed-blocking targets have been missed. There has been a failing care-of-the-elderly service and, most damning of all, patient safety has been at risk. Things have been saved only by the dedication of staff who are working under extreme pressure.

The Royal College of Nursing told us that it had raised “serious concerns” about the NHS for quite some time, in particular in NHS Grampian. In fact, it raised those concerns directly with the Scottish National Party Government.

In any case, surely the Scottish Government should have noticed that there was a problem. Is there anyone in Government who has a clue about what was going on?

The First Minister: Jackie Baillie strikes entirely the wrong tone when it comes to our national health service. We should try to find common ground across the chamber. All of us accept that our NHS does great work, but it needs our support—the support of all of us—to do even better work.

As Jackie Baillie is well aware, Grampian NHS Board has in place a new chief executive, who has accepted all the recommendations of the reports that were published earlier this week. The health secretary will oversee the implementation plan very closely. All of us are now absolutely focused on ensuring that the failings that were identified in NHS Grampian by the inspection regime that this Government put in place can now be fixed in the interests of all the patients who rely on NHS Grampian. I hope that Jackie Baillie and Labour, too, can find it within themselves to get behind the efforts of the new management and the staff of NHS Grampian as they decide how to move forward.

I will pick up on a couple of the points that Jackie Baillie made.

I do not for a second deny that we still have work to do on waiting times, but they are now considerably shorter than they were when Labour left office.

Jackie Baillie mentioned consultants. NHS consultants are now at a record high number—up 36.8 per cent since the Government took office. Overall, the number of staff in the health service is up since the Government took office, as we saw in figures that were released earlier this week. The Government is acting.

Let us look at delayed discharge, which I consider to be one of the most significant challenges in our NHS today as it is a problem that then creates problems in other parts of the system. The number of delayed discharges is too high right now and I want it to come down, but it is

significantly lower than it was in 2006 and when the previous Government left office. So we are making progress and we will continue to seek to make progress. It would fit Labour better to stop criticising those who are working so hard in our NHS and get behind them.

Jackie Baillie: We support the efforts of all at NHS Grampian, and we thank them for doing the work that they should not have had to do but had to do because the Government let them down. They were under extreme pressure. The efforts of those staff are the only reason why patient safety is as it is. Therefore, I will take no lessons from Nicola Sturgeon about praising NHS staff. The difference is that we would support them.

Patient care should be at the centre of all our considerations, yet patient safety was put at risk in Aberdeen. Healthcare Improvement Scotland issued a stark warning. It said:

“We found a number of issues relating to leadership and culture which reduce the quality and safety of care.”

The General Medical Council said that the evidence that patient safety and care could have been compromised was overwhelming. The Royal College of Nursing said that, without a patient assurance system, managers were

“not able to assure themselves or their Board about the quality and safety of patient care.”

We should again thank the staff for putting patients first, despite the challenges that they faced. The Scottish Government was warned about the issues, which date back to the First Minister’s time as health secretary. Does the First Minister agree that the concerns about patient safety show a failure not just at NHS Grampian but in the Scottish Government health department, which she led?

The First Minister: Despite the provocation, I am not going to stand here and engage in a party-political bun fight, because I believe that the NHS is too important for that. However, Jackie Baillie should reflect on some of what she has said. In her desperation to throw as much dirt at the Scottish National Party Government as she can, she was in danger of misquoting the report that was published on Aberdeen royal infirmary earlier this week. Although I do not defend anything that the report points out, it was careful to say that patient safety had not been compromised. Of course, given the failings that were identified, patient safety could have been compromised, which is inexcusable, but Jackie Baillie should be very careful not to suggest that something happened that the inspectors said did not happen.

I repeat that I am proud of the NHS and of the progress that the Government is making on it. Waiting times are lower and our hospitals are cleaner although, as we see in the report

published on Glasgow royal infirmary today, there is still work to be done on that. Infection rates are at an all-time low and rates of *Clostridium difficile* are down by more than 80 per cent among the over-65 population.

The Government is making significant progress and, unlike Labour, we do not have to be dragged kicking and screaming into making financial commitments to our NHS. A couple of weeks ago, I watched each and every one of the Labour leadership candidates refuse to give that financial commitment to the NHS. When Richard Simpson was asked yesterday in the chamber whether the Labour Party would give increases to the NHS budget, his answer was, "We will see." Then, the next day, Jackie Baillie has come up with the commitment. We give that commitment freely to the NHS, because we put our money where our mouth is and we will always defend our national health service.

Jackie Baillie: It is the First Minister who does a bit too much kicking and screaming. There was nothing desperate about our commitments, and I hope that she will welcome them. I remind her that, from 2007 to 2010, when Labour was in charge at United Kingdom level, it gave the Scottish Government more in health consequential than she passed on to the health service, so I will take no lessons from her on that.

The First Minister, like Alex Neil, seems to be in denial about the scale of the problem that is facing Scotland's health service. NHS Grampian is not alone. Even today, we have seen a damning report about the cleanliness of basic equipment at Glasgow royal infirmary, with instances of blood and body fluids contaminating beds and equipment being highlighted not once but twice, and with problems remaining. Does she take any responsibility for that, or for consultant vacancies having more than doubled, leading to a record £82 million being spent on hiring temporary doctors? Does she take any responsibility for bed numbers being slashed? For accident and emergency departments being in crisis? For delayed discharge increasing?

The Scottish National Party Government has failed patients not only in Aberdeen but across Scotland. The First Minister cannot duck responsibility for that, because for five years she was the health secretary. It was Nicola Sturgeon who said:

"a party that is now in its second term of office cannot avoid taking responsibility for its own failings".

Will the First Minister tell us when she is going to take responsibility?

The First Minister: I used to ask the questions from the Opposition benches. I know that Jackie Baillie has only one First Minister's question time

left before she hands over to the new leader, but it might be a good idea if she actually listened to the answers.

I started by saying something that I will now say again, not for the benefit of Jackie Baillie but for the benefit of people watching. I, as First Minister of this country, take responsibility for the NHS. I will never shy away from that, and I and my Government will be judged by the progress that we are making and will continue to make in the NHS.

Jackie Baillie talked about the fact that there are more staff vacancies in the NHS. That is true, and we need to confront that challenge. However, there are more staff vacancies because there are more staff working in the NHS—there are significantly increased numbers of people working across our NHS.

Jackie Baillie also mentioned the number of beds. There has actually been a small increase in the number of beds in the past year. I point Jackie Baillie to the fact that—she can correct me if I am wrong—acute bed numbers fell in each and every year of the last Labour Administration. That was the reality.

On the Glasgow royal infirmary, this is another example of a time when Jackie Baillie might have benefited from actually listening to what I said. I mentioned the GRI report in answer to her second question. That report is unacceptable, and the Cabinet Secretary for Health, Wellbeing and Sport has already spoken this morning to the chair of NHS Greater Glasgow and Clyde. However, let me just put this into context. Since this Government took office, as I have already mentioned, rates of C diff have fallen by more than 80 per cent across Scotland—they have fallen by more than 84.7 per cent in Glasgow.

I will never shy away from addressing the problems that need to be confronted in our NHS, but I am also not going to stand by and let Labour trash the record of our NHS, because it does not deserve it.

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when she will next meet the Secretary of State for Scotland. (S4F-02440)

The First Minister (Nicola Sturgeon): I will have the pleasure of meeting the secretary of state this afternoon.

Ruth Davidson: I wish the First Minister a good meeting.

Yesterday, the Chancellor of the Exchequer unveiled a tax cut of 98 per cent for all home buyers. From midnight, people who are looking to get on in life will save thousands of pounds.

However, come April, when the Scottish Government takes over, that relief will go.

Under this Government's Swinney tax, we now know that, if someone wants to move up the property ladder, it will cost them thousands of pounds more. It is a left-wing nationalist tax on aspiration. [*Laughter.*]

The Presiding Officer (Tricia Marwick): Order.

Ruth Davidson: The First Minister doubtless has some pre-prepared lines rehashing claims that the chancellor has copied her plans and that imitation is the sincerest form of flattery, but people are not fooled when they are hit in their pockets. This is not a debating point; the measure is yet another ideological attack on the aspirations of middle Scotland. [*Laughter.*]

The Presiding Officer: Order.

Ruth Davidson: A person who wants to buy a £300,000 flat in Edinburgh or Aberdeen today will be taxed £5,000. From April, that will rise to £7,300. If the First Minister can for the moment leave her prepared lines to the side, can she explain why she thinks that that is fair?

The First Minister: I love the Deputy First Minister dearly, but I have always thought that he is an unlikely candidate for class warrior. [*Laughter.*]

I congratulate the UK Government on emulating Mr Swinney's plans to get rid of an unfair system and to replace it with a fairer system. As the Deputy First Minister said yesterday, imitation is indeed the sincerest form of flattery.

The Scottish rates that John Swinney has proposed reflect the nature of the Scottish housing market—as they should—which is the whole point of devolving responsibility for the tax to the Scottish Government. Average house prices in Scotland are lower by £100,000 than they are across the rest of the UK. Therefore the higher tipping point—if we can call it that—in the UK system reflects the higher house prices across the rest of the UK.

Let me just inject a few facts for Ruth Davidson to reflect on. More than 80 per cent of all transactions in Scotland every year will attract tax of either zero or less than the amount that they would incur under the UK system that was announced yesterday. Under our system, 5,000 more transactions a year will be completely exempt from tax than would pay tax under the UK system that was announced yesterday. That is important because it will help to get more first-time buyers on to the property ladder. That is good for first-time buyers, and getting more first-time buyers into the property system is also good for people further up the ladder. We have proposed a fair and progressive system that is right for

conditions in Scotland. I would have thought that Ruth Davidson would welcome that.

Ruth Davidson: The First Minister wants to trade figures, so let us trade figures. Under the chancellor's plans, 98 per cent of people are better off this morning. The First Minister will claw back those gains from thousands of Scots for no good reason. I do not think that the First Minister quite realises how isolated she is on this—even Labour has backed the chancellor's proposals. In other words, the First Minister has, in just a fortnight, achieved the staggering feat of becoming even more left wing than Ed Miliband. [*Laughter.*]

The Presiding Officer: Order! Can we hear Ms Davidson, please?

Ruth Davidson: I do not know whether that is a damning indictment of the First Minister or a damning indictment of Ed Miliband.

The Conservatives will lodge an amendment to the Scottish budget to ensure that middle-income families who want to buy a home will pay less tax. We will campaign night and day for the amendment to be carried, and we will look for support for it from across the chamber because we know that we have plenty of support outside it.

The new First Minister has a choice. She can either show some humility and accept that there is a need for a rethink, or she can dig her heels in, drive her ideological agenda through and punish thousands of families. Which will it be?

The First Minister: Even John Swinney is more left wing than Ed Miliband; it is not much of a competition. Ruth Davidson should set the bar a little bit higher than that.

Ruth Davidson wants to trade figures, so before I try to find some genuinely common ground with her, let us trade accurate figures. She said that as a result of the UK Government's proposals that were announced yesterday, 98 per cent of people will be better off. That is compared with the old UK Government scheme, not with the new Scottish scheme that we propose to introduce. To compare the new UK Government scheme with the Scottish scheme that will come in next April, in Scotland 80 per cent of transactions will either attract the same or less tax than they would under the new UK system—80 per cent of people will pay either nothing at all or less than they would under the new UK system. That is the reality with which Ruth Davidson might want to grapple.

In the interests of the consensus for which I am becoming so well known, I say to Ruth Davidson that we are in the middle of the budget scrutiny process, so if she wants to make proposals that would allow the 20 per cent who are at the top of the housing market to pay less, she is free to do so. As we do with all proposals that come forward,

we will consider them. However, when she does so she should also bring forward her proposals for who should pay more, and from where the extra money should come. If she does that, she might want to persuade her UK Government colleagues to settle the issue of the block grant adjustment as well, so that we can genuinely know the extent to which our proposals are—as they are intended to be—revenue neutral. If she wants to answer all those questions, and not just the ones that it suits her to answer, I will be happy to listen.

Autumn Statement (Impact on Scottish Budget)

3. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what assessment the Scottish Government has made of the chancellor's autumn statement and its impact on the Scottish budget. (S4F-02455)

The First Minister (Nicola Sturgeon): We welcome the additional Barnett consequential of around £200 million that result from yesterday's autumn statement. As John Swinney said yesterday, we have committed to providing all the health consequential of around £125 million to our national health service and we will make announcements on the remaining consequential in due course. That said, it is important to point out that those consequential make up just 8 per cent of the £2.7 billion-worth of real-terms cuts that have been made to the Scottish budget since 2010, so, although they are welcome, let us not pretend that they are anything more than a small fraction of the austerity cuts that Scotland has suffered.

Kenneth Gibson: This week's edition of *The Economist* points out that the United Kingdom's deficit as a percentage of national income is higher than those of France, Italy and even Greece. The Office for Budget Responsibility's "Economic and fiscal outlook", which was published yesterday, warns that 60 per cent of UK Government cuts will come in the next Parliament. Does the First Minister therefore agree that the biggest threat to Scotland's economy is continued austerity, which all Westminster parties are signed up to, and that next year's UK election presents an opportunity for the people of Scotland to make clear that there is an alternative?

The First Minister: Kenny Gibson is absolutely correct to point to the OBR's "Economic and fiscal outlook", which was published yesterday, because it states, on page 6, that over the next few years, spending on public services is

"projected to fall from 21.2 per cent to 12.6 per cent of GDP and from £5,650 to £3,880 per head".

To put it another way, under the Tories and, indeed, under Labour, which has signed up to the

Tories' austerity plan, spending on public services as a share of the economy is set to fall to levels not seen since the 1930s. That is the price of Westminster austerity. Kenny Gibson is right. I believe that we need a strong Scottish voice at Westminster—a Scottish National Party voice—to protect Scotland from the 60 per cent cuts that Westminster parties are still planning.

Iain Gray (East Lothian) (Lab): Those OBR forecasts that the First Minister was quoting also saw oil and revenue forecasts to 2019 cut by a further £4.5 billion. Does she agree that the Smith commission was wise not to devolve volatile oil and gas taxes and that the Scottish people were wiser still to reject an independence prospectus based on her predecessor's predictions of a second oil boom now laid bare as fantasy?

The First Minister: No, I do not agree with that. I think that I will leave it to Labour to argue the absurd position that Scotland, alone in the world, is somehow uniquely incapable of managing our own vast natural resources. I will leave that paucity of ambition to those on the Labour benches.

We all know that oil prices right now are the feature of temporary factors in supply and demand in the world. I simply point to the Organization of the Petroleum Exporting Countries "World Oil Outlook 2014", which was published just a few weeks ago, which assumed a nominal price of \$110 per barrel for the rest of the decade. I was astonished yesterday to hear the chancellor talk about a sovereign wealth fund for shale gas in the north of England when we have had the failure of Labour and Tory Governments to set up an oil fund in Scotland, like other countries have done. That is the key lesson that we should all take from the mismanagement of our oil resources over decades. We should resolve not to repeat that mistake in future.

Gavin Brown (Lothian) (Con): The First Minister will be aware of yesterday's announcement of an increased retail discount of £1,500 for shops, cafes and restaurants with a rateable value of under £50,000. What is her response to that specific announcement?

The First Minister: As Gavin Brown will be aware, we have the most competitive business tax environment in the entire UK. The finance secretary will make announcements on the remainder of the consequential in due course, but we will continue to take the right decisions for businesses across Scotland. The decisions that we have been taking have been giving our businesses, particularly our small businesses—including many retail and pub premises—the most competitive environment in these islands and that is what we will continue to strive to do.

In-work Poverty

4. Clare Adamson (Central Scotland) (SNP):

To ask the First Minister what steps the Scottish Government is taking to tackle in-work poverty. (S4F-02459)

The First Minister (Nicola Sturgeon): The Government is taking steps now to tackle in-work poverty and to help individuals realise their full potential. We recognise the importance of appropriate, flexible and sustainable employment as well as appropriate levels of pay as a means to tackle poverty. We have been strong and consistent in our efforts to stimulate growth and jobs within the context of economic recovery.

We are also determined to progress payment of the living wage. We are already paying the living wage to everybody who works for the Government or for our national health service. Although we cannot mandate it in law, each and every relevant Government contract that is let from now on will have payment of the living wage as a central priority.

Clare Adamson: I am sure that the First Minister will join me in congratulating the Scottish Parliament on becoming a living wage employer. However, does she also share my disappointment and that of many organisations and academics across Scotland about the lack of welfare opportunities that are being offered by the Smith commission proposals and agree that it looks like a missed opportunity for Scotland to be able to tackle in-work poverty effectively?

The First Minister: If I may, Presiding Officer, I will join Clare Adamson in congratulating the Parliament, through you, on becoming a living wage employer. That is fantastic progress. *[Applause.]*

Clare Adamson is absolutely right about the welfare opportunities. It stands to reason, does it not, that in any area of policy, the more powers the Parliament has, the more we will be able to live up to the expectations of those we serve? We will do everything that we can within the powers that we have and we will use any new powers that we get to lift people out of poverty. However, if this Parliament was equipped to have power over the minimum wage, power over the personal allowance of income tax and power over the entirety of our welfare system, we could do so much more. That is why I will continue to have the highest ambitions for this Parliament and for this country.

Transatlantic Trade and Investment Partnership (Health Services)

5. Neil Findlay (Lothian) (Lab): To ask the First Minister what response the Scottish Government has received to its representations to

the United Kingdom Government regarding the implications of the transatlantic trade and investment partnership for health services in Scotland. (S4F-02444)

The First Minister (Nicola Sturgeon): The Scottish Government has—as Neil Findlay refers to—made several representations to the UK Government and to the European Commission on this matter. In particular, we have made very clear our concerns about the national health service and public services.

Although both the UK Government and the European Commission have told us that TTIP does not pose any threat to the NHS, it is fair to say that both the Scottish Government and the public need to see the final legal text of any agreement before we can be fully assured that the NHS and our other public services will be unaffected, which we certainly want to ensure is the case.

Neil Findlay: I welcome the fact that the Government has joined Scottish Labour MSPs and MPs, community groups, individuals and trade unions by writing to David Cameron demanding that he uses his position to prevent the NHS being exposed to market competition via TTIP.

Will the First Minister join me in urging the Tories and Liberal Democrats in this chamber to acquire a backbone and do the same so that we can speak with one voice to protect the NHS and other essential services from privatisation?

The First Minister: I think that Labour is closer to the Tories these days than I am, so the member is probably better advised to have that conversation directly. I am sure that the mechanisms of the better together campaign are still in operation in some form. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: In all seriousness, Neil Findlay raises an important point. Whether the concerns about the inclusion of the NHS and public services in TTIP are well founded remains to be seen, but I understand why people are raising those concerns, so we will continue to call for the exclusion of our NHS from TTIP and we will seek to ensure that any agreement that is concluded does not put our public services under any threat.

I disagree very strongly with the privatisation of the health service in England, but that is not a matter for me. However, I will fight tooth and nail against any moves to privatise the NHS in Scotland by the back door, and if the TTIP agreement ever put that threat, it would be opposed strongly by this Government.

Crime Statistics (Reporting)

6. Margaret Mitchell (Central Scotland) (Con):

To ask the First Minister what the Scottish Government's position is on the accuracy of the reporting of crime statistics. (S4F-02448)

The First Minister (Nicola Sturgeon): I agree with Her Majesty's inspector of constabulary for Scotland, Derek Penman, who was recently quoted as saying:

"Police Scotland's own auditing of crime recording is good".

Margaret Mitchell: I thank the First Minister for that response on recording.

Last week, the Scottish Government announced that recorded crime is at a 40-year low. At present, though, the figures do not take into account assault, stalking online or by any other means, abusive behaviour and drink driving—all of which are classed as offences rather than crimes. Will the First Minister acknowledge that the Government's failure to include more than half a million of such offences does a huge disservice to victims and undermines public confidence in the criminal justice system? Will she now carry out a review to ensure that the Government includes those offences when reporting on crime statistics?

The First Minister: This is a serious question. The public deserve to know that the statistics that are published can be relied on. That applies across every aspect of Government policy. Recorded crime is at a 40-year low, and we should all welcome that.

Margaret Mitchell draws attention to a distinction in the statistics between crimes and offences. She used a phrase in her question that "at present" that distinction is being made. Maybe Margaret Mitchell should have done some historical research before asking her question, because the separation of crime and offences statistics has been in place since the 1920s. We report on recorded crime in exactly the same way as previous Administrations, with the bulletin that is published in the same format as it has been since 1983. There has been no change in the approach that we are taking.

At times, new legislation can enhance the definition of a particular crime or offence. For example, prior to the introduction of the offences of threatening or abusive behaviour and stalking, those incidents would have been classified as breach of the peace. Breach of the peace has consistently been classed as an offence and therefore to ensure consistency of reporting of breach-of-the-peace-type offences over time, those offences are also classified as offences. It is all about ensuring that there is consistency in the figures.

Obviously, national statistics are prepared independently of Government. I will always look at these things to see whether we can improve them, but members should not come to this chamber and suggest that there has been some change to a system that has been in place since the 1920s.

Food Train (Meal Makers Project)

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-11150, in the name of Joan McAlpine, on meal makers tackle malnutrition in frail older people. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates the Food Train on what it considers its innovative new project, Meal Makers; understands that the project aims to tackle the problem of malnutrition among frail older people by encouraging people to cook and share an extra portion of their home-cooked food; further understands that the pilot for this project is taking place in Dundee but that it will soon be rolled out across the six local authority areas that the Food Train operates in, including Dumfries and Galloway, where the charity is headquartered; recognises that the cooks make initial contact through a social media platform and are then put in contact with a local older person who finds cooking difficult; acknowledges that malnutrition is a significant public health problem, negatively affecting physical health and social wellbeing and reducing the likelihood of independence; believes that this pioneering project will help overcome some of the social barriers that cause malnutrition, including limited transport to local shops, social isolation and poverty, and wishes the Food Train every success as the project develops.

12:34

Joan McAlpine (South Scotland) (SNP): I first came across the meal makers project when I attended the annual general meeting of the charity the Food Train in Dumfries this year. The meal makers project is funded by the Scottish Government and the Rank Foundation and delivered by the Food Train, and it is one of the best examples of a preventative care initiative that I have encountered in my time as an MSP.

The essential point of meal makers is that the cook makes an extra portion of what they would normally cook for dinner and delivers it to the diner's home nearby. The project connects people in the same neighbourhood—it strengthens communities as well as helping individuals.

A great many people love to cook, but it is not much fun if they have nobody to appreciate the results. However, for every keen cook there is an individual who would love a hot meal but cannot manage to cook. Meal makers pairs them up, initially through a website that has profiles of cooks and diners that show their interests and tastes in food.

The project is very much in the spirit of its parent charity. I have always been a great admirer of the Food Train, and I am far from alone in that respect. The charity, which began in Dumfries and Galloway but has now been rolled out across Scotland, was founded on the very simple

principle that many older people find it hard to shop, particularly if the local butcher, baker and greengrocer have closed and the nearest supermarket is accessible only by car.

The Food Train began by taking orders for shopping, which was delivered by volunteers who unpacked the orders and stayed for a chat, thus providing a point of contact for clients who were housebound and isolated. The idea for meal makers grew out of conversations that were struck up during those deliveries. Quite a few of the older people who ordered messages simply did not get around to cooking the food. The failure to cook is often a cause of malnutrition in the elderly, and meal makers addresses it very directly.

We could say that the project facilitates a natural human instinct, which is neighbourliness. When I was growing up, people looked out for and shopped for elderly housebound neighbours. They often handed in soup or baking, and occasionally they handed in a cooked meal. I remember my grandmother, who was widowed in her 50s, cooking for others well into her 70s. However, because of social mobility and perhaps a modern reticence, we often do not know our neighbours and we hesitate to offer help lest it is rejected. Conversely, those who could do with a bit of help can be too shy to ask for it. Meal makers overcomes that difficulty by using social media. Members can check out the project's site, www.mealmakers.org.uk, or its very popular Facebook page.

Of course, many of those who would benefit from meal makers do not use the internet, so they are recruited in more traditional ways through general practitioners, district nurses and social workers, or through leafleting or posters in local shops. I give credit to the pupils of Harris academy in Dundee, who helped to make the pilot for meal makers there a great success by leafleting their local area.

Meal makers is a truly pan-Scotland project. It was piloted in Dundee but co-ordinated from a hub in Springburn in Glasgow. When I visited the hub and talked to staff members Emma, Stuart and Danielle—I believe that they are in the public gallery—I got an even clearer picture of meal makers and its beneficial effects. To begin with, meal makers cooks have to go through a basic food hygiene course and, for security, they are of course checked under the protecting vulnerable groups scheme. They are then linked up with a frail elderly person who is looking for someone to cook for them. The pair speak on the phone to make sure that they get on well and feel comfortable before going ahead with the arrangement. Some diners insist on plain food such as mince and tatties, so that is what they get; others are more adventurous and are linked with

more experimental cooks. Quite often a friendship develops and the cook will stay for a chat.

In the Dundee pilot, a great many of the cooks are students who were keen to give something to the community by volunteering. It was really heartening to hear about cross-generational friendships being established through the simple act of cooking and delivering a meal. However, maybe we should not be surprised by that, because food is a way of socialising for all of us—it has been since the beginning of time, really. If we want to break ice, we break bread—that goes back several millennia.

There is of course a very serious benefit from meal makers, because illness, frailty and social isolation can cause malnutrition in some cases. On my visit to Springburn I heard some dreadful stories. One concerned a housebound, bereaved man who had existed on jam sandwiches until someone directed help his way.

It is now almost 10 years since the Scottish Government commissioned the recipe for life research project, which aimed to find better ways to support older people in Scotland to eat well. The research found that a number of social and psychological factors had an impact on dietary intake; in particular, it found that eating with others was an important way to ensure good nutrition, as was cooking for others. It also found that having a good-quality meal cooked by someone else encouraged frail elderly people to eat.

For a number of years, elderly people admitted to hospital across the United Kingdom have been screened for signs of malnutrition. One pan-UK research project that covered the four years to 2011 found that, on average, 29 per cent of elderly people admitted to hospital were malnourished. The figure varied by country: England had the highest level of malnourishment at 30 per cent, and Scotland had the lowest level at 24 per cent. It is good to be ahead, but I take little comfort from that one-in-four figure. That is why I applaud the meal makers project in particular, along with the other work that the Food Train does to feed those who, for complex health, psychological and social reasons, cannot feed themselves.

I wish the project well for its forthcoming official launch on 17 December and I look forward to it reaching cooks and diners in every corner of our country.

The Deputy Presiding Officer: I call Dr Elaine Murray, to be followed by Dr Nanette Milne.

12:40

Elaine Murray (Dumfriesshire) (Lab): I congratulate Joan McAlpine on securing the debate. We have debated the work of the Food

Train in the Parliament before and it is good to have another opportunity to highlight its work. The Food Train is a charity that supports older people. It started out in Dumfries and Galloway as a project after the Dumfries and Galloway elderly forum spoke to its members and identified the need for the project. It has now expanded its services to six local authority areas.

As Joan McAlpine said, the services that the Food Train provides include the delivery of groceries to older people who have difficulty in doing their grocery shopping. The Food Train extra provides help and support with a wide variety of household tasks and supports independent living. Food Train friends is a befriending service, with services that include trips out, home visits and phone calls. There is also an outreach library service, with volunteers dropping off and picking up books for people who are unable to use the library service due to poor health, disability, frailty or poor mobility.

The meal makers project is an expansion of that work. It is based on the casserole club, which seems to have taken off across the United Kingdom over the past couple of years. Thousands of volunteers across the country are now getting involved. As we heard, cooks who are preparing meals in their own homes volunteer to produce an extra portion for an older person in the community—the casserole club refers to such people as “diners”—who is less able to cook a good nutritional meal for themselves. It does not take any extra time or effort on the part of the cook, although many cooks will take the meal round to the diner and spend some time with them, or will invite the diner into their home to eat the meal. On the club's website, there are many heartwarming stories of friendships developing between cooks and diners, to the advantage of both.

Many of us have cooked for larger families. My three children are all grown up and in their own homes and I know that it is difficult to scale down to cooking for two people or one person. What tends to happen is that additional portions are put in the freezer to be eaten later. My husband always says, “I’ll eat those when you’re in Parliament”, and then he tries to identify what they are. One time, he thought he was having chilli con carne but it turned out to be some sort of plum crumble, which I think he found somewhat disappointing.

Some things sit in the freezer and end up being thrown away. This Parliament has strongly supported Zero Waste Scotland's love food hate waste campaign. About £1 billion-worth of food is thrown away every year. It is far better to share food with others who need and will appreciate a good meal.

As Joan McAlpine said, the project is not only about nutrition. In most cultures, the sharing of food is also a statement of caring and affection. We take pleasure in preparing food for people we care about. That is why it is often difficult for a person on their own, even if they are a good cook, to prepare a good meal. It is more difficult for them to be motivated, because we enjoy preparing food for other people. In my family, we argue about who cooks the Christmas dinner because the act of cooking a meal for the family is important to all of us. We all enjoy food cooked for us by family and friends. They do not have to be "Masterchef" contestants for us to really enjoy their meals. That side is important because, where friendships develop, the meal makers project provides not just physical nourishment but social nourishment and a feeling of caring, affection and being included, which is also important for mental health.

Meal makers is an excellent initiative and I, too, look forward to it being rolled out across Scotland in the future.

12:44

Nanette Milne (North East Scotland) (Con): I, too, am grateful to Joan McAlpine for lodging her motion and bringing it to the chamber for debate. I noticed today that I am not a signatory to the motion, but that was an accidental omission, because I fully support what it says.

I confess that, until I prepared for the debate, I was not aware of the Food Train, but I was interested to learn of its history. As we know, it began in Dumfries in 1995 following a community survey of older people that found that many of them were struggling with their weekly grocery shopping. A partnership of local shops and volunteers was formed and, with their help, the Food Train began delivering fresh groceries to older people in need.

As we know, the scheme expanded across Dumfries and Galloway and into other parts of Scotland. The services offered include the Food Train, which is the shopping delivery service; the Food Train extra, which offers help with household chores; Food Train friends, which is a befriending service; and now meal makers, which is the subject of the debate.

Meal makers is a new project that is being piloted in Dundee, which is in my region. It encourages people to cook an extra portion that can be given to an isolated older person who lives in the same community. The aim of the project is to reduce food poverty, improve diets and break down the barriers that lead to loneliness. An online platform is used to connect volunteers with older people who might benefit from the initiative.

I pay tribute to the Scottish Government and the Rank Foundation for providing £60,000 of funding, and I recognise that the inspiration for the scheme came from the casserole club, which I believe originated in the south-east of England. The scheme should bring benefits beyond the nutritional goals that it strives to achieve.

I was a great fan of the WRVS meals on wheels service, which brought a hot meal to many elderly people living on their own once or twice a week, delivered and served by a volunteer. I do not know whether that service still exists, but it was greatly appreciated by its recipients.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Meals on wheels still exists, but there is a major problem. Because of cost restrictions, many local authorities are now giving out microwaveable frozen meals. Although those meals may provide similar nutrition for those who can work a microwave, the approach has the effect of increasing the social isolation that Joan McAlpine referred to. In my speech, I was going to ask the minister to take a firm look at the whole area, because this is not just about food.

The Deputy Presiding Officer: You have had time enough for your intervention.

Nanette Milne: Dr Simpson has just stolen a chunk of my speech.

As I said, I was not sure whether the meals on wheels service still existed, for the very reasons that have just been articulated.

That ready-meal service was very welcome, because it was delivered personally, which brought many an elderly person the regular human contact that was missing from their lives. For some of them, that was the only time they saw someone from outside their home, and it relieved the monotony of a lonely and isolated existence. Although the replacement of hot meals by frozen meals that could be delivered several at a time saved money, it meant the loss of that human contact. To my mind, and as Dr Simpson said, that was a retrograde step.

I therefore think that meal makers will be a very welcome and valuable service for today's increasing population of older people, who face the isolation of being housebound, often without any outside contact beyond the national health service. If it is successful, meal makers should contribute to overcoming the serious problem of malnutrition among our increasingly elderly population.

Meals on wheels benefited not only the recipient but the volunteer who delivered the meals. I had a friend who used to deliver for the WRVS, and she got immense pleasure from her conversations with her clients. I have no doubt that that will also be

the case for those who get involved with meal makers. Indeed, I could see myself volunteering for it once I have more time on my hands.

I am sure that there must be many people who are like me, in that, when they cook, they prepare more than they need for one meal and freeze what is left over for another occasion. Just last weekend, I prepared a pork chop dish using 12 chops. The 10 left over after our meal are now in my freezer, in packs of two. It would require no effort, and very little expense, for a couple of those chops to go to someone who, because of frailty, cannot get to the shops and is no longer able to cook.

I imagine that the Dundee pilot will be a success, and I look forward to it being rolled out to the other local authority areas where the Food Train currently operates. If the pilot project proves itself, I would like it to be rolled out right across Scotland—I know several people in my own area who would almost certainly be interested in supporting it.

It occurs to me that such a scheme might be attractive to young volunteers. For example, much of the food that teenagers who are learning to cook at school is very appetising nowadays, and I imagine that a number of pupils would be interested in using their new-found skills to improve the diet and nutrition of older, housebound people in their neighbourhood. In turn, the pupils would get the benefit of personal contact with someone from an earlier generation, who could enlighten them about their lives, past and present.

I am quite excited to learn about the meal makers project and to see how it develops. I hope that Joan McAlpine will keep us informed about its progress. Once again, I thank her for raising the subject in Parliament.

The Deputy Presiding Officer: I now call Sandra White, to be followed by Dr Richard Simpson.

12:49

Sandra White (Glasgow Kelvin) (SNP): Thank you, Presiding Officer. I thought that you were perhaps going for a hat trick of doctors: Dr Simpson could have been next; and I am just plain Sandra White MSP. However, I am the convener of the cross-party group on older people, age and ageing, and this subject comes up pretty often at the group.

This morning I attended my first meeting as a member of the Equal Opportunities Committee, which has been considering discrepancies between the circumstances of older people and of

other people in society. The subject of older men came up—and I will come back to that.

I congratulate Joan McAlpine on securing the debate. As she said in her motion, meal makers is an innovative project, and is welcome and important. It sets out to tackle malnutrition among frail and elderly people, which is a real concern.

We might find it hard to talk about or even recognise the issue, but many elderly people are isolated, particularly if they live on their own and have limited access to transport and social hubs. People lead busy lives, as Joan McAlpine said, and it can be difficult even for families to get out to visit their elderly relatives. It can be difficult for elderly people to get out of the house and engage with the world around them.

I commend the Food Train—there are people from the charity in the gallery—for recognising the problem of isolation among older people and setting up its service in 1995. The charity works with volunteers and local shops and is a real community hub. It started by delivering fresh groceries but went on to provide home support services. When I read about that, I thought that it was wonderful. It means that elderly people who cannot put up curtains or do other simple jobs can call on the service, which makes life a lot better for everyone concerned.

The Food Train is now enabling older people to enjoy healthy meals. As members said, meal makers is a pilot project, which will run for two years. Currently it is up and running in Dundee, and I hope that it can be rolled out across Scotland. Perhaps it can be incorporated into the existing projects that other groups provide in all our constituencies, if those groups have not been able to go the extra mile and do what meal makers does.

In my constituency, Glasgow Kelvin, many groups work with elderly people. For example, Glasgow Old People's Welfare Association has been going for 66 years and runs fantastic projects. Perhaps meal makers could be incorporated into GOPWA, which would know how to go about it. I am not asking for a definitive answer on that from the minister, but I am sure that other groups would be interested in taking on the project.

Many older people who live on their own lose interest in cooking. When my mum lived on her own, making a meal for herself was the last thing that she wanted to do—she was used to cooking for a large family. Some older people are simply not able to make a meal, which takes me back to the subject that we were discussing in the Equal Opportunities Committee this morning. For some older men part of their culture has been that their wives cooked the meals, so they have never

learned to cook. I remember that an elderly man phoned the Silver Line Helpline over Christmas. The person who took the call assumed that he was phoning because he was lonely, but in fact, after a big long explanation, he said that he wanted to know how to cook a chicken. Many older men have not been used to looking after themselves and miss out on good, nutritional meals.

I thank Joan McAlpine for securing the debate. I am pleased to have been able to speak in it. I look forward to meal makers being rolled out throughout Scotland.

12:53

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I welcome the opportunity to speak in this debate and I congratulate Joan McAlpine on securing chamber time for it.

I begin by correcting an omission from yesterday's debate by welcoming the minister, Maureen Watt, to her new position. I hope that she will draw on her previous experience as a minister and use her influence to press the issues that Joan McAlpine has raised, in the context of developing social capital assets that seek inclusion of older people, because that is important.

Some 24 per cent of elderly people who are admitted to hospital are suffering from malnutrition. Although the position in Scotland is better than it is in the rest of the UK, as it is on so many things, the issue is a matter of continuing concern, as Joan McAlpine said.

According to a report that the Scottish Government published in December 2009, the nutrition that an older person requires is essentially the same as the nutrition that a younger person requires, but it is important that the older person's diet is more micronutrient dense, to prevent the development of nutrient deficiencies, which can exacerbate health problems that arise in the aging process.

Unfortunately, it can become increasingly difficult for people to have a balanced and nutritional diet as they age. The Food Train seeks to address that problem through its programme—which I will not go into because Elaine Murray has covered it and we have had a debate on it previously. The meal makers project, which is based on the casserole club, which has been going in England for some time, is worthwhile and allows selfless community volunteers who enjoy cooking to assist their older neighbours. By all accounts, the project is already a success and is working well after two months of operation in Dundee. I gather that the Food Train intends to spread the meal makers project to other parts of

Scotland in the near future—we have heard other details about parcel delivery and so on.

There are other examples of services that are being delivered throughout Scotland that work with vulnerable people to educate them about the preparation and cooking of healthy meals. In Mid Scotland and Fife, there is a great example of that in the Clackmannanshire healthier lives programme, whose work with vulnerable people has been transformational for some of the participants. In addition to that important service, the Clackmannanshire healthier lives programme provides a community food development worker who gives guidance and support to members of the community in relation to food, shopping, budgeting, cooking and general dietary advice. That sort of development of community spirit and community social assets is rewarding for all those who are engaged in it and helps the more vulnerable members of our communities.

In Stirling, a prepared meals at home service provides meals for people who have been referred on the basis of an assessment of need. The service is run by *Apetito*, which has had positive feedback from its clients since it began in 2012. There are many other examples of such services across the country, and it would be good to have a mapping exercise to indicate where they all are. The Government may already be working on that—we will hear from the minister in a minute.

In the short time that we have in a members' business debate, it is not possible to cover all the issues. We should perhaps have a debate on nutrition. We are about to pass the Food (Scotland) Bill, an element of which is about improving the public diet. Obesity is one of the main public health challenges, but we must also improve nutrition.

I refer the minister to another example of social capital assets that is not unrelated. I have the good fortune to be the patron of *Trellis*, which is the umbrella organisation in Scotland for therapeutic gardening projects. There are now 180 such projects throughout the country that provide social inclusion, often for people with a learning disability or mental health problems. The projects involve working on allotments and producing food that is used to prepare meals. Connecting those projects in a better way would be helpful. I am glad that *Trellis* has just been awarded £5,000 to focus on training courses on supporting children with complex needs so that they can be introduced to therapeutic gardening.

I ran a seminar for *Trellis* in Fife, and Fife Council is now taking in hand the gardens of elderly people who are no longer able to manage them. Instead of the council carrying out basic repair work, the council gives the work—on a contract that it mediates—to people who want an

allotment but cannot get one. They are now growing food that they share with the elderly people—that is the relevance to the current debate.

I hope that the Government will undertake a mapping exercise and provide time for a full debate on nutrition. I make one final recommendation to the minister: if she has the time over Christmas—I know that she will be very busy—she might like to read Sir John Elvidge's paper "The Enabling State: A discussion paper", which was produced under the aegis of the Carnegie Trust. It encompasses much that has been presented in the debate that Joan McAlpine has successfully secured today and that I am grateful to have been able to take part in.

12:59

The Minister for Public Health (Maureen Watt): I, too, thank Joan McAlpine for lodging the motion on meal makers and tackling malnutrition in frail older people, and I thank colleagues across the chamber for their participation in the debate. Following Dr Murray's speech, food labelling has taken on a new significance. Proper food labelling has obviously not reached Dr Murray's household, so I urge her, over Christmas, to buy some food labels that stick on to packaging in the freezer. That might help her husband to get the correct thing out.

I thank all members who have participated in the debate for the issues that they raised. Dr Nanette Milne said that the Women's Royal Voluntary Service used to deliver meals and I remember doing that as a child with my mother, who did it for years and years.

Things have changed and moved on. As Dr Richard Simpson will know, it is local authorities' decision to choose meals that are microwavable and it is up to local authorities to look at their priorities. I would agree with Dr Simpson that there is an opportunity in the integrated health and social care agenda, community planning partnerships and now, through empowering communities, to perhaps think about bringing this back.

Last evening, in the members' restaurant in the Parliament, meals were prepared by school pupils, college students and others from Queen Margaret University Students Union. I wonder what happens to meals that are prepared in our colleges. Are they just eaten by the students? Might students want to deliver them to people who need them?

It is right for Parliament, through this debate, to congratulate the Food Train for spearheading meal makers, which is already delivering meals and creating community spirit in Dundee by encouraging people to cook and share a portion of

their home-cooked food. I welcome the fact that the programme will soon be rolled out to six other local authority areas, as Joan McAlpine said. The Government is supporting the project with £100,000 for two years, to match the money that Joan McAlpine said that the Rank Foundation is putting in.

The meal makers programme is an enterprising initiative that will directly tackle undernourishment in older people. By linking up local communities, it will not just bring the immediate health benefits of a healthy meal and improved nutrition but will build relationships in local neighbourhoods.

As Dr Simpson and Dr Murray mentioned, the older people's food task force was set up following a study trip to England by Scottish Government officials, Community Food and Health (Scotland), dieticians, academics and community workers, where those people became aware of the casserole club. In quick time, the task force made a valuable contribution to dealing with the issues of food poverty and food access. As a result, meal makers has been established and an eating well logic model has been developed as part of NHS Health Scotland's work to create an older people's outcomes framework. The task force has got ministerial backing to organise a malnutrition summit, which will take place next year. Perhaps after that it will be a good idea to have the debate on malnutrition that Dr Simpson mentioned.

The Scottish Government has a focus on improving health and inequalities. Meal makers aims to improve the health of older people who lack the money, skills or support to adequately provide for themselves. By focusing on homemade meals as the best option for eating in the home, meal makers follows the same principle as the Scottish Government's new social marketing campaign, which is launching in January. The eat better, feel better campaign aims to improve cooking skills across the population, specifically targeting the more deprived areas of the country. The website will have 100 recipes that are simple and affordable, in order to encourage people to make homemade meals.

I congratulate the older people's food task force and Michelle McCrindle, chief executive officer of the Food Train, who has played an active part in all that it has achieved.

Malnutrition is a significant public health problem, which negatively affects physical health and social wellbeing. Malnutrition and, in particular, undernutrition are important risk factors for older people becoming vulnerable and their independence becoming compromised. For some older people, a dinner from meal makers may be their only proper meal of the day. Around one in 10 people over 65 and living in the community are malnourished or at risk of malnutrition. In recent

years, malnutrition was found to affect 24 per cent of patients admitted to Scottish hospitals, with the proportion of people underweight rising steeply over the age of 70 years.

Malnourished older people will see their GPs twice as often as those who are well nourished. They also have three times the risk of hospital admission and their hospital stays will be longer. The direct costs of malnutrition are estimated to range from £5 billion for healthcare services to £13 billion for associated health and social care services. Therefore, reducing the number of underweight older people in the community could contribute substantially to reducing hospital admissions.

A wide range of factors has been identified by older people as preventing them from leading healthy lifestyles and has been linked to an increased risk of malnutrition: the affordability of food; difficulties in accessing food shops; decreased mobility; lack of cooking skills, which Sandra White mentioned; and the impact of major life changes and the loss of the motivation to eat well.

We recognise that particular groups of older people might be at risk of not eating well, such as older men, older people in remote communities, older people with dementia and older people from ethnic minority communities. That is why the Government supports initiatives such as the meal makers project and the Food Train in providing services for some of the most vulnerable people in our communities.

However, older people are not solely recipients of services: in many cases, they are major providers of services, as Nanette Milne acknowledged. The input that older people provide as volunteers and the opportunities that volunteering provides for increased quality of life are hugely important.

The other initiative in the policy area is the Food Train, which I think Joan McAlpine spoke about in a previous debate. The Scottish Government has supported the Food Train for many years. It is a good example of older people contributing to society through third sector involvement. The service is currently active in seven local authority areas but the older people's food task force has been considering how to gain support to expand the model.

I welcome the motion. The meal makers project will help to overcome some of the social barriers that cause malnutrition, including limited transport to local shops, social isolation and poverty. I wish the Food Train and meal makers every success as the project develops.

13:07

Meeting suspended.

14:30

On resuming—

Scotland's National Action Plan for Human Rights

The Deputy Presiding Officer (Elaine Smith):

Good afternoon. The first item of business is a Justice Committee debate on motion S4M-11695, in the name of Christine Grahame, on Scotland's national action plan for human rights. I call Christine Grahame to speak to and move the motion on behalf of the Justice Committee—10 minutes, please.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Thank you, Presiding Officer. I have just put Mr Eadie's gas at a peep by telling him that I am actually opening a debate. Of course, I am opening the debate on behalf of the Justice Committee, so my speech will be measured, which is perhaps not my usual tenor.

I am pleased that the Justice Committee, with human rights in its remit, agreed to engage with Scotland's national action plan for human rights, or SNAP, to give it its snappy title—the committee clerk put that bit in. I note that the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights is sitting in front of me, and I do not know whether human rights will continue to be part of the Justice Committee's remit, but never mind.

I was glad when the committee appointed John Finnie as rapporteur to the SNAP process and I am delighted that we have secured this debate on SNAP's first annual report. John Finnie will sum up later on behalf of the committee.

I emphasise that human rights are not something separate or academic, or something to concern us only in countries where we consider, rightly or wrongly, that human rights are abused; human rights are the founding principles of the right to dignity, for example, and they should permeate all areas of Scottish life but especially our public services. That is why the membership of the SNAP leadership panel is as it is. For example, it includes the former convener of the Scottish Council for Voluntary Organisations; the chief executive of the Care Inspectorate; John Scott, Queen's counsel and vice-convener of Justice Scotland's executive committee; the chair of the Scottish Refugee Council; the chair of Engender; the deputy chief constable of Police Scotland; the deputy general secretary of the Scottish Trades Union Congress; and the director of integration and development at the Convention of Scottish Local Authorities. People from across

the range of public services are part of the leadership panel.

The SNAP process was based on evidence gathered over a three-year period and was launched on 10 December 2013, which was international human rights day. The SNAP process sets out a framework of shared responsibilities and steps to address gaps in good practice. It has been described as a road map—again, that is not a term that I would use as I find metaphorical road maps and landscapes, cluttered or otherwise, clichés that go a step too far. However, it is a “road map” for the realisation of all internationally recognised human rights.

The SNAP vision is of a Scotland in which everyone is able to live with human dignity. I am sure that we all share that vision. In responding to the current political and economic context in Scotland, the SNAP process pursues three outcomes, supported by nine priorities. The outcomes are a better culture; better lives; and a better world. SNAP promotes a human rights-based approach emphasising participation, accountability, non-discrimination, empowerment and legality—or PANEL, which is yet another acronym. However, the approach has several proven benefits: upholding the rights of everyone; supporting person-centred services; helping good decision making; improving institutional culture and relationships; and ensuring legal compliance and promoting best practice.

Helping good decision making, for example, means, as the report says, putting people at the heart of decisions where the impact of a decision on people's rights is properly assessed before it is made, so that policies like the bedroom tax—manifestly unfair, with a disproportionate impact on vulnerable and disabled people—would not, as the report says,

“get off the starting blocks.”

Those are progressive but challenging outcomes. To achieve them, the SNAP process is overseen by a leadership panel, which is chaired by Professor Alan Miller. The panel is made up of 26 leaders from different sectors across the spectrum of public life in Scotland, including the legal profession. Professor Miller told the Justice Committee that over 40 organisations play a role in implementing SNAP. The panel receives regular reports from a number of action groups, which also have representation from different sectors.

Now to the annual report. I have it in my hands, and an excellent production it is. Alison McInnes was quite right to say that it is a well-presented report that people can actually read. It does not put people to sleep. It is properly presented and easily understandable, so I congratulate whoever is responsible. They know how to make a report

informative and understandable as well as attractive.

The report reflects on successes in year 1, such as the Glasgow Commonwealth games becoming the first games to have a human rights policy and the commitment that SNAP has achieved from partners to embed human rights in the integration of health and social care across Scotland. We all know of cases in which people, perhaps particularly elderly or vulnerable people, are not given the dignity that they deserve in some of our social care and health services.

The report describes challenges that are likely to be faced by SNAP in year 2, such as challenges in increasing people's understanding of their human rights and participation in decisions that affect them, increasing organisations' ability to put those rights into practice and increasing accountability through human rights-based laws, governance and monitoring. Professor Miller told the Justice Committee that that will include implementing the Scottish Human Rights Commission's action plan on justice for victims of historic abuse of children in care and reviewing Police Scotland's first couple of years from a human rights perspective, so challenges lie ahead.

As the Justice Committee, we have engaged with the SNAP process by appointing John Finnie, whom I have already mentioned, as rapporteur. Mr Finnie receives an update from Professor Miller twice a year and reports back to the committee. As members can see, we are also sponsoring this debate.

The Justice Committee and the Justice Sub-Committee on Policing have also sought to promote human rights principles in our day-to-day work. For example, in considering the Victims and Witnesses (Scotland) Bill, we had to balance protection of witnesses—in particular, vulnerable witnesses and often the alleged victim—with the rights of the accused to a presumption of innocence and to be convicted on evidence beyond reasonable doubt, with the onus on the Crown to establish that guilt. How far, for example, should a vulnerable witness be protected from robust questioning? The sub-committee also scrutinised Police Scotland on inappropriate use of stop and search, because there are issues of infringement of civil liberties, and that led to change.

More recently, last Tuesday, the Justice Committee took evidence on the Scottish Government's changes to the arrangements for inspection, monitoring and visiting of prisons. We heard evidence about, for example, compliance with the optional protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—OPCAT—and we will pursue the

issues with the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights when we hear from him on 16 December. I put him on notice.

Whether it is about protecting access to legal aid, a fair hearing or a right to freedom of movement or expression, balanced as ever against individual responsibilities in a democratic country, our human rights and those of our neighbours and communities permeate every corner of our lives. We often take them for granted until they are threatened, eroded or even withdrawn. We should always be on red alert about protecting those rights.

If and when anyone asks when the Parliament considers human rights issues or, more particularly, when the Justice Committee considers them, I will reply that the answer is all the time, because access to justice, whether civil or criminal, is at the core of a civilised justice process.

However, as a committee, we are also a critical friend of the SNAP process and we perform a scrutiny role. That is why our rapporteur is not a member of the leadership panel. We note the achievements of year 1, but we also note that there is more work to be done, as the report acknowledges. We will continue to scrutinise the leadership panel and hold it to account for delivery of the SNAP objectives through the work of our rapporteur, evidence sessions and debates such as this one. Through our rapporteur, we also champion human rights in the Parliament and continually think of ways in which rights can be promoted and protected in the work of this institution.

I look forward to listening to members' speeches in this reflective, positive and non-confrontational debate about SNAP. I note the distance that has been travelled so far and the successes that there have been, but I also note that there is still some distance to go.

I congratulate the leadership panel on a successful first year and I trust that it will ensure that good progress is made in meeting the objectives of SNAP by 2018. I repeat that I commend the leadership panel on an excellent first annual report. As I said, it is clear, accessible and user friendly, and the committee acknowledges the hard work that has been put in to make it so.

I have pleasure in moving,

That the Parliament notes the publication on 19 November 2014 of the first Scotland's National Action Plan for Human Rights (SNAP) annual report, *SNAP: Scotland's National Action Plan for Human Rights - Year One Report*.

14:39

The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil): Christine Grahame is becoming very expert at making consensual speeches in the chamber, and I am sure that everyone welcomes that.

I warmly welcome this opportunity to debate human rights in my new role as Cabinet Secretary for Social Justice, Communities and Pensioners' Rights. Members will be aware that, as part of that, I have taken on portfolio responsibility for ensuring that the Scottish Government plays its part in the creation of a modern, inclusive Scotland that protects, respects and realises the human rights of all our citizens. That ambition is central to the Scottish Government's efforts to tackle inequality and achieve social justice, which I will talk about later.

The 10th of December next week marks one year since the launch of Scotland's first national action plan for human rights—or SNAP, for short. Around this time last year, Nicola Sturgeon described SNAP as

“an important milestone in our journey to create a Scotland which acts as a beacon of progress internationally.”

A year later, I echo those sentiments. SNAP has provided a framework for and coherence to our collective ambition to build a better country, and it has created a collaborative partnership between Government, public bodies, business, the third sector and rights holders that seeks to drive forward the promotion and protection of human rights across Scotland for the benefit of all. SNAP demonstrates that human rights are more than mere legal instruments; they are the fundamental freedoms and rights to which everyone is entitled, and they are built on universal—indeed, profoundly Scottish—values such as dignity, equality, freedom, autonomy and respect.

I pay tribute to the Scottish Human Rights Commission's work over this period. It has played a key role in driving forward progress, and I look forward to meeting Professor Alan Miller in my new role to discuss how we can build on the strong working relationship between Government and that particular national human rights institute.

I commend the first annual report of progress that has been made to date, which recognises that Scotland is alive with discussion and dialogue about our country's future. Those discussions have gone beyond the traditional parameters of party politics and have brought to the fore the importance of social justice, equality and fairness in our society. Deepening and strengthening people's participation in the running of our country will be a priority for me as part of our democratic renewal agenda, and I note the strong synergies between that ambition and the international human

rights framework as an internationally agreed road map of values and principles.

Since 2007, we have made substantial progress on rights. Devolution has enabled us to adopt Scottish solutions to Scottish problems to protect our health service, to mitigate the United Kingdom Government's welfare reforms and to design a justice system fit for the 21st century. This afternoon, the Parliament will be debating violence against women, which is a fundamental breach of human rights and something that we are all working hard to eradicate from our society.

However, gaps remain to be filled. Too many people in this country are living in poverty; there are persistent failures by public bodies to respond to individuals with a sufficiently human rights-based approach; stigma and discrimination continue to be an everyday experience for too many of our minorities; and fundamental inequalities within our society require to be tackled urgently. This Government has argued for the maximum possible devolution of powers so that we can begin to tackle Scotland's real challenges.

There is also more to do to ensure that the people of Scotland both understand their rights and feel empowered to claim them. That is why I am pleased to announce today that the Government will work with the commission and others to support the development of an awareness-raising campaign that will be designed to help achieve a greater understanding amongst the population of why rights matter, empower people to claim their rights and ensure that we achieve our objectives.

In SNAP's first year, let us recognise the progress that it is beginning to make by bringing together organisations to identify best practice, exchange experience and identify solutions that tackle the big human rights challenges in our society; by creating opportunities for people whose rights are affected to shape the way in which things are done; by interrogating and challenging existing ways of doing things; by seeking to embed a common understanding of human rights in all that we collectively do; and by learning from and participating in the global drive to extend human rights to the whole of humanity.

Far too many people in today's world do not enjoy the basic human rights, let alone the additional ones that we take for granted in our country. We have a major part to play, in Scotland and internationally, in making human rights a reality for all our citizens.

14:46

Elaine Murray (Dumfriesshire) (Lab): Last month, the Parliament voted by a large majority to reaffirm its support for the Human Rights Act 1998

and the incorporation of the European convention on human rights into the devolution statute. Today, we celebrate the first annual report of the Scottish national action plan on human rights, we look forward to the work that SNAP intends to progress and we highlight the benefits of a human rights approach to policy development and the provision of services.

The requirement to abide by the ECHR when legislating and the UK ratification of seven of the 10 core international human rights instruments do not mean that human rights are embedded in our culture. Far from it. As the cabinet secretary said, we face many gaps in human rights in Scotland. There is systematic poverty and social exclusion, economic and health inequality, and discrimination on the basis of gender, ethnicity, disability, mental health and socioeconomic background. The rights of clients and patients in hospitals, care homes and the care system in general are too often not adequately protected. Later today we will debate violence against women. Domestic and sexual abuse are examples of not only abuses of human rights but a failure to embed human rights in our culture.

There is much to do and much progress to be made. However much we legislate and attempt to lead by example, Governments and Parliaments cannot make that progress alone. For example, equal representation of men and women in the Parliament and the Cabinet is a worthy aim, and a female First Minister is an excellent role model, but unless all that is accompanied by a change in culture, it will not result in equal opportunity for girls and women. It will not prevent almost one in five women in Scotland from suffering sexual assault and a similar number from suffering domestic abuse. It will not reverse the underemployment of qualified women in science, technology, engineering and mathematics.

We need only look to America to see how leading by example, important though that is, is not enough. There, a black president is in his second term of office, but African Americans still suffer disproportionate disadvantage, and very recently we saw the lack of value that the country's law enforcement and legal system places on African American lives.

SNAP is unusual and welcome, in that it is not Government led. It involves more than 40 organisations and, as we heard, its delivery will be overseen by a leadership panel made up of 27 representatives from a wide range of public sector and third sector organisations. One of the five human rights action groups that have been set up under SNAP aims—unsurprisingly—to embed human rights in our culture. If people are to understand human rights, we need better information to be provided and human rights

education to be introduced in schools. I was interested to hear what the cabinet secretary announced in that regard.

Far too often, the media denigrate human rights and suggest that a human rights approach is some sort of offenders' or terrorists' charter. However, human rights are fundamentally about equality, defending the rights of all of us and addressing the inequalities and injustices that too many of our citizens suffer. Human rights can illuminate our approach to a range of equalities issues—gender, sexuality, disability, race, poverty and sectarianism, to mention a few. A human rights approach to health and social care should inform how young people who leave care are supported, shape the support that carers require and recognise the right of all people to independent living and dignity. The better lives action group is considering developing a network of local champions, who will work to create a bottom-up approach to person-centred policy development.

As the report notes,

"There is limited understanding of human rights as a lens through which to view the problems of poverty and inadequate living standards in Scotland."

Those issues will be the focus of an innovation forum next week, which will include people who have personal experience of poverty as well as representatives of civic society, the public sector and the Government. That is important.

The connection between justice and human rights may be more widely recognised; nevertheless, many people in Scotland still experience limited access to justice. SNAP therefore aims to improve access to justice for children, people on low incomes, disabled people and the survivors of sexual and domestic violence and abuse. That includes the survivors of historic sexual abuse, and I ask the cabinet secretary to reconsider the requests for an inquiry into historic sexual abuse.

Police Scotland has a commitment to embed human rights in its structures and cultures, but issues such as stop and search and the—thankfully now reversed—decision to routinely deploy armed police suggest that there is still some way to go in embedding a culture of human rights in our law enforcement.

Importantly, SNAP also recognises our international obligations. It requires a greater understanding of and engagement with the obligations that are imposed on us by United Nations treaties that the United Kingdom has ratified.

Labour welcomes the first annual report, and we look forward to progress and actions that truly embed human rights into all that we do, including

all the legislation that we pass and all the policy that we develop.

14:51

Margaret Mitchell (Central Scotland) (Con): Scotland's national action plan is a very well-crafted and structured report, and it is one that belongs to dozens of organisations. I pay tribute to the numerous individuals and organisations that have contributed to it in its first year. The plan is particularly impressive not just for its successes over the past 12 months but for its inclusive and collaborative approach. There is therefore a tangible sense of ownership as various stakeholders take responsibility for devising and delivering activities in their areas of expertise under the guidance of the leadership panel.

This is no report devised from the top down that, after completion, will merely gather dust on a shelf. It is a live, vibrant plan that, from inception to completion and on to implementation, has at its very core the co-operation, inclusion and collaboration of more than 40 organisations throughout Scotland. The drawing together of Scottish Government departments, third sector organisations and companies is no mean feat, nor is the bringing together of stakeholders to participate in the process of constructive accountability and independent monitoring.

Crucially, the plan focuses on outcomes rather than processes or recommendations for recommendations' sake. Significantly, all the 14 or so European Union action plans except Scotland's are Government led. Therefore, Scotland's national action plan has deservedly attracted international recognition even in its infancy, and it will no doubt continue to do so as it gathers steam in its second year.

This is a Justice Committee-led debate, and the plan has an important part to play in helping the committee to carry out its monitoring and scrutiny of vital issues, which—although this is not an exhaustive list—include the following. Access to justice is a fundamental human right that needs to be recognised in the budget and sufficiently resourced to protect the rights of communities and individuals. Corroboration is a central tenet of Scots law that is designed to safeguard against miscarriages of justice, but it is now under threat. Stop and search is a tool that must be used sensibly and proportionately. The arming of the police is a policy that, in its implementation, must be open, transparent, accountable and proportionate while, at the same time, ensuring the public's protection. The action group on justice and safety's focus on training and accountability in policing is therefore extremely welcome, while its other priorities will help to inform the Justice Committee's work going forward.

However, the plan goes beyond the structures and culture of policing by identifying ways to improve access to justice for children and the survivors of violence and abuse. Sadly, the issue is very much live, given the allegations of historic abuse that have been made in Scotland, for example by former pupils at the Roman Catholic Fort Augustus school on Loch Ness and former residents of the Nazareth house in Aberdeen and Larchgrove boys home in Glasgow. Rotherham has dominated the public consciousness since it emerged earlier this year that 1,400 children were sexually exploited there between 1997 and 2013.

During his evidence to the Justice Committee, Professor Miller said:

"an apology law ... is very much part of the draft action plan"—[*Official Report, Justice Committee*, 18 February 2014; c 4220.]

concerning victims of historic child abuse. I sincerely hope therefore that my proposed apologies (Scotland) bill, which is currently with Scottish Parliament drafters, will make some progress in that regard, in the context of civil litigation.

I look forward to year 2 of the Scottish national action plan and confirm that the Scottish Conservatives are pleased to support the motion.

The Deputy Presiding Officer: We will now have a short open debate.

14:56

Roderick Campbell (North East Fife) (SNP): I refer to my entry in the register of interests, which states that I am a member of the Faculty of Advocates and Amnesty International.

I welcome the opportunity to speak in this short debate. Human rights are an integral part of this Parliament and long may they remain so. Whatever the intentions of the Conservative Party, I believe that there is a very limited appetite in Scotland to replace the European convention with any type of British bill of rights. Indeed the UK bill of rights commission made that clear in the findings of its final report, dated December 2012.

Human rights do not exist in a vacuum; they are there to protect individual citizens. Although in convention terms political and civic rights rather than economic and social rights are foremost, there is no doubt that the jurisprudence of the European court, in interpreting the convention as a living instrument, has responded to the changing needs of society over the past 60 years.

We should not just think of rights in terms of fair trials, freedom of expression and the right to resist arbitrary arrest—important though those things are—but recognise their wider role. For example, we should accept the relevance of article 3—the

provision prohibiting torture and inhuman and degrading treatment—to conditions in care homes, as indeed the SHRC does.

Scotland has a proud record in protecting and promoting human rights. Both the UK Equality and Human Rights Commission—in respect of reserved matters—and the SHRC have a role to play. As Christine Grahame indicated, the Scottish national action plan for human rights is a recognition that this Parliament takes human rights seriously.

A year ago we debated the launch of SNAP—the first such action plan in the UK. It is a road map—whether that term is clichéd, as the convener suggested, or not—for the realisation of all internationally recognised human rights, although it is perhaps better described as a Scottish approach.

SNAP has identified three outcomes: better culture, better lives and a better world. On better culture, Amnesty International says in its helpful briefing:

“The design and delivery of SNAP has been engaging, participative and innovative. A wide range of organisations and individuals have been involved from the very beginning of the process. The very act of bringing together a diverse group in this way is already starting to have an impact on how civic Scotland views human rights.”

Amnesty International goes on to state that the fact that so many organisations and individuals have devoted time and resources to SNAP demonstrates a great deal of commitment in civic Scotland to human rights, which I hope that this Parliament reflects.

Better lives is clearly a very wide area but in health and social care, embarking as it is on an important journey of integration, there can surely be no better time to demonstrate the importance of a human rights framework. I welcome the creation of the SNAP health and social care action group, which is one of five such action groups set up to date.

There would seem to be a far greater acceptance of the need for a person-centred approach to care. As a corollary to that, attempts to build a career structure in the care sector would seem to me to substantially improve the likelihood of successful outcomes for patients and reinforce respect for them.

There are, of course, real issues for disabled people and others who are not being recognised. Inclusion Scotland points out in its briefing that the current programme of welfare reform is having a devastating and disproportionate impact on disabled people. It suggests that the prime motivation behind the replacement of disability living allowance has been not to empower disabled people with the same freedom, choice,

dignity and control as other citizens, but to cut the welfare budget.

The justice and safety group will develop a human rights-based strategy on violence against women and will no doubt look carefully at human trafficking.

The Scottish Human Rights Commission has a crucial role in relation to the better world outcome. The SHRC has, of course, warned that Conservative proposals to repeal the Human Rights Act 1998 jeopardise the rights of the people of Scotland and has stressed the importance of opposition from the Scottish Government and Parliament to that proposal. However, as the SHRC has also pointed out, this is an important year for the UK and, indeed, Scotland in international human rights terms, as the UK will examine its civil and political rights.

SNAP has made a good start. Let us wish it well for the coming year.

15:00

John Pentland (Motherwell and Wishaw)

(Lab): It does not seem long since I last spoke in the chamber about human rights. However, the issue is important and deserves its second outing in a month, especially as we now have a new Cabinet Secretary for Social Justice, Communities and Pensioners' Rights who might be less keen on excluding Scotland and withholding funding from the UK Supreme Court. I am still not sure why the previous Cabinet Secretary for Justice thought that it was a good idea to bar Scottish people from using that channel to protect their human rights. Who knows where that would have led?

Of course, the previous Cabinet Secretary for Justice was not the only one to propose tinkering with our human rights. The Tories have launched an offensive on human rights, which is rooted in their distrust of all things European, such as the European Court of Human Rights, which they accuse of mission creep.

The Tories also blame Labour for extending human rights. I am happy to help shoulder such blame but, as I referred to Labour's proud record in the previous debate, we can take it as read and I will spare members the details this time. Suffice it to say that I fully support our continued membership of the ECHR. Although the Scotland Act 1998 prevents the repeal of the Human Rights Act 1998 in Scotland, I oppose any attempt to undermine it in the UK and, indeed, any attempt to undermine human rights anywhere.

The focus of the debate is the Scottish national action plan for human rights, which is also known by its snappier title, SNAP. It will be one year old on 10 December, which is human rights day.

Indeed, it is something of a season for human rights, with the 16 days of action against violence against women that is the subject of the next debate and, only two days ago, the international day for the abolition of slavery. Human trafficking is propagating modern slavery in Scotland. We need legislation to tackle that and I look forward to the Government's proposed bill, which was promised as a response to Jenny Marra's member's bill proposal.

The Scottish Human Rights Commission and SNAP's leadership panel are to be congratulated on the development of the plan and the progress that they have made with it, as are the other organisations that have been involved with its forums and action groups.

There is no shortage of challenges in human rights and equalities. For example, as the Scottish Human Rights Commission highlighted in its briefing:

"There is a recognised need for existing resources to be directed towards delivering the commitments made in SNAP".

The challenges are far reaching. That is reflected by the five action groups that are tackling the SNAP commitments to build a better human rights culture, to improve social, economic, health and justice outcomes and to fulfil our international obligations. I hope that the Scottish Government will take on board the ideas that they have contributed and the issues that they have highlighted and that those will lead to further guidance, policy or legislation as appropriate.

The question of SNAP's future status remains. I would welcome clarification from the Scottish Government of how it plans to consolidate the work of SNAP and ensure its continuation.

15:04

Alison McInnes (North East Scotland) (LD): SNAP has made an impact and good progress in its first year. It is good to have an opportunity to debate it today ahead of international human rights day on 10 December.

Members have already spoken about SNAP's practical value in raising awareness of, understanding of and respect for human rights throughout the Government, public service and communities. The annual report notes that there is still a lack of understanding among decision makers and front-line workers about the value of human rights, so I welcome the cabinet secretary's announcement of an awareness-raising campaign on why rights matter and how to claim those rights. That is vital because, as the Scottish Human Rights Commission stresses,

"good intentions do not always translate into good practice."

There is no better example of that than stop and search, which, as the year 1 report suggests, has proven to be an early test for SNAP. Last week, I chaired a meeting of the cross-party group on children and young people that focused on the impact of that tactic. Representatives of the Scottish Human Rights Commission and Scotland's Commissioner for Children and Young People told Police Scotland in no uncertain terms that the use of voluntary stop and search was indefensible from a human rights perspective. Every encounter that involves a purposeless, unwarranted search of the public is a distinct intrusion that is incompatible with article 8 of the convention. On any level, let alone the current industrial scale on which it is practised, it is intolerable.

Christine Grahame: Will the member take an intervention?

Alison McInnes: I do not have much time.

I am still astonished that this Government permits the police to conduct hundreds of thousands of these violations each year. It is even more baffling, because they do not need to. The police possess a range of legitimate statutory search powers, which are rightly based on intelligence and suspicion of wrongdoing. Even the Scottish Police Authority concluded that there is no robust evidence that voluntary stop and search prevents crime. I intend to press the new Cabinet Secretary for Justice to reflect on that and to back my efforts to ensure that all searches are regulated, accountable and rooted in law.

Given that all three of the organisations that I mentioned play a leading role in developing and enacting SNAP, the difference in views between the SHRC, the children's commissioner and the police was telling, and it reminds us just how much more work needs to be done and how many conversations need to be had and procedures changed before we can hope to realise our ambition of having a mature democracy that truly respects and protects the rights of all.

That is why effectively measuring progress and identifying tangible targets are key to understanding year-on-year advances. I welcome the fact that the monitoring progress group has been established to do just that, and I was interested to read that its focus in 2015 will be to involve those

"whose rights are directly affected by SNAP."

That is admirable, but those whose rights are most frequently infringed are often disenfranchised, vulnerable or unrepresented. We are talking about vulnerable elderly people who are subjected to medical restraint through prescribed drugs; children who are exposed to so-called justifiable assault, despite the calls of the United Nations to

remove the defence of reasonable chastisement; the 202 young people who last year received treatment for mental health problems in non-specialist wards; those who have to wait for more than six months to access essential child and adolescent mental health services treatment, as occurred in half of national health service boards; and people such as Fiona, who is subject to a guardianship order. She recently told me that she is incredibly frustrated that she is not supported in taking the decisions that she is capable of taking. Instead, all rights to control her life have been removed.

It will not always be easy to identify such people, let alone make contact with them and have the opportunity to listen to them, but doing so is critical to understanding and enhancing the impact of SNAP. It will help to build public support for human rights by demonstrating that they are not remote or obstructive legal concepts, and it will help to ensure that SNAP makes a difference to the lives of people across Scotland.

The Deputy Presiding Officer: We come to the closing speeches.

15:08

Margaret Mitchell: I am pleased to close this short debate for the Scottish Conservatives.

In the chamber at this time last year, members expressed their cross-party support for Scotland's national action plan for human rights. One year on, it is clear that the consensus remains. I am pleased not only that that is the case, but that the plan has made its mark and significant progress since its inauguration on international human rights day last year.

Britain has a proud tradition of human rights and they remain a central part of what this country does to promote good practice around the world. In his remarks to the Justice Committee in February this year, Professor Alan Miller highlighted that SNAP—although it was then in its infancy—had already attracted considerable international interest, as well as support from the office of the United Nations High Commissioner for Human Rights in Geneva. That is testament to the work of the Scottish Human Rights Commission, the plan's leadership panel and all its stakeholders.

However, it would be doing a great disservice to the debate if we were not to highlight the difficulties that human rights legislation can find itself in as far as the public perception of human rights is concerned. Two YouGov polls carried out within the past four years found that more than 70 per cent of the public believed that human rights legislation was being manipulated to favour criminals and that its scope was being too widely

applied in a manner that was never intended. Here, the inclusive approach that Scotland's national action plan takes and the addressing of wide-ranging issues, from health to justice issues, all of which matter to people in Scotland, will, I believe, go a considerable way towards redressing that balance.

Furthermore, there is a need to ensure that all the relevant information is made available when an issue is being scrutinised. For example, when acute concerns were raised over the use of stop and search, that led to an inquiry, undertaken by the Scottish Police Authority. It published its findings in May this year. Amnesty International, the Equality and Human Rights Commission and the Scottish Human Rights Commission were initially on the list of witnesses but ultimately were not invited by the SPA to give evidence. However, advocates of the policy, including Police Scotland, the Scottish Police Federation and the Association of Scottish Police Superintendents, all provided substantial input. It is clear that what happened was certainly not in the spirit of the collaborative approach of Scotland's national action plan.

On a more positive note, Police Scotland has committed to contributing towards the implementation of the plan, which should help to further embed human rights within the structures and culture of policing. As we move to year 2 of the plan, I am sure that the committee will look forward to monitoring not only Police Scotland's progress in implementing the plan, but the implementation by all the other justice-related bodies.

15:12

Graeme Pearson (South Scotland) (Lab): I welcome the cabinet secretary to his new duties and responsibilities and look forward to seeing an energetic response to the issues around human rights.

It is often fashionable to record that human rights are one of Scotland's traditional values—I know that the cabinet secretary said that in good faith. Although at the highest level, we would reflect that in all that we seek to do, in reality we would not need SNAP or committees to oversee these matters if we had reached the level of development of our society such that human rights are taken as a matter of course and are no longer thought about. The fact that so many examples have been given during the debate—in a non-contentious fashion, I hope—indicates that there is much work to be done, and that work needs to be led by the Parliament and the groups involved.

I thank the Justice Committee, the authors of the plan and the 40 organisations involved in developing the plan. The work that they do in our

name and on our behalf is absolutely vital if each of us is to be allowed to play our full part in what a modern Scotland is to be in the future.

Human rights are easily identified when each of us considers the rights and entitlements that we see as inalienable for ourselves. The cultural and other challenges come to be faced and are clear when we visualise what limits we would seek to put on other people's rights—those of the disabled, children, prisoners in our custody, migrants, asylum seekers, victims of crime and people who suffered historical abuse as children and still await a public inquiry. I remind the cabinet secretary—or I tell him this if he is unaware of it—that the former Cabinet Secretary for Education and Lifelong Learning promised a commitment from the Government before the December break on whether there will be an inquiry into those matters. Survivors are waiting for that with bated breath.

For each of those categories, the idea of human rights can cause the hackles to rise in some part of our community. We need to face that challenge and use evidence to ensure that people realise that, in reality, it is poverty and the weaknesses in our approach to gender and ethnic background that play a major role in determining the opportunities that people can access in delivering on their own future.

Mr Neil said that there are gaps to be filled. I encourage him to fill them, and I will give him every support in his efforts to do so. I recommend that he reanalyse our national approach to freedom of information and the granting of information to citizens and those who represent them. Each and every one of us faces difficulties when we make applications for information, and the way in which data protection legislation is administered is felt across the country.

We should seek a response that delivers not on the words of the legislation but on its spirit, with openness to evidence and facts, so that citizens can trust the authorities to make rational decisions on the basis of all the information that is available to them. When we arrive at that state of being, we will know that each and every one of us can access all that Scottish society can bring to us and that we can be a stable and forward-looking society.

We support the motion.

15:16

Alex Neil: As the issue of survivors of historic child abuse has been mentioned a couple of times, I confirm that Angela Constance, the Cabinet Secretary for Education and Lifelong Learning, will update the chamber on that before the Christmas recess. I am sure that a specific

time will be set aside for that through the Parliamentary Bureau.

The debate has been a good one, albeit very short. It has been broadly consensual, although there have been one or two barbs, but that is always the case and it is the sign of a healthy debate. I slightly disagree with Graeme Pearson's point that there will, hopefully, come a day when we do not need commissions, watchdogs and all the rest of it. I think that human rights is one of those areas in which, no matter who is in power and how much is written into legislation, we all need to be continually on our watch, individually and collectively, to ensure that there is no erosion of human rights and that there is continuing enhancement.

Graeme Pearson: The point that I poorly made was that I would like a state of grace in which human beings, as a matter of nature, acknowledge one another's human rights, without the need for Governments of any colour to intervene.

Alex Neil: I think that we would all agree with that. I am reminded of the tremendous philosopher Albert Camus, whose theory about rebellion was that, no matter what shade of Government is in power, even if one agrees with it, the best source of progress to ensure that citizens' rights are protected is always to have one or two rebels to challenge the Government and Parliament. I actually think that Christine Grahame may be related to Albert Camus.

Christine Grahame: I am ready.

Alex Neil: The issue extends into a wide range of policy areas. As an MSP for a constituency that has many pockets of deprivation, I see many aspects of the operation of housing policy, for example, that frankly do not provide the human rights of tenants or of potential tenants in some situations. That is another example of the many areas in which we all have to be on our guard and take whatever action is necessary at whatever level is necessary to ensure that the human rights of our citizens are promoted and protected.

There is a distinction between our overall attitude and the consensual basis in Scotland and the approach of at least some UK politicians. In David Cameron's speech to the Conservative Party conference earlier this year, he committed his party to scrapping the Human Rights Act 1998 and replacing it with a so-called British bill of rights and responsibilities. I place on record again the Scottish Government's strong opposition to the idea of a British bill of rights to replace the Human Rights Act 1998, because we believe that that would be a cover to scale back current protections. Last month, the Parliament united around the principle of refusing consent for that.

We are also part of the Council of Europe, which, of course, predates the European Union by a considerable time—at least 10 years. Some 47 countries across Europe have committed themselves to democracy, human rights and the rule of law through the Council of Europe. As the cabinet secretary with responsibility for human rights, I will stand shoulder to shoulder with the Scottish Human Rights Commission and others to ensure that the Human Rights Act 1998 remains on the statute book in our country and that we continue to be part of the convention system that upholds our fundamental rights on a daily basis. When I am in London next month, I intend to seek meetings with human rights organisations so that I can make that position clear, as well as establishing closer co-operation on cross-border issues in relation to human rights with some notable organisations at the forefront of the human rights agenda.

We are not unique in the values that we hold and the commitments that we display. We are no more precious than anyone else. As I have implied, these are features of many of our closest European neighbours, who take a similar, if not identical, approach to human rights and the role of human rights legislation throughout Europe in protecting the rights of our citizens.

However, we have something that can probably be called a Scottish approach. It is not necessarily better than everyone else's, but it fits with our approach to serving our communities in that it focuses on achieving outcomes and delivering real improvements. Our approach is grounded in an assets-based response to the challenges facing individuals and communities and seeks solutions through co-production. Those are all part of a human rights view of the world, which puts real people at the centre of everything that we do and works to empower, include and enable. That perspective is one of the fundamental strengths of SNAP. It is a co-produced response to the challenge of delivering on human rights for everyone in Scotland, not a top-down approach to human rights from Government or Parliament.

Ultimately, it is for nations, through their institutions and public services, to ensure that human rights are protected, respected and realised for our citizens. SNAP will play a central part in turning the values and principles of the legislation into a practical reality for the people of Scotland. We are committed to playing our part in that journey, and I look forward to returning to the chamber annually to discuss the progress that we are making in pursuit of SNAP's ultimate vision of a Scotland where everyone lives with fundamental human dignity. When we next return to this matter, I hope that we will have made progress on a range of the issues that have been discussed this afternoon.

The Deputy Presiding Officer: I call John Finnie to respond to the debate on behalf of the committee.

15:22

John Finnie (Highlands and Islands) (Ind): I refer members to my entry in the register of members' interests, which states that I am a member of Amnesty International.

As the Justice Committee's rapporteur on the SNAP process, I welcome the opportunity to close the debate on behalf of the committee. Like our convener and the other members, I am pleased that the committee is engaged in the SNAP process and I am delighted that we have secured this inaugural debate, which comes a few days before international human rights day.

I, too, am glad that the SNAP process is up and running. I congratulate Professor Miller and the SNAP leadership panel on a productive first year. I commend the panel on a first-class annual report and I echo many members' comments about its user-friendly nature. Perhaps that is a point on which other public bodies could act.

It was particularly encouraging to hear from Professor Miller last week that the human rights approach that is taken in Scotland is perceived internationally as being one of the most collaborative in Europe. Having spoken to Professor Miller today at another meeting, I know that he has just returned from the Ukraine. It is great that Scotland's position on human rights is viewed positively on the international stage.

Securing this debate has been a positive development and I have enjoyed listening to the speeches.

The convener spoke about the comprehensive résumé of SNAP and outlined the role that the Justice Committee plays in that regard. Of particular significance was the phrase, "all the time", because we consider human rights as regards all aspects of our undertaking.

I welcome the cabinet secretary to his new portfolio. I commend his use of the words, "protected, respected and realised". That is terribly important, and he certainly outlined values that everyone in the chamber would sign up to, not least those of democratic renewal and the gaps that are to be filled. Like others, I welcome the announcement. Raising awareness is terribly important.

Elaine Murray talked about the Human Rights Act 1998 and the recent vote that we had. She said that human rights are not embedded in our law and listed some of the challenges that that gives rise to. She also talked about the need for cultural change—particularly with a gender

perspective—around a number of women's issues. That was important.

Margaret Mitchell referred to the action plan as being inclusive and collaborative in approach, which is entirely right. She went on to talk about the effect that that has on ownership of the plan, describing it as a live and vibrant plan. She laid out some of the criminal justice challenges that come with human rights. I commend the apologies legislation to which Margaret Mitchell alluded and welcome Conservative Party support for the motion.

Roderick Campbell talked about the need to protect the individual citizen and the wider role of human rights in that, particularly with reference to care homes. The suggestion of a career structure for workers in that important industry is an important one. Roderick Campbell also talked about the commitment of civic Scotland to human rights and the approach that we have seen there.

If I understood him correctly, John Pentland commendably said that he would oppose any attempt to undermine human rights, and I hope that we would all subscribe to that. He talked about the connection between violence against women and slavery and, like him, I hope for the bill that has come out of Jenny Marra's hard work in that field.

Alison McInnes talked about why rights matter and awareness. She mentioned the issue that has exercised a number of committees: stop and search and the voluntary versus statutory nature of that. That particular example highlights the competing element of the rights-based approach. She also talked about the measuring process and the rights of the disenfranchised, citing mental health patients. That is a recurring theme.

David Stewart (Highlands and Islands) (Lab): Is the member aware that the Public Petitions Committee, which I have the honour of convening, has recently heard a petition that argues that the lack of legal aid for defamation cases breaches human rights? Does the member agree?

John Finnie: Access to justice is a fundamental human right and there are challenges around the financing of such legal aid along with competing demands. Certainly if access to justice is not achieved it is a right denied.

Graeme Pearson talked about freedom of information and the fact that the citizen needs to trust the authorities. That is very important.

The action plan is a bold and holistic vision covering a number of policy areas that are being looked at. Health and social care was mentioned along with the rights in there that are used to justify the safety of individuals. The work that is being done to ensure justice for the victims of

historic child abuse is particularly welcome, as is the development of a comprehensive human rights strategy on violence against women, and I think that we will hear more about that later this afternoon.

The action that SNAP is taking to embed human rights in the structures and culture of policing is obviously of considerable interest to the Justice Committee and the sub-committee on policing. We will watch developments there with interest, particularly as we consider the issues of stop and search and armed police. We certainly welcome SNAP's focus on those key areas.

The Justice Committee has sought to consider human rights in our everyday work. We have asked difficult questions of decision makers on issues such as police complaints and investigations, prison monitoring and visiting arrangements, women offenders, modern slavery and, of course, stop and search. As we consider the Prisoners (Control of Release) (Scotland) Bill, human rights considerations will be at the forefront of our minds, as they will be when we consider the human trafficking legislation and the legislation on fatal accident inquiries.

As rapporteur, I will continue to meet Professor Alan Miller to discuss the progress of SNAP. The committee will continue to engage constructively on those issues. As the convener said, we will be a critical friend of the process and will support the leadership panel in delivering SNAP while holding it and its partners to account to ensure that its objectives are delivered.

The second Secretary-General of the United Nations, Dag Hammarskjöld, said:

"'Freedom from fear' could be said to sum up the whole philosophy of human rights."

As a Parliament we want to help to build a Scotland of confident and fearless citizens who are able to reach their potential free from fear, free from barriers and free from discrimination. With the European convention on human rights incorporated into Scots law under the Scotland Act 1998, this Parliament has human rights embedded in its DNA.

I very much enjoyed today's debate. I welcome the SNAP annual report and the fact that there have already been tangible results. I welcome the fact that SNAP is gaining international renown and I welcome its ambition for a sustainable human rights culture in all areas of our lives.

I hope that we as a Parliament, we as a Justice Committee and we as individual members and citizens can help to turn that ambition into reality by 2018.

I support Christine Grahame's motion.

Violence against Women

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-11789, in the name of Michael Matheson, on violence against women. I call Michael Matheson to speak to and move the motion. Cabinet secretary, you have a maximum of 10 minutes.

15:31

The Cabinet Secretary for Justice (Michael Matheson): On behalf of the Scottish Government, I am pleased to open this debate on such an important issue as working in partnership to end violence against women. It is intolerable that violence against women is still a feature of Scottish life and that thousands of women, children and young people are affected by it. It has no place in the Scotland that we all want.

This debate is timely, coming as it does during the annual 16 days of action campaign, which is a global campaign to raise awareness of the need to eliminate violence against women. The global 16 days of action is welcome as it assists in providing a focus on this important issue. What is already happening in Scotland is, of course, 365 days of action, as day in and day out the police, prosecutors, our courts, advocacy groups and other key stakeholders tackle the blight on our society that is violence against women.

I welcome the opportunity in this debate to do two things: to set out to members our proposals for tackling violence against women in the coming year, and to highlight the excellent work that is being done in our communities to overcome violence against women.

I pay tribute to our many police officers who are doing their utmost to keep our communities safe and to bring the perpetrators of such crimes to account. I pay particular tribute to our specialist advocacy and support services, including Scottish Women's Aid, Rape Crisis Scotland and ASSIST—the advice, support, safety, information, services together project. Those organisations give support, advice and comfort to women, children and young people at a time of great need. Those organisations, and a great many others including Zero Tolerance, the Women's Support Project, White Ribbon Scotland and Engender—to name but a few—have over many years helped to raise awareness of, and to influence and shape our understanding of, men's violence against women.

I would like to take a moment to reflect on what has been accomplished this year. Having effective laws in place and enforced is a crucial part of our strategy in this area of policy, which is why we have strengthened the law to make forcing a

person into marriage a criminal offence, thereby adding to the existing civil protection of forced marriage protection orders. We have launched “Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls”. We have begun an extensive programme of work to tackle female genital mutilation, including the strengthening of existing law to ensure that individuals who are not permanent United Kingdom residents can still be tried in the Scottish courts; the establishment of a short-life working group to make recommendations to strengthen our approach on female genital mutilation; and the provision of £20,000 to the Scottish Refugee Council to undertake a range of research activity, including research on best practice in other parts of the UK and Europe.

We have also worked with Police Scotland on the development of its disclosure scheme for domestic abuse, alongside partners including the Crown Office and Procurator Fiscal Service, Scottish Women's Aid and ASSIST. That scheme—commonly known as Clare's law—enables people in relationships and their close family and friends to ask for information about a partner's background if they suspect that that partner has a history of violence. The two pilot schemes in Aberdeen and Ayrshire began last week and I am very hopeful that, following a successful evaluation, the scheme will be rolled out right across Scotland.

We welcome the excellent work that Police Scotland has undertaken on domestic abuse, rape and sexual assault, and the focus and energy that it has given to tackling those crimes. Police Scotland has improved investigation of rape and other sexual crimes and has set up a new national rape task force and a rape and sexual crime external advisory group, which operate across Police Scotland to inform and improve rape investigation. Last week, I visited one of Police Scotland's specialist rape investigation units in Livingston, where I met Detective Superintendent Pat Campbell to hear more about the vital work that the unit undertakes.

In setting out our programme for government last week, we announced that we would consult on the introduction of a new specific criminal offence of domestic abuse. We intend to do that in early 2015. I want to explain why. We have listened to those who deal with domestic abuse day in, day out—prosecutors and advocacy groups, including Scottish Women's Aid and ASSIST—and they have said that our current laws do not properly reflect the experience of domestic abuse.

A range of current laws can be used to prosecute domestic abuse, including the common law of assault and the statutory offence of threatening and abusive behaviour. However,

those laws tend to focus on the prosecution of individual instances of criminal behaviour, for example an assault or a threat, but we know that the full seriousness and impact of a particular incident can be truly understood only when we recognise and understand how it sits within a broader pattern of control, coercion and abusive behaviour, whereby an abuser attempts to exert control over every aspect of their partner's life. In some cases, an abuser may never resort to physical violence, so strong are their control over their partner and the fear that the partner has of that control.

The dynamics of domestic abuse are very complex and we appreciate that there is no simple solution or easy fix. However, we think that the time has come to seek views on whether a new specific offence of domestic abuse—one that reflects how such abuse is actually experienced by victims—will enable our justice system to respond better to domestic abuse and ensure that victims are able to tell the whole story of what has happened to them when their case comes to court.

Last week's programme for government also announced that we will begin work to create a specific offence to deal with revenge porn, which is the malicious distribution by a person of intimate images of their partner or former partner. It is often, but not always, motivated by a desire for revenge over the end of a relationship. Organisations such as Scottish Women's Aid as well as members of this Parliament, including Christina McKelvie and Alison McInnes, have highlighted that revenge porn is a growing problem, especially as we become increasingly tech-savvy and social media become intrinsic parts of our lives and relationships.

In July 2013, Scottish Women's Aid launched the website "Stop Revenge Porn Scotland" to raise awareness of the issue and to provide a forum for women who have been victimised in that way to share their stories. The Scottish Government's position on the issue is clear: it is completely unacceptable for anyone to breach the trust of another person by posting intimate personal photos online.

There are already offences that can be used to prosecute that conduct and many of the perpetrators have been brought to justice, but there is some evidence to suggest that victims often do not come forward because they do not know that a crime has been committed against them. A new offence will help to raise awareness and will send a strong and clear message to anyone who might be tempted to share such images without consent: "Proceed and you will face the full force of the law." It will also enable us to monitor the scale of the problem better.

The desire, drive and determination to rid our society of the scourge of violence against women has united this Parliament since its very early days.

Mary Scanlon (Highlands and Islands) (Con): Will the cabinet secretary take an intervention?

The Deputy Presiding Officer: I am afraid that the cabinet secretary has to close.

Michael Matheson: After it was re-established in 1999, one of the Parliament's first member's business debates, which was secured by the Labour MSP Maureen Macmillan, was on domestic abuse. I do not believe that the passion and commitment for tackling the issue on the part of all parties in the chamber has in any way diminished in those 15 years.

The Deputy Presiding Officer: Cabinet secretary, I must ask you to close.

Michael Matheson: If ever an issue transcended party politics, this is it. Together we can make a difference.

I move,

That the Parliament affirms its commitment to ending violence against women and to supporting women, children and young people who are affected; supports the 24th year of the UN 16 Days of Action Against Gender Violence; welcomes the publication of *Equally Safe*, Scotland's strategy for preventing and eradicating violence against women and girls; endorses the inclusion of far-reaching priority actions in the programme for government to address domestic abuse and revenge pornography; welcomes the introduction of Police Scotland's pilot Disclosure Scheme for Domestic Abuse in Scotland; acknowledges the positive developments made collaboratively utilising partnerships across Police Scotland and the NHS and specialist services to eradicate honour-based violence, with the criminalisation of forced marriage and establishment of the Female Genital Mutilation Short-Life Working Group; commends the valuable contribution that voluntary and third sector organisations such as Scottish Women's Aid, Rape Crisis Scotland and the Women's Support Project make to the shaping of Scotland's approach to violence against women and for the vital support that they provide to women, children and young people who have experienced or are experiencing violence or abuse, and this year congratulates White Ribbon Scotland on its eighth anniversary of positive campaigning to ensure that men are part of Scotland's strategy to end gender-based violence.

The Deputy Presiding Officer: There is no extra time in the debate, I am afraid.

15:41

Graeme Pearson (South Scotland) (Lab): I welcome the cabinet secretary to his new duties and indicate support for the Government motion. I seek also to engender support from across the chamber for the amendment in my name.

I acknowledge all that the cabinet secretary said at the end of his speech and reflect the value of

those words. I dedicate what I say this afternoon to a woman whom I first met 43 years ago. Unfortunately, I could not help her, and in the week before Christmas, she became my first homicide inquiry. The reason for the violence on that day—the culmination of two years of domestic abuse—was that, in the absence of her partner, who was the father of one of her children, she had had the temerity to purchase some Christmas presents for the children. On his return from the pub, the partner was so enraged by that action that not only did he decide that he was going to beat this woman, but he took his shoes off, put on a pair of boots in order that he could deliver the blows more effectively, and proceeded for the afternoon to kick her, stamp on her, slap her and punch her to death.

The reality of that incident I rehearse today because, in the 43 years since, thousands of women in Scotland have faced the same kind of behaviour and some have died. Behind that are hundreds of thousands of women and girls who suffer psychological abuse and what we would call minor physical abuse, all with a view to demeaning and controlling their futures—unfortunately, primarily by men.

In 2012-13, more than 60,000 incidents of domestic abuse were recorded in Scotland. It is a matter of record that women often suffer the abuse more than five times before they make an official report. Once that report is made, the women and the children whom they seek to protect are left in limbo as they try to deal with the consequences of the abuse.

In the past, the authorities have often encouraged those who are being abused to move away and leave the home that they share with their abuser. However, between 2003-04 and 2012-13, the number of incidents in which ex-partners and ex-spouses have abused a victim rose from 32 to 44 per cent, so merely separating women from their abusers in order to try to bring a conclusion to the abuse is limited in its impact. As a result, services need to consider how they can best support women who are abused.

There are matters to be considered by the cabinet secretary in relation to the way in which the justice system responds to reports. Domestic abuse cases that are going through our courts in Glasgow and Edinburgh are suffering delays. A family that has made a complaint about an abuser can ill afford a delay in justice being delivered, so some form of respite must be offered to them. I urge the cabinet secretary to look at the reasons for the delays and to intercede where he can to ensure that delays are kept to an absolute minimum.

We must ensure that the significant funding for dealing with domestic abuse, in particular funding

of third sector organisations, is utilised to its best. Victim Support, Scottish Women's Aid, Rape Crisis and many other agencies operate very effectively in the circumstances, but together they can do only so much. My amendment seeks to open minds to considering the further efforts that the Government can and should make in order to change the nature of relationships between men and women in this country. For example, we can create in the education environment a new ethos that seeks to engender respect between boys and girls, and between men and women.

Mark McDonald (Aberdeen Donside) (SNP):

Does Graeme Pearson acknowledge that the media have a role to play in this context—in particular the media outlets that encourage objectification, especially sexual objectification, of women?

Graeme Pearson: Mark McDonald beat me by a heartbeat in making that comment, because my next bullet point is about the media's and the internet's impact in this context. I have no doubt that the cabinet secretary knows that we need, through the United Kingdom authorities, Europe and the United Nations, to address how we might best turn the corner and ensure that the page 3 culture is not projected as a way of life in Scotland, and that a report that seeks to deliver a strategy for gender equality in order to deal with the issues should be considered by the cabinet secretary, and its findings implemented, where appropriate.

I point out that class has no bearing on who suffers domestic abuse. We need to bear it in mind that people who are more affluent and middle class often protect themselves from the embarrassment that comes with reporting domestic abuse.

The provision of support for victims needs attention. There is no doubt that budgets are stretched, but the cabinet secretary would do well to identify the elements that work effectively and then to deliver them on behalf of victims and their families. He should invest the funds that we do have in what works to ensure its long-term delivery.

The Deputy Presiding Officer (John Scott):

You should draw to a close, please.

Graeme Pearson: Too often, the organisations that deliver services have to spend their time looking at how to get funding instead of delivering services.

The procurator fiscal service that lies behind the court provision that I mentioned is an important element that we need to deliver going forward.

I welcome the consultation on legislation to address domestic abuse and revenge porn and I

look forward to contributing to the outcomes that we achieve in relation to that.

I move amendment S4M-11789.1, to insert at end:

“, and encourages the Scottish Government to enhance its efforts to deal head-on with the prevailing culture, exacerbated by some media, music and internet content, which promotes the view of women as sexual objects rather than as human beings who are worthy of the same equal rights and respect as men”.

The Deputy Presiding Officer: I call Nanette Milne. You have up to five minutes, please.

15:48

Nanette Milne (North East Scotland) (Con):

First, I formally congratulate the cabinet secretary on his new role. This is the first time I have faced him in the chamber since his promotion. In his previous role as Minister for Public Health he responded to many a member's business debate on health-related issues in which I participated, and I will miss his contributions there.

I am pleased to take part in this debate and to support the motion, which I am sure will attract cross-party consensus because we all want to see an end to violence against women, and to support the women, children and young people whose lives are blighted by it. I am also happy to support the amendment in the name of Graeme Pearson because there is no doubt that women are often portrayed as sexual objects by some media and other channels, which is not acceptable in the 21st century,

In passing, I also want to acknowledge the plight of the increasing number of men who are the victims of domestic abuse and who are often forgotten because they are very much in the minority, although their suffering, in particular their psychological suffering, is no less than that of female victims.

Domestic abuse is largely hidden and unreported, but it takes place right across society. It takes many forms, both psychological and physical, and it causes untold misery not only to the immediate victim but to children, who may witness regular assaults on their mother. The mental scars that those children bear last a lifetime.

It is encouraging that an increasing number of women are finding the courage to report domestic abuse, but it is disturbing that as recently as two years ago 30 per cent of people who were prosecuted for such crimes were let off without punishment. Surely that cannot be tolerated. Perpetrators of violent and sexual crimes against women must be penalised for their actions, so we welcome the forthcoming consultation on legislation on domestic abuse.

There are many forms of violence against women apart from domestic abuse, including rape and sexual assault, stalking and harassment and commercial sexual exploitation, which includes human trafficking. Jenny Marra has done a great deal of work to expose that abuse of women, and I am pleased that the Scottish Government has supported her efforts by promising to introduce a human trafficking and exploitation bill next year.

Some other forms of violence against women are largely restricted to certain ethnic communities within our society. For example, honour crimes are known to account for the deaths of 12 women a year in the UK, although that is likely to be an underestimate, and last year the UK Government's forced marriage unit dealt with more than 1,300 cases of forced marriage, of which about 3 per cent originated in Scotland.

However, I want to focus on female genital mutilation, which is a brutal act of violence against young women and children. It is often performed without anaesthetic and with dirty, makeshift and shared implements, and it can lead to immediate and long-term physical health problems and to psychological consequences that ruin the lives of many victims. It has been rife in parts of Africa, the middle east and Asia for many years, but is increasingly found in the western world among immigrant and refugee populations.

FGM is deeply embedded in the culture of practising communities—not because of religion, because it is not a requirement of any religion, but rather as a rite of passage to womanhood and a requirement for acceptability as a wife. Sadly, the custom is often perpetrated by the older women in a community, who have undergone FGM themselves and see it as a necessary and, indeed, loving ritual that will secure the best future for their daughters and granddaughters. The practice is kept very private within communities and, because relatives are often involved, statistics are hard to come by. A study in England and Wales as far back as 2007 estimated that nearly 66,000 women aged between 16 and 49 living in the UK had undergone FGM, and that more than 24,000 girls were at risk.

I was a member of the Equal Opportunities Committee just before the Prohibition of Female Genital Mutilation (Scotland) Bill was passed in 2005, and I well remember the harrowing evidence that was presented to us—very secretively—at the time. I am appalled that there have been no prosecutions in the nine years since the bill was passed and that the Equal Opportunities Committee is again having to take evidence from the communities in which the practice is rife. Obviously, it takes time and education to overcome such a deep-seated custom, but that

really needs to be backed up by enforcement of the legislation.

A debate such as this can only scratch the surface of an issue as diverse as violence against women is, and I have dealt with only a very small part of it. However, I welcome all the steps that the Scottish Government and the various organisations that are mentioned in the motion are taking to try to stamp out violence against women and to support those who are affected by it.

It is clear that much remains to be done, but I particularly welcome Police Scotland's disclosure scheme for domestic abuse—or Clare's law, as it is known—which is being piloted in my home city of Aberdeen and in Ayrshire. It provides a formal mechanism for women who are worried about a partner's past record of abuse to make inquiries about him. I also welcome the work that the FGM short-life working group is undertaking as a step forward in eradicating that atrocity.

I look forward to hearing all the contributions to this debate, which will no doubt be as diverse as the range of violent behaviours that blight the lives of many women, children and young people in Scotland. Of course, I support all efforts to eradicate those behaviours.

The Deputy Presiding Officer: We move to the open debate. We are very tight for time, so I ask for speeches of up to four minutes.

15:53

Sandra White (Glasgow Kelvin) (SNP): I, too, welcome Michael Matheson to his new post as Cabinet Secretary for Justice.

I thank the many local, national and international organisations, some of which are represented in the public gallery today, for the work that they carry out on behalf of women who suffer abuse and violence, and the support that they give them. I was particularly struck by what Nanette Milne said about the international aspects of female genital mutilation and trafficking. Those are important issues and, as a member of the Equal Opportunities Committee, I look forward to its inquiries into FGM.

I also thank the cabinet secretary for his worthwhile commitment to what has been put forward in the Scottish Government's programme for government. He explained the approach a lot better than I could, but then he had more time.

As we know, the programme for government contains four key commitments for tackling domestic abuse and revenge porn. First, there is the specific offence of committing domestic abuse. Secondly, there will be, as Nanette Milne has pointed out, legislation to address revenge porn. Thirdly, leading academics will be brought

together to examine the causes of domestic abuse and to share evidence of what can be done to prevent domestic abuse and reduce harm. For me, that is one of the key aspects. Fourthly, there is Clare's law, which has already been mentioned.

Graeme Pearson's amendment, which I fully support, touches on a number of issues, not just human trafficking but page 3 and the portrayal of women as sex objects. I am talking not just about women of a certain age; we have seen how society treats and expects certain things from young girls. That is a real worry; in fact, it is a cultural thing and, in order to tackle it, we have to go down as far as that level.

The issue is summed up on page 23 of the "Equally Safe" report. These are not my words, but the words of those who wrote the report on behalf of the Scottish Government and COSLA:

"The media, too, has a powerful influence in either reinforcing or challenging the attitudes and norms that contribute to violence against women. Numerous studies link sexualised violence in the media to increases in violence towards women, rape myth acceptance"—

which is an important point—

"and anti-women attitudes. This is particularly worrying when the images used"

are of

"very young women."

I hope that all aspects of the media are listening to those words. We have to get across the point that women are not sex objects to be looked at; they are equal with men, and they should be treated equally. As I have said, I support Graeme Pearson's amendment, because we really need to examine the issue.

I know that we are tight for time, Presiding Officer, so I will finish there.

The Deputy Presiding Officer: Excellent—if others follow Sandra White's example, we will get everyone in.

15:57

Rhoda Grant (Highlands and Islands) (Lab): I welcome Michael Matheson to his post and, indeed, I welcome the publication of "Equally Safe", the refreshed violence against women strategy.

The strategy itself contains no great changes of direction, except that it now covers violence against girls. As always, the test will be what we do in practice, whether more people are held accountable for their actions and whether we change attitudes towards the perpetrators as well as the victims of such violence.

In the short time available, I want to raise two issues, the first of which is the growing problem of sexual exploitation of women and girls. Given that many adults in prostitution have already been abused or exploited as girls, the change in definition in this respect in “Equally Safe” is welcome. Those who exploit girls can be held to account but, as we have seen in Rotherham, that is not always easy, as exploitation and grooming are not widely understood.

What really struck home was a comment made by someone involved in that case, who asked, “How do we stop a child escaping into the hands of an abuser?” That shows how effective grooming can be, and it says something about our care system that children find more affection at the hands of an abuser rather than in the hands of the state. That is an issue for another debate, but we really need to tackle the problem.

Although I welcome the continued recognition in “Equally Safe” of prostitution as violence against women and girls, we need to do more than recognise the fact—we need to do something about it. The Scottish Government can deal with the issue by criminalising the purchase of sex acts; decriminalising those who are exploited; making support available to them; and providing them with routes out and the support that they need to put their lives back together.

Making such a step change would show real courage and commitment. Indeed, it has already happened in Northern Ireland and, while I applaud that vision, I am also disappointed that Scotland, which used to lead the way in the United Kingdom in steps to tackle violence against women, now lags behind.

In the time that remains, I want to talk about domestic abuse and parental contact. A parent's violence towards their partner causes untold damage to the child. Reports state that the damage is the same as the damage that is caused when the child itself is abused. Our justice system then continues to force further abuse by granting contact.

That has to change. The accepted position must be that an abusive parent never gets contact unless they can prove that their behaviour has changed. Contact enables the parent to continue to perpetrate the abuse, using the child as the weapon. I have had numerous constituency cases in which that has happened. The abusive parent uses contact visits to control the mother by changing the times, bringing the child back early or late, and grooming the child against their mother.

I have also had cases in which the child itself was being abused but the mother was forced to continue to make the contact rather than be in

contempt of court. I have had cases in which a restraining order was in place but contact was used to force the child to divulge where the family was living so that the abuse could continue. Such a situation not only means numerous moves for the family but leaves the child feeling responsible, which causes more damage.

I have had headteachers write to tell me that, if the mother loved her child, she would attend parents nights with her abusive ex-partner, even though she is in fear for her life.

We need domestic abuse training for professionals in every field that deals with children and families—not just the police but people in the justice system and health and education professionals.

We are rightly proud of what we have achieved since Maureen Macmillan's speech in 1999, but we have an awfully long way to go if we are to free women and girls from violence.

16:01

James Dornan (Glasgow Cathcart) (SNP):

Violence against women is wrong in any circumstances. It is clear that we all agree with that. It physically hurts those who are attacked, but often the psychological scars that it leaves are even worse.

In many cases, the worst kind of violence is domestic violence. Members should just think how awful it must be to worry about what will set him off tonight—it is almost always a him, despite some of the emails that we have received—and to wonder whether he is drunk, has had a bad day or is just in the mood to take it out on his partner. What way is that for anyone to live?

That is why I want to talk about the Daisy Project, in my constituency. The project was formerly known as the Domestic Abuse Project or DAP. It is one of the many great groups across the country that do invaluable work to support women and families who have been affected by domestic violence.

The Daisy Project recognises that domestic violence does not happen in a vacuum and that it can have long-term and wide-ranging impacts. It knows that there is no one-size-fits-all solution and that each family has different needs. It is based in Castlemilk and it is easily accessible to people who require assistance. Over the past three years it has helped 300 people in the south side of Glasgow to address issues of domestic abuse. Services include one-to-one support, small-cell group work, personal development, training, access to services and agency assistance.

The project also set up the self-help group Women against Violent Environments—WAVES—

which is led by the extraordinary Bessie Anderson. WAVES empowers women to address issues, including domestic abuse, to overcome the drawbacks of poverty, including the less-talked-about aspects of isolation and self-esteem, and to regain control of their lives. WAVES is supported in its aims by local housing associations and nurseries, which act sensitively when issues of gender-based violence are raised and try to do what they can to ensure that the women and children are housed and educated appropriately.

I feel privileged when I get the opportunity to meet and support such organisations, but the truth is that I wish I did not have to. I have seen how difficult life can be for families and I wish that they had never had to go through such experiences. I have heard about kids becoming withdrawn and about how long it can take to get them to come out of their shells, and I have seen how so often the male perpetrator's behaviour can leave a family near financial destitution, with all the problems that that brings.

Every year I run a Christmas toy appeal in my constituency. People are invariably responsive, generous and kind. The toys are passed on to local churches and groups in the constituency, including WAVES. It broke my heart when I was told that for some of the kids their present will be the only substantial one that they get over the festive period—not because their mum does not love them but because of the mayhem that violence against a woman creates.

That sobering fact is behind my whole-hearted support for the Government's violence against women strategy, "Equally Safe", which was published in June. Lily Greenan, manager of Scottish Women's Aid, said:

"The publication of Equally Safe is a significant step towards addressing and preventing that violence."

The strategy was also welcomed by the police, the Solicitor General for Scotland and local and national bodies, including ASSIST.

We know that violence against women is, at heart, an issue of power. It is accepted that one of the primary causes of domestic abuse and one of the biggest barriers to tackling it is persistent and consistent gender inequality between men and women, which we all have a responsibility to address. I was pleased with the message that the First Minister sent out when we ended up with Scotland's first 50:50 Cabinet.

Ban Ki-moon said:

"there is one universal truth, applicable to all countries, cultures and communities: violence against women is never acceptable, never excusable, never tolerable."

It is clear that, across the chamber, we agree with that universal truth, and there is considerable

political and civic will in Scotland for domestic violence to become an issue of the past. However, until it is—I hope that that day will come soon—I thank goodness that we have such important organisations as the Daisy Project and WAVES to assist the victims of that insidious crime.

16:05

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I welcome the motion and the document "Equally Safe", which was produced this week. As the document says, it is not a delivery plan but a strategic framework. Therefore, we need to see a robust action plan with clear, measurable outcomes and timescales, as was promised at the launch. It seems that the timetable for that plan has slipped a bit, so it would be good to get an update from the minister on when it will be developed.

I was pleased to see the document restate the position of the Parliament from the start:

"Gender-based violence is a function of gender inequality, and an abuse of male power and privilege."

I was also pleased to see the emphasis that it puts on prevention and addressing those systematic inequalities as well as the attitudes and assumptions that give rise to violence and abusive behaviour.

In that connection, I also welcome the Labour amendment, which emphasises the cultural context and the way in which the objectification of women and misogyny are fostered by the media and the internet. The whole question of pornography on the internet is a massive issue that is difficult to deal with, but we must do something about it because it is poisoning the attitudes of so many young men—indeed, men in general—towards women and sexual relations. Prevention is crucial, and the work of Zero Tolerance should be closely studied because it has done superb work in the area for more than 20 years.

Over and above prevention, we need the provision of services. Priority 3 in the document talks about women and girls accessing

"relevant, effective and integrated services".

The motion is right to praise Scottish Women's Aid, Rape Crisis Scotland and the Women's Support Project, but many other organisations could be mentioned.

In my constituency, for example, there is the Edinburgh Women's Rape and Sexual Abuse Centre, whose work is unfortunately more necessary and indispensable than ever. Last year, referrals to the centre were up 20 per cent, and there is currently a 12-month wait for the long-term support and counselling service that it runs. That

is why I hope that the centre's application to the violence against women and girls fund will be successful. All Rape Crisis centres have had a Rape Crisis-specific grant for 10 years, which was set at £50,000 in 2004 and is still £50,000. We welcome the continuation of that fund, but it would be good if it could be increased to some extent.

The third area to mention, after prevention and provision, is protection. Priority 4 in the document states:

"We want women and girls affected by violence and abuse to be supported by a sensitive, efficient and effective justice system."

In many ways, great progress has been made. For example, the police's attitude has improved immeasurably and we should praise the work of Police Scotland in the area, along with the work of the rape task force, the domestic abuse task force and, within the justice system, the Solicitor General and the Crown Office reference group. However, women sometimes do not get the protection that they need.

In just the past week, two women in my constituency have approached me because they are not getting the protection that they need, and I am taking up their cases. Furthermore, the problem that the outstanding writer Janice Galloway encountered in relation to the stalking laws was all over the newspapers recently. I am glad that the Scottish Government is looking again at the operation of non-harassment orders, as there seem to be some loopholes. Laws may need to be amended as well as new laws made, and we all welcome the new laws on domestic abuse and revenge porn.

I have two final points. The Scottish Court Service, too, must prioritise this area. It is great to have the domestic abuse courts, which started 10 years ago, but we must do something about the waits for those courts.

The Deputy Presiding Officer: You must draw to a close, please.

Malcolm Chisholm: Recording is also an issue. We have no figures on the number of rapes that are reported to the police and end in a conviction, but it would be useful and important to have such figures.

16:09

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Like other members, I welcome the debate, the motion and the amendment, in these, the 16 days in which we all reflect and remember.

I would love to see a day when we do not need to talk about violence against women, when it is just a historical idea. It would be fantastic to live in

a world in which Saturday nights after the football were not littered with the battered bodies of wives and girlfriends and brilliant organisations such as Scottish Women's Aid were no longer needed. More than any other area of social and criminal justice, domestic violence legislation is the one that I would love to be able to say that we no longer need.

I will come back from utopia and into daily realities. The Scottish Government has set out a clear framework—which we welcome—which details its approach to tackling violence against women. It has been welcomed by all leading third sector organisations that work in this field and it is worth noting, particularly today, that White Ribbon Scotland, the campaign to involve men in tackling violence against women, has welcomed the approach.

Along with Malcolm Chisholm, at lunch time today the First Minister, the cabinet secretary and many MSPs, including all the party leaders, were more than happy to sign the White Ribbon statement of intent. The cross-party campaign backing our violence against women strategy is an important element in the equally safe approach.

Men are part of the problem, but they are surely part of the answer. Men talking to other men will probably have a greater impact than women talking to men.

The key to the problem is of course a change in social attitude, and no legislation will ever create that on its own. The way to change social attitudes is to make the behaviour completely unacceptable, with decent education at the earliest stage possible. It might seem like a trivial comparison, but let us look at how unacceptable smoking has become. Legislation kick-started that, but behaviour has turned the law into very good practice.

Another law that seeks to change the cultural environment is Clare's law, which has been mentioned today. The legislation gives the right to anyone—and I stress that it is anyone, not just those directly involved—to seek information from the police when they see a potential victim or perpetrator. The person who is concerned about someone does not need to be the heterosexual partner, as some people think. They could be someone in a same-sex relationship or a friend, relative, neighbour or even a child. Anyone can apply, and I welcome the pilot.

I do not have time to go into the full process, but the bottom line is that, if a person is concerned that someone could be a potential victim of domestic violence, Clare's law is the mechanism that will allow them—and the potential victim—to find out more about a potential perpetrator's background.

Most members will know that, as has been mentioned, there is a six-month pilot of Clare's law in Ayrshire and Aberdeen. I will be watching it closely and I sincerely hope that it will lead to a full roll-out of the scheme across Scotland. That will be another step on the way to outlawing an abhorrent but daily practice.

I do not have time to go into the issue of revenge porn, but I wish to make my colleagues aware of the consultation that Scottish Women's Aid is running until January. I will welcome any legislation on that topic.

In the meantime, let every one of us follow White Ribbon's personal pledge, which most of us signed today. If members have not signed it they can contact Callum Hendry, who will ensure that they get their copy of the pledge to sign. It says:

"I pledge never to commit, condone or remain silent about men's violence against women".

I commend the motion and the amendment.

16:13

Liam McArthur (Orkney Islands) (LD): I, too, congratulate Michael Matheson on his promotion, which is reward for the constructive approach that he has taken in his ministerial duties thus far.

I welcome this timely debate, the pertinent amendment and Graeme Pearson's powerful contribution. I also welcome the gender equality in the debate and the publication of the strategy, "Equally Safe".

I add my thanks to the police and the various voluntary and third sector organisations for their contribution. There is no doubt that without the work that they do day and daily to help in very practical ways, Scotland would be a much lonelier, more dangerous place for women and girls who face violence. We must support our voluntary sector to continue to do the excellent work that they do, and I would be interested to understand the implications of the fact that, for example, funding in Orkney for work on violence against women is about half of what was requested. I do not really know what the implications of that are, but it strikes me that they are worth exploring.

The third sector is also due recognition for its enormous input into policy making in the area. Its direct experience of working with women and girls is invaluable, and its determination to effect change is to be commended. All members in the Parliament clearly share that determination, and that is reflected in the strategy and the measures from the programme for government to tackle domestic abuse and revenge pornography, which I welcome.

There are no quick fixes. Legislation can help—it can highlight an issue—but, as Christina

McKelvie rightly observed, moving violence against women up the political agenda is not a remedy in itself. Sadly, gender-based violence is still too deep-rooted a problem, and it requires a major cultural shift.

I understand that, in the brief time that we have to debate the issue, at least nine women in Scotland will suffer violence at the hands of their partners. In 2012-13, there were more than 60,000 reported incidents of domestic abuse. The increase in reporting is welcome, but the scale of the problem is self-evident and we know that many incidents go unreported.

To achieve the vision, we need to bring communities with us. We need to instil mutual respect in each and every individual in Scotland. That starts in our homes and schools. The packs of material that are available from Zero Tolerance and other organisations for primary and secondary schools are an excellent resource, as those early years are vital.

As other members observed, we need to look more widely at the issue, which blights societies across the globe. It is only fair to acknowledge the work done by the UK Government—particularly my colleagues Lynne Featherstone and Jo Swinson—not only in the UK but further afield. That includes investing £25 million in a new violence against women and girls research and innovation fund to support new programmes to tackle the problem worldwide. It also includes campaigning for zero tolerance towards female genital mutilation, which Nanette Milne and others mentioned. The practice serves no religious, cultural or medical purpose and can be extremely harmful or even fatal.

Even as a novice to the debate, I am conscious that it is impossible to do justice to the complexity of the issues that we are considering so briefly. However, I welcome the fact that the debate is taking place and the extremely strong and united message that the Parliament is sending out.

I will repeat the comments by Ban Ki-moon that James Dornan quoted earlier:

"there is one universal truth, applicable to all countries, cultures and communities: violence against women is never acceptable, never excusable, never tolerable."

Yes, our vision and the strategy are ambitious, but aspiring to anything less is unacceptable.

I support the motion and the amendment in Graeme Pearson's name.

16:18

Gil Paterson (Clydebank and Milngavie) (SNP): Looking over some of the briefing papers that were sent to me for the debate made for depressing reading. During 2013-14, 58,976

incidents of domestic abuse were reported. That equates to officers from Police Scotland attending a domestic abuse incident every nine minutes. Although that figure shows a decrease from the number of incidents that were reported the year before, it is still shocking and shows that more needs to be done if we are to eradicate domestic abuse from our society.

Figures obtained by Scottish Women's Aid show that the reporting of domestic abuse increased by 81 per cent over the same period. According to those figures, 3 per cent of adults had experienced serious sexual assault since the age of 16, but the incidence varied by gender, with 4 per cent of women having experienced serious sexual assault since the age of 16, compared with 1 per cent of men. The overwhelming majority of serious sexual assaults were carried out by men. Figures show the proportion to be as high as 94 per cent. More than 83 per cent of victims knew the offender and 54 per cent said that the abuse was carried out by a partner.

Therefore, it must be acknowledged that progress is grindingly slow. However, that is not a criticism of the Scottish Government or our Parliament. I have the greatest respect for the present Government for the effort and resources that it has put into tackling this massive problem. My respect extends to all previous Administrations in the Parliament, who took violence against women deadly seriously. Since the re-establishment of our Parliament, the attitude and the effort have been outstanding. Although we have our differences on various matters, it is pleasing that all parties are committed to working together to tackle the issue.

Men's violence against women and indeed children is deeply rooted in our society. It comes from millennia of men having power over women and the lack of equality. The less equality there is, the more likely it is that women will be abused. We need only look at the plight of women worldwide to come to that conclusion.

Therefore, I am pleased on two fronts: I am pleased that Scotland is continuing to seriously tackle and challenge the issue, while at international level Ban Ki-moon—as has already been stated—has made an extremely strong declaration. I suggest that equal rights for women and children should also fit into that great declaration. If that was enacted and it became a reality for women's rights worldwide, it would have a massive impact on men's violence against women and children.

Closer to home, I am of the opinion that, if we tackle gender inequality through eradicating differentials in job opportunities, wages, positions of rank and so on, violence against women and children will reduce. In other words, equal status

across the genders will equate to equal power and the end of men's power over women and children.

I commend the motion and the amendment to Parliament.

16:22

Cara Hilton (Dunfermline) (Lab): Today's debate brings home the fact that, despite the progress that has been made in recent years, we still have a lot to do to achieve our goal of eradicating violence against women and girls and ensuring that every woman and girl in Scotland can not only live free from fear but can live their lives to the full and achieve their dreams.

We will never achieve true equality in society unless we end the abuse of power and control that is at the root of domestic abuse and violence, and which continues to affect too many women and children across Scotland. As the MSP for Dunfermline, I am very conscious that I am here in Holyrood only because of the offences that my predecessor committed against the women in his life and the fact that those women were finally brave enough to come forward and report the domestic abuse.

A shocking statistic is the fact that one in four women will experience domestic abuse at some stage in their lives. As Graeme Pearson has mentioned, two women every week are killed by an abusive partner or former partner. Domestic abuse happens in every community—there is no class, age or cultural barrier to abuse.

In Fife last year, 4,646 incidents of domestic abuse were reported to the police; 84 per cent of them were reported by women. That is just the tip of the iceberg. Many women continue to stay silent and never find the courage to speak out, never mind the strength and the confidence to make sense of the abusive, controlling or violent behaviour and regain control of their lives.

A few months ago, I attended the launch of Saje Scotland, which is based in Fife. Saje has secured funding from the Big Lottery Fund and is rolling out its groundbreaking freedom programme, which provides emotional and peer support to women who live with domestic abuse and violence. It empowers women to regain control of their lives and equips them with the self-confidence and self-esteem to ensure that power returns to their hands, where it belongs. That work is vital because, before they got help, many of the women whom Saje is helping did not recognise that their relationships were harmful or abusive. It can be really difficult for someone to make positive choices when they are mentally broken and have nowhere to turn. As colleagues have indicated, the way in which the media continues to report stories

involving male violence and women generally does not help the situation at all.

I have met some of the women participants in the freedom programme and their stories are truly inspiring. It is a programme that changes lives. Janet Henderson and Sally Sinclair who run the project are doing an absolutely brilliant job, and I encourage the cabinet secretary to visit Saje Scotland to find out more about the valuable work that it does and the way in which it empowers women to regain control of their lives.

The Government's motion congratulates White Ribbon Scotland on its eighth anniversary. Yesterday, Fife became the first area in Scotland to be awarded a partnership award in recognition of its achievements in promoting White Ribbon Scotland's brilliant campaign and encouraging men to take the pledge never to commit, condone or remain silent about violence against women. With a quarter of all pledges across Scotland being made in Fife, a healthy male speakers network, a proactive social media campaign and white ribbon lessons in our high schools, Fife is certainly leading the way. That is also the case with projects such as the children experiencing domestic abuse recovery, or CEDAR, project and the multi-agency risk assessment conference, or MARAC, project, which I will have to cut out of my speech, unfortunately, as I am running out of time.

We are seeing positive developments in tackling an issue that continues to impact on too many women and children in Fife and across Scotland, but more needs to be done if we are to achieve a more equal, fairer and more just society, to which we all aspire.

The Scottish Government's equally safe strategy is extremely welcome, but we must now see concrete action to put it into practice as quickly as possible. I hope that we can work together across the chamber to tackle domestic abuse, support victims and end the gender-based violence that continues to destroy lives, self-esteem and the freedom of too many women and children across Scotland.

16:26

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): As others have said, domestic violence knows no bounds, from the demeaning to death, and it knows no gender, age or class boundaries. It takes place almost entirely behind closed doors, whether that is behind lace curtains, in housing schemes, in leafy bungalow-land, or even in mansions.

As other members have said, the Police Scotland statistics show that there were 60,080 recorded incidents of domestic violence in 2012-13. I think that the increase of 20,000 from 2003 is

in part due to more confidence in reporting those incidents and, indeed, greater police training. I commend Chief Constable Stephen House for the priority that has been given to attacking domestic violence.

I want to focus on age, because the Police Scotland statistics for 2012-13 show that, in the 41 to 50 age group, more than 8,000 incidents were recorded, and in the 51 to 60 age group, nearly 2,500 incidents were recorded. In fact, the 41 to 50 age range peak almost matched the peak of recorded incidents of those in the 26 to 30 age range. I think that all those statistics understate the actual position, but the position may be understated more in the older age groups. I will say why I think that.

I think that domestic violence is quite often not presumed to take place in established relationships. However, what looks like a long and happy marriage may not be that. Publicity campaigns are very welcome, but there is usually the image of a younger woman with a younger man who threatens, cows or abuses her when he comes home. That reinforces the stereotype.

The older women may have a different view of whether she has been subject to domestic abuse because of her generational perspectives. She may have a heightened sense of shame, particularly if everyone thinks that she is in a happy and secure marriage. Perhaps there may be apprehension about the reaction of other family members if she says anything about the matter—even to the level of grandchildren. She may feel that, if she says anything, she will be disloyal to the family's view of a great father figure. She may even fear that she will alienate herself from members of her family. She may even think that that is the way it has to be, because it has always been like that and because domestic abuse can quite often be incremental. It can start with small things, such as the way that a person combs their hair, how they dress, what they say, how they eat their food, where they will go, when they will go, and how they will spend the money. That can grow until the person is really not aware that, in fact, they have been diminished by their partner's power treatment.

I cannot be the only person in the chamber who has, for example, been in a supermarket and witnessed an older man shouting at his wife or companion with vulgar, distasteful and demeaning language and no sense of shame that he is doing that in a public place. What crosses my mind is that, if he can do that in the middle of a supermarket with people listening, what on earth is he like at home? The other thought that crosses my mind is: why is she taking that? Why is that what she expects to happen to her in a public place?

I have welcomed the cabinet secretary to his new position before. In the publicity campaigns, I suggest that, just on occasion, he shows an older woman who is being abused in a public place with such language so that they, too, will recognise that their human rights are being abused—we have just debated that; that they, too, are entitled to dignity; and that what they are being subjected to is domestic abuse.

16:29

Margaret McDougall (West Scotland) (Lab): I, too, welcome the cabinet secretary to his new post.

I welcome the opportunity to speak in this debate on violence against women, particularly as North Ayrshire, which I represent, has one of the highest numbers of recorded incidents of domestic abuse in Scotland. Violence against women is wide ranging and covers sexual offences, forced marriages, trafficking, prostitution and honour crimes, as well as domestic abuse. I am sure that all members are concerned that many of those crimes are increasing. I welcome the fact that Ayrshire was selected as a pilot area for Clare's law, which I hope will prove to be a positive development in the protection of potential victims of violence by men.

Between 2003-04 and 2011-12, the number of domestic abuse incidents that were attended by the police in North Ayrshire increased by 90.5 per cent, from 996 to 1,897. That truly shocking figure resulted in the creation of the multi-agency domestic abuse response team—MADART—which is comprised of the council, the police, NHS Ayrshire and Arran, North Ayrshire Women's Aid and members of the North Ayrshire violence against women partnership. MADART has since reduced the number of incidents in North Ayrshire by more than 4 per cent in 2012-13. There have been key improvements in other areas, such as a 33 per cent increase in direct support to victims with children and a reduction in the time taken to respond to incidents that involve victims with children, from an average of around 10 days to three days.

MADART shows the benefit of organisations pooling and sharing resources to address victims' needs. That results in improved communication and information sharing and, most important of all, it provides effective support and better targeting of resources and services for victims. My understanding is that the approach is currently unique to Ayrshire, so perhaps other local authorities should adopt it. Although I welcome the reduction in the number of incidents since MADART was established, we need to keep the momentum going and build on that work, which is the foundation for a long-term programme that

needs to be supported. With all that in mind, I was appalled to learn that SNP-held North Ayrshire Council proposes to replace the holistic service that North Ayrshire Women's Aid provides with a watered-down version minus services for children and for women with addictions, and also to cut the funding to that reduced service by 20 per cent.

I will be keeping a watchful eye on the outcome of Clare's law. I expect that the assessment of the pilot will show that some women have been prevented from becoming involved with known violent men and that the measure will then be rolled out across Scotland, as the cabinet secretary said.

I commend the MADART initiative for its role in driving down domestic abuse in the Ayrshire area and I hope that it continues to be supported. The scheme should be replicated across Scotland. Most important of all, on behalf of the women in North Ayrshire, I ask the cabinet secretary to intervene in the proposals of SNP-held North Ayrshire Council to cut the holistic services and funding of North Ayrshire Women's Aid in an area that desperately needs to protect women from abuse in their homes.

16:33

Mark McDonald (Aberdeen Donside) (SNP): As a man, I am part of the problem. I have not always spoken out and I have not always intervened when people have made comments or acted in a way that ought to be challenged. Many of us would acknowledge that, sometimes, we decide that the quiet life is the easy life and we allow such attitudes to permeate. I have intervened in the past—I remember many years ago ending up on the deck on Union Street in Aberdeen when I intervened in a situation. At the time, I felt that it was better that I was the one who took the punch. However, on the day when I signed the statement of intent, I resolved that I will do better and do more, and that I will not stand by and allow such attitudes to be put out in a way that is seen as banter but which all too often perpetuates a sinister element in society.

I welcome the remarks by the cabinet secretary because, in the debate on the programme for government, I raised the issue of the psychological element of domestic abuse. Violence—physical and sexual—must absolutely be tackled and stamped out, but the psychological element is often in place for a long time before it manifests in physical or sexual violence. If we are able to tackle that psychological element, we can often prevent women from falling into the situation in which they are abused physically or sexually.

On the control and coercion element, often we see situations in which a woman has gone back to

a man who is abusing her and there are questions about why she has done that. It comes back to psychological control and coercion and the fact that, in many instances, the woman has been made to feel that she is deserving of the treatment that she is receiving. Christine Grahame summarised that eloquently. The Government has my full support in its attempt to tackle the psychological element. I recognise that there will be difficulties in doing that, but it is important that it is tackled as well as the physical element.

I also welcome the roll-out of Clare's law in my home city of Aberdeen and I hope for its success. I will certainly be looking forward to seeing how that is assessed.

I want to end on the issue of media perceptions. I agree entirely with what Graeme Pearson said about page 3 culture. Page 3 should have gone a long time ago. Now is the time for the end of page 3 and other outlets that propagate that kind of approach to using women in their publications. However, there is a wider issue around objectification. Many of us will have been horrified by the decision of ITV2 to broadcast the comedian—I use the term loosely—Dapper Laughs. He is a character, apparently, of Daniel O'Reilly, whose entire show is based on making light of what is, essentially, sexual assault and sexual abuse of women. That that could even find its way on to the schedule of one of our major broadcasters is abhorrent. I welcome the belated decision to cancel the show.

I also welcome the decision of Theresa May—which does not happen often—to refuse a visa to Julien Blanc, the supposed pick-up artist from the United States, who wanted to come over here and spread the notion that sexual assault and abuse of women is just banter. We have to ensure that the strongest representations are made to broadcasters and Ofcom that that sort of thing should be stamped out before it even gets on to our screens.

16:38

Alison Johnstone (Lothian) (Green): I am pleased to take part in this important debate, as to openly debate and discuss this subject is a way of helping to reduce society's tolerance of violence against women. I thank all the organisations that have provided briefings for today.

In the face of proliferating violence, it is difficult not to feel that progress has stalled or, indeed, reversed. Scottish Women's Aid highlights a case in which a woman who has suffered domestic abuse says:

"Your confidence goes ... it's a gradual thing that grinds you away and grinds you away until there's nothing left."

That organisation has much experience and expertise and says:

"We believe that a world without domestic abuse is not just a dream, it is a possibility. Never doubt it—changing attitudes changes lives."

Zero Tolerance, too, tells us that "Change is Possible" and that we must "Make it Happen".

The Scottish Parliament can play a leading role in changing attitudes, and we must do so. Violence against women is a human rights violation of worldwide significance. White Ribbon tells us that at least one in five women in Scotland will experience domestic violence in their lifetime, and that a domestic violence incident is recorded every 10 minutes in this country.

Violence against women and girls is endemic in conflict areas, where it is often a strategy of combat. However, wherever it occurs—in other corners of the globe or on our own streets—it terrorises and humiliates.

Violence against women does not take place in a vacuum. It takes place in a context in which, globally, only 21 per cent of parliamentarians are women. It takes place in a context of gender-biased austerity that disempowers women. In 2012, the Treasury admitted that, of almost £15 billion raised in cuts, £11 billion came from women. It takes place in a context in which some national newspapers include a picture of a topless young woman alongside news and in which that picture will feature far more prominently than that of any woman prominent in the fields of business, sport or medicine.

The media portrayal is very significant indeed and I will be happy to support the motion and Graeme Pearson's amendment today. Such a media portrayal normalises the objectification of women. It should not be forgotten that gender equality is a fundamental human right, but yesterday we learned that almost 60 per cent of girls say that they have been sexually harassed by boys. According to the Girlguiding Scotland survey, girls as young as seven are being subjected to sexual taunts and grow up with sexual harassment as a normal part of their everyday lives. That is unacceptable and we must challenge it.

Every day, our young people are bombarded with sexualised, sexist and often violent imagery. In Zero Tolerance's briefing on the sexualisation of young people, we read:

"violence against women and exploitation in the sex industry is frequently trivialised in video games ... Grand Theft Auto: San Andreas enables players to beat a prostituted woman with a baseball bat, complete with screams for help. The incredible realism now possible with such games means players can feel that they are really committing this act."

Citizens, who are often reduced to the role of consumer, can make a difference. An Australian chain store has banned "Grand Theft Auto 5" because of complaints about its depiction of violence against women.

The cabinet secretary is right to say that there is no simple solution or easy fix. Our knowledge of what interventions are most effective for the prevention of gender-based violence is growing, however. Documentation, evaluation and legislation are key. We in Scotland will continue to call and campaign for change and there is clearly whole-hearted cross-party consensus on the issue.

I also congratulate the cabinet secretary on his promotion. I would be grateful if he could update members on the formation of a violence against women joint strategic board and on funding for multi-agency risk assessment conferences.

16:42

Mary Scanlon (Highlands and Islands) (Con):

I welcome the cabinet secretary to his post, and I also welcome his tone in this consensual debate.

We will support the Government's motion and the Labour amendment today. We are also pleased to note that the Government motion included White Ribbon Scotland for its campaign to ensure that men are part of the strategy. I also want to mention the good work of Abused Men in Scotland, in Edinburgh, which I know is supported by Jim Eadie. Although the debate is entitled "Violence against Women" we need to include a focus on children and on all other forms of domestic violence, including within same-sex couples and by females against men.

My first point is about all children who are brought up witnessing domestic violence. The Royal College of Psychiatrists states that boys can become

"aggressive and disobedient. Sometimes, they start to use violence to try and solve problems, and may copy the behaviour they see within the family. Older boys may play truant and start to use alcohol or drugs (both of which are a common way of trying to block out disturbing experiences ...)".

The Royal College of Psychiatrists also states that

"Girls are more likely to keep their distress inside"

and to become withdrawn, anxious and depressed, and to think badly of themselves.

"They are more likely to ... harm themselves by taking overdoses or cutting themselves"

and most worryingly

"They are also more likely to choose an abusive partner themselves."

UNICEF's key findings on the impact of domestic abuse and violence confirms that

"There is a strong likelihood that this will become a continuing cycle of violence for the next generation.

The single best predictor of children becoming either perpetrators or victims of domestic violence later in life is whether or not they grow up in a home where there is domestic violence."

That is based on studies from throughout the world.

Given that the impact on children is known and fully acknowledged, what is being done to ensure that the children are also taken care of? What support is given to the boys and girls? I was at the cross-party group on mental health at lunch time—I apologise for not signing Malcolm Chisholm's white ribbon campaign pledge—where that issue was raised, in the context of child and adult mental health. "Equally Safe" is about preventing and eradicating violence against women and girls, but given what I have said, I hope that it is for all children, including boys.

My second point is on the strategy, which I read cover to cover. It talks consistently about the need for full engagement of local authorities and so on. Gosh! I see that my time is nearly up. There needs to be strong leadership on community planning partnerships.

My third point echoes the point that Malcolm Chisholm raised on delivering outcomes and targets, which are just not there. After 15 years, we are still being told, for example, that

"we will be developing a measurement framework."

That is not good enough—we need to do more.

Finally, I read in the strategy that

"Perpetrators of domestic abuse can expect the full force of the law".

However, in response to questions from my colleague John Lamont, the Scottish Government stated that, out of 10,500 prosecutions for domestic violence, there were 8,500 convictions. Of those who were convicted, 12 per cent were given custodial sentences, 25 per cent were given community sentences and 30 per cent were admonished. That is not really

"the full force of the law".

However, I welcome what the new cabinet secretary has said and I look forward to the new proposals.

16:46

Elaine Murray (Dumfriesshire) (Lab): I concur with the cabinet secretary in thanking the many specialist advocacy and support agencies. The national ones were mentioned in the motion, but

we also heard good examples of local initiatives, such as Daisy, which James Dornan told us about, and MADART, which Margaret McDougall told us about.

As has been said, this debate sits well with this afternoon's previous debate on human rights, because violence against women is clearly a human rights issue. The Scottish Human Rights Commission includes all gender-based violence in its definition, so it includes rape, forced marriage, prostitution and the purchase of sex—which Rhoda Grant mentioned—trafficking, female genital mutilation, sexual harassment and domestic violence.

Preventing violence against women is not only a domestic priority for Scotland; it is a legal duty that is set out by several international obligations. Over the years, Scottish Governments have taken action on violence against women, female genital mutilation and forced marriage. This year and next the Scottish Government will, we hope, take action on human trafficking. My colleague Jenny Marra is due recognition for her role in that regard. I, too, look forward to the consultation on making domestic abuse a criminal offence, and its focus on the patterns of abusive behaviour, and I also look forward to the work that will be done on revenge pornography.

A number of members—Liam McArthur, Gil Paterson and Christine Grahame—referred to the statistics on sexual offences and domestic abuse and the increase in reporting of both. Of course we hope that that is due to people feeling more able to report. It is obviously due also to the work that is being done by Police Scotland. However, as Cara Hilton and Christine Grahame told us, it is important that we recognise that the figures are too low and that there are many reasons why people do not dare to speak out—for example, that they feel somehow responsible for the abuse that is happening to them.

Alison Johnstone referred to the Girlguiding survey, which contained the statistics that shocked me most. One in five girls aged 7 to 12 has experienced sexual comments from boys—what a shocking statistic—and 59 per cent of young women aged 13 to 21 have experienced some form of sexual harassment. As Mark McDonald and Cara Hilton said, the media play a part in that. The statistics in the survey about the media were revealing: 58 per cent of young women feel that the media blame rape victims' behaviour or appearance for their attack. More than half the young women who were surveyed dislike the disrespectful attitude that is shown towards women in music videos. That silly exhibitionist Madonna, who is apparently taking her breasts out for photographers, does women a total disservice

by continuing to collude with such objectification of women.

That sort of behaviour needs to be condemned because it does women no good whatever. The survey really illustrates how much work needs to be done, because despite all the advances that have been made over almost a century on women's rights and representation, I think that women are as disrespected as they have ever been—and possibly more so.

Malcolm Chisholm made a good point about the problem of access to pornography through the internet, which for young men in particular normalises the view of sexual violence. Sandra White also referred to the role of the media, which is seriously damaging in terms of how women are presented in the media.

I do not think that anybody touched on women offenders. We know that violence against women impacts on the justice system in various ways. In Scotland, more than half of women offenders in prison have experienced domestic abuse, and one third have experienced sexual abuse. Past abuse was recognised by the commission on women offenders as being a significant part of the profile of women offenders. Evidence of the link between a woman's experience as a victim and her subsequent offending led the commission to recommend that services for women offenders take women's histories of abuse into account, and provide counselling to deal with that trauma.

Women of all economic groups suffer domestic abuse, as many members have said, and women of all economic groups suffer sexual abuse. However, the link between poverty and the inability to escape abuse or to seek redress has to be recognised.

A number of people, including Christina McKelvie, Cara Hilton and Mark McDonald, have mentioned the importance of the white ribbon campaign. I was pleased to hear on the radio last week as I drove home about an initiative in Dumfries and Galloway from the domestic abuse and violence against women partnership in Dumfries and Galloway Council and Queen of the South football club in relation to the white ribbon campaign, which encourages men and women to pledge never to commit, condone or remain silent about all forms of violence against women. That campaign will be taken to football fans at the Queen of the South versus Rangers match on 12 December, which will be a white ribbon campaign match. It is part of the 16 days of global action against violence against women.

The domestic abuse and violence against women partnership has also instigated a song-writing competition for young people, which is reaching its final stage, with members of the public

being invited to vote online for one of five songs considered to be most relevant to the topic. Consciousness is being raised by a number of means in various localities.

When it comes to violence against women, we can have all the good intentions in the world—as with human rights—but unless there is a fundamental change in ingrained cultural attitudes, real progress will not be made. The cornerstone of education has to be respect; it has to be the right to refuse to take part in activities that someone does not wish to take part in and the right to be respected for that decision. Until that becomes part of education, in particular of young men, we will not make real progress on this very important human rights issue.

16:53

The Minister for Housing and Welfare (Margaret Burgess): This has been a good debate, and members across the chamber are absolutely united in what they have been saying about violence against women and how we can tackle it and do more to stop it happening in our society. It is important that we are all absolutely united on this and we should remain united. This is the one issue above everything else, as the cabinet secretary said, that we should be absolutely united on.

We have had very good speeches from around the chamber, which have included some horrific stories. Graeme Pearson started the debate by describing how he had to attend a case of a woman who had been kicked to death. For me, even thinking about that was quite horrific. We also heard about the local agencies in all our communities and the national organisations and about how we cannot tackle this issue without their support. We heard about their daily support for our constituents.

Our new First Minister has made clear her commitment to tackling gender inequality, and I certainly see violence against women as a cause and consequence of that inequality. Alison Johnstone also mentioned that.

That is not to say that men are not affected by domestic abuse, as Mary Scanlon mentioned, or that men do not suffer the horrific experience of it. We know that they do and this Government will always work to ensure that male victims receive the support that they need through our public and specialist services.

I say to Mary Scanlon that we will always protect children who are in a family where there is domestic abuse. I might say a bit more about that later, but there is no suggestion whatsoever that children, whether male or female, in a family where there is domestic abuse will not get support

and assistance from the Government, as such abuse impacts on them for the rest of their lives, as Mary Scanlon said.

We have to have a gendered analysis of violence against women in order to address it effectively, and we must work collaboratively with all our key partners to ensure long-lasting change. A number of members speaking in the debate supported the implementation of “Equally Safe: Scotland’s strategy for preventing and eradicating violence against women and girls”. I welcome that.

Concern was expressed by a number of members about a delay in bringing the strategy forward. We hope to take it to the next stage early in the new year. The Government is keen to ensure that we get the arrangements right. The strategy is ambitious, and it is an important programme of work. We do not want to rush it.

We have made progress on some of the early commitments. Indeed, as the First Minister and the cabinet secretary announced, we will be consulting early next year on the proposed new offences of domestic abuse and revenge porn.

Graeme Pearson and another member spoke about the delay in the court system. Of course we do not want there to be such delays. We are pleased that more people who have been subject to domestic abuse are coming forward. They have been supported to do so. The police are much more proactive and treat domestic abuse much more seriously. In saying that, we do not want unnecessary delays.

The Government has given the court system £1.4 million to assist with delays, and it will continue to work with agencies through the central criminal justice board to monitor the overall levels of demand. It is important that we recognise that more people who have been subject to domestic abuse are coming forward.

We have talked a lot about the organisations that work tirelessly to give advice and support. James Dornan, Cara Hilton and Margaret McDougall mentioned organisations in their constituencies that provide that essential advice and support to women and children who are at an extremely vulnerable point in their lives. The Scottish Government contributes funding to those organisations. We give £34.5 million of funding to address violence against women—that is how importantly we treat it.

Sometimes, it is easy to forget the impact that the Scottish Government funding has on real families who are suffering violence and abuse. The agencies can tell us about that.

I was told about one survivor who has spoken about her experiences. It is not always easy for people who have suffered domestic abuse to do

that, but she wanted to speak about the support that she had received from what she described as an amazing specialist service. This was from a woman experiencing domestic abuse who had received support for herself and her children from Monklands Women's Aid. She said:

"Women's Aid in my opinion has helped my boys to be children again, instead of worrying all the time, and without this service I don't think they would be in the happy place they are in now."

That tells us how much we need those services.

A number of members voiced concern about funding for such services. We are coming to the end of the spending review period, and officials are currently in discussion with the organisations about funding and the way ahead. We do not want to have any delays. We know that there is uncertainty, but we want to ensure that it is resolved as soon as possible.

The support services have many allies in the chamber. Christina McKelvie and Malcolm Chisholm co-convene the cross-party group on men's violence against women and children, and the work of White Ribbon Scotland has been highlighted. I was pleased to go along to the group's event today and to see so many MSPs—both as I went in and also out in the corridor as they came out—attending to show their support. It is important that the Parliament leads on this matter.

We are coming to the end of 2014, which has been a momentous year that has made us all focus on what kind of Scotland we want for us and the next generation. I believe that this debate cuts to the heart of that issue. Liam McArthur and James Dornan talked about the message from this parliamentary debate, and like them I believe that the message from this Parliament should be very loud and clear: that violence against women is never normal, acceptable or legal and should never ever be tolerated or justified. That is the message that a united Parliament sends out today.

It is clear that all of us across the chamber want to see a Scotland where no one experiences abuse or violence, where no one is ever afraid to go home or afraid of someone coming home, where no young people have to hear or see their mother being abused, where men and women are truly equal, and where violence against women is, finally, a memory of something in the past.

Decision Time

17:00

The Deputy Presiding Officer (John Scott):

There are three questions to be put as a result of today's business. The first question is, that motion S4M-11695, in the name of Christine Grahame, on Scotland's national action plan for human rights, be agreed to.

Motion agreed to,

That the Parliament notes the publication on 19 November 2014 of the first Scotland's National Action Plan for Human Rights (SNAP) annual report, *SNAP: Scotland's National Action Plan for Human Rights - Year One Report*.

The Deputy Presiding Officer: The second question is, that amendment S4M-11789.1, in the name of Graeme Pearson, which seeks to amend motion S4M-11789, in the name of Michael Matheson, on violence against women, be agreed to.

Amendment agreed to.

The Deputy Presiding Officer: The third question is, that motion S4M-11789, in the name of Michael Matheson, on violence against women, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament affirms its commitment to ending violence against women and to supporting women, children and young people who are affected; supports the 24th year of the UN 16 Days of Action Against Gender Violence; welcomes the publication of *Equally Safe*, Scotland's strategy for preventing and eradicating violence against women and girls; endorses the inclusion of far-reaching priority actions in the programme for government to address domestic abuse and revenge pornography; welcomes the introduction of Police Scotland's pilot Disclosure Scheme for Domestic Abuse in Scotland; acknowledges the positive developments made collaboratively utilising partnerships across Police Scotland and the NHS and specialist services to eradicate honour-based violence, with the criminalisation of forced marriage and establishment of the Female Genital Mutilation Short-Life Working Group; commends the valuable contribution that voluntary and third sector organisations such as Scottish Women's Aid, Rape Crisis Scotland and the Women's Support Project make to the shaping of Scotland's approach to violence against women and for the vital support that they provide to women, children and young people who have experienced or are experiencing violence or abuse, and this year congratulates White Ribbon Scotland on its eighth anniversary of positive campaigning to ensure that men are part of Scotland's strategy to end gender-based violence, and encourages the Scottish Government to enhance its efforts to deal head-on with the prevailing culture, exacerbated by some media, music and internet content, which promotes the view of women as sexual objects rather than as human beings who are worthy of the same equal rights and respect as men.

Meeting closed at 17:02.

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