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Thursday 9 March 2023

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Scottish Parliament

Thursday 9 March 2023

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

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. The first item of business is general question time.

General Practitioners (Recruitment Target)

1. **Paul O’Kane (West Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on its target to recruit 800 additional general practitioners by the end of 2027. (S6O-01988)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): We are making good progress. Since 2017, the GP head count has increased by almost 300—by 291—and a record 5,209 GPs are now working in Scotland.

In addition, we have increased the medical undergraduate intake by 448 places since 2015-16, and we will increase GP specialty training by 100 places over the next three years. The fill rate for specialty training is also at a record high, at 99 per cent for 2022. Last year, I launched our GP recruitment marketing campaign, and we are providing significant investment in initiatives that ensure that being a GP remains an attractive career option.

Paul O’Kane: Audit Scotland has found that the Scottish Government will fail to meet its own target for increased GP numbers, which is indicative of its failure in workforce planning over many years. However, it is not just a recruitment issue. There is also a significant issue with capacity in GP surgeries. Surgeries are bursting at the seams, and the British Medical Association has found that 81 per cent of practices currently exceed capacity.

In the village of Neilston, which I represent, I spoke with GP partners of the Neilston medical centre, who told me that they are struggling to find the physical space to meet demand. They applied to the Scottish Government for loans to increase space, but the application was rejected. If the practice cannot expand, it might be forced to close its books. Why is the Government not giving GP surgeries the support that they need to expand the provision of general practice in their communities?

Humza Yousaf: They are being given that support. That is why we have increased GP numbers by 291 and multidisciplinary team numbers by 3,220. It is about not just having

enough GPs—that is very important, which is why we are increasing the numbers—but having those multidisciplinary teams in GP surgeries right across Scotland. We have a loan scheme, which Paul O’Kane has mentioned. If he has a particular issue, I am more than happy for him to write to me, but we are providing support for our general practices and for our general practitioners.

Sandesh Gulhane (Glasgow) (Con): The reality is that the Scottish Government is nowhere near meeting its target of recruiting 800 additional GPs. That is yet another example of promises but no delivery, with £65 million cut from the primary care budget.

This week, we heard from the BMA that four in 10 doctors are actively looking to leave and that it is looking at balloting to strike. A surgeon in Lothian said that one in four operations for children—life-saving surgery—is being cancelled at short notice due to a chronic shortage of critical care nurses, who are not included in the figures. Does the health secretary seriously expect us to believe that the situation is improving? What steps will he take to address those catastrophic failures?

Humza Yousaf: Sandesh Gulhane asks whether I expect him to believe that the position is improving. The fact is that we have 291 more GPs than we had in 2017. The head count has increased. We have a record 5,209 GPs. We have 3,220 multidisciplinary staff, many of whom work across general practice up and down the country. We will continue to support general practice.

I have mentioned that we are increasing our medical graduate intake as well. On top of that, we have a record high 99 per cent fill rate when it comes to specialty training. I will continue to work with the British Medical Association and the Royal College of General Practitioners, but the Government has an excellent record not only in supporting but in helping and assisting our general practices, particularly in rural Scotland, where we know there are some challenges. The Scottish graduate entry medical programme is just one example of that.

The Presiding Officer: Short questions and responses help me to get more questions in.

Willie Rennie (North East Fife) (LD): I do not think that what the cabinet secretary has said is what Kate Forbes says. The minister has a sunny disposition, but he is spinning a bogus argument. According to Public Health Scotland estimates, the number of whole-time equivalent GPs—not the head count—fell by 26.4 between 2017 and 2022. The minister is making no progress; in fact, things are worse than when he started. Why is he not listening to the warnings?

Humza Yousaf: We are. That is why the head count has increased by 291. On whole-time

equivalents, it is, of course, a good thing that we are introducing flexible working, which helps with retention.

I have already outlined all the key lines and all the key measures that we are taking to support general practice. I do not think that Willie Rennie is in any position to lecture anybody on electoral success. He has presided over disastrous election defeat after disastrous election defeat for his party. His party could not even field a five-a-side football team, for goodness' sake.

Crime Statistics

2. Pam Gosal (West Scotland) (Con): To ask the Scottish Government what its response is to the recorded crime in Scotland statistics for the year ending December 2022. (S6O-01989)

The Cabinet Secretary for Justice and Veterans (Keith Brown): Those figures show that Scotland continues to be a safe place to live in, with recorded crime at one of the lowest levels since 1974 and down 42 per cent since 2006-07. That is testimony to the continued efforts across policing, justice and community safety partners to deliver a safer Scotland for everyone.

Of course, we recognise that challenges remain, which is why, for example, we have taken robust action to tackle sexual offending and have invested £93 million over the past five years to ensure that victims' rights and needs are at the centre of Scotland's criminal justice system.

Pam Gosal: At the end of last month, when those recorded crime statistics came out, the cabinet secretary boasted about how safe Scotland is, but I think that domestic abuse victims will have a different take on those statistics. The data reveals that, for the year ending December 2022, there were more crimes recorded under the Domestic Abuse (Scotland) Act 2018 than in any other year since its introduction. Instead of boasting to victims of those heinous crimes about how safe Scotland is, will the cabinet secretary work with me by backing my plans to tackle domestic abuse in Scotland?

Keith Brown: It is not a boast to acknowledge the efforts of policing, justice and community safety partners and to say that Scotland is a safe place in which to live. I do not know whether or not Pam Gosal welcomes that. Their efforts have contributed to a 42 per cent reduction in recorded crime since this Government came to office. That is a statement of fact. I do not know whether Pam Gosal is uncomfortable with that, but that is simply the case.

A great deal has been done to increase the reporting of domestic abuse, which is to be welcomed.

As to Pam Gosal's bill, I do not know how many times she is going to demand of me that I support her bill without seeing it—indeed, without even seeing, as yet, the analysis of the consultation on it. By all means, let us have a discussion—I have happily already entered into a discussion with her—but at least let us see the evidence before we come to a conclusion.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I, too, welcome the continued decrease in recorded crime in Scotland, which remains at one of the lowest levels for any 12-month period since such records began. Nonetheless, we all agree that there is much more to be done for those who experience crime. What steps are being taken to strengthen support for victims of crime?

Keith Brown: Audrey Nicoll rightly asks what steps we have taken. We have established the victim-centred approach fund, invested £48 million over 2022 to 2025 and awarded more than £917,000 from the victim surcharge fund to provide practical help and support.

Furthermore, as was announced yesterday, the forthcoming criminal justice reform bill will introduce new rights to independent legal representation in sexual offence cases, alongside providing anonymity for victims and abolishing the not proven verdict. The bill will also be informed by recent consultation on improving victims' experiences, including proposals for a victims commissioner.

That will indicate to Audrey Nicoll the breadth of measures that we are taking in that area.

Deaf Community

3. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government what support it provides to the deaf community. (S6O-01990)

The Minister for Children and Young People (Clare Haughey): The Scottish Government provides around £2.2 million in funding through the equality and human rights fund and the children, young people and families early intervention fund to third sector projects that work with deaf people. We also provide funding of £600,000 per year to Contact Scotland BSL, an online video relay service enabling deaf and deafblind British Sign Language users to make phone calls. We also fund the Scottish Sensory Centre and CALL Scotland to provide advice and training to school staff on support, including the use of assistive technology for children and young people with specific communication and sensory needs.

David Torrance: I recently met the local deaf club in my constituency to discuss the problems faced by people whose first language is British Sign Language. What actions has the Scottish

Government taken to promote the provision of written information and correspondence from Scottish businesses and organisations such as the Office of the Scottish Charity Regulator to BSL users in a format that they can access, read and understand?

Clare Haughey: The Scottish Government is committed to promoting the use and understanding of BSL as a fully recognised language across the Scottish public sector. BSL users can contact businesses using the Contact Scotland BSL online video relay interpreting service, and businesses can contact their deaf customers in the same way. Contact Scotland BSL is widely promoted to deaf BSL users and to service providers through a series of free online webinars and visits to deaf clubs.

Martin Whitfield (South Scotland) (Lab): The minister will be aware of the damning findings of the audit into NHS Lothian's audiology department and how that situation affects the deaf community. Last week, a number of local MSPs met the families directly and heard about how it is affecting them.

Will the Government confirm that it will meet local MSPs and families from the families failed by Lothian audiology action group in order to ensure that the treatment support needs of those children can be met and that, most importantly, we find out how many children have been affected?

Clare Haughey: The responsibility for national health service audiology lies with my health colleagues, some of whom are in the chamber today. I am sure that they will respond appropriately to Mr Whitfield.

Adult Neurodevelopmental Pathway Trials

4. Michelle Thomson (Falkirk East) (SNP): To ask the Scottish Government when the final report of the national autism implementation team's adult neurodevelopmental pathway trials, which were conducted within four national health service board areas, will be available. (S6O-01991)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): The adult neurodevelopment pathways pilot ran for 12 months from January 2022, funded by £650,000 from the Scottish Government. The report will be published on 16 March and will be available on the national autism implementation team's website. A national learning event hosted by the implementation team is also planned for 16 March, and the Scottish Government will be considering the next steps.

Michelle Thomson: The ADHD Foundation states that undiagnosed and untreated ADHD in women and girls can have further impacts beyond health, including on their education, employability

and economic independence. Given that, does the Scottish Government have any data on the potential impact that such a national pathway roll-out could have on socioeconomically disadvantaged women across health boards throughout the country, for whom the private assessment fees are simply unaffordable? Are there any plans to focus aspects of the roll-out across all health boards to include such groups?

Kevin Stewart: We are aware that ADHD can have significant impacts. The ultimate aim of the pathway is that people can access the support that they need when they need it. We will be happy to think about socioeconomic factors in taking all that work forward.

NHS Lanarkshire (Engagement)

5. Stephanie Callaghan (Uddingston and Bellshill) (SNP): To ask the Scottish Government when it last engaged with NHS Lanarkshire. (S6O-01992)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Both ministers and Scottish Government officials meet regularly with representatives of all health boards, including NHS Lanarkshire. I last met the leadership of NHS Lanarkshire last month to discuss plans for sustained improvement in local unscheduled care.

Stephanie Callaghan: The Lanarkshire local medical committee represents general practices across Lanarkshire. It tells me that it has significant concerns around the vast increase in the number of patients seeking fit notes from their general practitioner when the fit note should have been issued by the patient's hospital consultant at the time of treatment. Our consultants do an amazing job, but that issue needs to be ironed out. The LMC tells me that thousands of unnecessary GP appointments are taken up by those patients each year as a consequence. My constituency office is aware of similar cases—

The Presiding Officer: Can I please have a question, Ms Callaghan?

Stephanie Callaghan: —for patients who are referred to Glasgow hospitals, so there is a wider issue. What steps can be taken to ensure that hospital consultants are issuing fit notes to patients to reduce the unnecessary pressure on GPs?

Humza Yousaf: I am not aware of that issue being raised directly with the Government by the Lanarkshire local medical committee, but the member is right that it is an issue that affects health services and general practices across the country. I will work closely with the British Medical Association, the Royal College of General Practitioners and our health boards to see what we can do, because we know that our general

practice colleagues up and down the country are under enormous pressure. That is why the Government has a record of increasing the head count of GPs by 291, and we aim to go much further.

Windsor Framework (Impact on Scotland)

6. **Joe FitzPatrick:** To ask the Scottish Government what its response is, regarding the potential impact on Scotland, to the Windsor framework. (S6O-01993)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): The Scottish Government welcomes the Windsor framework agreement. The dispute over the Northern Ireland protocol was of the United Kingdom Government's own making and was deeply damaging, threatening what would have been a catastrophic trade war with the European Union in the middle of a cost of living crisis. The Scottish Government also fully supports the Good Friday agreement. However, Scotland is, by the Prime Ministers own admission, now at a major competitive disadvantage. Mr Sunak said that Northern Ireland was in an

"unbelievably special position, a unique position in the entire world".

Joe FitzPatrick: Has the cabinet secretary detected any substantial difference between the positions of the UK Government and the Labour Party on Brexit? Given that, as he said, Scotland and the UK are no longer in the "unbelievably special position" that the Prime Minister has outlined for Northern Ireland, will the Scottish Government assess the impact on Scotland of it being placed outside the European Union single market and customs union, which is the policy of both the Tories and the Labour Party?

Angus Robertson: Scotland is feeling the full damage of the UK Government's hard Brexit despite our overwhelming vote to remain and despite the fact that the Scottish Government put forward a compromise plan in 2016 to keep both the United Kingdom and Scotland in the single market—a compromise that was dismissed by UK ministers. [*Interruption.*]

The Presiding Officer: Let us hear the cabinet secretary.

Angus Robertson: We are reading the legal text of the Windsor agreement and requesting more detail from the UK Government so that we can establish in more detail what the framework will mean for Scotland.

There appears to be no significant difference between the Conservative Party and the Labour Party on this. They both support a hard Brexit, which is hugely damaging. It has never been

clearer that the only way to regain the benefits of European Union membership is for Scotland to be an independent country.

Livestock Safety (Responsible Countryside Access)

7. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government what action it is taking, with lambing season about to begin, to support farmers to keep livestock safe, including in relation to promoting responsible countryside access. (S6O-01994)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021, which has been in force for over a year, provides Police Scotland and the courts with greater powers to deal with those who allow their dogs to worry, attack or kill livestock in Scotland's countryside.

Increasing awareness is a key factor in the prevention of livestock-worrying incidents and the associated unnecessary suffering. The Scottish outdoor access code is clear on the rights and responsibilities of land managers and those who exercise access rights, and it is widely publicised. More generally, the Scottish Government, in partnership with the Scottish Society for the Prevention of Cruelty to Animals, has delivered a digital awareness-raising campaign to promote responsible dog ownership, which ran in early 2021 and was rerun during 2021-22.

Emma Harper: As well as facing high costs due to the cost of living crisis and Brexit, farmers are still being financially and emotionally impacted by attacks on their livestock by out-of-control dogs. As the lambing season begins, will the cabinet secretary join me in again encouraging everyone, when enjoying Scotland's beautiful countryside, to do it responsibly and follow the Scottish outdoor access code, keeping dogs under close control to prevent livestock from coming to harm?

Mairi Gougeon: I thank Emma Harper for raising this important matter in the chamber today, because I do not think that we can emphasise enough the impact that it has on our farmers. As she said, that impact is financial but, importantly, it is emotional as well.

I encourage everyone who wants to enjoy our beautiful countryside to follow the Scottish outdoor access code and keep their dogs under close control to prevent livestock from coming to harm. The national access forum, which includes NatureScot, NFU Scotland, Police Scotland, the Scottish Kennel Club and Scottish Land & Estates, agreed that common high-level messaging for dog owners in 2020, and I know that NatureScot will employ it widely in the coming spring lambing

season and throughout the rest of the year on its social media platforms as a key part of the on-going access code campaign activity.

Animal Welfare Legislation

8. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government what its position is on introducing legislation in Scotland similar to the United Kingdom Animals (Low-Welfare Activities Abroad) Bill. (S6O-01995)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The Scottish Government takes animal welfare very seriously and remains committed to ensuring the highest standards in Scotland. I thank Christine Grahame for raising the issue with me. In our recent correspondence on it, I shared my extreme disappointment that the bill has been handled so poorly by the UK Government, which has ultimately left us with insufficient time to properly consider this important matter.

I remain absolutely committed to improving animal welfare and I am of course open to considering similar proposals to restrict the advertising in Scotland of unacceptable animal experiences abroad. However, that has to be done in a manner that respects the role of the Scottish Parliament and the other important animal welfare issues that the Scottish Government wants to address.

Christine Grahame: The legislation refers to the use of animals such as Asian elephants for the entertainment of tourists. The cabinet secretary referenced her letter to me. Will she meet me and the chief executive of Save The Asian Elephants to see what measures the Scottish Government can take to help end exploitation of those magnificent beasts?

The Presiding Officer: Briefly, cabinet secretary.

Mairi Gougeon: We are happy to have those discussions. The Government has reached out to stakeholders, and my officials met Duncan McNair and Peter Stevenson on Monday of this week to discuss the bill. As a result of that constructive engagement, I thank them and Save The Asian Elephants for their kind offer of assistance as we look to explore ways in which we can improve the welfare of not only elephants but all animals that are subject to low-welfare conditions.

The Presiding Officer: That concludes general questions.

First Minister's Question Time

12:00

Scottish National Party Leadership Contest

1. Douglas Ross (Highlands and Islands) (Con): Apparently, the First Minister could not bear to watch the Scottish National Party leadership debate this week, but her ears must have been burning as the candidates torched her record in government. I like to be helpful to the First Minister, so let me recap some of what was said. *[Interruption.]* I am happy to continue if you are, Presiding Officer. *[Interruption.]*

The Presiding Officer (Alison Johnstone): If you are content to continue, Mr Ross, we will try to. *[Interruption.]*

Douglas Ross: I am very happy to continue. We can ignore them while I direct my comments to the First Minister.

Let us be absolutely clear. I can be helpful to the First Minister—*[Interruption.]*—if people can hear me. Perhaps we cannot continue, Presiding Officer. We have tried. *[Interruption.]*

The Presiding Officer: We have tried, Mr Ross. We will suspend briefly.

12:01

Meeting suspended.

12:03

On resuming—

The Presiding Officer: We resume. Please start at the beginning, Mr Ross.

Douglas Ross: John Swinney and Nicola Sturgeon seemed to enjoy the start of my question, so I will repeat it.

Apparently, the First Minister could not bear to watch this week's SNP leaders' debate, but her ears must have been burning as the candidates torched the SNP's record in government. Let me be helpful to Nicola Sturgeon, as I try to be, and update her on what was said. Her finance secretary Kate Forbes said about Scotland that the trains never run on time, the police service is stretched to breaking point and there are record high waiting times in the NHS. Does the First Minister applaud, as we do on this side of the chamber, her finance secretary's honest assessment of the SNP's record in government?

The First Minister (Nicola Sturgeon): Unfortunately, I did not catch the leaders' debate the other night, because I was on my way back from a wonderful visit to the inspirational Glasgow

Women's Library, which is a fabulous place that I recommend to everybody in the chamber.

The only verdict on my Government that really matters, of course, is the verdict from the people whom we serve—the people of Scotland. That verdict—winning no fewer than eight elections—has been pretty clear over the eight years of my leadership.

Let me remind Douglas Ross—I am trying, as I always do, to be helpful to him—why that might have been the case. Under this Government, we have seen a 20 per cent increase in national health service staff and the highest number of doctors and nurses proportionately anywhere in the United Kingdom. We have seen a doubling of the NHS budget. We have seen the best-performing accident and emergency departments anywhere in the United Kingdom for the past seven years. Scotland is the only part of the UK with no NHS strikes and the highest-paid NHS workforce anywhere on these islands. There has been a significant reduction in hospital infections, and there are £10,000 nurse bursaries at a time when the Tories in England have scrapped nurse bursaries. We have scrapped prescription charges and taken away parking charges at NHS hospitals. We are leading the way on public health measures.

Presiding Officer, I can see that you are looking at me askance. That is about just the NHS. I look forward to getting on to other topics later in this session.

Douglas Ross: If the First Minister really did miss the first television debate, there is another one tonight. I am really worried that 30 minutes will not be long enough for the candidates to trash her record in government.

Last week, I said that there seem to be two Kate Forbes—one with a terrible record in government and one who says that the Government has a terrible record. Now the Cabinet Secretary for Finance and the Economy is in an even bigger guddle. She cannot decide whether she is in government or in opposition. Just listen again to that statement from Kate Forbes. The current finance secretary said that the current SNP Government leaves trains that never run on time, the police service stretched to breaking point and record high waiting times in our NHS. That is a quote sorted for every Scottish Conservative leaflet going forward.

There is even more material that we can use. Kate Forbes said:

"More of the same is not a manifesto—it's an acceptance of mediocrity."

The First Minister might expect to hear that from me, but did she really expect to hear it from her own finance secretary?

The First Minister: I am very aware that, for Douglas Ross, mediocrity is, of course, a dizzy height that he has never come close to achieving. There is no confusion whatsoever about where Douglas Ross is in terms of government or opposition. He is in opposition now, and he will remain in opposition for a long, long time to come.

Helpfully—Douglas Ross has been very helpful today, and I am most appreciative—he has taken me into other subject matters. I will be brief, Presiding Officer.

Douglas Ross talked about crime. Let us talk about the record of my Government, which has been endorsed eight times in eight years by the Scottish people under my leadership. Crime is down by more than 48 per cent. Violent crime alone is down by 48 per cent. [*Interruption.*]

The Presiding Officer: Excuse me, First Minister. Let us have one speaker at a time, please.

The First Minister: Automatic early release has been ended—that was opposed by the Scottish Conservatives, of course. We see reoffending rates among the lowest ever and a higher number of police officers than there was at any time during previous Scottish Administrations—the number is higher proportionately than that in any other part of the UK. We have strengthened the law on domestic abuse.

Then there is transport. ScotRail is in public ownership. There are lower fares on average than there are where the Tories are in power. There is the £11 billion of investment in rail infrastructure. The M74 has been completed, the Aberdeen bypass has been built, and the Queensferry crossing has been built. There is the highest investment in active travel in any UK nation.

I could go on, and I will be happy to do so later on.

Douglas Ross: If the First Minister continued with that record in government on transport, it would be about the A9 delayed, the A96 delayed, and ferries rusting in the docks and not serving the island communities that they are there for.

However, the First Minister seems to think that if she does not mention Kate Forbes—if she pretends that she did not watch the debate—those comments did not occur. This was a Scottish Government minister, someone currently serving under Nicola Sturgeon, tearing apart the SNP's record in government. If Nicola Sturgeon will not focus on Kate Forbes, we know that one of her closest allies will. Shona Robison—a current Cabinet colleague of Kate Forbes—said that Kate

Forbes is trashing the record of the SNP Government.

However, Kate Forbes has voted for every single SNP policy. She has backed every single SNP referendum demand and every one of the SNP budgets. She is the finance secretary—she writes the budgets. Also, Kate Forbes was Nicola Sturgeon’s right-hand woman, handpicked by the First Minister to rise up rapidly through the ranks. When promoting Kate Forbes in February 2020, the First Minister said this in the chamber:

“Kate Forbes ... has a forensic grasp of detail.”—[*Official Report*, 18 February 2020; c 63.]

On this Government’s record, Kate Forbes has got the detail bang on the money, has she not?

The First Minister: All three of those colleagues of mine who are vying to be my successor and vying to have the joy of First Minister’s question time every Thursday at 12 o’clock, either are or have been members of my Government, so of course they all share in the success of the Government that I am proud to lead.

I am now, by my own choice, an outgoing leader, but I will be serious for a minute here. Nobody needs a running commentary from me—certainly, nobody needs a running commentary from Douglas Ross on anything, but that is another matter. However, if I were to offer advice, first, to those who are vying to succeed me, it would be this: of course, the internal process is really important but, although it might not feel like it right now, it is the relatively easy part. Being First Minister is hard; it is tough; and it is a massive responsibility. Whoever emerges in the position of First Minister and is standing here three weeks today has one overriding task. It is to govern, and it is to serve in a way that inspires the people of Scotland to keep placing trust in us, just as they have done consistently since 2007 and just as they have done eight times over the eight years of my leadership. That is what matters, because without that trust, nothing else is possible.

Finally, to my opponents, perhaps a word to the wise as well. I cannot grudge them watching the first SNP leadership election in 20 years, because we have had lots of Tory and Labour leaderships to enjoy over those years. However, as long as they are using virtually all of their air time to talk about the SNP because they have nothing positive to offer, fundamentally the problem is not ours; the problem is theirs, because they are destined to stay exactly where they are right now—in opposition.

Douglas Ross: If only the SNP candidates had something positive to offer rather than fighting with each other. However, Kate Forbes has been so

honest about the SNP’s record in government that, just this morning, Mhairi Black—the SNP’s deputy leader in Westminster—said that the SNP could split over this contest. Nicola Sturgeon has divided Scotland and now her departure is dividing the SNP, yet while the SNP goes through this civil war, the real priorities of Scotland are being ignored.

This divided and distracted party is failing to give Scots the health service that they deserve. The current health secretary is mumbling as I speak about his portfolio area, so let us go through what has been said this week. The British Medical Association Scotland told us that nearly half of junior doctors are thinking of quitting. On Monday, an investigation reported that one in five people in Scotland have been forced to go private for health treatment. There are 773,000 Scots on an NHS waiting list just now, and 10 patients a month are travelling to Lithuania for treatment—I repeat: they are travelling from Scotland to Lithuania for treatment. The First Minister said that people should focus on governing and serving, but should not the SNP leadership candidates focus on the crisis in our NHS, not the crisis in their party?

The First Minister: I will come to the NHS in a second. Every one of the SNP politicians that Douglas Ross has mentioned has more popular and public approval than he does. I think that he is the least popular elected leader in Scotland today. My advice to him was intended to be helpful. Perhaps if he spent a bit more time looking in the mirror—[*Interruption.*]—

The Presiding Officer: Thank you!

The First Minister: —and reflecting on the reasons for his party’s and his personal unpopularity, and a bit less time thinking about the SNP, he might not be in the dire straits that he is in now.

The NHS does face significant challenges. However, the number of people who are self-funding private care in Scotland is significantly lower than the number in Tory-run England or Labour-run Wales. We are seeing considerable reductions in the longest waiting times for out-patients and in-patients because we are focusing on NHS recovery. It is because we are doing that that no NHS workers have been forced to strike in Scotland. In fact, in terms of our agenda for change, they are the highest-paid NHS workers anywhere in the UK. That is the focus that the SNP has on the NHS, and we will continue to have that focus as long as we are in government.

National Health Service (Performance)

2. **Anas Sarwar (Glasgow) (Lab):** Week after week, I have asked the First Minister about the national health service and, week after week, she

has defended the indefensible and asked patients to accept the unacceptable. Members of her Government accept that the NHS is in crisis. Kate Forbes has said that more of the same will not cut it, and she has called out Humza Yousaf for delivering record waiting times. After nearly 16 years in Government, the performance of our NHS is the worst that it has ever been. It needs a serious plan to fix it. Does the First Minister agree that continuity, mediocrity and incompetence will not cut it?

The First Minister (Nicola Sturgeon): As I said earlier, continued focus on the part of whoever is First Minister on delivering for the people of Scotland and retaining their trust is the priority, and it should be the priority of whoever is standing here as First Minister in just three weeks' time.

Specifically on the NHS, the NHS in Scotland, England, Wales and Northern Ireland, as well as health services across much of the world, are facing challenges, largely because of the pandemic that has afflicted us all in the past three years. However, because of the recovery plan, the record investment that we are putting into the NHS and the record number of staff that it has, we are now seeing progress in its recovery. On waiting times for out-patients, the number of people who are experiencing waits of more than a year is down by almost 9 per cent in the last quarter; and the number of people waiting for more than two years is down by 50 per cent in the last quarter, and down 60 per cent since the peak. We are seeing similar reductions in the numbers for in-patients and those who are waiting for diagnostic tests.

The number of people who are being seen in our NHS is going up. Is that tough? Yes. It is toughest of all for everyone who is working in our NHS, but our focus on the NHS is resulting in those improvements and will continue to do so.

Anas Sarwar: Incompetence has serious consequences. Dr Chris Adams, one of Scotland's leading paediatric surgeons, says that his patients are suffering because of a lack of staff, and that he has had enough. Crucially, he says that those problems are not due to Covid. One of Dr Adams's patients is Harvey Martin. Harvey is nine years old and suffers from neurofibromatosis, which is a genetic condition that causes tumours to grow on the nervous system. In August last year, he was told that he needed urgent surgery within four weeks to correct a curve in his spine. Seven months on, he is still waiting. The curve is now harming his internal organs, and he has been left in excruciating pain. A nine-year-old in excruciating pain for seven months: that is a serious consequence of incompetence.

Harvey's mum, Natalie, told me yesterday that she cannot watch her child in pain any longer. She

is looking at private options and will fundraise for Harvey's treatment. First Minister, why are children having to wait so long for urgent treatment, and why are families having to contemplate paying to relieve their child's pain?

The First Minister: No parent should have to contemplate that. Other than those that Anas Sarwar has just shared, I do not know the details of Harvey's case, but I will look into that and will respond more fully.

I have heard the concerns that Dr Chris Adams expressed and I know that those have been investigated by NHS Lothian. As I understand it, those concerns are general and are not in relation to Harvey's case in particular. They have been investigated by NHS Lothian and, this morning, I asked officials to ensure that we have more external assurance to satisfy ourselves that there is no substance to those concerns.

As we all know, the NHS is facing significant challenges, which are largely down to Covid. There were pressures that predated Covid but, in most countries, the pressures on health services are down to Covid. That is why we are focusing on investment, recruitment and reform to help tackle those challenges.

Anas Sarwar cited Dr Adams's comments on staff. We have record numbers of staff in our NHS today. Since this Government took office, staffing has gone up by 22 per cent. We have higher staffing per head than NHS England and higher numbers of nurses, midwives and doctors than in the health services of other parts of the United Kingdom. We will continue focusing hard, each and every day, on supporting our NHS so that it is delivering for all patients, including children like Harvey, every day.

As I said, I will look further into the specifics of Harvey's case and will respond either to Anas Sarwar or directly to Harvey's family, in due course.

Anas Sarwar: It is important to repeat two things. First, Dr Adams says that the problems are not due to Covid, so the First Minister needs to stop hiding behind Covid. Secondly, incompetence has serious consequences. Incompetence might be funny in a Scottish National Party leadership debate, but incompetence in Government means that people are losing their lives, right now, across Scotland.

Across Scotland, thousands of people are opting to pay for treatment because they cannot wait for the NHS. Research by the BBC shows that one in five people says that they or a family member have paid for medical treatment—one in five. NHS staff such as Dr Adams are speaking out about waiting times because of the risk to their patients' lives. Shamefully, other clinicians were

gagged from speaking out publicly by the Lothian and Greater Glasgow and Clyde health boards. They know that there is a crisis.

Thousands of operations have been cancelled; we have the worst accident and emergency waiting times on record; there are more than 5,500 nursing and midwifery vacancies; 770,000 patients are on NHS waiting lists; and there are record-breaking levels of delayed discharge. This is a crisis 16 years in the making because of SNP mismanagement of our NHS. None of the candidates to replace Nicola Sturgeon is up to the job of fixing that, because the people who created the problem cannot be the ones to fix that problem.

The First Minister: To be clear, I said that, in relation to the general comments and concerns that Dr Adams has cited, although not specifically in relation to young Harvey's case, I have asked for further external assurance to ensure that we have properly investigated those. No one is hiding behind anything.

Anas Sarwar must be one of the only people—Douglas Ross is in that category as well—who steadfastly refuses to recognise the impact of Covid on the NHS. [*Interruption.*] I have already referred to Dr Adams. I am not talking about Dr Adams. Week after week, Anas Sarwar stands here—[*Interruption.*]

The Presiding Officer: Members!

The First Minister: —and wants to pretend that Covid did not happen. There were pressures on our NHS before that, but everyone understands the significant exacerbation of those pressures on the NHS that was caused by Covid. That is the case in Scotland, Wales, England and in most other countries across Europe and around the world.

This is really important: I have said this many times and it does the NHS a disservice for Anas Sarwar to suggest otherwise. No NHS staff are gagged. We have whistleblowing arrangements in our national health service, and all staff who have concerns should feel able to come forward and raise those.

I have been in this post for more than eight years, as I may have said once or twice already today. I have taken the duty and responsibility of this office seriously, as everyone has the right to expect me to do, every single day, right through the very difficult days of Covid and on every other day beside. I will continue doing that for my remaining days in office and I know that whoever stands here after me will also do that.

Government is difficult at the best of times, and these are not the best of times. However, the people of Scotland are the ultimate arbiters of who

is competent, who is doing the job well and who is not, and they have put their trust in this Government consistently since 2007, and eight times in the eight years of my leadership. The task of my successor is to make sure that they retain that trust. It is precious and it is essential to achieving anything.

Hospital Waiting Times

3. Tess White (North East Scotland) (Con): To ask the First Minister whether she will provide an update on the Scottish Government's progress towards reducing the number of people on hospital waiting lists and ending long waits for national health service treatment. (S6F-01899)

The First Minister (Nicola Sturgeon): Yes, I will. The total number of patients waiting more than 18 months for a new out-patient appointment was down by 27 per cent in a single quarter; the numbers of patients waiting for more than two years for in-patient and day cases was down by 60 per cent over six months; the number of patients who were seen in December 2022 was at the highest level since the pandemic began; and the number of patients waiting for a diagnostic test had reduced by more than 7 per cent in the most recent quarter.

Of course, that progress is down to the hard work of our front-line NHS staff to clear long waits that have been exacerbated by the pandemic. We need to go further and continue to grow capacity in our national health service, which is why we will, for example, open four new national treatment centres over the coming year.

Tess White: Figures from NHS Grampian show that two people have waited more than five and a half years for in-patient treatment. In NHS Grampian, for orthopaedic surgery alone, waiting times are 18 to 24 months, and more than 3,800 people are on the waiting list. I have a constituent on that list who is in debilitating pain, and that is impacting her physically, emotionally and financially. No meaningful progress has been made to reduce the number of people on waiting lists, as Kate Forbes has said. Our health secretary, Humza Yousaf, is focused more on the Scottish National Party's succession plan than on the NHS recovery plan. What does the First Minister have to say to my constituent and to the thousands of other people who are suffering in pain on those waiting lists?

The First Minister: What I will say to Tess White's constituent—and to anyone who is on an NHS waiting list—is that this Government will continue to focus on investment, recruitment and reform in our NHS to get those waiting lists and times down. It is simply wrong—and the facts do not bear it out—that progress is not being made in reducing the longest waits. I have already set out

the progress over recent months in reducing the longest waits for out-patient and in-patient appointments and for diagnostic tests. Is the progress that has been made yet good enough? No—it is not. The challenge in our NHS is significant, but we will continue with the investment, recruitment and reforms that are necessary to make sure that we deliver for all patients every day in our national health service.

Jackie Baillie (Dumbarton) (Lab): Earlier this week, BBC Scotland revealed that one in five people had paid for private medical care in the past 12 months. Let us be clear that those are people who are on lengthy waiting lists and who are so desperate for treatment that they are scraping together their savings to go private.

The Private Healthcare Information Network tells us that the number of private operations has increased by 72 per cent and, in 2021 alone, 40 per cent of all hip and knee replacements were done privately. Each and every one of the health secretary's targets for ending even the longest waits—of more than two years—have been missed.

Just a few months ago, NHS board chief executives were discussing a two-tier system of healthcare in Scotland, in which some people would pay for their care. Does the First Minister now accept that, in reality, under this SNP Government, the two-tier system is already here?

The First Minister: No, I do not accept that, but I do consider it unacceptable that any patient has to pay privately for treatment that they should—and want to—get on the national health service. That is why we continue to focus, in the ways that I have been speaking about, on bringing down waiting times, and we will continue with that focus. I know that it will be a priority for whoever succeeds me as First Minister, as it has been a priority for me every day in this job.

The targets have not been missed. The targets on reducing long waits are being met, and we need to and will go further. I know that this will get howls of objection from the Labour benches, but Jackie Baillie is trying to suggest that the challenges in our national health service are uniquely down to the fact that Scotland has an SNP Government, so let me counter that.

Jackie Baillie quoted the Private Healthcare Information Network figures, so she will not mind my also quoting the Private Healthcare Information Network figures for self-funded private care. In the second quarter of 2022, which are the most recent figures, in Wales, where Labour is in office—*[Interruption.]* Jackie Baillie wants to do the comparisons when it suits her.

In Wales, where Labour is in office, the number of people getting self-funded private care was,

according to the Private Healthcare Information Network, 27 per cent higher than it was in Scotland. Not only that, for those opting to pay for private healthcare, the rate of increase in Wales was 21 percentage points higher than it was in Scotland.

I am responsible—this Government is responsible—for health in Scotland, but for those who want to suggest that the challenges in our national health service are uniquely down to an SNP Government, if they are Tories, they need to look at performance in England, and if they are Labour, they really need to look at performance in Wales.

Budget (Impact of Teachers' Pay Settlement)

4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the First Minister what impact the proposed pay settlement for teachers, if accepted, will have on other Scottish Government budgets. (S6F-01901)

The First Minister (Nicola Sturgeon): This is a very fair offer for teachers in very challenging circumstances. It represents the best pay offer to teachers in more than 20 years. Delivering it will require the Scottish Government to make very hard financial choices, and it will therefore have an impact on other parts of the Scottish Government budget. However, that is necessary and I believe that it is right, given the importance of resolving the dispute, which the education secretary has worked very hard to do, and in the interests of ensuring that young people's education is not further disrupted and in the interests of valuing teachers, who do such a good job in schools right across the country.

Christine Grahame: I declare an interest as a former secondary teacher. It was one of my former professions, and I have high regard for it and hope that a settlement can be reached.

What will the proposed pay settlement mean for teachers in Scotland, particularly compared with teachers in the rest of the United Kingdom?

The First Minister: The new pay offer, which, as I say, is the best pay offer to teachers in more than 20 years, will see the salaries of most teachers rise by more than £5,000 in April, if it is accepted. The 28-month deal has a cumulative value of 14.6 per cent and would mean an overall increase of more than £6,100 over two years for the 70 per cent of classroom teachers at the top of their main grade scale.

Teachers in Scotland are among the best paid anywhere in the world and they move more quickly to the top of the pay scale than those in any other Organisation for Economic Co-operation and Development country. In terms of UK

comparisons, new fully registered teachers in Scotland are the best paid anywhere in the UK.

It is a good deal and it is a fair deal, and I hope that it is accepted and that the dispute is resolved.

Stephen Kerr (Central Scotland) (Con): It is a great relief to everyone involved that the dispute finally looks like it is over. However, is this whole episode not typical of what the First Minister's Cabinet Secretary for Finance and the Economy, Kate Forbes, has called the "mediocrity" of Nicola Sturgeon's time as First Minister? There have been eight years of broken promises and neglect of Scottish education, more than a year of on-off negotiations even to get to this point, and damaging disruption. Would Nicola Sturgeon not agree that Scotland's teachers, parents, children and young people deserve better?

The First Minister: The hypocrisy here is utterly staggering. Yes, it has been a tough negotiation, but it is because the Scottish Government has been determined to find resolution, with our partners in local government, that we are where we are right now.

The reason why Stephen Kerr's approach here is utterly hypocritical is that he is a Conservative, and when we look at the Conservative Government in England, we find a completely different approach. The Tory Secretary of State for Education said that Government is not there to do teacher pay negotiations. The full quote is:

"We didn't negotiate the pay, that's not what we're there to do."

In this Government, we think that that is part of what we are here to do—to get around the table and agree fair pay deals for the national health service and for teachers—and that is one of the many reasons why the people of Scotland continue to put their trust in this SNP Scottish Government.

Michael Marra (North East Scotland) (Lab): The Educational Institute of Scotland ballot on this last-gasp offer ends tomorrow. We all hope that this dispute can end because of the lost learning, the responsibility for which rests with the Government.

Can the First Minister assure young people in targeted constituencies, such as her own, that the Scottish Qualifications Authority will make special provision to ensure that they get a fair chance at success? What will the Government do to ensure that all payments are in this month's pay run—the last one of the financial year—to avoid tax and benefits chaos for many teachers?

The First Minister: I very much hope that we see this pay offer accepted and that teachers will get the substantial increase to their salary that I believe they deserve.

Education Scotland will, of course, continue to take steps, as will the SQA as appropriate, to ensure that pupils are properly supported.

The approach of this Government, whether towards the national health service, the wider local government workforce or the teaching profession, in very, very tough times, when inflation is putting significant pressure on our budget, is to get round the table, to respect trade unions and to negotiate fair pay deals. If only that were happening in other parts of the UK in the way that it is happening in Scotland, we might all be in a much better position.

Home Energy Costs

5. **Brian Whittle (South Scotland) (Con):** To ask the First Minister what action the Scottish Government is taking to support home owners seeking to reduce their energy bills. (S6F-01887)

The First Minister (Nicola Sturgeon): The Scottish Government has allocated £336 million to heat, energy efficiency and fuel poverty measures. This year, £119 million of that is targeted specifically at fuel-poor households. We have also doubled the fuel insecurity fund and have provided an additional £1.2 million to help advice services to meet increasing demand.

We are doing, and will continue to do, everything that we can within our limited devolved powers, but, of course, the key levers lie with the United Kingdom Government. We will continue to call on the United Kingdom Government to protect those who are struggling with their energy bills. I urge anybody who is struggling to contact Home Energy Scotland, which can provide advice and support on how to manage energy costs.

Brian Whittle: The cost of living crisis has highlighted the benefits of improved energy efficiency in homes—an area in which Scotland has, sadly, lagged behind for too long. The Scottish Government's existing proposals on home retrofitting for energy efficiency are, like the pledge to retrofit a million homes with heat pumps by 2030, long on ambition but short on detail. The answer to every key question about how those goals will be achieved, from who pays to how there will be enough people with the skills to carry out the work, is still unclear.

They are Scottish Government initiatives and goals. However laudable and necessary their targets are, they are worthless without a route to achieving them. Does the First Minister accept that a detailed, practical programme for implementation will be vital to delivering net zero homes? If so, when are we likely to get sight of it?

The First Minister: When Brian Whittle rightly references the cost of living crisis, let us

remember that the cost of living crisis was largely created by an incompetent UK Tory Government.

We will continue to take our responsibilities seriously, not just in helping people through what we all hope are short-term cost of living pressures, but in insulating and improving energy efficiency in our homes for the sake of the environment in the longer term as well.

As I said, we have already allocated more than £300 million to heat, energy efficiency and fuel poverty measures in this year alone. That is being delivered through a package of support via some long-standing programmes that have already supported over 150,000 households that are in, or at risk of, fuel poverty. We will continue those short and long-term plans to deliver for people across Scotland.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): Households in my constituency and across Scotland expect to see their annual energy bills rise by over £1,000 from next month. That will eat up more than 13 per cent of the average Scot's take-home pay.

Will the First Minister urge the UK chancellor to use next week's spring budget to halt that increase? It will have a devastating impact on many of our constituents at a time when their finances are already stretched to breaking point. Will she support the call from Age UK for an amnesty on pre-payment meters, which are penalising some of the poorest people in our society even further?

The First Minister: I agree with all of that, and I will certainly take those steps, which are really important. There have been some positive noises from the UK Government around this matter, and I hope to see those realised and turned into concrete commitments in the UK budget next week.

It is essential that the proposed increase to the energy price guarantee cap be cancelled. Failure to do that would mean an estimated increase of 120,000 Scottish households in fuel poverty, taking the estimated total to almost 1 million. I hope we all agree that that would be completely unacceptable, and it can be avoided if the UK Government so chooses.

Apprenticeships

6. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the First Minister, in light of Scottish apprenticeship week this week, how the Scottish Government is supporting people into apprenticeships. (S6F-01903)

The First Minister (Nicola Sturgeon): I was delighted to visit City Building, in Glasgow, earlier this week to launch Scottish apprenticeship week

and to meet some fantastic young people, who shared their own apprenticeship journeys with me.

The Scottish Government is working with Skills Development Scotland and the Scottish Funding Council to maximise apprenticeship opportunities and to ensure that employers that wish to take on an apprentice are supported to do so. The modern apprenticeship quarter 3 statistics show an increase of 7.1 per cent in the number of those who are starting an apprenticeship compared with the same period in the previous year. Despite a context of the most turbulent economic and financial situation that most of us can remember, the Scottish budget for the forthcoming financial year delivers record investment in education and skills. We have kept the Skills Development Scotland budget broadly in line with last year's, allowing it to fund both modern and foundation apprenticeships.

Stuart McMillan: On Monday, I visited the headquarters of River Clyde Homes, in Greenock, to learn more about its apprenticeship programme. I heard directly from the apprentices about how working for RCH has helped with their development and offered them opportunities. The investment by River Clyde Homes in youth recruitment has led to the company being awarded platinum accreditation from investors in young people, making it only one of 11 organisations in Scotland to achieve that accolade. Will the First Minister join me in applauding RCH and its commitment to helping young people in my constituency into sustainable employment, with the hope that its actions will inspire even more organisations to invest in apprenticeships?

The First Minister: I certainly applaud the work that is being done by River Clyde Homes. The award of platinum accreditation from investors in young people is testament to its commitment to offering opportunities to young people. I hope that that inspires other organisations to invest in apprenticeships, which are a key way for employers to invest in their workforce, providing the skills that the economy needs now and in the future. Almost 12,000 individuals between the ages of 16 and 24 took up the opportunity of a modern apprenticeship by the end of quarter 3 of 2022-23. Scotland's apprenticeships support young people and those of all ages into sustainable and rewarding careers, and they give individuals the opportunity to develop the skills that they need to succeed in their chosen career.

Graeme Dey (Angus South) (SNP): Seven years ago, the Equality and Human Rights Commission identified that just 0.5 per cent of modern apprenticeships were going to young disabled people, despite their making up between 8 and 9 per cent of the target population at that time. What progress has been made since then?

The First Minister: I can confirm that we remain very committed to addressing the barriers to young disabled people taking up apprenticeships. Figures show that significant progress has been made in this area since the study by the Equality and Human Rights Commission seven years ago, to which Graeme Dey refers.

Skills Development Scotland provides enhanced funding contributions for disabled apprentices in training until the age of 29. The most recent statistics, published by SDS on 14 February, report that the disability rate for modern apprenticeship starts by the end of quarter 3 was 14.8 per cent—two percentage points higher than in quarter 3 of the previous year. Just under 3,000 individuals had a known disability status or a self-identified impairment, health condition or learning difficulty, which was a 23.5 per cent increase compared with the same point last year. There has been good progress, but much more work is still to be done.

Pam Gosal (West Scotland) (Con): This week, I met winners of my west of Scotland apprenticeship awards. Apprentices spoke highly about the skills and opportunities gained, and employers boasted about the value added to their companies. However, the Scottish Training Federation says that, although the demand for apprenticeships is strong, the funding is just not there. Will the First Minister commit to properly funding apprenticeships and back the STF's calls to increase the number of apprenticeship places to 27,000?

The First Minister: I do not recall the Tories putting forward a proposal in the budget that was passed recently for more funding for apprenticeships. If we had taken their advice over the past few months to cut taxes for the richest people, we would have less money to spend on apprenticeships and everything else.

We are investing strongly in modern apprenticeships. We have asked SDS to deliver at least 25,000 new apprenticeship starts in this financial year, and there are still some to be allocated. Apprenticeships are a real good-news story. They are a good-news story for the young people who are apprentices and the people of all ages who are apprentices, and they are a good-news story for the economy, because apprenticeships provide skills that we need for the future. That is more important than it has ever been since the Tories' Brexit has denied us many skills from elsewhere in Europe.

The Presiding Officer: We move to constituency and general supplementaries.

Illegal Migration Bill

Joe FitzPatrick (Dundee City West) (SNP): Given this week's new proposals from the Tory Government on its approach to refugees and asylum seekers, does the First Minister share my concern about how that will impact on our ability to meet our responsibilities under the United Nations refugee convention and the European convention on human rights? Does she share my disgust at the spectacle of the leader of the United Kingdom Labour Party trying to outdo the Prime Minister on his anti-immigration rhetoric?

The Presiding Officer: First Minister—on matters for which the Scottish Government has responsibility.

The First Minister (Nicola Sturgeon): Let us be clear. The UK Government's Illegal Migration Bill sets out a clear intention to remove the right to seek refugee protection in the United Kingdom. It is utterly shameful and immoral. I can still remember a day when Labour would have opposed it tooth and nail in principle, rather than in the mealy-mouthed way in which it has been doing so.

Here is what the UN refugee agency said:

"This would be a clear breach of the Refugee Convention and would undermine a longstanding, humanitarian tradition of which the British people are rightly proud."

All of us, without exception, should be appalled that the Home Secretary has introduced such a bill, which she knows does not comply with the Human Rights Act 1998 and which will add to the damage that has already been inflicted on the UK's reputation as a place of refuge, its credibility with international partners and its ability to meet its responsibilities under the refugee convention and the ECHR. It is a bill that the Scottish Government does not and will never support, and nobody who has any concern for our fellow human beings should ever support such an appalling piece of draft legislation.

David Hill

Douglas Lumsden (North East Scotland) (Con): This weekend, the Parliament rugby teams of Scotland and Ireland will play a match in memory of our former colleague and friend, David Hill, who sadly died playing in the same fixture last year. After the game, there will be a fundraising dinner to benefit two charities: Cardiac Risk in the Young and the Murrayfield Injured Players Foundation.

Will the First Minister join me in wishing both teams well? Will she also acknowledge the strength and courage of David's parents, Rodger and Sharon, who have been instrumental in organising this weekend's events so that some

good can come from such an awful tragedy? [Applause.]

The First Minister (Nicola Sturgeon): I associate myself whole-heartedly with those comments. I think that all of us still remember the sense of shock last year when we heard of David's sad passing. I had some communication with David's parents, Rodger and Sharon, at the time, and my thoughts remain with them at what I am sure is an incredibly difficult time for them.

This weekend's fixture will be a fitting tribute to David. I wish both teams well and, of course, I pay tribute to the charities that money is being raised to support. Let us end this session of First Minister's question time, in which—rightly and properly—we have had some robust exchanges, by remembering somebody who gave a lot to our democracy in this Parliament. He is sadly missed by all of us across the chamber, and particularly by his Conservative colleagues.

David was an example of what we should aspire to in public life and in politics, so if Douglas Lumsden's question turns out to be the closing question in today's First Minister's question time, it is a good one to remind us of our common humanity and to enable us to remember somebody whom we all miss greatly. [Applause.]

The Presiding Officer: I will take one further question.

Morton's Rolls

Paul Sweeney (Glasgow) (Lab): The First Minister will be aware of the plight of Morton's Rolls in Drumchapel, where 250 workers who have been responsible for creating an iconic Scottish brand now face an uncertain future. In the past few days, investors have come forward, and I have put Government ministers in touch with them. They are due to meet this afternoon.

Although there is undoubtedly a deal to be done here, that will require the Government to do its bit to ensure that there is a sufficient level of capital investment and business support to ensure that production can be restarted on a sustainable footing as soon as possible. Will the First Minister commit her Government and its agencies to doing everything in their power to save Morton's, save skilled jobs in a depressed area and ensure that this household name can prosper for decades to come?

The First Minister (Nicola Sturgeon): I commit to doing everything possible to try to preserve Morton's Rolls and the jobs of the people who depend on the company. Like everybody else, I was deeply concerned to hear of the company's decision last week to cease trading. In my pre-politics life, I worked in Drumchapel, and I know how important such a company is to the people

and sense of community there. Morton's is an iconic Scottish brand.

Working with Glasgow City Council, the Scottish Government will do everything that we possibly can to see whether there is a rescue package that will allow the company to continue trading and making the contribution that it has made for some time to the community of Drumchapel.

Murdo Fraser (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer.

Over the past number of weeks, we have been subject to increasingly tiresome interruptions from protesters in the public gallery. In a democratic society, we recognise that there is a right of peaceful protest, but it is very disruptive for those of us in the chamber, other people in the public gallery who have come to watch proceedings and those who are watching at home, who tune in to see the First Minister and the Scottish Government being held to account.

Therefore, through your office and the Scottish Parliamentary Corporate Body, will you look at the question of allocation of tickets for the public gallery? Are those individuals obtaining tickets directly, or are they doing so through MSPs' offices? What sanctions are being applied to those who are being disruptive? Are their names being taken and are they being prevented from coming back on another occasion? What other steps can be taken to address what is a weekly irritation to all members?

The Presiding Officer: I thank Mr Fraser for his point of order. I assure him and all members that work is under way on the disruption that the Parliament has been experiencing over recent weeks. I have held discussions with the Parliamentary Bureau, the SPCB, party leaders and members more widely. Discussions are ongoing and the issue will continue to be pursued. I will give members an update in due course.

Care-experienced and Adopted Children

The Deputy Presiding Officer (Liam McArthur): I encourage people who are leaving the public gallery to do so as quickly and quietly as possible. The next item of business is a members' business debate on motion S6M-07728, in the name of Roz McCall, on Scotland's forgotten children. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak button now.

Motion debated,

That the Parliament notes, with concern, the findings of the Adoption Barometer 2022, published by Adoption UK, which found that more than four out of five children (81%) represented in the survey were reported to need more support in education than their peers, rising to 85% of secondary school-aged children; considers that children who are adopted in Scotland are, under the current arrangements, disadvantaged when it comes to support offered in primary and secondary education, when compared to other children who are care-experienced; recognises what it sees as the challenges of the adoption process and its impact on the ability of education providers to deliver relevant and prompt support for adopted children; understands that care-experienced children in the education system may display signs of attachment issues due to previous trauma; notes the calls on the Scottish Government to increase the level of support that adopted children receive to match the level of support given to fostered children, to ensure that both groups of children receive additional support within the education system; further notes the findings of the Scotland Foster Care Allowances Survey 2021-22, conducted by The Fostering Network, which showed the differences in weekly allowances for children and young people in foster care and those in a continuing care arrangement across Scotland's 32 local authorities, including those in the Mid Scotland and Fife region; understands that, despite a commitment in the Scottish Government's 2021-2022 Programme for Government to implement a national allowance for foster care and a national review of care allowances in 2017, Scotland remains the only part of the UK to not have a national minimum allowance, and notes the further calls on the Scottish Government to honour the commitment it made to implement the Independent Care Review's The Promise, in which it states that "to provide the care that children require, foster carers must be sufficiently financially maintained".

12:54

Roz McCall (Mid Scotland and Fife) (Con): I welcome to the public gallery Sara Smith and Jacqueline Cassidy from the Fostering Network. I am pleased to open the debate on the support that is available for fostered and adopted children and their families. I thank colleagues from across the chamber who supported my motion, allowing this important matter to be discussed. It is a matter that is very close to my heart. I have called the debate "Scotland's forgotten children" because

those children have fallen through the net and we have to make sure that that stops happening.

Adopted children are care experienced and are care leavers. Most people—including some in this chamber—would immediately think of care leavers as children aged between 16 and 26 who had gone through the care system and had been placed with carers. Many people would not think of a care leaver as being a child aged, perhaps, five, who lives with an adoptive family.

Every adopted child in Scotland today has experienced trauma—some have experienced way more than others. They will have gaps in their mental development. Those gaps cannot help but affect their behaviour at various points in their lives, especially at school. The current system does not recognise that trauma in such cases.

Foster children, who have also experienced trauma, are cared for in many cases by foster parents—foster mums and dads, who are parents in every way, barring a legal document. Foster children also show those gaps in their mental development, which will affect their behaviour in school. Normally, a parent is notified, but the current system does not recognise foster parents in such cases.

My husband and I fostered and adopted our two daughters. They are siblings who have lived with us since they were five and two years old. Both are now grown up—they are 21 and 19. They are in further education and are experiencing all that life has to offer: the benefits, the pitfalls and the everyday highs and lows. They have made us laugh and cry. They have made us proud, anxious, elated and frustrated. They are our daughters and we will support them throughout their entire lives—no question.

However, when it came to getting the additional support that both of them needed as they moved through different stages of schooling, the hurdles that they faced were challenging at best. Both displayed aggressive behaviour when they felt unsafe. Any process that was not properly explained, or any experience that brought up dormant trauma, was met with fear, insecurity, and a forced retort. To those in the know, that is attachment disorder 101. It is very easily controlled in a group environment but, to teachers who had no concept of attachment issues, my daughters were aggressive, difficult, disruptive and an overall problem.

That experience is not in any way unique. "The Adoption Barometer" for 2022, which was published by Adoption UK, found that, of those children who were represented in the survey, more than four out of five—81 per cent—were reported to need more support in primary education than

their peers. That rose to a horrific 85 per cent when children reached secondary school.

Under the current arrangement, when it comes to the support that is offered in school, children who are adopted in Scotland are disadvantaged when compared with other children who have additional needs. It is therefore of little wonder, often, that adopted children are still excluded from school.

I support the Promise 100 per cent and I welcome the outgoing First Minister's commitment to it. I will do everything that I can to ensure that the commitments in the Promise are delivered for every child. However, the challenges of the adoption process and its impact on the ability of education providers to deliver relevant and prompt support for adopted children are failing those young people. Although the Scottish Government has long chanted "no child left behind", it is failing those children, failing in its policy and failing on the Promise.

Both fostered and adopted children deserve additional support in school, to ensure an equal opportunity to learn and experience school life in the same way as their peers. Fostered children who exhibit certain behaviours are recognised by the school system, which will contact social services, ensuring a council-wide approach to supporting the child. Adopted children are not recognised in a care context and are therefore not open to that support.

That raises another important point in the discussion. Foster families are not the first point of contact for the children that they care for. Foster mums and dads are secondary to the state, even though they are best placed to offer everyday support for the young person and will often do so. Not only are they out of the loop in such instances, they are often out of pocket for the support that they provide.

Miles Briggs (Lothian) (Con): Will the member take an intervention?

Roz McCall: I will happily do so.

Miles Briggs: First, I congratulate Roz McCall on bringing the debate to the Parliament. Does she agree that it is unacceptable that, after years of agreeing to have a national kinship care payment—kinship carers are often grandparents bringing up their grandchildren—we have still not seen that being put in place; councils across the country provide different levels of payment. Does she believe that the Scottish Government needs to fix that now?

Roz McCall: It is very simple for me to respond to that point. I agree 100 per cent. The whole range of care, especially kinship care, also needs to be recognised. That is not the point that I am

making in my speech, but nonetheless, I agree entirely with Miles Briggs.

The Scotland foster care allowance survey 2021-22, conducted via the Fostering Network, shows the difference in weekly allowances for children and young people in foster care and those in a continuing care arrangement across Scotland's 32 local authorities, including the Mid Scotland and Fife region that I represent. Scotland remains the only part of the United Kingdom not to have a national minimum allowance.

The Scottish Government must honour the commitment that it made to implement the independent care review. "The Promise" report says:

"To provide the care that children require, foster carers must be sufficiently financially maintained".

A manifesto commitment to a national minimum allowance was made by the Scottish National Party in 2016, but has not yet been implemented. We support the recommendations of the independent care review and want to see the Promise enacted.

The Scottish Government must ensure that care-experienced children are not ignored or forgotten. No child will be left behind as long as this SNP Government does not forget about fostered or adopted children.

Despite more than a decade of pledges, foster carers are confronted with yet another year of financial allowances that fall considerably short of what is necessary to adequately cater for the requirements of foster children. Without the implementation and complete financing of a nationwide allowance, and until a minimum allowance is established and enforced on a national level, foster carers and the children they care for will continue to suffer because of delays. In order to achieve the commitment to children across Scotland, the Scottish Government must guarantee that local authorities will be fully funded. That must come from additional funding to ensure that other vital services do not suffer.

We want all children to be given the opportunity to have the absolute best start in life, the best standard of education and the best chance to succeed in everything that they want to do. Sometimes, children cannot stay with their birth parents, and foster carers and adoptive parents are there, waiting to give the child—or, in my case, children—the best start or restart that they can. The Scottish Government must do everything in its power to guarantee that no child is left behind and that carers and parents get the best support possible to ensure that. That should be the minimum standard and we—politicians and the Scottish Government—must be held accountable if even one child falls below it. If we truly want to

get it right for every child, we cannot overlook those who fall through the net. We have a duty to ensure that we fight for Scotland's forgotten children.

13:02

Stephanie Callaghan (Uddingston and Bellshill) (SNP): I thank Roz McCall for bringing the motion to the chamber. I also thank her for allowing those children to enrich her life, and for really enriching those children's lives. I applaud her for that.

As we have heard, Scotland is home to 13,500 looked-after children. We should never take for granted the essential role of carers in our society. In what can be highly challenging circumstances, they provide care to children who face significant vulnerabilities, grounding them with the love that they require to start a new chapter.

A long-time friend of mine who I have known since school—I will call her Eve—has experience of both fostering and adoption. I thank her for having a chat with me and sharing her experiences before today's debate. Eve welcomed the recent progress that Scotland has made, particularly the emphasis on and the value of the Promise, which is founded on an understanding of the fact that children need loving and stable relationships to grow, learn and reach their full potential. Although I strongly agree, there is so much more to do. We have heard a lot about that already today, too. We need to face those challenges head on.

"The Adoption Barometer" for 2022 highlights the gap that remains in the provision of and access to adequate support for carers, with 75 per cent of respondents facing continual struggles to access support. What is more, the support that they do access is said to be inconsistent and unaligned to the needs of the child and the family. Eve described access to vital financial support for foster carers as a postcode lottery, pointing out that it can range from anywhere between £77 and £266 per week. She also emphasised the need to roll out a national minimum allowance across Scotland that covers carers' full costs, because carers often have to dip into their own pockets, which is not okay.

Eve initially fostered her wee girl. It will come as no surprise to members when I say that her child's history and needs did not disappear when she decided to adopt. However, her access to support did—it became a lot more limited. In 2021, 199 Scottish children joined their new adoptive families. However, 37 of those adoptions broke down—that is just under a fifth of those who were newly placed. That is devastating for children and for their families, and I ask the minister to consider

what additional support can be provided for new adoptions.

Peer support and online groups are a critical support network for Eve and others, and we must recognise their value. However, the burden of supporting our carers must not fall solely on those networks, as it sometimes feels like it does. Policies surrounding the provision of support services need to be tightened to ensure that families can maintain safe and loving relationships, whether they choose to foster or to adopt.

The Promise highlights the need to recognise trauma, and that must also apply to newborn adoptions. Eve spoke of the common misconception that babies who are adopted at a very young age will not have any problems. That is far from the truth: they come with baggage. She also told me about the development of the Lanarkshire infant mental health observational indicator set, and she put me in touch with the consultant Graham Shulman. That work is allowing health professionals to identify early warning signs of mental health difficulties in infants who are aged from zero to three. We know that early intervention promotes better mental health through childhood and adolescence and into adulthood. That work is a fine exemplar of perinatal and infant mental health support.

Every child deserves to grow up loved and understood, with not one single soul left behind, so that we can truly deliver on our promise to ensure the best present and future outcomes for every child in Scotland.

I asked Eve why she chose to adopt a daughter. She said:

"to secure her life forever, so she has a sense of belonging, and to anchor her. I love seeing her wee name on her passport, it still gives me a buzz and we've added her middle name after my maternal gran, which is the same as the rest of my kids".

That lies at the core of the Promise.

13:07

Paul O'Kane (West Scotland) (Lab): I, too, thank Roz McCall for bringing this important debate to the chamber and for speaking so powerfully and personally about her commitment to these issues. I am grateful to have the opportunity to speak on behalf of Scottish Labour, and I am also pleased to do so as the chair of the newly established cross-party group on care leavers, which was set up in the current session of Parliament.

Adoption UK has produced "The Adoption Barometer", to which the motion refers, which is a highly useful resource that provides illuminating insights into the experience of families with

adopted children in Scotland. It is encouraging that, in most areas, Scotland is performing comparatively well on the levels of education support that are provided for families with adopted children. As we have heard, however, experience of the support that is offered is often patchy and not consistent. Doing comparatively better cannot be the limit of our ambition for these young people.

Although the situation is better in Scotland than in the rest of the United Kingdom, only half of adoptive parents believe that teachers have a good understanding of the needs of care-experienced children. Let us be honest—that is simply not good enough.

That point was emphasised clearly in “The Promise” report, which highlighted the importance of teachers and school staff being appropriately trained to empower them to be fully aware of the challenges faced by care-experienced young people, and to equip them with skills to encourage those young people to support themselves and become more resilient—indeed, to reach the absolute limits of their potential.

Already in the debate today, and more broadly, we are hearing about the Promise and looking again at what was committed to in it and how we are delivering in those areas.

More broadly, it is critically important that the Government gets the Promise right and continues to deliver on that commitment, because, sadly, the reality for too many care-experienced young people and children is that much of their life has been shaped by broken promises—by adults who made commitments to them to improve their lives in one way or another and then failed to deliver.

As we have heard, the First Minister will be remembered in years to come for making those commitments to young people in the Promise. It is for all of us to commend her for focusing on care-experienced people, and particularly children and young people, and bringing the subject into the light of our national discourse and debate in a way that had perhaps not happened previously.

However, the First Minister’s resignation, which comes three years after the publication of the care review, provides an opportunity for us to pause, take breath and assess the effectiveness of the current approach and the impact of the Promise. There are some issues around accountability, and I know that concerns are being shared by third-sector organisations that work in this space.

An issue that has been raised with me is who in the Government will be accountable for delivery of the Promise, given the outgoing First Minister’s very personal commitment? Will it be the Minister for Children and Young People or the Cabinet Secretary for Education and Skills, or will it be the equal responsibility of everyone in the Cabinet and

all ministers? I think that we all want to see it as everyone’s responsibility but, very often, when something becomes the responsibility of everyone, it can quickly become the responsibility of no one.

I understand the rationale for having an organisation that is distinct from Government and seeks to be accountable to the people of Scotland for delivery of the Promise. That is important and admirable. However, we need to look at how we can have more parliamentary oversight of delivery of the Promise. Perhaps that could be achieved if we had specific ministerial responsibility or specific committee responsibility in this Parliament. We should consider all those things to ensure that all of us in this place hold the Government’s feet to the fire and indeed hold our own feet to the fire in relation to what we are trying to do for care-experienced young people in particular.

It is imperative that we do not fail care-experienced children and young people. As parliamentarians, we all have a responsibility to ensure that their voices and the voices of those who care for them are present in our debates and in every decision that we make in the chamber. Let us work together to ensure that our ambition matches the rhetoric and that it transforms into the meaningful change that care-experienced children and young people so richly deserve.

13:11

Meghan Gallacher (Central Scotland) (Con): I congratulate my friend and colleague Roz McColl on securing this important debate and on making an excellent speech in which she brought first-hand experience to the chamber and spoke from the heart.

I want to start my remarks on a positive note. I believe in the Promise. I want all children and young people, no matter what start they have had in life, to receive the same opportunities. However, I have learned in my short time in this Parliament that believing is not enough. We have to want to make it work, and to make it work requires diligence in education—and buy-in, not from MSPs, but from the children and young people whose lives we are seeking to improve.

The fifth of February marked the three-year anniversary of the Promise. When we signed up to the legislation as corporate parents, we promised care-experienced young people that we would improve their lives in care and provide them with opportunities when they left the care sector. I have taken part in previous debates relating to the Promise and improving outcomes for care-experienced young people. The previous debate on the topic took place a year ago, and in that debate I criticised the Government for its lack of progress. Let me be clear that we are still in the

same position. We need, collectively, to do much more when implementing the Promise.

During that debate, I raised the concerns of Jamie Kinloch—*a long-term campaigner who has raised the subject of the number of young people who have, tragically, died shortly after moving out of care. A freedom of information request had revealed at that time that 24 young people in care died in 2020, compared with 21 the year before. In total, between January 2014 and September 2021, 111 children and young people died. The chair of The Promise Scotland, Fiona Duncan, admitted that the young people who had, sadly, died had been let down by the policy. I would be grateful if the minister, during her speech, could update the Parliament on the work that has been done in that area.*

Another huge concern for me is that council funding levels may threaten the commitment to the Promise. Many care-related services depend on local government funding to survive, including council care providers, respite services, services to support mental health and social wellbeing and services that work alongside third-party organisations to promote and retain foster carers. Should the Scottish Government continue to underfund councils, I fear that those services may be scrapped.

I would be grateful if the minister could confirm whether she has considered the millions of pounds-worth of cuts that are scheduled for local government over the next three years and the impact that they could have on our care-experienced young people.

Four minutes is not enough time for us to properly discuss the Promise. There are many areas that require proper dialogue, and many of those areas have been covered collectively in the contributions that we heard so far.

I will finish by discussing the introduction of a national care allowance for foster care. At present, Scotland remains the only part of the United Kingdom that does not have a national allowance for foster carers. I am sure that everyone in the chamber agrees that foster carers are selfless, caring and wonderful people who provide young people with a fresh start in life. Foster carers have waited too long for the Government to back them as they have backed our care-experienced young people. Therefore, I have another request for the minister: will she confirm that the national minimum allowance will be introduced soon?

We are still a long way from achieving the Promise, but my colleague Roz McCall clearly articulated how it can be achieved. We often talk about lived experience in the chamber, so I call on the Government to continue to listen to our foster carers, care organisations and care-experienced

young people—only then will we be able to achieve the Promise.

13:16

The Minister for Children and Young People (Clare Haughey): The debate has been valuable. It has allowed the Parliament to consider some of the challenges that adopted children and young people in education face, and it has highlighted the important topic of foster care allowances.

Importantly, it has also demonstrated the continued strength of cross-party support for keeping the Promise. It is absolutely vital that we continue to work collectively to ensure that all care-experienced children and young people are supported to grow up loved, safe and respected. That includes crucial activity to support children and young people who are adopted or fostered.

As the Scottish Government, it is right that we lead from the front, and we set out our commitment to do that in the Promise implementation plan that was published last year. In that plan, we outlined our vision for delivering a good childhood and ensuring that every child lives in a safe and loving home where families are given support to overcome difficulties and stay together.

Where that is not possible, the focus first and foremost must be on what a child wants and needs, underpinned by nurturing relationships, to enable them to have happy childhood experiences and live their life to the full.

I will talk about our work to deliver on that vision, but before I do, Presiding Officer, please allow me to put on record my thanks to all caregivers, including adoptive families and foster carers, and practitioners working in these sectors.

Roz McCall: A question comes to mind. I welcome the information that the minister states in relation to looking at children who have moved into an adoptive or care environment and the support that they require. Does the minister agree that that information must flow into education and that our teachers and educators must be fully aware of the problems and issues that those children face?

The Deputy Presiding Officer: Minister, I can give you the time back.

Clare Haughey: I am about to come on to education, and I hope that what I have to say will answer the member's question.

Getting it right for every child—or GIRFEC, as it is known—is the Scottish Government's commitment to ensuring that all children and young people and their families are offered the right support at the right time from the right people.

We know that children who are adopted may require distinct support for a variety of reasons.

GIRFEC supports professionals to assess and design that support, including through multidisciplinary working, to meet individual children's needs, and to make sure that the level of support is reviewed regularly.

Education is an important part of every child's upbringing. Children have the right to learn and achieve, and for their educational needs to be supported. The Adoption Barometer report showed that adoptive parents from Scotland were more positive overall about their family's experience of navigating the education system than those in the rest of the UK. Scottish respondents were also more positive about how well their child's school was working with them to support their child. That is testimony to the progress that we have made in our schools and other educational settings.

That said, we know that children with care experience are less likely to achieve qualifications than other children. That is why, since 2018, we have invested over £50 million in the care-experienced children and young people fund. Money is provided to all local authorities in Scotland to fund initiatives that are designed to provide additional support for care-experienced children and young people, including adopted children.

It is clear that that money is making a difference. We have seen mentoring programmes that have had a positive impact on attendance and attainment, and the introduction of the virtual headteachers networks, in which good practice and learning can be shared. That has increased the strategic focus on improving educational experiences and outcomes for care-experienced children in their local authority areas. Importantly, the fund has been used to establish teams to provide direct trauma-informed support to young people who have experienced previous trauma.

We are continuing work through the national trauma training programme to ensure that our education workforce is trauma informed, recognises the impact of adverse experiences on children, and provides the right support to ensure that no further harm is done.

More broadly, the whole family wellbeing funding, with an investment of £500 million over the parliamentary session, will transform services to ensure that families, including adoptive families, can access the support that they need when they need it. We have allocated £50 million in this year's budget, including £32 million provided directly to children's services planning partnerships, to enable work at the local level. There is also a statutory duty on all local authorities to provide assistance to adoptive families in their localities.

I turn to the topic of foster care allowances, which several members have raised. I absolutely acknowledge that the introduction of a Scottish recommended allowance for foster and kinship carers has taken far longer than originally anticipated, and I totally recognise the frustrations of care givers and stakeholders. However, I reassure Parliament that that is an absolute priority for me. I remain committed to working constructively with the Convention of Scottish Local Authorities to deliver that as quickly as possible, and we are exploring all available options to do that.

I began by focusing on the importance of working collaboratively to keep the Promise. In closing the debate, I restate the Scottish Government's absolute commitment and my commitment, as the Minister for Children and Young People, to do just that. We will continue to work tirelessly with partners across Scotland to ensure that all care-experienced children and young people are supported to grow up loved, safe and respected.

13:22

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Net Zero, Energy and Transport

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is portfolio questions on net zero, energy and transport. Members who wish to ask a supplementary question should press their request-to-speak buttons during the relevant question, or type RTS in the chat function.

Emissions (Nuclear Power Stations)

1. Martin Whitfield (South Scotland) (Lab): To ask the Scottish Government what assessment it has made of the potential impact of the retirement of Hunterston B and Torness on Scotland's CO₂ emissions. (S6O-01980)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): Modelling that has been undertaken as part of the analysis underpinning the climate change plan, the energy strategy and the just transition plan does not show any significant impact of the closure of the Hunterston B or Torness nuclear power stations on Scotland's CO₂ emissions. Under that modelling, the reduction in electricity generation from nuclear power plants in Scotland has been, and will be, compensated for by the vast expansion of low cost renewables and flexible technologies such as storage, not by fossil fuel plants.

Martin Whitfield: The cabinet secretary will be aware that Sweden, which, like Scotland, has deployed both wind and hydropower, has now reversed its nuclear phase-out policy and is planning to build new nuclear power stations as part of its robust low-carbon energy mix. Sweden's power is 40 times cleaner and its electricity sector has the lowest carbon emissions of any European Union country.

I press the cabinet secretary to use his influence on whoever should lead the next Administration to drop the opposition to nuclear power and build on our current base-load. I remind the chamber that 30 per cent of Scotland's power was generated by nuclear energy in 2021, rather than 97 per cent from renewables, as has been claimed in the past. Should Scotland not follow the Swedish model for cleaner, reliable and cheaper energy? Alternatively, if the cabinet secretary is not minded to influence the next First Minister and their Government, how are we going to do that?

Michael Matheson: Our position on traditional fission nuclear power has not changed since we

set out the energy strategy, which is out for consultation at the moment. We have set out very clearly how we will meet our energy needs between now and 2045. We will do that by ramping up our renewable energy alongside the use of new technologies, such as carbon capture and other sources of storage, which are all starting to develop and progress in Scotland. That will provide us with the capacity that we will require for our energy needs going forward.

I cannot comment on the position that Sweden has taken on these matters, but perhaps the member wants to look at what is happening here and now in Scotland. For example, at the moment, more than 60 per cent of our electricity comes from renewable sources. There are times when that number is significantly higher. We want to build on that good progress and make sure that we get the economic benefits that go along with it.

Liam Kerr (North East Scotland) (Con): This week, Lord Deben of the Climate Change Committee said that he welcomed the United Kingdom Government's recent commitment to nuclear and its role in helping us to achieve net zero. However, as we have just heard, the Scottish Government sets its face against that technology and refuses to acknowledge its part in decarbonising Scotland's future. What gives the cabinet secretary such confidence that he and his threadbare energy strategy are right, and that the Climate Change Committee is wrong?

Michael Matheson: A considerable amount of research and evidence underpins our energy strategy, which I am sure that the member will recognise. The research demonstrates that, in Scotland, we are blessed with having significant natural resources, particularly renewable resources, which will meet our energy needs going forward. However, the member and his colleagues are great advocates of the suggestion that we should deliver nuclear in future through small modular reactors, which they think will be a lifesaving change that will provide us with base-load in future. The reality is that SMRs do not even have technological approval, and are many years away from getting it. The possibility that they could generate any electricity in this decade is highly unlikely. The Tories have wedded themselves to a technology that has not even been approved for use as yet and is not likely to deliver any energy this decade. That is why we need to move on with the technologies that are on the market and will meet our climate change needs and deliver the base-load capacity that we require in future.

Mark Ruskell (Mid Scotland and Fife) (Green): Nuclear power is costly and leaves a long and toxic legacy for future generations. Given that nuclear generation costs twice the price of offshore wind, does the cabinet secretary agree

that it not only makes environmental sense to focus our investment on truly renewable energy options but makes economic sense?

Michael Matheson: Members should recognise that traditional nuclear generation causes serious waste and environmental concerns. The associated costs must be built into the price that consumers pay back over many decades and, in some cases, over hundreds of years. That is why nuclear power is very poor value for consumers.

Figures from the contracts for difference scheme show that electricity generated by the Hinkley Point C nuclear reactor costs £92.50 per megawatt hour, whereas electricity generated by the latest offshore wind sites is priced at a significantly lower £39.65 per megawatt hour.

The problem with greater reliance on nuclear energy is that it pushes up prices for customers and makes electricity more expensive. If you look at what is being invested here in the UK, that is exactly what it will do. Not only will it create environmental and waste legacy problems, which consumers will have to pay for; advocates of it are actually advocating higher prices for consumers going forward, because it is a much more expensive form of electricity to produce.

Transport (Community Engagement)

2. Jamie Halcro Johnston (Highlands and Islands) (Con): To ask the Scottish Government how it engages with local communities to ensure that their transport needs are met. (S6O-01981)

The Minister for Transport (Jenny Gilruth): The Scottish Government engages with communities on a variety of transport matters. I co-chair the national transport strategy delivery board with Councillor Gail Macgregor of the Convention of Scottish Local Authorities, which also co-produced our route map for a reduction in car kilometres.

The second strategic transport projects review received 14,000 ideas from stakeholders across the country and those were refined into the final 45 recommendations.

In December, the draft long-term plan for vessels and ports was published and shared with stakeholders. That plan will go to public consultation in the coming months.

Jamie Halcro Johnston: The minister will be aware of the announcement that the already restricted service at the Corran Narrows crossing will have further restrictions placed upon it. That service is being covered by a 47-year-old reserve vessel because of delays to the refit of a 23-year-old vessel. Even before those latest issues, that route was at breaking point. As well as the impact on local residents and visitors, any new

restrictions would mean significant additional costs for the many businesses operating locally. That is a crisis.

Will the minister say what discussions she has had with Highland Council about those latest restrictions and what support the Scottish Government has been able to offer? Given the wider issues facing local ferry services in my region, will the minister also say when she was first made aware that the reopening of Uig harbour would be delayed, whether she was required to sign off on that decision and, if so, when she did?

Jenny Gilruth: The member knows that I have engaged with Highland Council on that matter, as I have with him. I have also undertaken to visit and meet with local elected members to see the ferry for myself. We have, of course, engaged with Highland Council throughout. Later this week, my officials will provide me with further advice about the on-going discussions.

The member asked about Uig. I was informed of that development on Wednesday of this week. I was not required to sign off on that as minister because some of the delays relate to weather impacts. The member is well-versed on the situation at Uig. I believe that the mitigation that we were able to provide for the local community was a better solution than that which was originally planned. I am committed to working with the member and with Highland Council to find suitable mitigations for the wider challenges that he cited today, which are caused by the age of the vessel

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Transport agencies such as Highlands and Islands Airports Ltd and companies such as Loganair have a key role in ensuring that the voices of local communities are heard. Does the minister agree that both organisations must listen more attentively to island communities than they have in recent days, when many lifeline air services have been cancelled for weeks on end?

Jenny Gilruth: I broadly agree. As we heard here earlier this week Government ministers are focusing on addressing the underlying issue, which is the HIAL pay dispute. I know how concerning the suspension of services is for the communities that are impacted and I recognise the importance of those routes.

I met staff from Loganair this morning and asked them to restore services earlier than 1 May, should a settlement to the HIAL situation be reached. This week, ministers approved a new proposal from HIAL and it is now for the HIAL board to negotiate a settlement with unions as timeously as possible.

Beatrice Wishart (Shetland Islands) (LD): The minister will be aware that I wrote to her earlier this week about Loganair's announcement that it intends to reduce services between Inverness and

island airports. For people in Shetland, the ability to get to the mainland is further reduced, because one of Serco NorthLink's vessels is currently on its annual refit in dry dock. What assessment has the minister made of the reduction of services and of islanders' transport needs in that situation?

Jenny Gilruth: I have been assured that islanders' needs will be met by the current provision, but I am yet to have sight of Ms Wishart's correspondence, so I am more than happy to speak to her directly on that matter, because I recognise the very real impact for the community that she serves.

The Deputy Presiding Officer: Question 3 was not lodged.

M8 (Repair Works)

4. Paul Sweeney (Glasgow) (Lab): To ask the Scottish Government whether it will provide an update on the continued repair works to the M8 motorway in Glasgow, including on their financial implications. (S6O-01983)

The Minister for Transport (Jenny Gilruth): The M8 Woodside viaducts are a vital element of the motorway that serves Glasgow and Scotland. Their repairs are extremely complex and are being delivered on an operational motorway that is used by approximately 150,000 vehicles daily. Works to install props at 23 separate locations are programmed for completion in late 2024, when lane restrictions on the M8 can be removed. Temporary works are well under way, and the final design, cost and programme for the permanent repairs will be informed by a trial repair that is being undertaken this summer. Officials and the contractor are exploring options to reduce timescales.

Paul Sweeney: It is well over a year since the works on the Woodside viaducts began, but there has been absolutely no consultation with Glaswegians and, by the time of completion, the cost looks set to surpass the £100 million mark—the biggest infrastructure spend in Glasgow this year. Those temporary repair works might be necessary in the short term but, given our commitment to reducing climate emissions and promoting active and public transport options, will the minister commit today to ensuring that, before any new permanent works are commissioned, the Government will undertake a full public consultation exercise that examines the viability of that viaduct and looks at alternative options and international examples of how it might be replaced in the longer term?

Jenny Gilruth: I have been out to visit and learn a bit more about the really complicated works that are on-going on the M8. I remind Paul Sweeney that the decision to restrict traffic lanes

at that time was taken for safety reasons, because reducing the live traffic loading on the structure was a key aspect of that management.

In response to Paul Sweeney's suggestion around alternatives, demolishing the structure was ruled out, due to some of the impacts that that would have had on local businesses. The member spoke about a lack of consultation. That has not been my experience of the works thus far but, if the member would like to share more detail on that with me, I would be more than happy to take it up with Transport Scotland.

The project costs remain under continuous review. The overall repair estimate is not yet available, because the design is not yet complete. That will be informed by the repair trial in the summer of 2023.

John Mason (Glasgow Shettleston) (SNP): I fully agree that we should be reducing car miles, and we need a just transition in due course, but the M8 is essential to my constituents and many others, not just in the west of Scotland but beyond. It is important for business, tourism and residents. Can the minister assure us that she is fully committed to the M8?

Jenny Gilruth: I agree with the sentiment of the member's question. Keeping the M8 in Glasgow operational is vital to ensure that communities, such as those in Mr Mason's constituency, can continue to operate. Particularly in the current financial climate, that is quite important.

The Government remains absolutely committed to working with the council, and I met Glasgow City Council earlier today to discuss bringing about those more positive environmental changes for the city. More broadly, in line with our policy to reduce vehicle kilometres travelled by 20 per cent by 2030, the council has funding awards of more than £43 million to deliver a wide range of active travel projects. Those include the connecting Woodside project, which has seen a 300 per cent increase in cycling, and the Yorkhill and Kelvingrove cycling village. The Glasgow bus partnership has been awarded £3.6 million from our bus partnership fund to implement and investigate bus priority in the city region. I know that the local authority is really keen to take some of that work forward at pace.

Local Bus Services

5. Alex Rowley (Mid Scotland and Fife) (Lab): To ask the Scottish Government how it is supporting local authorities to invest in local bus services. (S6O-01984)

The Minister for Transport (Jenny Gilruth): New Transport (Scotland) Act 2019 powers, which were brought in in June last year, provide local authorities with the powers to run their own bus

services. Further legislation on partnerships and franchising is expected by the end of this year to provide further delivery options for local bus services.

In 2022-23, the Scottish Government allocated £410 million to support bus services and concessionary travel across Scotland. The bus partnership and the community bus funds are designed to complement those new powers and support councils' investment.

Alex Rowley: I have no doubt that the Government recognises the importance of bus services, having made the welcome move to give under-22s free bus travel. However, I am struggling to find a national strategy to get more people on to buses. Specifically, I suggest that the cost is a barrier for low-income families. Bus fares are capped at £2 a journey in England and, in Greater Manchester, the mayor has achieved significant investment that means that fares are capped and bus usage has increased by 10 per cent over the past few months. What is the plan for Scotland? What is the Government going to do to make bus travel more affordable for low-income families?

Jenny Gilruth: In response to the member's point more broadly, I note that we have discussed the issue in previous portfolio question times, and I am sympathetic to the member's point, particularly in relation to affordability. That is why I reconvened the bus task force last year, and we are working with the sector to improve affordability, because we know that bus is the most affordable form of public transport.

When we compare Scotland with other parts of the United Kingdom, it is important to remember that Scotland's provision of support to the bus sector differs markedly from that in other parts of the UK. For example, we have the most generous concessionary travel scheme in the UK. We invest more than £300 million annually to provide free bus travel to more than 2 million people in Scotland—that does not exist in any other part of the UK in the same way.

We also provided more than £223 million of emergency funding to support the bus sector throughout the pandemic, and, more broadly, we have been able to provide additionality with our funding for bus partnership work.

The member's point about affordability is fair, which is why I am keen to take it forward with the bus task force and with the bus operators that deliver services on the ground.

The Deputy Presiding Officer: We have a supplementary question from Kaukab Stewart, who is joining us online.

Kaukab Stewart (Glasgow Kelvin) (SNP): I met the chief executive of Strathclyde Partnership for Transport last week in my constituency of Glasgow Kelvin. One of the primary concerns is the chronic shortage of bus drivers, which is affecting bus operators the length and breadth of the country. Will the minister outline what support the Government is providing regarding recruitment and retention of bus drivers to alleviate some of the pressures that are being experienced by bus services?

Jenny Gilruth: When I met SPT two weeks ago, it raised similar challenges with me. As the member will be aware, there is a current shortage of drivers for buses, which is being exacerbated by Brexit, which is preventing people from coming to Scotland from the European Union to work freely. We have repeatedly sought a formal role in determining what occupations are in the shortage occupation list for devolved nations. Unfortunately, that has not yet materialised from the UK Government, so bus drivers are not included in the shortage occupation list. I understand that the UK Government will be reviewing that, and we have asked for full involvement in the process.

As I mentioned in my response to Mr Rowley, we are also working with operators and partners across the public sector to promote the bus sector as a place to work, while recognising that many of the levers remain reserved to the UK Government for the current time.

Neil Bibby (West Scotland) (Lab): Bus services are on the brink of collapse across Scotland. McGill's is planning 13 per cent cuts to services in Renfrewshire and Inverclyde alone. The Government needs to intervene to protect services and cap fares now, but there can be no more blank cheques for private operators. There need to be conditions attached to provide the commercial information necessary to take local buses back under public control. We cannot go on like this and we cannot afford to wait for action.

Labour believes that the Government should provide franchising powers and guidance and devolve resources to local transport authorities to make that happen urgently. What will the minister do now to bring local buses under local control?

Jenny Gilruth: I understand the sentiment of the member's question. Currently, there is a challenge to Government in relation to the way in which we fund the bus sector and how that can be sustainable in the future, given that most operators in Scotland are privately owned. I think that there is a need for greater conditionality, although there is a level of conditionality attached to network support grant funding in relation to the capping of fares at a certain level.

The Transport (Scotland) Act 2019 gives operators a number of powers, including for bus franchising. There will be secondary legislation coming forward on that later this year. I think that there are great opportunities to work with our operators to that end, and I continue to work with our operators directly through the bus task force.

Deafblind People (Free Rail Travel for Companions)

6. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government whether it will provide an update on what plans it has to introduce free rail travel for companions of deafblind people. (S6O-01985)

The Minister for Transport (Jenny Gilruth): I confirmed to Parliament last December that the current fares arrangements for companions accompanying visually impaired national entitlement card +1 cardholders on rail journeys would be reviewed as part of the Scottish Government's on-going fair fares review, which is being undertaken to ensure that we have a sustainable and integrated approach to public transport fares that supports the long-term viability of our public transport system. That review will be published later this year, with the launch of a public consultation on a draft vision for public transport, which will give people the opportunity to shape the future of public transport in Scotland.

Rona Mackay: Deafblind Scotland's headquarters are in my constituency, and free rail travel for companions is the most concerning issue that it raised with me. The cost for blind or partially sighted people to travel by train is prohibitive because their essential companion has to pay. I understand that it is free on some routes, but at present there is no national standard fare structure for communicators. Does the minister agree that ending geographical inequalities would benefit users and rail staff?

Jenny Gilruth: Yes, I accept the premise of Ms Mackay's question. As alluded to in my original answer, I responded to a members' business debate on this topic last year, which I think was led by Graham Simpson. I accept the points that the member makes. The varying levels of discounted rail travel that councils provide in the existing scheme can lead to a level of confusion for passengers and staff alike. That is why I have asked my officials in Transport Scotland to consider the details of all that as part of our fair fares review, which we will on report later this year.

Free Bus Travel (Young People)

7. Sarah Boyack (Lothian) (Lab): I apologise for being slightly late to the start of the session.

To ask the Scottish Government whether it has plans to extend free bus travel to everyone under the age of 26. (S6O-01986)

The Minister for Transport (Jenny Gilruth): The Scottish Government's concessionary bus travel schemes are the most generous in the United Kingdom, with more than 2 million people across Scotland now eligible for free bus travel. The "Under 26 Concessionary Fares Review", which was published in September 2022, considered options to extend concessionary travel for those aged under 26. It recognised that extending concessionary travel in this way would have obvious implications for affordability. The Scottish Government has no plans currently to extend the concessionary travel scheme further to people under 26.

Sarah Boyack: Many students are now facing the cost of living crisis but do not qualify for the under-22 bus pass. I have met some of them who are struggling to cope financially, as getting to college or university, and part-time work too, can mean that they are paying in the region of £40 to £50 a week as a minimum just for bus travel.

Will the minister commit to considering the issue further? Will she talk to the National Union of Students Scotland to understand the barriers that many students face? It is not just about paying out now; it is about an investment in the future and in getting young people to commit to being on public transport for the future. That can only be good for our bus services and our climate.

Jenny Gilruth: I am sympathetic to the point that the member raises. I think that she has asked me a number of written parliamentary questions on it in addition. More broadly, I am more than happy to meet NUS on the matter.

As I outlined in my response to Mr Rowley, we provide significant levels of funding and support to our bus operators in Scotland, which are largely privately owned. It is important that the member reflects on that point, given that this is public money.

However, it is also worth saying that every college and university has a discretionary fund that is intended to give assistance to students who experience financial difficulties. I encourage the member to engage directly with colleges and universities, and perhaps Universities Scotland. Ultimately, each institution is responsible for deciding which students should receive payments from that fund, but there might be an opportunity via that route.

I am more than happy to meet the member or NUS on the issue, but I would just highlight the considerable amount of support that the Government already provides to the bus sector.

For example, we invest £300 million annually to give free bus travel to more than 2 million people.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): It appears that the Labour Party has been out of power for so long that it has forgotten that really good ideas such as the one that Sarah Boyack just raised need to be paid for. Does the minister agree with me that, if the Labour Party wants to see progressive entitlements extended to more people, it has to get behind the position that this Parliament should have all the powers of independence so that it can deliver those good ideas.

Jenny Gilruth: I very much agree with the sentiment of Mr Fairlie's question. As I have mentioned in responses to other members this afternoon, our concessionary travel schemes are making bus travel more affordable and are helping people to access education, leisure and work. We are enabling children and young people to travel sustainably early in their lives while cutting transport emissions. I would think that every party in Parliament would welcome that.

Willie Rennie (North East Fife) (LD): I am very concerned about young people being able to access free bus travel in rural areas. Bus operators such as Moffat & Williamson are making decisions about whether to buy new buses, and they are concerned that electric buses will not be able to service rural communities. If they buy a diesel bus, can they be guaranteed that they will be able to use it for the full lifetime of the bus?

Jenny Gilruth: In speaking about rural operators, Mr Rennie cites Moffat & Williamson, which was one of the operators that I used when I was at school in Fife many moons ago.

This issue was a challenge in relation to some of the funding from our Scottish zero emission bus challenge fund—ScotZEB—at the last funding round. As a result of that, I asked Transport Scotland to adapt the scheme to make it more suitable for smaller rural operators. Last summer, I announced an additional £500,000 for the zero emission bus market transition scheme to help smaller operators such as Moffat & Williamson to access some of our decarbonisation funding. If Moffat & Williamson has not been able to access that, I am more than happy to speak to the member directly and to provide what assistance my officials in Transport Scotland or I as transport minister can.

Energy Strategy and Just Transition Plan (Oil and Gas)

8. Douglas Lumsden (North East Scotland) (Con): To ask the Scottish Government whether it would remove its presumption against oil and gas from its Draft Energy Strategy and Just Transition

Plan in the event that it received significant feedback in favour of such a move. (S6O-01987)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): The draft energy strategy and just transition plan is open to public consultation until 9 May. We welcome views from as broad a spectrum of respondents as possible. We are not pre-empting those responses at this stage.

The draft strategy clearly sets out that the oil and gas available for extraction from the waters off the coast of Scotland is a declining resource. Irrespective of the climate imperative, as the area is an already established mature basin in gradual decline, planning for a just transition to our net zero energy system and securing alternative employment and economic opportunities for workers is essential. Scotland's energy transformation is therefore urgent and inevitable.

Douglas Lumsden: David Whitehouse, the chief executive of Offshore Energies UK, has warned that Scotland will be £6 billion a year poorer by 2030 if the devolved Government presses ahead with the draft energy strategy, and that the strategy marks an acceleration away from oil and gas production. That will have a devastating impact not just on the north-east economy but on Scotland as a whole, with less money for the national health service, less money for teachers and less money for the most vulnerable in society. Will the cabinet secretary commit to working with the industry to avoid such catastrophic damage to our economy?

Michael Matheson: I discussed this very issue with David Whitehouse earlier this week. The figure that the member refers to is among the figures that we have set out in our assessment of the mature nature of the North Sea oil basin and the need for a just transition. The figures are not unfamiliar to us.

Although we recognise that the North Sea is a mature basin, that it will be or is in decline, and that we will see jobs being lost, the question is one of ramping up the deployment of renewables in order to support the transition into clean green energy. That is exactly what we have set out in our draft energy strategy.

I can assure the member that, in the course of the consultation period and once we receive all the consultation responses—including, I hope, the member's own response to the consultation, given his apparent stated interest in the issue—we will take an approach that is informed on the basis of evidence in support of it. I have no doubt that the member will wish to set that out in his own submission to the consultation.

The Deputy Presiding Officer: That concludes portfolio questions.

Misogyny (Criminal Law Reform)

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-08159, in the name of Keith Brown, on reforming the criminal law to address misogyny.

14:58

The Cabinet Secretary for Justice and Veterans (Keith Brown): The working group on misogyny and criminal justice received 930 responses to its lived experience survey. The vast majority of the respondents were women and girls. The experiences that were reported are harrowing, and they can and should be unsettling—certainly for women and girls, but also, I would hope, for men.

The examples include the following:

“Being threatened by a man in a pub for not laughing at what he thought was a funny remark.”

“I have been called a slut in a car park because I accidentally moved my trolley too close to a man’s car.”

“In a club, I was grabbed by a man. He groped my bottom and tried to touch my breasts. I pulled away. He laughed and called me frigid.”

“One man tweeted that they would love to watch me getting my teeth kicked in, many others said I was too unattractive for my experiences to be true, they didn’t believe it had happened.”

The pernicious impact of misogyny continues to be felt by women and girls all over the world, including in Scotland, and it is time for action.

In November, I closed the debate on men’s role in eradicating violence against women and girls. In the debate, I agreed to take an intervention only from any man in the chamber who had never heard misogynistic or sexist comments in an all-male environment, or from any man who had heard such comments and had challenged them every time. There was silence; no intervention was made—and I myself could not have made an intervention on that basis.

Those real-world examples of misogyny are important, because they are the reality for women and girls in Scotland, day in, day out, and they demonstrate the need for action. The examples will not come as a surprise to women in the chamber. However, some men might be surprised by quite how routine it is for women and girls to experience that kind of behaviour. As men, we say that we find such behaviour unacceptable, although the uncomfortable truth that must be confronted is that some of us do not actually find it unacceptable, or it would not be as commonplace as it is. It is important that men, who do not experience such behaviour on a day-to-day basis,

acknowledge that there is nothing at all unusual or exceptional about it.

Misogyny, in whatever form it takes, belittles women and girls. It drains confidence and limits ambition. It can affect the potential of individual women and girls, and groups of women and girls, by making them more reluctant and less able to play a full part in all aspects of everyday life. It represents a barrier to achieving a growing economy and a dynamic society in which everyone can reach their full potential, free from discrimination.

As its title suggests, this afternoon’s debate is on misogyny and criminal law reform. I am under no illusion; I know that changing the criminal law, on its own, will not be sufficient to address the age-old problem of misogyny. However, criminal law reform can help to spur wider social transformation by encouraging and requiring behavioural change through new laws on what amounts to criminally unacceptable behaviour.

I welcome Jamie Greene’s amendment. I absolutely agree that the reforms that we will propose in our forthcoming criminal justice reform bill will be crucial in ensuring that the criminal justice system delivers a better experience and better outcomes for victims, especially women and girls. I look forward to working with Jamie Greene on the bill and having a shared focus on the importance of putting victims at the heart of the system.

There is a lot in Pauline McNeill’s amendment to the motion that I support. Members will all agree on the need to focus on education and will recognise the importance of tackling misogyny in social media. However, the amendment expresses regret about the length of time that it has taken to get to this point. The Scottish Government will accept the amendment, but I want to put that support in context.

We do not accept that there has been delay in bringing forward the consultation. The initial report of the First Minister’s National Advisory Council on Women and Girls in 2019 recommended criminalising serious misogynistic harassment to fill gaps in the existing law. The initial approach was to seek to respond to that request through hate crime legislation. However, as members will be aware, strong views were offered that that was not the appropriate way to deal with misogyny. Therefore, in February 2021, the Scottish Government established an independent working group on misogyny and criminal justice, chaired by Baroness Helena Kennedy, to consider how the criminal law deals with misogyny. The group published its final report in March 2022, and we are now consulting on draft laws—taking into account the experience of previous consultations

on specific provisions—to implement each of the recommendations.

As the Labour amendment acknowledges, that is complicated work, because it is not just one item of criminal law that is proposed—five separate items are being consulted on. The idea that the Scottish Government is being tardy in that regard is belied by the fact that, if we can achieve the legislation that we hope to achieve, we will be the first jurisdiction in the world to do so.

I turn to the working group's report. It made four recommendations for reform of the criminal law. It recommended the creation of a new offence of misogynistic harassment of women and girls; a new offence of issuing threats of, or invoking, rape or sexual assault or disfigurement of women and girls; a new statutory aggravation relating to misogynistic behaviour where a crime such as assault, criminal damage or vandalism is aggravated by misogyny; and a new offence of stirring up hatred of women and girls.

The recommendations seek to make it easier to prosecute misogynistic behaviour that does not easily fit into the framework of existing criminal offences, such as threatening or abusive behaviour, breach of the peace and sexual offences. Equally importantly, they clearly label criminal misogynistic behaviour for what it is, so that potential perpetrators and victims are aware that such behaviour is criminal.

In its response in April 2022, the Scottish Government made a commitment to consult on draft legislative provisions. The consultation paper has now been published, and, as recommended by the group, we have developed the provisions as law that specifically protects women and girls. Criminal law is usually provided for on a gender-neutral basis. However, the working group is clear that the law should reflect the fact that it is specifically women and girls who need protection from sexual harassment and misogyny, and the Scottish Government fully endorses that approach.

The comprehensive response that is being consulted on ensures that there will be new, clear and specific powers to deal with situations such as when men or boys harass an individual woman or girl, or a specific group of women and girls, by behaving in a threatening, sexual or abusive way that is likely to cause them to experience fear, alarm, degradation, humiliation or distress; behave in a sexual or abusive manner that causes a woman or girl to experience fear, alarm, degradation, humiliation or distress; commit certain existing offences in a manner that is motivated by or demonstrates misogyny; send threatening or abusive communications invoking rape, sexual assault or disfigurement to a woman or girl, or a group of women and girls, to intimidate or silence women, especially online, with the effect

of discouraging women from participating in public debate; or use threatening or abusive language to communicate threatening or abusive materials, intending to stir up hatred of women and girls in others.

In the approach that we have taken, there are issues to which I would like to draw members' attention. Although the group recommended four new pieces of criminal law, we are consulting on five. The group proposed the creation of a new offence of public misogynistic harassment. However, we have decided that it is better to split that into two new pieces of criminal law, so we are seeking views on two separate offences: one of misogynistic harassment, and one of misogynistic behaviour. That is because, when we considered the kinds of behaviour that the group thinks should be criminalised, we came to the view that the offence that is proposed by the report seeks to criminalise two different forms of behaviour.

The first can be described as misogynistic harassment, which is behaviour that is directed at a specific woman or girl, or group of women and girls, that amounts to harassment of that woman, girl or group of women and girls. That could include, for example, shouting sexually abusive remarks at a woman in the street, or using abusive language at a woman who refuses to engage in being chatted up or rubbed up against in a crowded place.

The second can be described as misogynistic behaviour that is not necessarily directed at a particular victim but which is likely to harm those who might encounter it. It could include, for example, watching pornography in a public place, where it is quite clearly visible or audible, or having loud conversations about what should be done sexually to women in a place where others can hear.

Another way in which we have adapted a group recommendation is that, although an offence of public misogynistic harassment was suggested, the offences that we are consulting on can be committed in both public and private. When it comes to considering the behaviour to be criminalised by the offence, we did not consider that there was justification for why harassment occurring in a private place—such as an office in which people work—should be treated differently from the same behaviour occurring in public.

The consultation runs until June, and I urge anyone who is interested to read it and respond, setting out their views. If people have concerns that the provisions go too far or do not go far enough, they have the opportunity to voice those views and suggest amendments in response to the consultation.

We consider that the working group's report provides clear and compelling arguments for reform of the criminal law to better enable the justice system to respond to different forms of misogynistic behaviour that is experienced by women and girls across Scotland. I ask the Parliament to support the motion.

I move,

That the Parliament condemns the misogynistic behaviour, harassment, threats and abuse experienced by women and girls; notes that such behaviour is carried out mainly by men and represents a barrier to achieving equality by restricting the ability of women and girls to achieve their full potential in all aspects of everyday life; is concerned at the increase in online spaces being used to perpetrate such misogynistic behaviours, allowing people to hide behind anonymity; agrees that action needs to be taken to address such behaviour; thanks the independent Working Group on Misogyny, which is chaired by Baroness Helena Kennedy, for its considered report on how to reform criminal law to address misogyny; welcomes the publication of a consultation paper on draft legislative provisions to implement the Group's recommendations; notes that the Scottish Government will carefully consider responses to the consultation to ensure that legislation introduced in the Parliament appropriately and effectively criminalises this type of pernicious behaviour, and recognises that legislation alone will not eradicate the centuries-old cultural attitudes that drive such behaviour, and that wider action to address misogyny and promote equality is equally important to change male behaviour and deliver equality for women and girls.

15:08

Jamie Greene (West Scotland) (Con): I thank the cabinet secretary for supporting our amendment to the motion.

Over the years, members might have spotted that I am a fairly middle-class, fairly—now—middle-aged, white male. The middle-aged bit came as a huge shock to me when it happened, but it happened nonetheless. I do not really have to worry about where to sit on a train. I do not have to move seats when, on an otherwise empty bus, another bloke comes to sit next to me. I am not wolf-whistled at on my way to work in the morning. People do not shout things from the windows of vans about my appearance—they sometimes shout about my politics, but that is a different matter.

I do not need to worry about the effect that having children might have on my career prospects. I am not critiqued for the length of my trousers—perhaps only for my taste in ties. I am not subject to threats of sexual violence on social media, by anonymous trolls. I am not one of the 46 per cent of female MSPs who have received death threats, according to a *Holyrood* magazine poll. My female cousins are not among the 67 per cent of girls who have been sexually harassed at school. I am, perhaps, one of the lucky ones, but that is because I am a man.

I have an inkling of what hatred feels like—do not get me wrong. I have been too scared to hold a partner's hand in the street—something that, perhaps, feels normal to most people in this room—for fear of abuse or attack. Disgusting comments have been made about me online—about my appearance and, of course, my sexuality. So, yes, I have empathy for what misogyny looks and feels like, but that is not enough, and it is not the same.

We in this place have power—the collective power—to change things, to say things and to do something, and doing something is what we must do. We must do something about the 2,500 crimes of rape or attempted rape that happened in Scotland last year. We must do something about the 65,000 reported incidents of domestic abuse. We must do something about the 50 per cent of women who, apparently, do not report such bad experiences to the police because they do not have faith in the overall system. That is why the message must come out of here loud and clear from every one of us: misogyny is simply not on.

We must face it: men—and it is men—need to have a think about the consequences of their actions, words and deeds that, knowingly or unwittingly, make a woman or a girl feel uncomfortable or unsafe.

We have had some feisty debates in here over the years. Some of us bear the scars from the passing of the Hate Crime and Public Order (Scotland) Act 2021 last session, and there has been no shortage of other contentious issues that get to the very heart of how, as a society or as a Parliament, we debate issues of sex and gender and define them—or even how the law defines those things. Despite all our differences, however, I believe that there is consensus among us that more can be done, and needs to be done, on misogyny. The question is not whether we should tackle it, but what we do to tackle it, and how.

The Kennedy report was a great piece of work, and I am grateful for it. Led by Baroness Kennedy, who has more than five decades of legal experience, it was a forensic piece of work that responds to the debate that we had during the passage of the Hate Crime and Public Order (Scotland) Act 2021. However, how all that work translates into law is quite another matter.

I say to the cabinet secretary that I do not envy his Government's position. This will be a difficult law. However, a consultation is a good place to start. I note Labour's frustration about the time that it has taken, but I note the Government's response in return.

Irrespective of what that law might look like, it must, in my view pass this test: is it competent, is it enforceable and is there consensus on its aims

and ambitions? I am afraid to say that we in the Parliament have an unfortunate habit of passing law that is not always competent or enforceable and has not always garnered true consensus.

Just this week, the Criminal Justice Committee has been undertaking excellent post-legislative scrutiny of the Domestic Abuse (Scotland) Act 2018. In my view, that is a great example of a good piece of law on which there was cross-party consensus. However, in the evidence that we have taken so far, one thing that has struck me is the vast array of new laws that our justice partners already have to deal with. The reality is that the thin blue line is getting thinner and is struggling to meet the existing statutory demands on it, not least because it shoulders burdens belonging to other public services. The reality is that, too often, our justice system has been described as being stacked against victims, rather than as being in their favour.

That is why I was really concerned to hear from Kate Wallace of Victim Support Scotland that delays and repeated adjournments are lead some victims to withdraw from the process altogether—that should shock us all. Even when they get their day in court, the question is how effective the law is anyway. The conviction rate for sexual crimes last year was 79 per cent, compared with 91 per cent for other types of crime.

Keith Brown: Will the member take an intervention?

Jamie Greene: I will if I can get my time back, as I have a lot to get through.

The Deputy Presiding Officer: Certainly.

Keith Brown: I thank Jamie Greene for his contribution so far. On the point that he rightly made about laws having to be workable and enforceable, I can say at this early stage, before we lock horns—as we inevitably will, further down the road—that Baroness Kennedy, the Minister for Equalities and Older People and I were very aware of that. The idea of our passing legislation that is never used because it is not practicable, or is overused, was a big concern for Baroness Kennedy. That would have a detrimental effect, and we are very alive to it. Subject to consultation, the provisions that we have proposed so far seek to address those competing pressures.

Jamie Greene: I will come on to the proposals.

Of course, the law is not the only way to tackle the scourge of misogyny. There is no guarantee that any of this will be an effective or true deterrent. That is why our amendment says that wider reform of the justice sector is also required.

The cabinet secretary is right. What of the proposals? It is important that we hear what people think of them—that we hear from the

experts, the third sector, charities, legal minds, the judiciary, which plays such an important part as the cog in the wheel, and police officers on the front line, who have to deal with incidents. Most importantly, we also need to hear from victims of crime themselves. I want to hear what is good, bad or indifferent about the proposals.

I suspect that there will be a wide range of views. How we define “misogyny” in law is not the same as how we define it in a working group’s paper. How will it be prosecuted and what sentencing guidelines might go around it? I think that it is inevitable that the consultation will lay bare my fear that some of the proposals may be controversial. When does the offensive become immoral or, indeed, illegal? What is free speech and what is bad taste? How do we define that something is said in private as opposed to being said in public? What is aggravated or consequential, or even just coincidental? Those are really difficult questions that need to be answered. That laundry will all be aired in the future. My only plea at this stage is that we learn the hard lessons from the past of making law in the Parliament. Let us make neither good law badly nor bad law well. We have done both over the years.

In the meantime, I do not think that we need new laws to state the obvious. We should all be free to go about our lives without fear or prejudice. I cannot think of a more fitting way to close the debates that we have had this week—they have been excellent debates, with excellent contributions from right across the chamber—than by finding some much-needed consensus as a Parliament that we will work with, not against, one another on these important issues. Perhaps if we were all a little bit kinder to one another in the first place, we would not even need laws against hatred.

The law alone cannot punish or stop hatred; it is down to the choices that people make. We can make choices. We can, and we should, lead by example.

I move amendment S6M-08159.2, to insert at end:

“; supports these efforts as part of wider reforms to the criminal justice system, and urges the Scottish Government to consider how its proposed Criminal Justice Reform Bill might also be used to deliver better outcomes for women and girls.”

15:17

Pauline McNeill (Glasgow) (Lab): Scottish Labour welcomes the debate and commends Baroness Helena Kennedy and her working group for their excellent report on misogyny, as well as the work that the Scottish Government is clearly committed to in this Parliament.

Labour will support the Government's motion and the amendment in Jamie Greene's name. I appreciate the remarks that the cabinet secretary made about the complexity of the issues and the spirit of our amendment, and I put on record my appreciation that it will be accepted. That is important in the light of what Jamie Greene said in his excellent speech. We have a lot of work to do, and finding consensus is really important.

Despite, I have to say, my earlier cynicism when the Scottish Government voted against sex being an aggravator in the Hate Crime and Public Order (Scotland) Bill, I can honestly say that I found the recommendations compelling. The work that we are about to undertake is vitally important. It is high time that we tackled misogyny across Scotland. It is shocking that we find ourselves in such a situation in 2023. Through the examples that he used, the cabinet secretary illustrated clearly and well what we are driving at.

I will use an example, not because it is not from Scotland, but because of how recent it is. Just yesterday, Channel 4 News revealed that a member of the Metropolitan Police's elite firearms unit is currently under investigation for allegations of serious sexual misconduct after it was alleged that he filmed two women without their consent while having sex. He then allegedly shared the footage on social media. Scotland has also had issues with its own elite firearms unit. That illustrates that, unfortunately, we face this everywhere.

Last week, a disgraced reality TV star was imprisoned for 21 months for disclosing private, sexual photographs and video footage of his ex-girlfriend on social media without her consent. I appreciate that there are particular challenges when it comes to social media, but it is important to include it in the conversation.

For completeness, the former commissioner of the police in England, Vera Baird, said that these behaviours "don't develop in a vacuum" and are, in fact, a consequence of the widespread nature of sexism and misogyny in our society. We know that, for centuries, misogyny has upheld

"the primary status of men and a sense of male entitlement, while subordinating women and limiting their power and freedom."

It is also important to note from the report that misogyny goes beyond hatred and is about undermining women's position in society by belittling them and calling them names, and through the use of language.

I highlight again the cruel murders of Sarah Everard, Sabina Nessa and Nicole Smallman, because they remind us that, in those cases, men set out specifically to murder women.

Unfortunately, there was a mindset of hatred involved in those crimes.

What is striking about Baroness Helena Kennedy's report is the size and scale of the problem. The working group uses excellent language to illustrate really well what we are trying to achieve. In particular, as the cabinet secretary said, the recommendations include looking at the creation of a "gendered law" that is intended to protect women and girls in particular. It would be hugely significant if we could get to that point. The law prefers to operate on the basis of neutrality in most cases, which means that most laws are available to men and women, but such a law would be aimed specifically at women, and we would whole-heartedly welcome that. According to Baroness Kennedy's report, the belief in a neutral approach

"disguises the reality that there are particular kinds of behaviour which target women"

simply for existing as women.

We might assume that society is becoming more progressive on gender equality. However, I highlight a piece of research—it is only one, but it is worth highlighting—that was carried out by Ipsos UK and the global institute for women's leadership at King's College London. It found that the majority of young people in Britain now believe that women's rights have gone too far. Some 52 per cent of generation Z and 53 per cent of millennials said that society has gone so far in promoting women's rights that it is "discriminating against men". To be honest, I have heard that a few times in my lifetime, but I am sad to read it now. It illustrates the extent to which—I am sure that Christina McKelvie will make this point in summing up—the issue is not simply about changing the law, as we need to go a long way on changing attitudes before we can make any real progress.

As I have said in previous debates, it is also important to include in the law provision to address the gaps around gender-based cybercrime. Certain men have been unscrupulous in using methods to lure boys and young men only to instil in them shocking attitudes towards women. That is quite appalling. We know that, in schools, sexist bullying and sexual harassment are very much underreported and

"are normalised, everyday occurrences".

They are often positioned as "a joke" and are therefore not often reported.

We are all responsible for calling out sexist attitudes and condemning misogynistic behaviour in our daily lives. As we have said before in this Parliament, it is especially up to men to reflect on and change their behaviour. I welcome the approach that the cabinet secretary has taken to

that in saying that you are not living a real life if you have not heard such attitudes in your own personal circles.

Jamie Greene made some important points. I make it clear that Scottish Labour is totally up for working with the Government on this important piece of legislation, which will be instrumental in implementing four or five big recommendations.

The non-legal definition of misogyny for the purposes of the report was helpful, but our job is to ensure that we turn that into a workable legislative framework. If that is done properly, we will have one of the few laws in the world that is aimed primarily at women and for women. It would be a huge achievement and a huge step towards achieving gender justice.

In closing, I note that the heart of the matter is to ensure that the detail of the legislation will stand up and be respected; that it will be seen as useful and helpful by the legal profession and those who have to work with it; and that it will contain clear provisions that can be used in our courts to protect women and girls.

I move amendment S6M-08159.1, to insert at end:

“; appreciates that this is complicated work that needs scrutiny, but regrets that it has taken so many years only to get to consultation level; recognises how important wider education is, particularly for young people, to generate the fundamental shift in attitude that is needed, and notes the importance of recognising the toxicity of social media.”

15:24

Liam McArthur (Orkney Islands) (LD): I thank the cabinet secretary, Jamie Greene and Pauline McNeill for, and congratulate them on, their contributions and the tone that they have set at the start of the debate, which is the last in a week of debates on the rights, achievements and needs of women and girls. I also warmly welcome the consultation that was announced by the First Minister and launched by the cabinet secretary yesterday. Scottish Liberal Democrats strongly support the objectives underlying the proposals that are set out in the consultation, and I, like other members, strongly encourage anyone who has an interest in these issues to contribute their views, their experience and their asks to inform the process of legislative reform.

I particularly welcome the announcement in relation to fully funded legal representation for sexual offence complainants where applications are made to lead evidence on sexual history. A number of us have had concerns about that issue for some time, so I was delighted to see that move.

At the risk of turning this into an Oscars acceptance speech, I also put on record again my

thanks to Dame Helena Kennedy and her group for the contribution that they have made, and specifically my thanks to the late and much-missed Emma Ritch from Engender, who informed this policy debate and so much more in this area. The depth and breadth of the analysis and insight that the group brought to bear are very evident and will be invaluable.

As a member of the Justice Committee that scrutinised the Hate Crime and Public Order (Scotland) Bill in the previous session of Parliament, I am painfully conscious of not only the complexity of the task that we set Dame Helena and her colleagues, but the timeframe that we placed on them, which could charitably be described as challenging. However, that was not without good reason.

Concerns were raised at stage 3 of the bill, both by stakeholders and forcefully in the chamber by MSP colleagues—foremost among them was my friend Johann Lamont, who expressed entirely reasonable disquiet—about the lack of a sex aggravator in that bill. Although the committee had, I think understandably, accepted the arguments of Scottish Women’s Aid, Rape Crisis Scotland and others that a broader approach to misogyny was required, I vividly recall how uncomfortable it felt to pass legislation that effectively parked that protection, albeit with a promise of something better and more comprehensive to come.

Jamie Greene: One thing that struck me during the passage of that bill was that there was clearly a parallel debate, which was the build-up to the debate that we had last year about gender reform. How do we ensure that, as we conspire, if you like, to work with the Government as productively and constructively as we can, we do not allow those other, parallel debates to happen this time, in relation to this bill?

Liam McArthur: Jamie Greene makes a very valid point. If I had the answer to that, I would have deployed it well before now. I hope that we can avoid retreating and retrenching into that debate, because there is a lot of common ground and valuable work that we can do here.

It is probably with some relief that I note the progress that has been made towards finally addressing that substantive and substantial anomaly.

As the matter appears to have been raised in recent debates in the House of Commons, I note that I do not believe that including misogyny as a hate crime is simply virtue signalling. However, I think that Jamie Greene and Pauline McNeill were absolutely right to point to the risks that are involved in putting effective legislation in place. It will be interesting to hear in evidence from Police

Scotland, the Crown Office and the legal profession, in particular, how they see new offences extending the tools that are available for responding to and discouraging such behaviours.

I believe that the proposals provide a solid basis for improving protections, helping to change culture and attitudes, and moving us closer to eradicating misogyny.

When the working group published its findings, Scottish Liberal Democrats called it a watershed moment. The group's report laid bare the extent of the deeply ingrained misogynistic behaviour and the subordination of women across Scottish society—the cabinet secretary rightly highlighted some graphic examples of that at the start of the debate—while also setting out how we might legislate to challenge such attitudes in order to improve women's freedom and safety.

The Government's draft proposals build on principles that are set out in existing discrimination law while putting the specific and distinct issue of misogyny front and centre. That reflects the fact that misogyny—upholding the primary status of men over women—is so deeply rooted in our society that it needs a distinct set of responses.

As the report and the consultation make clear, a number of the acts that could become offences under the proposals might already be deemed criminal under existing law. However, the normalisation of male abuse of women and girls is so profound that it risks creating blind spots when it comes to our police and courts identifying and prosecuting such behaviours. If we fail to reflect that gender reality more explicitly in law, we risk undermining efforts to challenge those behaviours.

Although I support Dame Helena's recommendations and the proposals that are set out in the consultation, I wonder whether there is perhaps more that the Government could be doing. As the cabinet secretary will be aware from previous exchanges on the issue, Scottish Liberal Democrats have been calling for the establishment of a broader commission on misogyny, notwithstanding the moves that were announced this week. There is still an opportunity—and perhaps a need—to look at what more we could be doing to prevent violence against women and girls in all its forms. As Pauline McNeill reminded us, this is not simply about legislation, important though that is, so I would welcome a commitment from the cabinet secretary or the minister that the Government will consider such a commission.

Of course, there is no silver bullet or legislative change that will bring about an end to misogyny in this or, indeed, any other society. These problems are rooted in deeply held and even formative societal attitudes, and it will need determined and sustained effort to root them out. Critically, as we

heard repeatedly this week, it will require men and boys taking an active role and challenging our own attitudes and behaviours and those of others to not be that guy and to be an active ally. Nevertheless, the discussions taking place around reform in Scotland are a significant and welcome step in the right direction.

I support the motion and both of the amendments, and I look forward to playing a personal role, as well as to my party playing a role, in pursuing our shared objective on the issue.

The Deputy Presiding Officer: Before we move to the open debate, I advise members that we have some time in hand should members wish to take or seek to make interventions.

15:31

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Throughout this week, we have acknowledged international women's day with debates, events and discussions, which is testament to our commitment to make life better for women and girls in Scotland and, indeed, across the globe.

In the debate on safety on public transport, colleagues articulated their experiences of travelling on public transport and going about their daily lives while all the time making adjustments and self-safeguarding, with some being confronted by men who felt validated in displaying inappropriate, disinhibited behaviour.

Today's motion focuses on misogynistic behaviour and the proposal to establish a new misogyny and criminal justice act that would create an aggravation of misogyny and three offences relating to stirring up hatred against women and girls, public misogynistic harassment and issuing threats of, or invoking, rape or sexual assault or disfigurement of women and girls online or offline. That proposal emanates from the work of the independent working group on misogyny, chaired by Baroness Helena Kennedy, and it is set out in its report, "Misogyny—A Human Rights Issue". Like other members, I would very much like to thank Baroness Kennedy and other working group members for producing a really comprehensive report.

In the report's introduction, Baroness Kennedy acknowledges that debates about the failure of the system to deliver justice for women have now moved to centre stage in a climate of increasing polarisation and divisiveness where vicious conduct seems to have exploded, turbocharged by online disinhibition and social media invasiveness. Things must change.

What is misogyny? How do we know when behaviour has crossed the line from something

well meaning to something else? The working group describes misogyny as

“a way of thinking that upholds the primary status of men and a sense of male entitlement, while subordinating women and limiting their power and freedom. Conduct based on this thinking can include a range of abusive and controlling behaviours including rape, sexual offences, harassment and bullying, and domestic abuse.”

In its briefing, Scottish Women’s Aid goes further, adding that misogyny can be conscious or unconscious and that men and women can be socialised to accept it.

In its report, the working group sets out examples of the testimony that it heard about how misogyny is perpetrated, including pervasive sexualised abuse and online and offline threats of harm, including rape, sexual assault and disfigurement, and the emerging threat that is posed by a growing incel culture. The working group also sets out that being on the receiving end of those behaviours is routine for women and girls in Scotland and places them at greater risk of poverty, ill health, isolation, exclusion and other forms of inequality.

It is important to recognise the positive work that is under way in Scotland to tackle misogyny. Indeed, the motion acknowledges that creating new law will not in and of itself

“eradicate the centuries-old cultural attitudes that drive”

misogyny.

I thank my colleague Paul McLennan for hosting an event in the Parliament yesterday evening on behalf of the make public sexual harassment illegal campaign. I know that he will talk about that further, so I will not steal his thunder. However, I want to refer specifically to the contribution by Graham Goulden of the world-renowned Scottish Violence Reduction Unit. He encouraged all of us to become active bystanders and moral rebels, tapping into our own values and creating a positive culture in Scotland.

Last year, Baroness Kennedy gave evidence to the Criminal Justice Committee on the work of the working group and the rationale for creating a statutory aggravation of misogyny and other new offences. Members probed the need for new law when, it could be argued, there is already a legislative provision in Scotland. In her response, Baroness Kennedy spoke about the need to address

“the normalising of behaviours”

towards women and girls

“that lead to the more grievous kinds of behaviour”

that are

“the seedbed of ... worse stuff.”—[*Official Report, Criminal Justice Committee, 27 April 2022; c 16-17.*]

She said that, taking into account all the evidence that was heard, the working group concluded that new legislation was required.

Liam McArthur: I am interested in the evidence that the Criminal Justice Committee took from Baroness Kennedy. In particular, I am interested in whether there was reflection on the views in policing or in the Crown Office and among legal representatives about the potential for confusion and the feeling that legislation was already in place in addressing the point that was clearly pursued with Baroness Kennedy.

Audrey Nicoll: My impression from the report is that much of the evidence came from lived experience and the voices of women and girls who had been impacted by misogynistic behaviour. I know that international evidence was considered and reviewed, and I expect that Baroness Helena Kennedy also consulted and took into the account the views of the judiciary.

Although I understand the explanation that Baroness Kennedy gave, I agreed with colleagues who sought clarity on the wording and detail. The importance of creating workable legislation that police officers will be confident in using as a positive tool for tackling gender-based abuse and, within that, misogyny cannot be overstated.

I note the Scottish Government’s comprehensive response to the working group’s report—in particular, its response to the issues raised around the aggravation and the new offences. The Scottish Parliament will, of course, have an important, if not challenging, role in that regard, as other members have articulated.

That leads me nicely to my final point, which echoes what the cabinet secretary said. I encourage women in Scotland to contribute to the consultation on developing the new legislation, to think about what is proposed, and to help to develop potentially groundbreaking new law that will put Scotland at the forefront of eradicating misogyny once and for all.

15:38

Tess White (North East Scotland) (Con): This week, Wayne Couzens was sentenced to a further 19 months in prison for three offences of indecent exposure. That is on top of a whole-life sentence for the horrendous murder of 33-year-old Sarah Everard in March 2021. Sarah Everard was simply walking home from a friend’s house when she was kidnapped, raped and murdered.

I begin with Wayne Couzens’s latest sentencing because Baroness Kennedy, who chaired the independent working group on misogyny and criminal justice in Scotland, said in relation to that horrendous case:

“This police officer was known to be peculiar in relation to women but also had recently been exposing himself and nothing had been done about it.”

She continued:

“If you don’t act on the lower level stuff, then it creates a subsoil from which much more serious crime like rape and homicide takes place.”

So many women and girls—too many—have experienced the so-called “lower level” stuff. Some might know that they have experienced misogynistic conduct and behaviour at the hands of men, in person or online, but others do not. It has become normalised rather than criminalised. Misogyny needs to be better defined so that people understand what it is and what it looks like. They need to have the right language.

There are laws that address threatening and abusive behaviour, stalking and breach of the peace, which are often seen as less-serious crimes. However, those laws do not capture the sex-specific experience of misogynistic behaviour. They do not capture the fear and the humiliation that are experienced by women and girls.

We know that sexual crimes in Scotland are at their highest level on record. In Aberdeenshire, in my region, the number of rapes and attempted rapes soared by 104 per cent in one year. Police Scotland responds to a domestic abuse call every nine minutes and officers attend around 60,000 incidents every single year.

One such example involved Erland Borwick, a fisherman from Inverbervie, who was jailed for 16 months earlier this week after witnesses said that he threw his girlfriend around like a rag doll. It is reported that Borwick described his actions to the police as “a massive domestic”. That incident was not an argument; it was cruel and it was a violent assault that resulted in serious injury and permanent disfigurement.

If we do not challenge misogyny—if perpetrators can get away with misogynistic harassment and abuse—we will never change from the status quo and women and girls will never feel equally safe; they will never see justice.

The reality is that when it comes to violence against women and girls, the criminal justice system in Scotland needs significant reform—not only in how the law captures misogynistic crimes but in the way that victims are treated. To that end, the recommendations from the independent working group on misogyny and criminal justice in Scotland, which was chaired by Baroness Kennedy, seek to address gaps in the law relating to misogyny. Lady Dorrian’s reforms, meanwhile, seek to improve the experiences of women and children in the criminal justice system.

The consultation on reforming the criminal law to address criminal misogyny that the cabinet secretary has outlined today feels long overdue. Many women were frustrated that sex was not included as a protected characteristic in the hate crime framework two years ago, and this latest consultation process is only just getting under way, with no legislative deadline in sight. We will, of course, closely scrutinise the draft legislation when it is introduced in the Scottish Parliament. In the meantime, I urge the Scottish Government to consult women and women’s groups as widely as possible on the proposals.

A question that parliamentarians and policy makers often reflect on is the extent to which changes in the law can change behaviour at societal level. When it comes to misogynistic crimes, my feeling is that any changes in the law must be accompanied by sufficient resources to make perpetrators truly and meaningfully accountable for their actions. That means having enough police and court capacity to ensure that changes are deliverable on the ground as well as in statute. It means that the punishment should match the crime and it means that the victim should be prioritised over the offender.

For too long, women have had to change their behaviour to protect themselves. It is time for the system to change to protect us and, as we have heard today, boys and men need to call one another out.

15:44

Rona Mackay (Strathkelvin and Bearsden) (SNP): This is the third and final debate to mark international women’s day this week and we have heard some excellent and moving speeches in each of the debates from members across the chamber. Misogyny is endemic in our culture and it is only by tackling it through legislation, discussion and education that we have a hope of eradicating it for future generations of women and girls.

I come from a generation of women who grew up with rampant misogyny in the workplace. In truth, like many working women in the 70s and through the following decades, I just thought, “Oh, well. I guess that’s how men behave.” If people have not already seen it, I recommend that they watch the BBC’s excellent three-part series, “The Women Who Changed Modern Scotland” for typical examples of what things were like at that time. Misogyny was normalised, so we must do everything that we can to call it out today.

It is depressing that, half a century on, women and girls are still subjected to that denigration. The barriers for countless women to their progressing or flourishing in horrible restrictive workplace

environments, and as they went about their daily lives, can never be underestimated. Shockingly, women and girls are still harassed, humiliated, groped, undermined, trolled online and offline and subjected to comments and abuse about their looks. That absolutely beggars belief.

Misogyny is a global curse. We know that women and girls throughout the world, including in Afghanistan, Iran and many other countries, are being denied education, exploited and trafficked. It is heartbreaking and is a complete abuse of their human rights.

Anyone who says that it is not possible to legislate for equality or a better society is wrong. The Scottish Government has enacted groundbreaking legislation, including the Domestic Abuse (Scotland) Act 2018, which included coercion for the first time. It has introduced free period products and has extended childcare and many other policies that will help women.

That is why this debate is so important and necessary. As we have heard, the proposals that are out for consultation are based on the recommendations that have been made by the working group on misogyny that was led by Baroness Helena Kennedy, which

“concluded that the harmful effects of misogyny meant that women and girls required new protection through criminal law.”

Under the proposals, the scope of current laws that tackle misogynistic abuse would be expanded to include threatening, abusive or sexual behaviour that is directed towards women and girls because of their gender, and which is likely to cause them to feel degradation, humiliation or distress.

We have heard the five new proposed criminal laws, but they are worth repeating. They are: an offence of misogynistic harassment; an offence of misogynistic behaviour; a statutory aggravation concerning misogyny; an offence of threatening or abusive communication to women or girls that references rape, sexual assault or disfigurement; and an offence of stirring up hatred against women and girls.

As a member of the Criminal Justice Committee, my colleagues and I had the privilege of attending a private briefing with Baroness Kennedy, which was as enlightening as it was shocking. The working group took evidence from large numbers of women who detailed horrific misogynistic incidents—some blatant and some far more insidious, but all of them totally unacceptable. The report reflects the scale of the problem of misogyny and the fact that nearly every woman has, at some time in their lives, if not daily, been subjected to it. I congratulate Baroness Kennedy

and all those who worked on producing the excellent report.

As others have said, the law can go only so far to deliver a policy of eradicating misogyny and violence against women and girls. It is only by changing misogynistic attitudes and culture that Scotland can become a place where women and girls can seek to fulfil their full potential. Engender’s chief executive, Emma Ritch, was a titan of the feminist movement in Scotland. Emma was a powerhouse, which is why I was delighted to hear the First Minister announce the forthcoming opening of the Emma Ritch law clinic in Glasgow. What a legacy she has left for future generations.

I will highlight two examples—there are many—of women currently being treated disgracefully. First, the women against state pension inequality—the WASPI women. They are women of my generation who effectively had their pensions stolen without notice by the United Kingdom Government. Those women bear the brunt of disrespect and, I suggest, misogyny by being forced to endure a delay of six years before they could access their pensions. I applaud the campaigners who are still striving to get justice on that issue.

Secondly, there are the refugee women who have already been traumatised and are fleeing domestic abuse in Scotland but have no recourse to public funds. Surely, the UK Government can do better than to consign them, and often their children, to a life of destitution by offering no support. That is inhumane and it must end now.

Women’s and girls’ experience of violence and abuse crosses private and public spaces, and are a cause and a consequence of women’s inequality, which has been recognised by the Scottish Government’s on-going equally safe strategy. I commend Police Scotland’s “Don’t be that guy” campaign, which is headed by Detective Chief Superintendent Sam Faulds and was created to effect a change in men’s misogynistic behaviour. Only if men lead the culture change will women be free from misogynistic behaviour and violence. That must begin early, in schools and in family conversations with our sons, brothers and nephews.

We know that marginalised women are more likely to experience bias, discrimination, harm, continuing prejudice and the structural barriers that cause inequality in society. Lesbian, bisexual and transgender women and girls often experience violence and abuse that targets their sexual orientation, gender identity or both. There is no place in modern Scotland for homophobia, biphobia or transphobia. We must continue working towards equality for all and end misogyny.

15:50

Claire Baker (Mid Scotland and Fife) (Lab):

The report of the working group on misogyny, which was led by Baroness Kennedy, was stark in its assessment of the misogynistic behaviour that exists in Scotland, and of the harassment, abuse and threatening behaviours that impact on women and girls each and every day. Scottish Labour welcomed Baroness Kennedy's recommendation that there be legislation to tackle those behaviours, and we will work to ensure that the legislation is workable and effective. As Pauline McNeill emphasised, we will take a partnership approach in our work with the Government. Today's debate is clear in expressing Parliament's commitment to tackling misogyny, but we recognise the hard work that lies ahead of us to create an effective bill.

The Government motion is right to highlight

"that legislation alone will not eradicate the centuries-old cultural attitudes that drive such behaviour".

The introduction of new laws can be only part of the work to break down the acceptance of misogyny and to set a clear message about what is, and is not, acceptable.

The spectrum of misogynistic behaviour is wide; it goes from low-level comments and jokes through to violence and the abuse of women, and there is no question that it is also widespread. As the Kennedy report makes very clear, too many men are guilty of such behaviour. We need to see much more and far wider action to change male attitudes and behaviour, including tolerance of misogyny.

It is not difficult for any of us to find examples of attitudes that need to be tackled. We see inequality and sexism in all parts of society. Some are more obvious than others, but all are damaging.

In 2016, I spoke during a members' business debate on the "Standing safe" campaign—an initiative by the University of the West of Scotland to address sexual violence on university campuses. Research at that time suggested that a third of female students had experienced sexual assault or harassment during their studies. I spoke then about the role of universities and colleges in tackling a culture of sexism and ensuring a safe environment for students.

Unfortunately, that culture continues to be the case today, so we must ask ourselves how much has changed. We have recently seen students being expelled and staff being forced to quit, with many more being required to attend workshops on diversity and consent, following a series of sexual misconduct cases at the University of St Andrews.

Last month, during the debate on women and girls in science, I spoke about the barriers to female progression in education and in employment in science, technology, engineering and mathematics roles. Those barriers include exclusionary behaviour, bullying and harassment and the cultural challenges of male-dominated departments and industries. Those barriers will not be addressed by encouraging more women and girls to study STEM subjects, but by changing that culture and stopping that harassment.

The Economy and Fair Work Committee, which I convene, has consistently heard about the lack of support for women in business, and we too often see a lack of awareness among businesses that do not feel a need to collect data about gender. Ana Stewart's recent report on women in enterprise highlights unjustifiable inequality, calling it

"a denial of opportunity on, literally, an industrial scale".

More broadly, women's role in the economy has been neglected for far too long—something that is underpinned by the misogyny within our culture.

We live in a society that continues to be characterised by inequality and sexism. Although some cultural attitudes may be centuries old, we see such attitudes and behaviours being expressed in new ways, including through use of online spaces that not only allow misogynistic behaviour but are, in some instances, used to encourage it. Technological developments have provided new opportunities and means for perpetrators to contact and to harm women, often anonymously. Women are targets for online abuse merely because of their being present, and those who are not themselves targeted can see that abuse being directed at other women and being normalised every time they go online.

We might talk about differences between online presences and the real world, because anonymity online can empower people to act in ways in which they might not dare to act in face-to-face situations. However, the online world is a part of our lives now, particularly for young people, who cannot look at it separately. It bleeds into our interactions. The way that people are treated online impacts on how they are treated in person. The way that young women and young men see women being treated online is not forgotten when they put down their phones; it informs their experience and behaviour.

Some of the press coverage this morning also flags the pervasiveness of certain attitudes. The proposed legislation to address misogyny covers a range of behaviours, including shouting sexual abuse, showing extreme pornography and sending messages that refer to rape and sexual assault. Does a news story that says that men could go to

jail for talking about sex reflect the seriousness of those offences or the degradation, fear, humiliation or distress that we are trying to prevent? Does it really challenge those behaviours?

I will close by returning to criminal justice. I have previously raised issues to do with violence in sexual relationships, including the use of the so-called “rough sex” defence in criminal cases, consent in cases of sexual offences, and highlighting work by the campaign “We Can’t Consent to This”. A key concern of that campaign is the normalisation of violence against women in sex, alongside the way that those cases are reported and, subsequently, defended in courts.

In the most recent parliamentary session, I asked the Scottish Government about data collection on violence within what begins as consensual sexual activity, and the impacts for women of such behaviours becoming normalised. A report from BBC Radio 5 Live suggested that more than a third of UK women under the age of 40 had experienced unwanted slapping, choking, gagging or spitting during consensual sex and, of those women, 42 per cent felt pressured, coerced or forced into it.

The then Cabinet Secretary for Justice, Humza Yousaf, indicated that there was potential for the Scottish Government to look at research into the apparent normalisation of violence in sexual activity—potentially via the Scottish crime and justice survey—so I would welcome an update from the cabinet secretary on whether work in that area has been taken forward. If it is not possible to provide that update during the debate, I would appreciate correspondence outside the debate.

15:56

Paul McLennan (East Lothian) (SNP): Last night, along with Strut Safe, I was proud to host a parliamentary reception calling for sexual harassment in public places to be made illegal in Scotland. The announcement on the consultation yesterday was very much welcomed by all the people who were at the event.

At the event, we heard accounts from a number of women who had suffered from men making sexually inappropriate remarks. Women know those instances so well. Last night, one woman commented:

“It’s just that feeling where you want to cry.”

We have all seen it. Women feel so humiliated but, at the same time, think, “Did that really happen?”

Sally Donald and Alice Jackson, who is a co-founder of Strut Safe, launched the campaign to make public sexual harassment illegal last night and I am proud to work with them. Last year, I met

Alice and Sally at the vigil for Sarah Everard. At the time, Alice said:

“So many women have so many stories, a whole backlog of stories of their experiences of being publicly sexually harassed.”

Last night, what was humbling was the number of women who had come along to the event just to see what was happening but who then shared their experiences in front of a number of people.

One of the key aims of the campaign is that, alongside the proposed legislation, there should be a strong education-based approach. Sally, Alice and I had a very productive meeting with Scottish Government officials to discuss the campaign, and we will meet them again soon and work closely with them.

According to a United Nations Women report in 2021, 97 per cent of women aged 18 to 24 reported experiences of sexual harassment. That means that every year thousands of women in Scotland, the UK, Europe and across the world are suffering abuse, which includes catcalling, wolf-whistling, unsolicited sexual comments and advances, abusive remarks, unwanted deliberate touching, flashing, and following a person in public. Women also reported feeling constantly scared, powerless and humiliated by the experiences of being harassed in public spaces.

As Jamie Greene touched on earlier, as guys, we can go out and meet friends without thinking about what we do. If a woman goes out and has to come back in a taxi, she has to phone her friends or send them a message to say where she is going. That is in women’s minds every time they go out, but we men do not have to suffer that.

We need to challenge behaviours and cultures all over our society—in schools, universities and workplaces. Many members will know the story of the organisation EmilyTest. A young girl up in Aberdeen had been sexually harassed at university. She spoke to the university, but nothing was done, and she ended up committing suicide. Her mum now goes out and speaks to others about that particular issue. If members have not had the chance to look up that campaign, I ask them please to do so, because it is incredibly humbling.

As men, we need to double our efforts in tackling misogyny.

On international women’s day last year, Baroness Helena Kennedy recommended that public harassment be made a criminal offence. In countries such as Belgium, France and Portugal, public sexual harassment is already an offence for which perpetrators can be prosecuted.

Under the proposals, the scope of how current laws tackle misogynistic abuse would be

expanded to include threatening, abusive or sexual behaviour directed towards women or girls because of their gender that is likely to cause them to feel degradation, humiliation or distress.

Earlier, the cabinet secretary touched on the proposed new criminal laws. They are an offence of misogynistic harassment or behaviour; a statutory aggravation concerning misogyny; an offence of threatening or abusive communications to women or girls that reference rape, sexual assault or disfigurement; and an offence of stirring up hatred against women and girls.

For too long, the law has not been drawn from the experience of women. It is time to hear from girls and women about what they think should be included in law so that they can be treated as equals.

At this stage, it is worth reminding ourselves of the four main priorities of equally safe. Those priorities should be part of our society; we should not have to talk about them all the time, but we are in a situation in which we must. Priority 1 is that

“Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls”.

Priority 2 is that

“Women and girls thrive as equal citizens—socially, culturally, economically, and politically”.

Priority 3 is that

“Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children, and young people”.

Priority 4 is that

“Men desist from all forms of violence against women and girls, and perpetrators of such violence receive a robust and effective response”.

We have heard discussion around the education aspect of the issue. Equally safe at school—ESAS—has been developed by Rape Crisis Scotland in partnership with the University of Glasgow. It was designed and piloted in several schools in Scotland with support from Zero Tolerance and a wide range of other voluntary and statutory partners and stakeholders.

It is designed for secondary schools to take a holistic approach to preventing gender-based violence, consistent with the Scottish Government’s and the Convention of Scottish Local Authorities’ equally safe strategy to prevent and eradicate violence against women and girls. ESAS is also designed to meet the health and wellbeing outcomes of curriculum for excellence and other key frameworks, such as getting it right for every child.

ESAS takes a whole-school approach, working with staff and students to prevent gender-based violence and to increase confidence and skills in

responding to incidents and disclosures of such violence. It aims to positively influence the school culture by fostering a shared, consistent approach to gender-based violence. ESAS is underpinned by principles of equality, safety and accessibility, with student voices at the forefront.

With regard to the “Don’t be that guy” campaign, Graham Goulden could not make the meeting last night, but he sent us a video. The campaign has been a major success. It aims to reduce rape, serious sexual assault and harassment by having frank conversations with men about male sexual entitlement. It is only by prioritising prevention that there can be an end to violence against women and girls.

We cannot repeat enough that gender-based violence is a manifestation of toxic masculinity, the commodification of women, porn culture, and an immoral set of attitudes, including a sense of sexual entitlement, that are still held by too many men in our society and around the world. It must end. We are making progress—the proposed legislation is a major step forward—but more needs to be done, especially by men.

16:03

Maggie Chapman (North East Scotland) (Green): I thank the cabinet secretary for the conversations that we have had about the work of the misogyny working group and the consultation on the proposed legislation that was launched yesterday. I am grateful to him for his openness in those discussions, and I appreciate his approach to and desire for unity in this debate the afternoon. I thank others who have engaged in similar tones.

I am immensely grateful to Helena Kennedy and all those who were involved in the detailed, difficult yet important work that the working group undertook that allows us to be here today, discussing the different ways in which we could and should tackle what is a stain on our society.

That society—the society in which we live—is structurally misogynistic. Women have experienced that throughout our lives, in ways that might seem trivial and ways that are clearly, revoltingly, intolerable. However, as every woman in this chamber knows, all those ways—all those experiences—leave scars; perhaps scars that, after decades, we are still not ready fully to face.

As Scottish Women’s Aid said,

“Women’s and girls’ experiences of violence and abuse cross private and public spaces and are a cause and consequence of women’s inequality”.

Just this week, in Tuesday’s debate on the safety of women and girls on public transport, we heard about what happens in some of those public spaces. Story after story came in bitter testimony

of the everyday misogyny that is intended to keep us—sometimes literally—in our place.

Our mothers might have hoped that it would be better by now, and in some ways it is. There is a greater understanding—among women and men, girls and boys—of gender work, pay and representation issues; of the realities of the patriarchy; and of the potential for liberation in diversity and identity beyond the binary.

At the same time, as the First Minister highlighted yesterday in her speech for international women's day, new technologies and communication platforms open up new spaces and channels for misogynistic abuse, especially of young women and girls. There are chilling counter-movements preying on the vulnerable. They are movements of hard reaction that do not simply employ misogyny, but centre it as the very core of their ideology.

We do not pretend that we will change that overnight, but change and active resistance are essential. Helena Kennedy has written of this problem as one of “social proof”—conduct that is increasingly mimicked until it becomes a widespread norm. We cannot and must not wait until that norm is ubiquitous. We must look not only at where we are, but at where, without a change in direction, our society is heading.

We will do that not only for women and girls; misogyny is not good for men, either. It is no liberation to be forced into navigating constant pressures to express or condone attitudes of hate. For men who, for whatever reason, do not visibly comply with macho stereotypes, it can be especially painful and dangerous. Misogyny is deeply intertwined not with healthy and confident identity, but with other defensive and fearful forms of discrimination, oppression and hate, including racism, homophobia and transphobia. That is why the attempt to co-opt the concept of misogyny as an insult against trans-inclusive feminists is both pathetically misguided and ludicrously ironic.

Misogyny is foundationally connected to other patriarchal systems of violent and coercive control. Those include not only sexual violence and domestic abuse, but conservative strategies of denial of education and healthcare, not least reproductive rights. It is important to be conscious of that wider picture as we face—as I am sure we will—some quite virulent opposition to the report's recommendations.

Just as we are mindfully conscious of that wider context of the patriarchy and the myriad inequalities that it entrenches in every structure of our society, so we must be mindful, as others have noted this afternoon, that legislation is not the only part of the solution. Structural change requires proactive and determined approaches across our

social and cultural lives. Education and awareness raising are crucial, as are building collective and solidaristic behaviours and cultures that recognise intersections with other structures of power inequality. As Helena Kennedy's report highlights over and over, women have said that something has to be done.

This debate is an important milestone in this work, on a journey that I hope and trust will result in real and significant change in our law. Such change needs to happen, and it needs to happen now. It will resonate not just through Scotland, but far beyond, showing what is possible for a Parliament that takes equality seriously. I look forward to working with my fellow MSPs and our wider civil society to make that legislation the best that it can possibly be, so that it normalises a culture of respect and dignity; protects the rights and enhances the wellbeing of all women, both cis and trans; gains widespread support among all genders; and is communicated and understood as a symbol of, and a tool for, a healthier, safer and happier Scotland.

16:09

Pam Gosal (West Scotland) (Con): I am honoured to contribute to this extremely important debate on reforming the criminal law to address misogyny.

All too often, women are the target of criminal behaviour that is motivated by misogyny. Sexual crimes in Scotland are at the highest level on record and instances of domestic abuse are at their second-highest level. Parliament has failed to keep with regard to legislating on crimes against women and girls and eradicating misogyny. The failure to tackle institutional and systematic misogyny is evident in Police Scotland having to respond to more than 60,000 domestic abuse calls each year. Misogynistic attitudes allow abuse and violence against women and girls to flourish, and that is made yet more accessible by growing online incel culture spread by influencers.

I therefore welcome the majority of the recommendations that are outlined in Baroness Kennedy's report. However, there are several aspects that I would like to raise in the debate to constructively add to the conversation.

First, I think that any legislation on misogyny should be clearly defined. Sex, as a protected characteristic, is missing from hate crime legislation. If the bill is to address that effectively, the definition must be clear. The Scottish Conservatives supported that when the Hate Crime and Public Order (Scotland) Bill was debated in Parliament, and many organisations have raised that issue with me. However, I remain

open to proposals, and I look forward to seeing responses to the consultation.

The Scottish National Party Government has committed to a criminal justice reform bill to improve the experience of women in the justice system. Again, that is something that I welcome, as well as the granting of anonymity to victims of sexual crimes, but how can we begin to tackle misogyny through criminal law when misogyny remains rife within the criminal justice system itself? The research project on domestic abuse court experiences suggests that there are shortfalls between the aspirations of the Domestic Abuse (Scotland) Act 2018 and its operation in practice. For example, many people felt that the justice system struggled to deal with the prosecution of psychological abuse. The survivors felt that they were marginalised in and by justice processes and were often uninformed about what was happening and why.

Misogyny can also be seen in other parts of the justice system, such as in the courtroom. Ellie Wilson, whom I have spoken about frequently in the chamber, has bravely spoken about her ordeal with the criminal justice system as a rape survivor. In court, rape complainants are not supposed to be asked for irrelevant information about their history unless an exemption is made. In her experience, and in that of many others going through the court systems, that has not happened in practice. Her experience is evidence of misogyny in action.

After Ellie's horrific ordeal, financial barriers stood in the way of her accessing the court transcript that she needed to corroborate her complaints against the defence. She resorted to crowdfunding to raise the financial means to pay the fees. Financial circumstances should play no role in a victim's means of accessing justice, so an improved system for handling sexual offences in the courts is long overdue, as are tougher punishments for those who are convicted of violent and sexual offences.

As things stand, most people convicted of domestic abuse crimes do not go to prison. Between 2010 and 2020, the highest percentage of offenders who went to prison convicted of crime with a domestic abuse aggravation was 16 per cent. Similarly, misogyny can have an impact on the police's handling of inquiries. My colleague Russell Findlay and I were involved in a case in which the woman was treated differently from her husband by the police force.

Today's debate on reforming criminal law to address misogyny comes at a pivotal time. All too often, women are the targets of criminal behaviour that is motivated by deep-rooted misogyny, and violent and sexual crimes are on the rise across Scotland. As an advocate of women and girls, I look positively on any proposals to eradicate

growing misogynistic attitudes, but I think that the debate also gives us an opportunity to discuss the urgent changes that must be made to the wider justice system to ensure that female victims who report a crime are not subjected to further misogyny throughout the justice system. Any crimes against women should be severely punished, and any laws to address misogyny should be clear, targeted and proportionate.

16:15

Rhoda Grant (Highlands and Islands) (Lab):

I, too, welcome the consultation. When the Hate Crime and Public Order (Scotland) Bill went through Parliament, we were promised urgent action, but two years later and a year after Helena Kennedy's report, the Government is only now going out to consultation on the proposed changes to the law. I hope that the cabinet secretary will commit to legislating to introduce those changes during the current session of Parliament, because women should not have to wait any longer.

Helena Kennedy KC proposed an act to create a statutory misogyny aggravation; an offence of stirring up hatred against women and girls; an offence of public misogynistic harassment; and an offence of issuing threats of, or invoking, rape or sexual assault or disfigurement of women and girls, online and offline. Those principles must be adhered to. We must remember that the law is the servant of the people, and we must find ways of enshrining those principles in legislation.

I was heartened to see that the Scottish Government is building its approach on the stalking section of the Criminal Justice and Licensing (Scotland) Act 2010. When I lodged my amendment on that issue, I was told that it was not competent because the definition of stalking could not be enshrined in law, and I remember having to answer very tough questions. Had it not been for Ann Moulds's dogged persistence in insisting that stalking should be an offence, I think that we would have failed.

This is my case: the law is our servant and it must enshrine the protection that we require, and those who implement it must be trained to do so. However, as others have said, simply changing the law is only part of the solution. Education is central to this. We must, of course, educate children. That education needs to provide them with the information that they need and the capacity to think critically about what they see, hear and experience. It is sad that children are viewing extreme porn in an attempt to inform themselves on relationships and sex. It is little wonder that their views are skewed and unhealthy, especially regarding respect for women and girls.

However, we must go further and educate all our citizens on what is acceptable and what is reasonable behaviour. As Pauline McNeill said, too often, those who are charged with upholding the law demonstrate views that are absolutely unacceptable. Too often, those who give effect to the law do not hold with it and obviously have no understanding of it. How do we change the way in which women are viewed by them and those like them?

The Scottish Government has also pledged to legislate to change the way in which the law views prostitution. Why is it looking at the issues of misogyny and prostitution separately? They are fundamentally linked. How can we deal with misogyny in Scotland if women are still looked on as commodities and our law endorses the buying of consent? How can we deal with misogyny when the poverty of women and the inequality that they face lead to their exploitation, and we allow that to happen?

We need to ensure that women are not poorer than men and that caring responsibilities do not leave women prey to exploitative men. To tackle misogyny, we need to look at the whole role of women in society. Women must be respected as equals in our society.

Alongside legislation, support needs to be provided for women. Like Liam McArthur, Rona Mackay and other members, I was really heartened to hear of the opening of the Emma Ritch law clinic in Glasgow, which will provide support to women who have been raped and need support while the trial of the perpetrator goes through court. It is a fitting tribute to Emma and something that I know that she would have approved of.

The Scottish Labour Party has been asking for such clinics for many years; support needs to be made available to all women in that situation. To achieve that, we must ensure that solicitors are available to carry out that work and that legal aid is available at an adequate level for everyone in that situation.

I agree with the cabinet secretary: the misogyny problem will not be eradicated solely by bringing in punishment for those who commit it or by the threat of a criminal offence; it needs education, opportunity and equality. We have to create a society in which there are opportunities for jobs, equal pay and true social justice for women. We have to ensure that our educators and education system support our children as they grow up, giving them access to services when and where they are needed. Finally, we must ensure that those who are exposed to disgusting, sexist and hate-fuelled materials online and in real life are equipped with the capacity to question those behaviours and to stand up to them.

16:21

Collette Stevenson (East Kilbride) (SNP): After international women's day yesterday, which was a chance to celebrate the social, economic, cultural and political achievements of women, it is right that we reflect on the barriers that hold women back. I welcome this afternoon's Government debate on reforming the criminal law to address misogyny, because, fuelled by centuries-old cultural attitudes, misogyny is a continuing stain on society.

Like all members taking part in the debate, I want to mention the important work that has been done by Baroness Helena Kennedy and everyone involved in the working group on misogyny and criminal justice in Scotland. Their findings have led to the proposal of new criminal laws, which include an offence of misogynistic harassment, a statutory misogyny aggravator and an offence of threatening or abusive communications that reference rape or sexual assault. The laws would provide police and prosecutors with new powers to tackle the corrosive effects of misogyny. I was pleased to hear the justice secretary's announcement of a consultation on that, and I encourage every woman and girl to have their say.

It is important that we make clear what we are talking about when we discuss misogyny. I thank Scottish Women's Aid for its briefing for today's debate. Its suggested definition of misogyny is

"a way of thinking that upholds the primary status of men and a sense of male entitlement, while subordinating women and limiting their power and freedom. Conduct based on this thinking can include a range of abusive and controlling behaviours including domestic abuse, sexual violence and other forms of violence against women and girls as well as harassment and bullying. Misogyny can be conscious or unconscious, and men and women both can be socialised to accept it. Misogyny influences institutional and structural arrangements in society as well as individual behaviours."

That is powerful and shows the wide-ranging nature of the problem that we need to eradicate.

In recent years, there have been solid reforms to the criminal law in Scotland, including the "gold standard", as Women's Aid put it, Domestic Abuse (Scotland) Act 2018. At yesterday's Criminal Justice Committee meeting, we carried out post-legislative scrutiny of the 2018 act. Despite there being a lack of data, due in part to Covid, it has been groundbreaking.

"The Vision for Justice in Scotland", which was published last year, set out that urgent action is required to ensure that women and girls are better served by Scotland's justice system, and the Scottish Government has already taken steps to meet the challenges. A victim-centred approach fund has been established, awarding £48 million to provide practical and emotional support to victims, including £18.5 million for specialist advocacy

support for survivors of gender-based violence. There is support for courts, including through the justice recovery fund, to reduce the case backlog that was caused by Covid. Other steps include funding the Caledonian system, which is a programme that seeks to change the behaviour of domestically abusive men, and increasing the use of Police Scotland's disclosure scheme for domestic abuse, which will help to safeguard more people who have been harmed or who are at risk.

Those measures are helping women who have experienced domestic abuse and violence but, as Scottish Women's Aid highlighted, there are gaps in the criminal law, including provision for the protection of women and girls from online and street harassment. I welcome the Scottish Government's proposals on that, and I hope that those gaps will be plugged. That is essential.

Last night, I was pleased to attend in the Parliament the event with Strut Safe, which was sponsored by Paul McLennan, and to learn more about its work to make public sexual harassment illegal in Scotland. How do we develop that right culture—develop “moral rebels”? Those words were spoken by Graham Goulden, who is campaigning on this front. He urged everyone to be an “active bystander”.

For too long, the law has not been drawn from the experience of women. It is time to hear from girls and women about what they think should be included in law, so that we can be treated as equals. Wide-ranging actions are needed to tackle and eradicate misogyny. Much of that is cultural, but there is also a role for the criminal justice system. Harassment, abuse and violence have no place in modern Scotland. Again, I encourage women and girls to have their say on the Scottish Government's proposed reforms to the criminal law.

Many underlying prejudices, sexism and misogynistic societal attitudes are still far too prevalent in our society, and deep inequalities still exist. Only by working together across every area of Scottish life will we successfully end the discrimination that women and girls face. We must recommit ourselves to doing that, until we eradicate it.

The Presiding Officer (Alison Johnstone):
We move to the winding-up speeches.

16:27

Katy Clark (West Scotland) (Lab): I am pleased to close the debate on behalf of Scottish Labour and to put on record again our support for legislation on misogyny.

We appreciate the points made by the cabinet secretary about the number of new offences that

are proposed; how unusual such legislation is; the range of behaviours that could be captured by it; and the fact that it came from the debate around the Hate Crime and Public Order (Scotland) Bill. Pauline McNeill outlined our approach to that legislation, and Liam McArthur outlined the concern about the lack of sex as an aggravator in it. Clearly, fundamental change is needed, and legislation is only a small part of that change.

Jamie Greene said that such legislation could be controversial and spoke about the need for it to be workable—a point that was echoed by Audrey Nicoll. He also spoke about the number of new offences that are being created. As Collette Stevenson said, yesterday we carried out post-legislative scrutiny of the Domestic Abuse (Scotland) Act 2018.

Although I appreciate the point made by the Conservatives, we have to accept, as Collette Stevenson said, that the legal system has failed women. Indeed, the law has been written by men.

Audrey Nicoll also spoke about the work of the working group on misogyny, and gave examples of the types of unacceptable behaviour towards women and girls that could potentially be addressed by the current law. She outlined how she believed that the legislation that was coming forward is based on lived experience.

We know that the current law does not address the challenges that women and girls face and that, to have any legitimacy, the justice system needs to deliver for women and girls. We therefore welcome the specific provisions included in the report that led to the document published by the Scottish Government yesterday and, indeed, the specific proposals made by the Scottish Government yesterday.

We have obviously just seen the proposed wording of the various provisions, and so we are not able to comment on it in detail. However, we welcome that the wording is being shared and that there is a consultation process, because it is vital that we get the legislation right. Scottish Labour assures the Scottish Government that it will have our full support in ensuring that the legislation is workable.

It is important that the Scottish Parliament effectively scrutinises the proposals and that they are rooted in evidence such that they will actually work in the courts.

We particularly welcome that the proposals relate to both online and offline behaviour. Claire Baker spoke of the damage caused by online behaviour. We have to say to the Conservatives that we are very disappointed that the UK-wide Online Safety Bill has still not been enacted.

As Rona Mackay said, misogyny is rampant in society, and is normalised. She spoke of the experience of women in older generations. Rhoda Grant spoke of the experiences of girls and young women now. We need to ensure that the very specific forms of misogyny being faced by girls and young women, in particular in our schools, is dealt with in the legislation, as we know that it is a very real and growing challenge.

We welcome the proposals put forward by the Scottish Government to split misogynistic behaviour and misogynistic harassment, to create a new offence of issuing threats invoking rape and sexual violence or disfigurement, and to develop a statutory misogyny aggravation and the stirring up of hatred offence.

We also welcome the fact that the Scottish Government is out consulting and trying to involve women and girls. We very much hope that parliamentarians are involved in the process, as it is vital that we get the detail of the legislation right and that there is cross-party support for the proposals.

We note that the hate crime bill has still not been enacted. We hope that this new legislation will not have to wait for the enactment of that legislation and will not be conditional upon any issues in relation to that bill.

We believe that it is vital that we go forward with legislation that has the support of the people of Scotland, and we look forward to actively participating to ensure that we get the detail of it right.

16:33

Russell Findlay (West Scotland) (Con): I begin by noting that, just 10 minutes before this debate began, another man was found guilty of killing his female partner in Scotland. Dr Brenda Page was murdered almost 45 years ago, and today's verdict illustrates the determination of police and prosecutors to achieve justice, no matter how long that might take.

It is a privilege to close for my party in the third consecutive debate to mark yesterday's international women's day. I was also fortunate to speak in Tuesday's debate about antisocial and criminal behaviour on public transport. We have heard many powerful and insightful contributions from across the chamber today.

The cabinet secretary's opening examples of women's first-hand accounts of abuse were unsettling but hardly surprising, or sadly unsurprising. Both Tess White and Pauline McNeill spoke of the murder of Sarah Everard by a police officer and wider policing issues. I fully agree with Audrey Nicoll and Claire Baker about the

explosion of online abuse and their fear that it is likely to get even worse. Rona Mackay reminded us about the medieval horror that is being inflicted on women and girls in other countries. There were many other considered contributions today—too many for me to address them all.

Today's Government motion refers to the need "to reform criminal law to address misogyny".

I agree with the intent to find the most effective way to do that, and I await the details with interest. However, I agree with my colleagues Jamie Greene and Pam Gosal, and with the cabinet secretary, that new laws alone are not always the answer. I will use today's time to talk about an area that is not often discussed: the fact that women can suffer additional harassment, trauma and stress as a result of Scotland's legal system—a system that is supposed to protect them.

At yesterday's Criminal Justice Committee meeting, we heard from Dr Claire Houghton of the University of Edinburgh. She and her team spoke with domestic violence victims for a study that was published in January. It lays bare the difficulties that many face in the justice journey—a journey which is beset by fear, vulnerability, delays, secrecy, exclusion and often bitter disappointment at whatever sentence is imposed.

Yesterday, Dr Houghton told me that her report's findings were "unremittingly grim". It is a harsh take; I would rather say that the report is sobering and striking, and I encourage all members to read it. It contains 10 key points, one of which in particular encapsulates so much in just a few words. It says:

"Participants had significant concerns that the investigation, prosecution and sentencing for domestic abuse offences did not adequately reflect the sustained level, severity or impact of abuse experienced."

Yesterday in committee, I also asked about another rarely discussed issue: the ways in which some male criminals further their coercive control and abuse by manipulating both criminal and civil law. Victims who are already struggling with the daunting criminal justice process tell of becoming ensnared in the quicksand of parallel civil cases relating to financial matters or children. Those two systems do not effectively communicate with each other. Dr Marsha Scott of Scottish Women's Aid told us that her organisation had tasked a US supreme court judge with looking at that in Scotland, but the recommendations went nowhere.

Also at yesterday's committee, Professor Michele Burman of the University of Glasgow acknowledged that cases of

"legal system abuse ... are prevalent".

However, she also told me that there has been “no research” about that—none—conducted in Scotland. Abusers are also sometimes able to access public money to pursue their victims.

Weeks ago, I wrote to the Scottish Legal Aid Board on behalf of a woman and her daughter, whom I will refer to as Amy and Laura. Amy’s former partner, whom I will call John, is the father of Laura. When Laura recently became a teenager, her father tried to ban her from the sport that she loves, ordered her to pray daily and wear a hijab and issued threats of violence. He is now seeking legal aid to increase his access to Laura, contrary to her wishes. John has been convicted of stalking Amy and, as is so often the case, the full extent of his alleged criminality was much greater and more prolonged.

There is also intelligence to suggest that John is connected to organised crime. Assets that were in his name have now been transferred to relatives. There have been other police investigations in connection with a child to another ex-partner, and in that case access is prohibited. I told the Scottish Legal Aid Board all about that on 6 February. On 6 March, it wrote back to say that—apparently—no decision had been reached about the legal aid application, yet on 28 February, one week earlier, the board had told Amy that legal aid had indeed been granted. I assume that there is an explanation for that apparent anomaly.

Amy and her daughter are at their wits’ end. While we are in the chamber talking about international women’s day, this is consuming their lives. Amy tells me:

“John knows that going to court will cause me financial difficulty. I am NOT entitled to legal aid. I’m so scared the courts won’t recognise the risk of Laura being abused. I feel totally let down by the services that claim to be there to protect us. He is using public funds to continue his control and abuse.”

At yesterday’s Criminal Justice Committee, I raised that case with a senior Police Scotland officer. I asked whether there was any mechanism by which the police could give relevant information to the Scottish Legal Aid Board. She said that there is not. Legal system abuse is real, and it must be exposed and tackled. The state cannot strive and legislate to protect Scotland’s women and children while simultaneously facilitating further abuse of them.

I am delighted that there is cross-party consensus today. Thank you.

16:40

The Minister for Equalities and Older People (Christina McKelvie): This afternoon’s debate has been very useful and interesting and I thank all colleagues for their consensus on the

principles. We will get into the detail as we publish the consultation. The debate has highlighted the importance of our coming together as a Parliament to consider carefully how we can best take real action to address misogyny.

At the top of my contribution, I add my voice to the voices of others in welcoming the Emma Ritch law clinic at the University of Glasgow. Emma was a dear friend of mine and of many people in the chamber and more widely in Scotland. I am sure that her family and her husband, Kenny, will rightly be proud to have Emma remembered in such a way, given the many areas that the law clinic will work on. I was very touched to hear about it. Emma was one of the original members of the misogyny working group. She contributed to it with all her great ideas and influence, and she is threaded through all the recommendations.

During the debate, we heard some horrifying examples of the misogynistic behaviour that women and girls are faced with every single day. Jamie Greene mentioned the figure that 46 per cent of women MSPs in this place have received death threats, myself included.

Picking up on a point that Claire Baker made, I note that the independent Scottish Law Commission is looking at how homicide law operates, including in relation to the so-called rough sex defence. When the commission publishes its final report with its recommendations, we will consider that fully, and we will come back to Claire Baker at that point, if that is helpful.

It is important that we all ask ourselves what we can do now to ensure that, as a Parliament, we are not still here in 20 or 30 years’ time debating what can be done to address the problem. As Jamie Greene said, we have power in this place and we should use it appropriately.

I welcome the work of Paul McLennan and Strut Safe. I hope that the consultation on the proposals will bring welcome progress to the work that they have been doing.

In response to some questions that were asked, I confirm to Parliament that we will legislate on the matter in the current session of Parliament and that it will not be subject to the implementation of other pieces of legislation.

Reform of the criminal law is important. It will ensure that the police, prosecutors and the courts have the appropriate tools to take action to deal with misogynistic behaviour that is serious enough that it is properly the business of the police and the courts. I hear the challenges from members across the chamber about how we are working to implement Lady Dorrian’s recommendations, which will be pivotal in ensuring that our system works appropriately. Reform will also help to send a clear signal—and a real signal—that such

behaviour is unacceptable, which can in itself help to change ingrained cultural attitudes and behaviour.

As we have heard, however, that reform cannot be the whole answer. We cannot arrest our way to equality. Not all misogynistic behaviour can or should be dealt with by our criminal courts. The patriarchy is deeply established in our society—in our structures and, yes, in our organisations. We cannot use the threat of prosecution to change the behaviour of men who talk over women in meetings or boys who mock the girl who speaks up in class. The insidious, low-level, systemic misogyny, as articulated by Rona Mackay, stops a girl's life all the way through her life.

When the First Minister's National Advisory Council on Women and Girls published its first annual report, in 2019, it set out 11 recommendations for change under the themes of attitudes and culture change. Those words are key, because it is through changing attitudes and culture that we can hope to bring about real change over the longer term. We know that violence against women—let us be in no doubt that the misogynistic harassment and abuse that we have heard described today is violence against women—both is caused by and further exacerbates gender inequality.

Claire Baker gave us many examples of how and when that happens throughout a woman's life, including threats online. We, alongside other members and our Scottish Labour colleagues, urge the UK Government to ensure that the Online Safety Bill is as strong as it can be.

A culture that does not consider women to be truly equal to men will find it easier to excuse misogynistic behaviour and attitudes, and a culture where misogynistic behaviour and attitudes are normalised is not one in which women have equal rights and freedom of action. Pauline McNeill spoke about the endemic violence and hatred that women and girls face in all settings, and Maggie Chapman said that some men do not only perpetrate misogyny but centre it in their work to attack women.

That is why we will continue to focus on tackling wider gender inequalities, including economic inequalities, for women in all their diversities and intersecting characteristics. We have continued to prioritise policies such as the expansion of free childcare and the closing of the gender pay gap, and, crucially, we have focused on prevention and the role that men can play.

We know that the early years are important, which is why we continue to take forward a range of actions in schools to address gender-based violence and sexual harassment. I echo Paul McLennan's praise for Fiona Drouet of EmilyTest

and the work that she is doing in higher and further education.

Education plays a significant role in supporting our children and young people to learn about safe and healthy relationships, high-quality relationships, sexual health and parenthood. An important part of the health and wellbeing curriculum aims to help children and young people to build positive relationships as they grow older, and seek help when they need it. Content is delivered in an age and stage-appropriate and non-judgmental manner within a framework of sound values and with an awareness of the law, including on sexual behaviour. We will strengthen that work with a national framework that supports schools to tackle sexual harassment and gender-based violence.

Our mentors in violence prevention in Scotland programme is working to tackle gender stereotyping and attitudes that condone violence against women and girls. We also fund the equally safe at school programme, which we developed in partnership with Zero Tolerance, Rape Crisis Scotland and others. It raises awareness among staff and pupils of the reality and causes of gender-based violence.

Jamie Greene: Education at an early stage in life is useful and important, but many adult males who come across the horrific situations that we have heard about today do not know what to do. The problem is that they do not know how to intervene. They want to intervene in a situation, but they do not know how to do it safely and in a way that does not put themselves or the women concerned at risk. Will the Government consider targeting a programme of awareness and education at adult males on how to deal with and de-escalate such situations? Many men would find that incredibly helpful.

Christina McKelvie: I certainly will consider that request. We are undergoing a refresh of our equally safe strategy, and I will give thought to that suggestion and the Lib Dem ask on a commission.

I mention the work that Pauline McNeill and her colleagues are taking forward in the Labour Party, and I thank her for inviting my officials along, which was incredibly helpful. All those things will ensure that the new equally safe strategy is as informed and effective as it possible can be.

In response to one of the recommendations that were made by the First Minister's National Advisory Council on Women and Girls, we have established the gender equality task force in education and learning. That also targets young men in school.

It is not only in education where it is important that we drive that change. Last month, Ana Stewart and Mark Logan published their report,

“Pathways: A New Approach for Women in Entrepreneurship”, after they were commissioned by the Scottish Government to consider how we can address the underparticipation of women in entrepreneurship and move our society away from its current extreme gender imbalance in that field of endeavour.

Up to now I have focused on what is being done to support women and girls, but this is not a problem that women and girls can or should have to solve on their own. Collette Stevenson and Audrey Nicoll spoke about being an active bystander, and we also heard about the impact of the “Don’t be that guy” campaign. Those are important interventions, and we should try to raise their profile.

When men remain silent, they can be perceived as supporting, or at least condoning, the harassment and abuse that women and girls experience. It is vital that men speak out and take responsibility for challenging sexist and misogynistic attitudes that are unfortunately still too common. Tess White’s use of Baroness Kennedy’s words about Wayne Couzens illustrated perfectly what can happen when men remain silent.

When Baroness Kennedy gave evidence to the Criminal Justice Committee last year on the findings of the working group that she chaired, she said:

“We”—

the expert panel—

“were shocked ... I say that as somebody who is a pretty dyed-in-the-wool criminal lawyer who thought that she had heard it all ... The report comes at a particular period of time. We cannot deny that something is happening at the moment that meant that every single woman or group that appeared in front of us said that something has to be done ... It is affecting girls and women in their lives, and it really does, in a very serious way, undermine their sense of self-confidence and self-worth, the ways in which they conduct their lives and their aspirations.”—[*Official Report, Criminal Justice Committee*, 27 April 2022; c 1-2.]

She was absolutely spot on.

Yesterday, Myra Ross, who is a training officer at the Highland violence against women partnership, sent me a poem that she wrote to mark international women’s day. That was perfectly timed. It is called “Rights?”:

“Do they see me as an object
To use to buy or sell
Do they see me as a target
For any passing male

Do they just see a commodity
Perhaps to pass around
Do they think I might be flattered
By a leer a taunt a sound

Do they understand I wonder
How imposing was that stare

When I first became a woman
When he tried to touch me ... there

Do they understand the terror
That took root within my heart
Do they know that one in three
Bear a wound that had a start

A start with little subtle things
We didn’t understand
A start in breaching boundaries
With looks then words then hands

Perhaps we tell the good men
They might lend us a voice
We are not a commodity
We are people with a choice

Perhaps we ask the women
The other two in three
Don’t say how you don’t mind
Stand in solidarity

Perhaps we say our women
Our schoolchildren our girls
Deserve safety and dignity
Rights both written and upheld”

I agree with Pauline McNeill that, in working through the challenges of the new legislation as a Parliament, that will be an achievement for the Parliament and not just the Scottish Government. It has been clear from the debate that the Scottish Government is committed to working with Parliament and external stakeholders to ensure that the new laws to address misogynistic behaviour, as recommended by Baroness Kennedy’s working group, are as effective as they can be.

My last plea in closing is this: please encourage every woman, girl and organisation you know to take part in the consultation. We need to hear their voices.

Motion without Notice

16:52

The Presiding Officer (Alison Johnstone): I am minded to accept a motion without notice under rule 11.2.4 of standing orders that decision time be brought forward to now. I invite Neil Bibby to move the motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.53 pm.—[Neil Bibby]

Motion agreed to.

Decision Time

16:53

The Presiding Officer (Alison Johnstone): There are three questions to be put as a result of today's business. The first question is, that amendment S6M-08159.2, in the name of Jamie Greene, which seeks to amend motion S6M-08159, in the name of Keith Brown, on reforming the criminal law to address misogyny, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S6M-08159.1, in the name of Pauline McNeill, which seeks to amend motion S6M-08159, in the name of Keith Brown, on reforming the criminal law to address misogyny, be agreed to.

Amendment agreed to.

The Presiding Officer: The final question is, that motion S6M-08159, in the name of Keith Brown, on reforming the criminal law to address misogyny, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament condemns the misogynistic behaviour, harassment, threats and abuse experienced by women and girls; notes that such behaviour is carried out mainly by men and represents a barrier to achieving equality by restricting the ability of women and girls to achieve their full potential in all aspects of everyday life; is concerned at the increase in online spaces being used to perpetrate such misogynistic behaviours, allowing people to hide behind anonymity; agrees that action needs to be taken to address such behaviour; thanks the independent Working Group on Misogyny, which is chaired by Baroness Helena Kennedy, for its considered report on how to reform criminal law to address misogyny; welcomes the publication of a consultation paper on draft legislative provisions to implement the Group's recommendations; notes that the Scottish Government will carefully consider responses to the consultation to ensure that legislation introduced in the Parliament appropriately and effectively criminalises this type of pernicious behaviour; recognises that legislation alone will not eradicate the centuries-old cultural attitudes that drive such behaviour, and that wider action to address misogyny and promote equality is equally important to change male behaviour and deliver equality for women and girls; supports these efforts as part of wider reforms to the criminal justice system; urges the Scottish Government to consider how its proposed Criminal Justice Reform Bill might also be used to deliver better

outcomes for women and girls; appreciates that this is complicated work that needs scrutiny, but regrets that it has taken so many years only to get to consultation level; recognises how important wider education is, particularly for young people, to generate the fundamental shift in attitude that is needed, and notes the importance of recognising the toxicity of social media.

The Presiding Officer: That concludes decision time.

Meeting closed at 16:54.

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