



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament

Tuesday 12 December 2023

Session 6



The Scottish Parliament  
Pàrlamaid na h-Alba

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# Scottish Parliament

Tuesday 12 December 2023

*[The Deputy Presiding Officer opened the meeting at 14:00]*

## Time for Reflection

**The Deputy Presiding Officer (Annabelle Ewing):** Good afternoon. The first item of business is time for reflection, and our leader today is Chibuzor Tina Amadi, United Kingdom parliamentary liaison for Christian Solidarity Worldwide, who joins us remotely.

**Chibuzor Tina Amadi (Christian Solidarity Worldwide):** As the parliamentary liaison for CSW, I am charged with working with elected members and members of the Foreign, Commonwealth and Development Office to ensure that human rights are upheld around the world, in direct relation to freedom of religion or belief under article 18 of the United Nations Universal Declaration of Human Rights.

Today, I am reminded in particular that we should reflect on the profound responsibilities and opportunities that lie before us. In Scripture, James, chapter 1, verse 27 offers a powerful reminder:

“Pure and genuine religion in the sight of God the Father means caring for orphans and widows in their distress and refusing to let the world corrupt you.”

That verse speaks directly to our roles as elected members, civil servants, civil society advocates and parliamentarians, highlighting the essential nature of our work in caring for the most vulnerable people in society.

The essence of our role is encapsulated not just in the execution of duties but in the spirit in which we undertake them. Micah, chapter 6, verse 8, elegantly frames that spirit:

“He has told you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?”

That directive calls us to a higher standard of conduct: to pursue justice, embrace kindness, and maintain humility in our service.

In the corridors of power, our decisions and actions have the potential to shape lives and futures. That reality brings with it a solemn duty to use our positions not for personal gain or partisan agendas but for the betterment of all, especially those who are unable to advocate for themselves. Our commitment must be to the liberation, care, provision, safeguarding and assurance of justice, peace and equity for every citizen.

That reflection is about not just adhering to a moral compass but recognising that our true purpose lies in service to others. The hallmark of genuine ministerial service is measured not in accolades or achievements but in the positive impact that we make on the lives of those who are most in need: the dejected and marginalised.

As we navigate the complexities of our governance and policy making, let us be guided by those scriptural principles, which urge us to be mindful that each decision, each law and each initiative should be a reflection of our commitment to justice, kindness and humility.

Our role on this platform for meaningful change is an opportunity to create a legacy of compassion, fairness and equity. Let that reflection serve as a reminder of our duty to lead with integrity, empathy and an unwavering commitment to the common good. *[Applause.]*

## Topical Question Time

14:04

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is topical question time. If a member wishes to ask a supplementary question, they should press their request-to-speak button during the relevant question—or, if online, they should enter RTS in the chat function.

### Gender Recognition Reform (Scotland) Bill (Section 35 Order)

**1. Meghan Gallacher (Central Scotland) (Con):** To ask the Scottish Government whether it plans to appeal the decision of the Court of Session that the United Kingdom Government acted lawfully when enacting a section 35 order in relation to the Gender Recognition Reform (Scotland) Bill. (S6T-01686)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** We note the judgment and will consider its terms. Devolution is fundamentally flawed if the United Kingdom Government is able to override the democratic wishes of the Scottish Parliament and veto our laws at the stroke of a pen. The Scottish Parliament passed the bill with a large majority, including members of all parties.

**Meghan Gallacher:** That was not really an answer on the timeframe, was it? Scottish National Party ministers were warned on multiple occasions that the gender self-identification bill threatens the protection of women and girls in Scotland. However, the SNP ignored our warnings.

The scandal of the double rapist Isla Bryson proved that predatory men will try to exploit self-identification to gain access to vulnerable women's spaces, but the SNP ploughed on regardless and took the UK Government to court to get the bill enacted. Does the cabinet secretary think that the £230,000 that was wasted on that court challenge was money well spent?

**Shirley-Anne Somerville:** Until ministers make a decision on the appeal, those are still live legal proceedings, which restricts what I can say on the matter.

With reference to the example that the member gave, I point out that it took place under the current Gender Recognition Act 2004, as passed by Westminster, which is applicable throughout the United Kingdom.

On the issues that were debated in Parliament, I point out that at no point did the UK Government suggest, threaten or even approach the subject of a section 35 order being issued. As the bill went

through Parliament, it was the subject of two public consultations and a very large amount of parliamentary scrutiny.

Although the Government is disappointed with the judgment, we will take time to reflect on it and will come back with our decision on the appeal in due course.

**Meghan Gallacher:** The cabinet secretary gave no answer on the timeframe and no answer on the amount of money that the bill has already cost the taxpayer.

Opinion poll after opinion poll has shown that the SNP's gender bill remains unpopular, with each of its provisions, such as letting 16-year-olds change their legal gender, being opposed by a large majority of the public. When it comes to wasting more taxpayers' money with a potential court appeal, will the cabinet secretary listen to the public and ditch the bill for good, or will she instead be in favour of her Green coalition partners, who want to spend endless amounts of public money on getting the flawed bill enacted?

**Shirley-Anne Somerville:** I am sure that Meghan Gallacher must be aware that the costs are already in the public domain, because I answered a parliamentary question on them. We are certainly not hiding anything on the costs to date.

The reason why this was an important legal challenge—it was not a decision that we took lightly; we considered it very carefully—is that there is an emerging pattern of interference in devolved matters by the UK Government. It routinely now ignores the constitutional convention that the UK Parliament will not legislate for devolved issues without the consent of the Scottish Parliament.

In 2021, of course, the UK Government referred the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill to the Supreme Court. It has now ignored legislative consent decisions of this Parliament on several occasions, such as with the European Union (Withdrawal) Act 2018, the United Kingdom Internal Market Act 2020, the Professional Qualifications Act 2022 and the Subsidy Control Act 2022. There have also been several instances in which the UK Government has refused to acknowledge the Scottish Parliament's view that legislative consent has been required, such as with the Nationality and Borders Act 2022.

As we have seen with the breaches of the Sewel convention, once that sort of intervention has happened, the UK Government will find it easier to justify using the power again and further erode devolution. The Scottish Government makes no apologies for standing up for the powers of the Scottish Parliament.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I agree with the cabinet secretary that the Court of Session ruling was a demonstration of the fundamental flaws of devolution.

Of equal note is that last Friday will have been disappointing and traumatic for many. Will the Scottish Government give an unequivocal commitment to continue to do all that it can to support the community? What assurances can the cabinet secretary give today that any decision in relation to the ruling will be treated with the utmost sensitivity?

**Shirley-Anne Somerville:** The section 35 order raises serious questions about devolution, as I said in my previous answers. However, we acknowledge the specific impact on the trans community in Scotland.

Yesterday I had a series of calls with LGBTQI and women's organisations in which I heard about the disappointment and dismay among the trans community. I want to be clear that, no matter what happens with the legal challenge, the Scottish Government will remain committed to LGBTQI equality. That is why we are taking forward legislation on ending conversion practices in Scotland, we have published our non-binary action plan and we are taking steps to improve access to national health service gender identity services.

**Paul O'Kane (West Scotland) (Lab):** When the cabinet secretary made a statement to Parliament in April, in which she outlined the Government's intention to take legal action, I asked her about wider supports for trans people in the intervening period, because any such legal process can create a vacuum. She said that, although the Government viewed the bill as being important, it was not the only area in which it was working to support the trans community in Scotland. Will she update Parliament further on what is being done to support trans people right now and in any further intervening period before the Government takes a decision?

**Shirley-Anne Somerville:** When we discussed the issue in the chamber previously, Paul O'Kane rightly raised the wider and varied concerns of the trans community. In my answer to Karen Adam, I mentioned some of the other aspects on which we are working, including the non-binary action plan, which is an important piece of work that my colleague Emma Roddick has undertaken. We are absolutely committed to taking forward the bill on ending conversion practices before the end of the year. We are keen to ensure that we make progress with that, particularly on aspects of health services, on which I know that the trans community has concerns. We have started to see improvements there, but there is still much more work to do.

**Ash Regan (Edinburgh Eastern) (Alba):** The court judgment has vindicated the concerns of women's rights campaigners that the Gender Recognition Reform (Scotland) Bill would negatively impact the operation of the Equality Act 2010 and, therefore, existing protections for women and girls. Now that the Government has been forced to face the folly of its position, will it take this timely opportunity to apologise to those campaigners for dismissing their concerns as not being valid?

**Shirley-Anne Somerville:** All the way through the two consultations and the passage of the bill, we had meetings with various groups, including people who supported the bill, those who supported it but suggested changes, and those who were vehemently opposed to it. I point out to the member that although the judgment related to gender recognition, it was based on aspects of the section 35 order, which, frankly, drives a coach and horses through the devolution process. I am disappointed that the member is not more concerned about that.

**Jamie Greene (West Scotland) (Con):** Some 86 MSPs from across the political spectrum supported the aims and underlying principles of the bill. Equally, many undoubtedly would not have supported any form of change to gender reform through legislation. Given that many of us who supported those principles did so in the face of firm reassurances from ministers that the legal advice that they had sought was sound, would it not now seem prudent for the Government to make that advice public—if nothing else, to demonstrate to Parliament that it acted in good faith?

**Shirley-Anne Somerville:** Neither the Scottish Government nor the UK Government routinely publishes the legal advice that it obtains. That approach is not of special significance to the Scottish Government; the UK Government would have followed exactly the same process, as we have been discussing in relation to the section 35 order. Jamie Greene is right to point out that members expressed differing views as the bill passed through Parliament. However, I point out that it did pass with the consent of the large majority of MSPs, including members from all parties. It is disappointing that the voice of the Scottish Parliament has been vetoed in that way.

### **Scottish Government Overseas Meetings (United Kingdom Government Support)**

2. **Alasdair Allan (Western Isles) (SNP):** To ask the Scottish Government, in light of the letter from the UK foreign secretary to the constitution secretary, what its response is to reports that the UK Government may withdraw Foreign, Commonwealth and Development Office support

for Scottish Government overseas meetings. (S6T-01699)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** It might be helpful to the member and others in the chamber if I were to provide some background and context. In April, the former Foreign Secretary, James Cleverly, wrote to me and issued inaccurate and misleading guidance to United Kingdom overseas missions regarding the Scottish Government's international engagements.

I wrote to Mr Cleverly seeking agreement and consultation on how the guidance could be amended or withdrawn. I did not receive a reply. In October, I received another letter from Mr Cleverly, which raised the matter of a meeting between the First Minister and the Prime Minister of Iceland. That letter also contained inaccuracies. I wrote back to Mr Cleverly, but again I did not receive a reply.

This week, I received yet another letter, this time from the new Foreign Secretary, Lord David Cameron, which included the threat that was referenced by Dr Alasdair Allan. That was all the more surprising as, a few days earlier, Lord Cameron cancelled a meeting that we were due to have this week to discuss those issues.

The Scottish Government's only interest in pursuing our international work is promotion of Scotland's interests. Yesterday, we published detailed evidence setting out the way that Scottish Government international offices support trade, jobs and vital business connections. The report also refers, in positive terms, to the working relationship with the FCDO in overseas posts. I look forward to continuing to promote Scotland's interests and to working with UK Government counterparts.

**Alasdair Allan:** The framers of the Scotland Act 1998 were clear that

"the reservation of international relations does not have the effect of precluding the Scottish Ministers and officials from communicating with other countries, regions, or international or European institutions, so long as the representatives of the Scottish Parliament or the Scottish Ministers do not purport to speak for the United Kingdom or to reach agreements which commit the UK."

It would seem that the Scottish Government is being accused of not respecting the devolution settlement. For clarity, can the cabinet secretary confirm whether the First Minister—or any other minister—has purported to commit the UK to any international agreement?

**Angus Robertson:** First, Dr Allan was quoting from the explanatory notes to the Scotland Act 1998, so his question is a statement of fact. In answer to the question specifically, no Scottish Government minister has or would purport to

speak for the United Kingdom or to reach agreements that commit the UK. I asked James Cleverly for any examples of such a thing happening. He said that he had none.

We invite FCDO officials to attend our formal meetings. It is impossible to predict where and when informal meetings will happen during large-scale events such as the 28th UN climate change conference of the parties—COP28. To threaten Scotland's interests on the basis of those discussions, arranged at pace, is ridiculous.

**Alasdair Allan:** The engagement that Scotland undertakes with our international partners plays a key role in helping to attract inward investment and to promote brand Scotland. That is now being threatened by an unelected lord for the sake of the UK's politics of insecurity and petulance. Does the cabinet secretary agree that, regardless of one's view on the constitution, anyone who cares about the standing of the Scottish Parliament should recognise and call out that attempt at muzzling Scotland's elected institutions?

**Angus Robertson:** Anyone who doubts the benefits of our work overseas should take a look at the report on the work of Scotland's international network, which highlights the real benefits that are being delivered to Scotland now. Trying to limit that work will only reduce the opportunities for Scottish businesses, cultural organisations and individuals, and, in so doing, will impact negatively on the lives of us all.

**Donald Cameron (Highlands and Islands) (Con):** Although Scottish ministers clearly have a role to play in promoting Scotland abroad, that should never infringe on the devolution settlement, which of course reserves foreign affairs to the UK Government. By meeting President Erdogan—of all people—to discuss foreign policy, namely the situation in the middle east, the First Minister acted against both the spirit and the letter of an established protocol that requires FCDO official attendance and is, crucially, a requirement that applies equally to UK ministers as it does to Scottish ministers.

Given that the Scottish Government's annual report highlighted a number of good examples of joint international working by officials from Scotland's two Governments where FCDO support has been critical, will the cabinet secretary give a firm commitment that all future Scottish Government meetings with overseas officials will have a representative from the Foreign Office present?

**Angus Robertson:** Donald Cameron has brought up the letter of the law. The Scotland Act 1998 is very clear. Let me again share with members what the notes say:



“The reservation of international relations does not have the effect of precluding the Scottish Ministers and officials from communicating with other countries, regions, or international or European institutions, so long as the representatives of the Scottish Parliament or the Scottish Ministers do not purport to speak for the United Kingdom or to reach agreements which commit the UK.”

I have always been happy to be accompanied by representatives of the UK embassies or high commissions whenever I undertake international meetings. That is the position of the Scottish Government. It is unfortunate that, sometimes, FCDO officials do not make themselves available.

## Literacy and Numeracy

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a statement by Jenny Gilruth on literacy and numeracy. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:20

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** I welcome the opportunity to update Parliament on a range of evidence concerning the performance of Scottish education. Today sees the publication of the achievement of curriculum for excellence levels, commonly known as ACEL, for the academic year 2022-23.

ACEL reports on the proportion of all pupils in primary 1, primary 4, primary 7 and secondary 3 who have achieved the expected curriculum for excellence levels in literacy and numeracy. It is the most comprehensive national data set on attainment in literacy and numeracy, and it is predicated on teacher judgment. The proportion of primary pupils attaining the expected levels in literacy and numeracy has increased—that is the case for children from the most and the least deprived areas. The attainment gap in literacy in primary schools has decreased, and at secondary level there have been increases in attainment across the board while the attainment gap has reduced. It is further worth remembering that, this summer, the overall pass rates for national 5, highers and advanced highers were above pre-pandemic levels in 2019 and that the poverty-related attainment gap has narrowed.

I hope that everyone in the chamber welcomes the achievements of our pupils, their teachers and our support staff. Nonetheless, I do not shy away from the challenge presented by the Organisation for Economic Co-operation and Development's post-Covid edition of the programme for international student assessment, which is an international sample survey in which Scotland participates and which measures 15-year-olds' ability to use their reading, mathematics and science knowledge to meet real-life challenges. However, that data set should not be read in isolation. To understand the accurate picture across our education system, we have to fully consider a range of different factors.

Today, the Government published the annual pupil, staff and early learning and childcare census, which provides a wealth of information, including teacher numbers, pupil to teacher ratios, the number of young people reported as having an additional support need, and attendance and exclusion rates. Taken in the round, the evidence

shows that the pandemic has had a profound impact on the attendance and achievement of Scotland's young people. However, I want to be clear with Parliament that the Government does not accept the trajectory based on attendance, behaviour or PISA. We must commit to real-terms improvements in Scotland's education system for our young people, their parents and the future of this country.

Education can only improve the life chances of young people who are supported and encouraged by their parents or carers to attend. Since being appointed as cabinet secretary, I have expressed my concerns about the on-going impact of the pandemic in our classrooms. Figures published today show that our attendance rate in 2022-23 sat at 90.2 per cent, which shows a decrease from 92 per cent the previous year. Some councils have higher absence rates than others, and there is variation in certain year groups.

Anecdotal evidence of unrecorded absence from class continues to suggest that, although some pupils might be attending school, they are not necessarily present in class. That is not good enough. At my request, Education Scotland has undertaken work to better understand the current barriers and challenges experienced by children and young people and their families that influence school attendance and behaviour. Its report "Improving Attendance: Understanding the Issues" was published at the end of last month. Building on that work, I have tasked the interim chief executive of Education Scotland, Gillian Hamilton, to work directly with directors of education to drive improvements in attendance as a matter of priority. That will require local authority leadership.

The role of Scotland's dedicated teachers is critical to improving our education system. Although the pupil to teacher ratio remains the lowest in the United Kingdom, at 13.2 per cent, figures that have been published today show a fall in teacher numbers of 0.3 per cent. Although that is a small change, Parliament will recall that the Scottish Government made an additional ring-fenced investment of £145 million to protect teacher numbers. It is therefore extremely disappointing that a number of local authorities did not choose to use the additional funding to protect their teacher numbers. Conversely, some local authorities went above and beyond to protect their teacher numbers. I thank them for that and for investing in better outcomes for their young people. We have written today to the local authorities where the number of teachers has reduced to seek an explanation, and I will meet the Convention of Scottish Local Authorities to discuss the matter later this week.

Although the Government will, of course, consider those reductions on a case-by-case

basis, I will continue to reserve the right to withhold funding allocated to protect teacher numbers where that has not been the case. Fundamentally, we cannot hope to improve attendance, behaviour or attainment with fewer teachers in our schools.

One issue that has been raised by PISA and in the recent behaviour in Scottish schools research—BISSR—is pupils' use of mobile phones. As cabinet secretary, I cannot unilaterally ban mobile phones—that power rests with headteachers and local authorities, of course—but I want to examine all the evidence on that and encourage schools to take the action that they deem necessary. Therefore, we will work to provide refreshed guidance to schools on the use of mobile phones in schools as part of the joint action plan to respond to the BISS research. That will take a range of factors into account, including pupils' personal circumstances—particularly those of young carers. However, our starting position is that headteachers are empowered to take the steps that they consider appropriate, and, if they see fit to ban mobile phones in schools, the guidance will support that.

I want to reflect directly on Scotland's PISA results. In absolute terms, it is true that Scotland mirrored the overall international trend of a reduction in PISA scores in reading and maths between 2018 and 2022. We are not unique in that respect. As has been noted, the OECD has referred to this year's results as the "Covid edition". Covid impacted, and continues to impact, on educational outcomes. In Wales, Northern Ireland and England, the trajectory on scores is a downward one for maths and reading. Across the OECD, as was the case in 2018, Scotland is above the average for reading and similar to it for maths and science.

The challenge for Government is this: is average good enough? I do not think so.

Although it is true to say that PISA provides only a snapshot of data, the results should serve as a wake-up call to all Governments. I hope that the Parliament hears the gravity with which I am considering the results. The new post-Covid norm cannot be allowed to define the educational outcomes of the next generation.

To build on my direct engagement with the OECD last month, I will meet the OECD's director for education and skills, Andreas Schleicher, next year to ensure that Scotland continues to learn from other countries and starts to improve her international standing on education once more.

It is worth reminding members that curriculum for excellence was endorsed by the OECD in 2021 as the right approach for Scottish education. However, I recognise the need to improve our

curriculum in a planned and systematic way, as the OECD has recommended. We need to do so to ensure that it remains relevant and forward looking and that it ultimately supports high-quality teaching and learning. That is why we will begin a curriculum improvement cycle next year. That will include curriculum content, the role of knowledge, transitions between primary and secondary, and alignment between the broad general education and the senior phase.

My view is that maths education requires to be a central focus for improvement—indeed, it is critical when considering the 18-point reduction in Scotland's PISA score. Maths will therefore be the first curricular area to be revised. I want that work to be led nationally by a maths specialist working alongside our national response to improving mathematics. The specialist will have a key role in the full-scale update to the maths curriculum, which will begin in 2024 and will be tested with Scotland's teachers later next year. They will provide a key role in driving the improvements required and learning from the outputs from PISA and a range of other evidence sources to improve Scotland's performance in maths.

Furthermore, to support the implementation of our new maths curriculum, the interim chief inspector has agreed that a maths national thematic inspection with a focus on teaching and learning will be taken forward in 2024, to report next autumn.

Finally, the Scottish Council of Deans of Education will convene its initial teacher education national maths group. That group will ensure that initial teacher education aligns with the latest developments in maths and numeracy.

On English and literacy, the national response to improving literacy is taking forward work on identifying priorities for improvement. I have asked the interim chief inspector to begin a thematic inspection of literacy and English nationally, to inform the work that is required to update and improve the literacy and English curriculum. Literacy and English will flow as the next priority for curriculum update following maths.

Children's speech, language and communication is an area that has been particularly affected since the onset of the Covid pandemic. The Scottish Government has invested in a new team of speech and language specialists with a clear focus on supporting preventative work in speech and language development in the early years. The curriculum update will therefore require to embed learning on speech and language in reviewing our curriculum content, to better ensure progression and drive improvement.

As Lucy Crehan noted, the history of PISA can be traced back to an American President in the

1980s who was keen to drive national educational improvement and yet faced resistance from state-level governments. Thankfully, that is not the case in Scotland. Here, councils' collective ambition to raise absolute attainment in literacy and numeracy and to narrow the attainment gap is reflected in their new three-year stretch aims for progress by 2025-26, which were also published today.

If those stretch aims are realised, compared to 2016-17 we would see overall attainment in literacy and numeracy increase by around 13 and 9 per cent respectively and the poverty-related attainment gaps in literacy and numeracy narrow by around 30 per cent over the lifetime of the Scottish attainment challenge. I am grateful to COSLA for the progress thus far, and I commit to working with our councils, in the spirit of the Verity house agreement, to drive the improvements that we need to see.

I recognise that the experience of education has changed for our young people, their teachers and parents and carers. Covid has had a profound impact on attendance, behaviour and achievement, but, fundamentally, we need to disrupt the PISA trajectory and drive improvements across school education. That will also be informed by working with our International Council of Education Advisers and with COSLA, national agencies and professional associations.

To that end, the next steps that I have set out today are part of the solution but they are not the whole picture, because I agree that a knee-jerk political response is not going to help our young people. Scotland is at an educational juncture. Perhaps radical reform to our qualifications system is the answer. Some argue persuasively that that is the case, and I look forward to returning to the chamber in the new year to debate those proposals more fully. However, others point to the need for improvement versus radical reform, recognising the extraordinary pressures that our teachers are working under. Working with them to plot a pragmatic route forward might just be the way.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for that, after which we will move on to the next item of business, and it will be helpful if those who wish to ask a question press their request-to-speak buttons.

**Liam Kerr (North East Scotland) (Con):** I thank the cabinet secretary for advance sight of her statement, and I welcome not just her acknowledgement of the poor legacy of her predecessors but her recognition of the need for action.

I also agree with the cabinet secretary's recognition of the fact that teacher numbers are concerning, so I want to ask her the following question. Despite the Government's overuse of temporary teacher contracts, the forcing of councils to rely on probationers and the failure to deal with rural and non-central-belt recruitment, the cabinet secretary has today reiterated her threat to withhold money from the 17 councils that have not increased teacher numbers. What is her thinking behind that threat, given that uncertainty over funding is not going to improve matters?

Secondly, there has been a 25 per cent increase in pupils with additional support needs since 2008, with 34 per cent of pupils in 2022 recorded as having such needs. However, there has also been a decline of 700 in support-for-learning teachers. What, precisely, is the cabinet secretary doing to increase ASN teacher numbers?

Finally, although there was a welcome rise in pupil support assistants between 2018 and 2022, that was done with additional Covid funding. What is the cabinet secretary going to do to address the consequences for PSA numbers of ending that funding?

**Jenny Gilruth:** I thank the member for his questions. He touched on a number of points, and I welcome the tone with which he responded to my statement.

It is important that we learn not just from the plethora of different data sets that we have published today but from the PISA data that we published last week to help support the improvements that we need to see. We need to be pragmatic because the ACEL data gives us a bit of a different picture to the PISA outcomes; it is predicated on teacher judgment, and I trust Scotland's teachers to tell us where our young people are in terms of their progress.

That said, the member has raised issues about teacher numbers. The point that I made my statement is that the Government has provided additionality for additional teachers in the system, but a number of our local authorities have not delivered on that. It was ring fenced for a reason but, as I set out previously, we will listen to any mitigating circumstances that local authorities want to set out. This afternoon, we have written directly to local authorities to hear what those concerns might be, and I expect to hear from them at the start of next week.

More broadly, the member touched on teacher contracts. During recent exchanges in the chamber, I have set out the approach that I have taken, working with the strategic board for teacher education. Last week, I met the member's colleague, Alexander Burnett, who is not in the

chamber today, to talk about some of the challenges that he faces in his area of Scotland. I recognise that there are rural challenges and particular subject challenges, too. We need to ensure that the system better meets the needs of our rural areas.

Of course, it is worth saying that the Government provides the preference waiver scheme, from which I myself benefited some years ago, to help incentivise our probationers to go to other parts of the country. However—and this is anecdotal—we have seen since the pandemic that our probationers or those who are in their student year are currently less likely to tick the box than they might have been prior to the pandemic. We need to look again at whether the system is working and helps to ensure that we have a spread of probationers to more rural parts of Scotland and in different subject areas.

The member has talked about the challenge in relation to additional support needs, which is one of the key findings from the data today. We should be mindful that additional support needs will be greater in certain schools and lesser in others, depending on the cohort. Yesterday, I was at a school in East Lothian where the ASN cohort was much higher than average, at around 47 per cent. According to the snapshot, the national picture is around 40 per cent, but some schools have greater needs and others have fewer.

During my visit, I asked teachers whether they thought that mainstream education was not working. That was not their response—they thought that it was working. We need to look again at how we can resource that need and support it.

It is worth while pointing out that we have a record number of additional learning support assistants in our schools. We supported that with £830 million in 2021-22, and we have ring fenced additional funding of £15 million every year to respond to the individual needs of children and young people. That will help to maintain our record levels of investment in those staff.

More broadly, I should say that, in all that I have set out today, our having a close working relationship with COSLA will be key to driving the improvements that we need. That is why the Verity house agreement is so important. We need to work with COSLA to ensure that, at a local level, we do not see that variance in the support that is provided.

**The Deputy Presiding Officer:** We must ensure that we get in as many members as possible. To that end, I will always appreciate succinct questions. I will also appreciate succinct answers, cabinet secretary.

**Pam Duncan-Glancy (Glasgow) (Lab):** I thank the cabinet secretary for the advance copy of her

statement. I welcome the recognition of the gravity of the situation in schools and the need to disrupt the trend that PISA has highlighted. We must do all that we can in that respect for the future of Scotland's young people.

However, we really need more detail on some of the announcements in the statement if we are to understand how they will effect the change that is needed, including on the curriculum improvement cycle and the approach to maths. As was mentioned in the previous question, there is a real lack of detail on children with additional support needs, despite their numbers increasing and fewer of them reaching the expected levels of literacy and numeracy than other pupils. The solutions that the document accompanying the statement points to are almost three years old, and the statement itself mentioned nothing specific in relation to them. Does the cabinet secretary believe that the actions that she has set out today are proportionate in meeting the scale of the challenges before us, including for children with additional support needs?

**Jenny Gilruth:** I thank the member for the tone that she has adopted in relation to our working together on the issue. There is now a need for us to work across parties on some of the challenges, and she has my commitment that I will continue to work with her and Liam Kerr to that end.

More broadly, the member talked about curriculum improvement. One of the things that I was keen to say in my statement, given the wide range of data sets that are being published today, is that this is not the whole picture. My statement is part of our response, but we will work with our teaching profession to help to drive the improvements that we need, particularly in maths education.

Indeed, I am very keen to work with our maths teachers, and I want to appoint a subject specialist who has the necessary skills and qualifications to give me advice on where improvement needs to be made and how that can be driven forward. I am not a maths specialist—I do not pretend to have those qualifications—but it is important that we recognise the qualifications of those, particularly in our secondary schools, who deliver our subjects. Their investment in their subject and their knowledge will help put us on the right trajectory in relation to PISA.

PISA is part of the story, but as it is survey data, we will need to be careful about making direct comparisons. That is why the ACEL data has been helpful today, because, as I touched on in my response to Liam Kerr, it is predicated on teacher judgment.

I am conscious of time—and, indeed, that I have not had time to respond fully to Ms Duncan-

Glancy's ask on additional support needs—but she is right that there is a challenge here. I intimated in my response to Liam Kerr the Government support that we provide, but we will need to look at that again.

Part of that work comes through the national action plan that we have with local government. We are working through a number of those actions. To my mind, local authorities are not yet fully supported in the way that I would like them to be supported, but we will continue to work with local authorities and protect that budget line, too, as it is vital to ensuring that we have consistency at local authority level.

The member has my word that this is not the end of the story with regard to our response to PISA or to the other challenges that we have touched on today.

**Stephen Kerr (Central Scotland) (Con):** On a point of order, Presiding Officer.

We have had two questions and nearly seven and a half minutes have passed. Is there any possibility that we can expand the time allocated to questions in response to the statement, so that all members who wish to ask questions have the privilege of doing so, on the basis that we will all be succinct?

**The Deputy Presiding Officer:** I thank Mr Kerr for his contribution. I assure him that we have a bit of time in hand this afternoon and that I am conscious of that.

I make a further plea to the cabinet secretary—I hope that what I am saying is being listened to by those on the front bench—that we need briefer responses to ensure that back-bench members have the opportunity to put their questions to the cabinet secretary.

**Kenneth Gibson (Cunninghame North) (SNP):** A University of Melbourne study, "The effect of classroom environment on literacy development", found that noise levels are significantly higher in open-plan classrooms. They are, on average, 5.4 decibels higher than they are in enclosed classrooms, which leads to a 10 to 15 per cent decline in classroom speech intelligibility. Meanwhile, the reading fluency of primary school pupils in open-plan classrooms was half that of pupils taught in enclosed classrooms. Given those stark findings, does the cabinet secretary agree that it is time that local authorities began to work towards the removal of open-plan classrooms, which should quickly improve attainment, not least among sensitive and neurodivergent children?

**Jenny Gilruth:** The member raises an important point. The design of our classrooms and, in particular, our schools are matters for local authorities. I have never taught in an open-plan

classroom, but I imagine that a number of challenges come with it. I have visited a number of schools, particularly primary schools, where those designs seem to work well, but such decisions are for local authorities, and their work with teachers should inform decisions on the type of learning and teaching that is needed. That said, the member has raised some important points about how pupils interact with such settings, particularly if there is a need for quiet areas in order to deliver learning and teaching.

**Roz McCall (Mid Scotland and Fife) (Con):** I note the cabinet secretary's recognition that average is not good enough in maths and reading, and that the PISA data set should not be considered in isolation. Given that the Scottish Government previously announced its intention to re-enter Scotland in international league tables based on the trends in international mathematics and science study and the progress in international reading literacy study, and given that the latest available data for Scotland comes from 2006 and that the next cycle will not be until 2026, what international data does the cabinet secretary suggest that we use to measure success in the interim?

**Jenny Gilruth:** The member is right to mention TIMSS and PIRLS, which we will be rejoining. I asked officials whether we could expedite our rejoining of those surveys, but as that is not possible, I do not currently have an answer to that question. It is worth pointing out that, in absolute terms, the reduction in Scotland's PISA score mirrored the overall international trend, but it is also worth providing the caveat that we have maintained our position in that important international study.

There is lots that we can learn from other countries, which is why I am engaging closely with the OECD and our international council of education advisers, as I touched on. They will support us in driving the improvements that are needed in the interim period.

**Ruth Maguire (Cunninghame South) (SNP):** This year's Bookbug and "Read Write Count with the First Minister" campaigns encourage a lifelong passion for learning from the crucial early years. How will the Scottish Government ensure that parents and guardians are supported to make the most of such early years programmes so that more families can experience the transformative benefits of playing, reading, writing and counting together?

**Jenny Gilruth:** I absolutely agree that parents and families play a crucial role in supporting our children's speech and language development in the early years, and they continue to play that role as the primary educators of their children. We know that parental engagement has a significant

positive impact on children's achievements. Some of the challenging PISA data shows that such development was disrupted during the pandemic.

Our Bookbug and "Read Write Count with the First Minister" programmes help to encourage an early love of books among our children, and they give opportunities for parents and carers to spend time with their wee ones having fun and learning. Some families need additional support to make the best use of those programmes. That is why it is important there that be broader activity, such as the Scottish Book Trust's "Bookbug for the home" initiative, which supports families to share songs, rhymes and stories.

**Martin Whitfield (South Scotland) (Lab):** The cabinet secretary will be aware that last week's First Minister's question time centred on the PISA results. The First Minister assured us that the Scottish Government

"will reflect on that, consider the results and come forward next week with more detail on the action that we will take."—[*Official Report*, 7 December 2023; c 17.]

Many of the questions so far have sought more detail. Is the cabinet secretary satisfied with the level of detail that she has been able to share in her statement?

**Jenny Gilruth:** The member will appreciate that, in my statement, I had 10 minutes to reflect on a range of data sets. I am more than happy to come back to the Parliament with a fuller update in order to provide the detail that he has asked for.

As I hope the member understands, I have set out a number of actions that we will take through working with Education Scotland and reviewing our curriculum. That is where we need to get to in driving the improvements. Mathematics has to be first, given the PISA results. There is a challenge in that, and we need to reflect on that.

We will get to the improvements that we need only by working with Scotland's teachers. That is why they have to be key to understanding the challenge and driving the improvements that we need, while also engaging with the point that Roz McCall rightly made about international experts and the international evidence that is available to drive improvement.

**Michelle Thomson (Falkirk East) (SNP):** Will the cabinet secretary advise what attention is being given to the qualitative commentary in the PISA report, which gives a much more nuanced understanding than the simple, raw statistical data?

**Jenny Gilruth:** The member makes an important point. The questionnaire evidence and the analysis across countries that the OECD conducts are important aspects to consider. The wider analysis looks at a much more complex and,

in many respects, comprehensive picture. For example, the PISA student questionnaire asks students about their experiences of learning mathematics in schools, their views on maths in general and their future intentions to study and use maths later in life. That data, alongside data on student backgrounds, will be further analysed and used to give us a much more rounded understanding of the experiences of learning mathematics and what factors help to support learning in schools. That is why it is important to reflect on and share that wider analysis with local authorities, schools and Parliament.

**Willie Rennie (North East Fife) (LD):** We need to remember the context: back in 2016, we were promised significant improvements in the performance on education and the poverty-related attainment gap. In that context, the ACEL numbers have hardly budged at all. I am really disappointed that the cabinet secretary's ambition now is to close the poverty-related attainment gap by a third by the end of this parliamentary session, when it was supposed to close completely.

Do I detect a fundamental change of direction on curriculum for excellence towards knowledge and away from skills?

**Jenny Gilruth:** I am not sure whether the member is aware that there was a global pandemic between 2016 and now. That has impacted on outcomes. *[Interruption.]* I am sorry, but I hear sedentary mumbles from the Opposition. I have to say that the OECD described—*[Interruption.]*

**The Deputy Presiding Officer:** Cabinet secretary, please resume your seat for a second.

I ask members to listen to the person who has the floor. In the instant case, it is the cabinet secretary.

Cabinet secretary, please resume.

**Jenny Gilruth:** It was, of course, the OECD that called the data set its Covid edition. Setting that aside, in the context of Mr Rennie's point, we need to be mindful that, this year, overall pass rates for national 5, highers and advanced highers have been above the pre-pandemic rates in 2019, and the poverty-related attainment gap has narrowed. The 2022-23 ACEL data, which was published today, confirms that the proportions of primary school children from the most deprived areas of Scotland who are achieving the expected curriculum for excellence levels in literacy and numeracy are at record highs. That is welcome news in the context of the pandemic, which disrupted our children's education for the best part of two years.

The member asked a supplementary question in relation to the role of skills and knowledge in our

curriculum. As I intimated in my update, we will consider that through the curriculum review, starting with mathematics education, recognising the challenge in relation to that.

**John Mason (Glasgow Shettleston) (SNP):** A teacher said to me the other day that they wondered whether primary schools were trying to cover too many subjects. There certainly are more than when I was at primary school. How would the cabinet secretary respond to that?

**Jenny Gilruth:** It is important that all children in primary school experience a broad and balanced education to help them to make sense of the world. That means experiencing learning right across all eight curriculum areas, as they are currently, which include literacy and numeracy, as well as opportunities for interdisciplinary learning. However, as I outlined in my response to Mr Rennie, we are soon to embark on a curriculum improvement cycle. That will help to clarify and strengthen a shared understanding of practice from three to 18 in each of our curriculum areas.

**Gillian Mackay (Central Scotland) (Green):** Covid-19 undeniably exacerbated the challenges facing the Scottish education system and others across the world, but most of those challenges existed before 2020. The Scottish Government's package of education reform, including replacing the Scottish Qualifications Authority and bringing our qualifications and assessment system out of the Victorian era, is not the whole solution, but it is critical to improving outcomes. International comparisons are far from the most important measurement of success, but, as today's welcome news on ACEL data suggests, they matter. How are those reforms expected to contribute to improving Scotland's PISA scores?

**Jenny Gilruth:** The member raises an important issue. Reform of our national agencies is a vital part of our work in improving Scotland's approach and our support for education and skills. Reform is essential if we are to address some of the challenge and the changing needs of our education system now and in the future. The design of the new bodies is an opportunity to deliver the needed change in practice and culture to support improved outcomes and to support the teaching profession in how it works, while strengthening the role of the new organisations within the system as a whole.

Reform of our qualifications and assessment system will be a central part of that wider reform agenda, and it will be required to help to address the challenge with which the PISA results present the Government.

**Sue Webber (Lothian) (Con):** Evidence shows that there is a clear link between mobile phone use and poor behaviour in schools. New guidance

on mobile phone use in schools has already been introduced south of the border. The cabinet secretary stated that she

“cannot unilaterally ban mobile phones”

but will

“work to provide refreshed guidance to schools on the use of mobile phones”.

How long will it take to see decisive action on that?

**Jenny Gilruth:** The member raised that issue at First Minister’s question time last week and in asking questions about a recent parliamentary statement. She knows my view on the issue, which is that, where headteachers see fit, they should use the power that is at their disposal. As cabinet secretary, I do not have a power to compel schools to enforce a national ban. It is for teachers to work on the matter with their young people, parents and local community, and it will require them to buy into that process. However, I have discussed with the member a number of schools where bans are working successfully in practice. Also, evidence from the United Nations earlier this year suggests that excessive use of digital devices in schools can detract from the quality of learning and teaching. We need to be mindful of the mix between traditional and more modern approaches to learning and teaching.

The member asked for a timeframe, but I do not currently have one in front of me. However, I am happy to write to the member and update Parliament on that point. We will look to refresh the current guidance, which is not prescriptive on the issue. I will make sure that national guidance is in the future prescriptive in giving that option to headteachers, so that they are empowered to ban mobile phones if they choose.

**Stephen Kerr:** I want to give the cabinet secretary another chance to properly address the question that Willie Rennie raised. I could not help but notice that, in the way that she described the curriculum improvement cycle, she put particular emphasis on the word “knowledge”. I give her the opportunity to restate her position on the OECD report from 2021 that called for a restoration of knowledge.

She mentioned clear guidance on mobile phones, which many of us would agree with, but how about some clear guidance on behaviour standards, boundaries, the consequences of misbehaviour, exclusions and the presumption of mainstreaming? All those areas require clear guidance from the cabinet secretary as well.

**Jenny Gilruth:** The member asked two questions, so I will be brief.

It is not true to say that curriculum for excellence ignores knowledge, but we need to improve the way in which knowledge is covered in our curriculum. That is why the place of knowledge is a priority for our systematic improvement cycle, which I mentioned in response to Mr Rennie. I have to query whether the Conservatives are now moving away from their support of curriculum for excellence—I hope that that is not the case.

The member asked about behaviour. A number of weeks ago, I set out in the chamber the response to the behaviour in Scotland’s school research and our commitment to a national action plan, which will give the detail that the member seeks.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** What actions and investment are being put in place to support learners with additional needs such as dyslexia to have better access to digital technology to improve literacy? How can teaching be made more inclusive in the overall curriculum?

**Jenny Gilruth:** The member raises a really important point. We have heard from a number of members this afternoon about the increase in the number of young people with additional support needs. The Government is absolutely committed to improving the experience of those children, including those with dyslexia. We are working closely with a number of partners to promote the use of our addressing dyslexia toolkit, which includes advice to school staff on supporting children and young people’s literacy through the use of digital technology.

The Government also funds CALL Scotland to provide advice and training to school staff on supports, including on the use of assistive technology for children and young people with specific communication needs.

**The Deputy Presiding Officer:** That concludes the statement. After a short pause, we will move on to the next item of business.



## Human Rights of Asylum Seekers in Scotland (Report)

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S5M-11608, in the name of Kaukab Stewart, on behalf of the Equalities, Human Rights and Civil Justice Committee, on asylum seekers in Scotland. I invite members who wish to take part to press their request-to-speak buttons now or as soon as possible. I invite Kaukab Stewart to open the debate. You have around 10 minutes, Ms Stewart.

14:55

**Kaukab Stewart (Glasgow Kelvin) (SNP):** Before I make my remarks on behalf of the committee, I encourage members to reflect on the tragic news that we heard from the Bibby Stockholm this morning.

The committee's inquiry into the human rights of asylum seekers ran from late April through to June this year, following an evidence session on race inequality that took place earlier in the year, during which organisations including the Scottish Refugee Council and the Maryhill Integration Network told us that they considered that the Scottish Government could do more with its devolved powers to support asylum seekers.

I thank and acknowledge all those who provided written and oral evidence to the committee. I thank the clerking team, the Scottish Parliament information centre and the wider team who provided excellent support to the committee during weeks of evidence taking and engagement with the draft report.

I especially thank the asylum seekers and refugees who gave us an insight into their lived experiences at our engagement events, which were held here, in the Parliament, and at the Maryhill Integration Network. The committee appreciates that it will not have been easy for those brave individuals to speak with us and for them to have had to relive some of their experiences, but we hope that our report reflects their voices and experiences and that the Scottish Government can bring forward initiatives and solutions to address the challenges that they face. I recommend that any member who has not yet visited the committee's web page and read the notes of those engagement sessions, which really drive home the challenges that asylum seekers and refugees face, should do so.

Before I move on to the substantive content of the report, I pay tribute to and thank those organisations that do so much with limited resources to support asylum seekers and refugees

to understand their rights and limited entitlements. Organisations such as the Maryhill Integration Network, Amma Birth Companions, Refuweege, Refugees for Justice, the Scottish Refugee Council, Friends of Scottish Settlers and the Grampian Regional Equality Council helped to facilitate our engagement sessions alongside the committee clerks and the Parliament's participation and communities team, and we are very grateful to them.

Although immigration and asylum are reserved matters, the committee heard that there are ways in which, with some innovation and radical thinking, the Scottish Government and local authorities could address some of the issues that asylum seekers face, particularly in relation to integration.

One of the keys to integration is the ability to travel, whether it is to attend general practitioner or solicitor appointments; to access advice, support and education services; or just to have the opportunity to visit other places and prevent isolation. We know that the financial burden that is associated with bus travel is an obstacle for many asylum seekers—we heard that consistently throughout our inquiry—so our report strongly supports the extension of the existing national concessionary scheme to include all asylum seekers. That would be transformative and, as Paul Sweeney noted during his members' business debate on 26 October, there is cross-party support for it.

Jackson Carlaw, convener of the Citizens Participation and Public Petitions Committee, recently raised the proposal directly with the First Minister at a recent Conveners Group meeting. The subsequent announcement by the First Minister at the start of November that £2 million has been set aside in next year's budget to allow the scheme to include all asylum seekers is very welcome. We look forward to next week's budget statement, which will enable us to understand more about how that scheme will be rolled out and how the £2 million will be allocated.

The committee heard about the pilot schemes that have been running in Aberdeen and Glasgow, and we hope that those will help to inform how the scheme is extended. We note also other policies and strategies that the Scottish Government has in place, including an additional £1.6 million in funding, announced in February this year, to focus on the development of a refreshed "New Scots Refugee Integration Strategy"; the "Ending Destitution Together" strategy; and the new guardianship service for unaccompanied asylum-seeking and trafficked children.

Our report reflects the legislative context, including the Illegal Migration Act 2023 and the current asylum process. We heard strongly

expressed views that the 2023 act will change the landscape for asylum seekers who are seeking legal protection in the United Kingdom. We agree with calls from the Scottish Refugee Council and the Children and Young People's Commissioner Scotland that, as far as possible within devolved powers, the Scottish Government should work with local authorities and other relevant bodies to maintain the integrity of the looked-after children system and to scrutinise the age-assessment regime that was set out in the Nationality and Borders Act 2022 as well as the 2023 act.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I agree with everything that Kaukab Stewart has said and all that the committee has done in its report. Does she agree with my party's position that asylum seekers should be allowed the opportunity to work while their claims are being processed, which would potentially give them a sense of freedom and reduce the financial impact on the state?

**The Deputy Presiding Officer:** I can give you the time back, Ms Stewart.

**Kaukab Stewart:** I cannot comment on that question as the committee convener but, in a personal capacity, I agree.

As our report notes,

"The Committee also strongly recommends the Scottish Government"

work

"with third sector partners and public agencies"

to develop

"trauma informed and skilled training for all those who work to support asylum seekers."

Housing is another key area where there are many concerns. Our report notes that there is

"a lack of appropriate and affordable accommodation across Scotland and the rest of the UK",

to which there is

"no easily identifiable solution".

We heard a lot of evidence on the use of temporary accommodation, particularly hotels. We are concerned that the practice is being used increasingly and for longer periods of time. That is leading to its being normalised, which it should not be, as the impact on families and on the mental health and wellbeing of individuals is significant. Hotels and other forms of institutional accommodation are inappropriate and should be used only as a temporary measure when it is absolutely necessary.

We recognise the current housing crisis and the challenges that that presents to local authorities in respect of providing appropriate accommodation. Our report urgently seeks clarification of what the

Scottish Government is doing, or what it intends to do, to address that situation.

Linked to that, we recognise the impact that the wider dispersal policy is likely to pose. Our report asks the Scottish Government what preparations it has in place to support local authorities to meet the challenges that that policy will have on them. We also seek a commitment from the Scottish Government that it will work with the Convention of Scottish Local Authorities and individual councils

"to identify issues that are unique to ... them."

We would welcome an update, and some clarity, from the Scottish Government on funding and resource support for third sector organisations, particularly those outside Glasgow, that provide asylum-seeking individuals with advice about their rights and the services that they are entitled to access. I hope the minister might be able to address those points in her remarks.

Witnesses also raised another potential impact of the Illegal Migration Act 2023, with strongly expressed views that it will effectively end the protection for survivors of trafficked exploitation and modern slavery that was provided under the Human Trafficking and Exploitation (Scotland) Act 2015.

In our report, we urge the Scottish Government

"to develop guidance to ensure a robust and equivalent form of support"

to that which is currently provided under the 2015 act. We also ask the Government to consider the calls for a national referral mechanism as proposed by the Scottish Refugee Council.

We heard concerns about the impact on children, including unaccompanied children, and about the use of mother-and-baby units. We heard conflicting accounts about unaccompanied children living in hotels, and our report expresses the committee's frustration at not being able to clarify whether there are unaccompanied children living in hotels. That is very concerning, and we ask the Government to investigate and clarify the position as a matter of urgency. We are also keen to understand how the Scottish Government plans to safeguard children, including unaccompanied children, in the light of the power in the Illegal Migration Act 2023 to remove them from local authority areas.

Concerns were raised over the use of mother-and-baby units and the impact that they have on women and on the early years of a child's life. The committee has asked the Scottish Government to investigate that and to report back accordingly. It would be helpful to have an indication of how long that investigation might take.

I understand that I have completely run out of time, but I have not yet covered some areas. In my remaining few seconds, I will just say that I was going to talk about English for speakers of other languages—my colleagues may bring that into the debate—and that, on the matter of asylum seekers who have experienced trauma, we encourage a trauma-informed approach in order to reduce isolation.

I look forward to this afternoon's debate and to hearing members' reflections on our committee report as well as the minister's response.

I move,

That the Parliament notes the conclusions set out in the Equalities, Human Rights and Civil Justice Committee's 8th Report, 2023 (Session 6), *The Human Rights of Asylum Seekers in Scotland* (SP Paper 455).

15:06

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** I start by echoing the convener's comments in acknowledging the sad reports that a person seeking asylum and living on the Bibby Stockholm has died. My thoughts are with all those who knew them and all those who will feel the loss personally, which I know will be a much larger group. It would be inappropriate to speculate on the circumstances at this point, but I expect the UK Government to meet the Home Secretary's commitment to investigate fully.

Having appeared before the Equalities, Human Rights and Civil Justice Committee during the inquiry, I know that the breadth of evidence with which the committee was presented, which included evidence from local authorities, COSLA, third sector support organisations and Mears Group, was very impressive, and I acknowledge just how much information the committee has considered in completing its report.

I also took questions from a citizens panel, and I know that committees across the Parliament have been exploring ways to bring the public into policy scrutiny, which I absolutely welcome, and it is great to see the committee exploring and testing ways to do that.

The day I sat before the committee was world refugee day—20 June—and we are now marking the 75th anniversary of the Universal Declaration of Human Rights. I attended a local meeting of the global refugee forum this morning. The context of the work that we are doing, and the wider picture of asylum policy in the UK and across the world, is very important. We have a proud history in Scotland of helping those in need and of providing sanctuary, and our communities have long been enriched by diversity. I share the committee's passion for doing all that we can to improve the

experience of asylum seekers here in Scotland. I am considering the committee's report carefully, and I will respond in due course.

I want to reflect on the fact that has been acknowledged by the convener that, with asylum being a reserved matter, much of the evidence that the committee heard was, naturally, about the impact of reserved policy on people in Scotland—both on asylum seekers themselves and on the communities and services that support them. That has included everything from delays in processing asylum applications to plans under what is now, sadly, the Illegal Migration Act 2023—many of us hoped that it would not make it past being the Illegal Migration Bill, as it was during the committee's inquiry—and the overall hostile environment approach from the UK Government. As the convener will know, I share her concern about the impact of the 2023 act. She will recall that we wished to withhold consent to the bill at the time, and we continue to explore ways to mitigate the act's worst impacts.

During my time as minister for migration, I have tried very hard to get the message across to asylum seekers and refugees here in Scotland that their Government wants to help them, that we care about them, that we welcome them and that we do want anyone to feel afraid or that they are not worth the same, or entitled to the same rights, as anyone else. Operating that way successfully is very difficult when the situation is inextricably linked to the actions of a UK Government that is often very hostile.

During my summer recess visits, when I spoke with and listened to communities across Scotland, there were stories in the press about Robert Jenrick ordering that murals be painted over at detention centres, which were there to make children feel a little less stressed.

As I ate dinner after a long day spent meeting children of former asylum seekers, a waiter came over and asked whether I was the "immigration" minister. I said that I was the "migration" minister, but that it was me he could ask. He said, "I'm from Rwanda," and said it very defensively, as if he was daring me to object to him. I thanked him for coming to speak to me and we had a very pleasant conversation, but I am very aware that the perceptions of, and the expectations about, an immigration minister are quite tough to get across so that we can have the open and honest conversations that we must have with people who have lived experience, so that we know about the real problems that we must solve. I acknowledge and welcome the committee's role in helping to platform lived experience.

The committee has acknowledged the reserved nature of immigration and of relevant areas of welfare. The most significant issues that are raised

in its report are reserved and include asylum accommodation and support, asylum decision making, policies restricting the right to work and those now restricting the right to claim asylum at all in line with the Illegal Migration Act 2023. I do not say that in order to wash my hands of responsibility; indeed, the Government recently set out what we would do in all those areas, if given the opportunity, and we are urging the UK Government not only to make the changes that we believe are right but to give us the room to do things differently. I will turn shortly to the areas in which our devolved competence does give us some room for manoeuvre.

Some of the issues that I have focused on in my dealings with the UK Government have included urging UK ministers to uphold the UK's moral and international obligations under the 1951 refugee convention; asking it to invest in the UK asylum system to increase the quality and speed of asylum decisions; and calling on it to ensure that newly recognised refugees are not at risk of homelessness or destitution, by extending the move-on period from 28 days. During a call yesterday, I suggested a 90-day period, in line with the notice that was given to Afghans who were moved on from hotels, or, failing that, 56 days, which would be in line with homelessness policy here.

We have also called for something about which I wrote to the former minister, seeking urgent action, which is to provide funding for local authorities and work constructively with them, sharing information in good time to allow them to provide the wraparound support that we know many authorities really want to provide.

We have asked for asylum seekers to have the right to work without restriction to the shortage occupation list and for assurance that the financial element of asylum support will reflect the real cost of daily life, including digital access and travel costs, because the support is far from that at the moment.

We have also asked for an end to the maximisation policy and the use of unsuitable asylum accommodation. We in Scotland have worked very hard to try to keep at bay the worst suggestions. That is often not even about housing but is about trying to keep as many asylum seekers in one place as possible. We know that some of the suggestions that come from the UK Government are simply not safe.

We have watched helplessly as the UK Government has tried to push through its Rwanda plan, with its new bill seeking to disapply key sections of the Human Rights Act 1998 and reduce what is required under domestic human rights law. That is, of course, a violation of the UK's international obligations and of basic

constitutional norms. We must be unapologetic in calling that what it is: removing human rights from humans.

I move on to our approach, which is different. It has been established for a decade and is delivered through two new Scots refugee integration strategies. Our direction of travel is clear and is distinct from that of the UK. The new Scots strategy is led in partnership by the Scottish Government, COSLA and the Scottish Refugee Council and involves partners from public bodies, local authorities, third sector, private sector and community groups.

The strategy focuses what can be done in the devolved context and we are willing to be, and have been, creative. The key principle of the strategy is that integration should be supported from day 1 for people seeking asylum, as well as for refugees, displaced and stateless people and other forced migrants. I do not pretend that it is not difficult or problematic when asylum seekers are denied the right to work or social security from the beginning, but we are determined to stick to those principles as far as we can and to call for action from the UK Government on matters that are out of our hands.

As I said, the UN's global refugee forum is taking place this week, beginning in Geneva tomorrow. This morning, new Scots partners met refugee leaders as part of a local forum. At that meeting, I heard one of the representatives say something that will stick with me for ever. She said that she has visited asylum seekers who are living in hotels in Glasgow but who had no idea that they are in Scotland. They had never heard of Scotland. They are new Scots, but they have been so prevented from integrating into our communities that they have not even heard of their new home. That is how far removed we are being kept from those we have a duty—and a will—to support. It is a stark reminder to me and to everyone here that there is so much more to do to communicate with people who already live here and explain to them how much we value them and want to support them.

**Kaukab Stewart:** The minister has made excellent remarks. Does she accept that, in that context, the situation is even worse for children? Does she have a response to the committee's calls for investigations on unaccompanied children?

**Emma Roddick:** Yes, certainly. The convener will be aware that one of our key areas of concern about the Illegal Migration Act 2023 was the way in which it has prevented us from supporting, above others, unaccompanied minors and children who are victims of human trafficking. That is a deep concern for us. As I said, I will provide a full

written response to the committee's recommendations as soon as I can.

It has been important to hear the comments from the forum this morning, exactly because they are challenging to us. We are taking account of the impact of the new context on refugees and asylum seekers, and those who support them, so that our vision, principles and actions in the new Scots strategy remain relevant and capable of reacting to events and to new legislation that has come since the strategy's 2014 edition.

I commit to continuing to raise with the UK Government issues on reserved immigration and asylum policy that impact on people in Scotland. I will continue to work with new Scots partners to support that integration from day 1. I look forward to responding fully, in writing, to the committee.

15:16

**Miles Briggs (Lothian) (Con):** I start, as others have done, by putting on record our concerns and thoughts at the reported death of an asylum seeker on the Bibby Stockholm.

I welcome the opportunity to speak in the debate and to discuss the findings of the report. I thank the members and the clerks of the Equalities, Human Rights and Civil Justice Committee for their work, and all the organisations and individuals who have been involved. The report is helpful and constructive.

As the minister has done, I also take the opportunity to thank organisations across Scotland—mostly, in the third sector—that provide support for people in Scotland. We must always acknowledge their work in our communities.

Those who have been forced to leave their homes due to persecution should be allowed to seek asylum in the UK. However, that can be done only if they enter the country through a safe and legal route.

Throughout our history, Scotland has made itself home to people from all over the world. Historically, people from the Indian subcontinent, Ireland, Poland and many more have made their homes here. More recently, that group has included Syrians and Ukrainians who have fled illegal wars.

The committee report illustrates the significant challenges that are faced by both the UK and Scottish Governments in providing services, especially as our public services are overstretched and fail to meet current needs and demands.

For those who do not have available accommodation and cannot meet their own essential living costs, the Home Office can provide financial support and housing under section 95 of

the Immigration and Asylum Act 1999. As things stand, more than 5,500 people in Scotland receive such support.

Immigration and asylum are reserved matters. It is therefore the responsibility of UK ministers and the UK Government to address many of the concerns that are highlighted in the report. I note that the committee has written to the Home Office on that. I accept the concerns of stakeholders about the slow rate of processing asylum applications and taking decisions. That is unacceptable.

However, perhaps the most critical section of the committee report highlights the pressures that local authorities in Scotland are under in supporting and assisting people. I acknowledge and highlight the emergency response that many councils across Scotland, including the City of Edinburgh Council in my region, have undertaken to support people and put in place resettlement schemes. Most of us who represent Edinburgh and Glasgow will also be acutely aware of the housing pressures that our communities face. That is why, recently, both the City of Edinburgh Council and Glasgow City Council have declared housing emergencies.

I am particularly interested in the position that the committee has taken in relation to housing—specifically, the use of hotels and guest houses for housing asylum seekers. As a Parliament, we have not taken a position on housing children in temporary accommodation, but we should look at that across portfolios. Members will know that I have consistently raised the issue of the number of Scottish children and families living in temporary accommodation and the lack of support services that are provided.

As I have said, the committee heard specific concerns about the use of hotels and the inspection regime around them. The committee agreed with the evidence that hotels and other forms of institutional accommodation are inappropriate and should be used only as a temporary measure where necessary. There is learning for all our housing policies in that. The committee also noted a significant negative impact that that form of housing has on the mental health and wellbeing of families and individuals. The report makes it clear that ministers have to be up front about the housing challenges that Scotland faces.

The report highlights evidence that mental health issues are widespread among people fleeing conflicts abroad and that those issues are often exacerbated as a result of those people living in unsuitable and destabilising accommodation. The report warns that by housing people in that way we risk seeing a significant negative impact on the mental health and

wellbeing of not only individuals but the wider family unit.

I very much agree with Dr Koruth's points about mental health. It is crucial that we understand that many people who come to Scotland have a vastly different understanding of mental health issues from how we see them in this country. We should help people to realise that they can seek support for mental wellbeing. That should always be advertised, and people should know that they can speak out.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Will the member take an intervention?

**Miles Briggs:** Yes. I am happy to, if I have the time.

**Stuart McMillan:** On mental health, more asylum seekers are coming to Scotland and there is no financial resource coming to assist them. Surely, if the UK Government provided financial assistance for them, that could help with the mental health aspect. Asylum seekers have very little by way of money and very little by way of engagement with local communities.

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

**Miles Briggs:** I agree with the sentiments that have been expressed by the member. Those who are tasked with providing support services, especially mental health services, need to do that on a case-by-case basis. In some communities, an additional barrier often arises with regard to interpreters, who need to be funded. That is something that should be considered. Health boards often find it difficult to provide interpretation services.

We need to do more to educate people on where they can find mental health services. That was an important part of the report.

Another concern, which was highlighted by the convener, was around delays in processing information on asylum seekers and safeguarding children. I agree with the points that were raised on that. Some age assessments of asylum seekers can take months or years to process. In the meantime, children are often placed unaccompanied in accommodation with adults, which raises serious safety concerns. We should acknowledge that, and UK ministers should be mindful of that.

It is important that the UK Government and the Scottish Government develop a new policy around age-disputed individuals who are currently being housed in adult accommodation services and what a different model of accommodation would look like. I am not sure that we have the right model for Scottish families and Scottish children in

temporary accommodation, so we need to consider a different model.

On human trafficking and modern slavery, we are all aware that asylum seekers and refugees are among the most vulnerable to that abhorrent practice. The committee's recommendation that we should uphold protections for all victims is one that we obviously agree with. The Scottish Refugee Council has made a number of recommendations in that area, which I think that Parliament should consider within our devolved competence.

I have already noted that support for asylum seekers is a reserved matter. Nevertheless, the suggestions for change that the committee has made are important for both Parliaments to consider. It is essential that we genuinely take into account the needs of asylum seekers in Scotland and how those can be supported.

The report has found that more can be done to protect people in our asylum system in Scotland. It is clear that the UK Government and the Scottish Government should co-ordinate a better network of support, especially when we are working with our 32 different local authorities on hosting people in the asylum system.

That would mean having proper funding for alternative accommodation sites and that the overreliance on hotels and emergency accommodation would have to change. It would also mean making additional resources available to our third sector organisations, which do so much to support asylum seekers and offer so much. Furthermore, it would mean considering how we can reform our public services to meet that challenge.

I reiterate that I welcome the work of the committee and I thank it for its report. I look forward to hearing the rest of the debate.

**The Deputy Presiding Officer:** I advise members that we have a little bit of time in hand for the debate.

15:25

**Paul O'Kane (West Scotland) (Lab):** I am pleased to open the debate on behalf of Scottish Labour. As other members have done, I express my party's sorrow at the news that a person who was seeking asylum has lost his life on the Bibby Stockholm barge. As the minister said, we do not yet know the circumstances of the incident, but we hope that the Home Office will undertake a full and frank investigation to understand what has happened. Our thoughts are with all those who are connected with that incident.

I thank my fellow members of the Equalities, Human Rights and Civil Justice Committee for

their work on the report, as well as all the parliamentary staff and clerks who work behind the scenes on conducting a committee inquiry and producing such a report. That requires a team approach, which was very much the committee's sense when we were developing that piece of work. Scottish Labour welcomes the report into the challenges that asylum seekers face. It is a strong and important piece of work on how we can better support asylum seekers through their experience in Scotland.

I am sure that it is hard for us all to imagine having to leave our homes and our families because of the horrors—both natural and man-made—that this world can contain. For many of us, having to make the decision to travel great distances for the sake of our own and our family's safety, and then take a chance on asking for help from others in a state that we might never have been to before, is unthinkable. That is the context in which we must always approach the issues that the committee sought to explore in its inquiry. We heard that story so many times, both from asylum seekers themselves and from the organisations that support them, in the course of taking evidence for our report. I thank all the individuals and organisations involved for their full and frank engagement with the committee and for sharing their stories and their work. Asylum seekers' stories were often very personal and, I am sure, difficult to share time and again. We are very grateful to everyone who did so.

It is incumbent on us to do all that we can to support people who are seeking asylum. As a bare minimum, we owe it to people not to make their lives more difficult, stressful and exhausting. Unfortunately, as the committee heard at plenty of points in our evidence taking, we do not always succeed in that task, both here in Scotland and across the UK.

Today, we meet to debate the committee's report in the context of the strategy of a callous Conservative Government that is currently tearing itself apart over its inhumane and ineffective plan to send asylum seekers to Rwanda. It is a Government in chaos, which cannot and will not deliver an asylum system that works in the humanitarian interests that I have mentioned. That is off the back of the shameful Illegal Migration Act 2023, which it introduced. We have previously debated the challenges that that act poses. We have heard members from across the chamber say that they do not agree with what the Government is seeking to do, and that it will not build a system that is rooted in the humanity that I spoke about; in fact, it will do the complete opposite.

**John Swinney (Perthshire North) (SNP):** I appreciate the comments that Mr O'Kane is

putting on the record. I agree entirely with what he said about the failures of the Conservative system and its approach to all of us. Does he think that we have reached a moment where, strategically, the United Kingdom has got to get to a different position on the question of migration? We need to acknowledge that we are short of people in this country and that we could benefit from the expansion of the population, and particularly the working-age population. There are ways in which that can be done, through taking a completely different approach to the failed way that the Conservative Government has adopted, but we will need to change attitudes and views in our approaches towards migration. I think that the Scottish Government is up for that agenda. Does Mr O'Kane share my view?

**The Deputy Presiding Officer:** I can give you the time back, Mr O'Kane.

**Paul O'Kane:** I will come on to speak about why we need fundamental change in the system. We need a completely different approach to migration to the United Kingdom and to those who come to our shores to seek refuge and asylum. Labour has outlined in a five-point plan the fundamentally different approach that we would take if we were to form the next Government. It would not seek to do many of the things that are currently happening, as I have outlined.

We need a broader conversation. Colleagues from across the Parliament have mooted different suggestions about what might work by looking around the world; one example is the Canadian model of looking at regional variations in migration—we could consider that in relation to the needs in the workforce in different parts of the United Kingdom. We are very open to those concepts.

I want to take some time to reflect on what we can do in Scotland to ensure that we continue to improve the experience of asylum seekers. We must ensure that we develop trauma-informed approaches and training for anyone in the public sector who works with asylum seekers. We must ensure that there is adequate funding and support for asylum support organisations across the country. We heard in the committee about the need for better access to support services for people who live in rural and island communities and who do not live in close proximity to our urban centres. Many of the issues that we covered in our report are in the gift of the Scottish Government or in its sphere of influence.

Although we are seeing progress at last on some issues, we have more to do. One item that I am sure that colleagues will comment on is access to public transport and bus travel in particular. I know that the Government has made a commitment on free bus travel for asylum seekers.

We will wait for the detail in the budget before coming to firm conclusions on the delivery of that. I take this opportunity to pay tribute to my colleague Paul Sweeney for his many years of campaigning work, along with other members from across the Parliament, in order to secure that commitment from the Government. I hope that the minister will continue to engage on that and on how it will be delivered.

Members were keen to hear more about the Government's plans on mitigations to the Illegal Migration Act 2023. The minister and I have had an exchange on that before, so I would be keen for her to say more, now that we are a little further along than when we last debated the issue, about how some of the significant issues might be addressed in line with the calls from the Scottish Refugee Council and others.

I said that I would say something about Labour's plans on shadow immigration at UK level. We have outlined a five-point plan for dealing with the asylum system and small boat crossings. It is focused on cracking down on smuggler gangs—we know the issues that are at play—clearing the backlog and ending hotel use. We have heard much from colleagues already about hotel use, particularly for women who are pregnant, and the issues therein. There are also issues around new agreements, safe returns, family reunions and tackling humanitarian crises at source. I am conscious of time, and so I will not get into the detail of that—I am sure that that will happen as we progress the debate.

I praise the report and the work that has gone into it. I hope that, in responding to the debate, the minister will be able to provide more detail on the recommendations that we have outlined as a committee—not just to repeat old promises and warm words but to ensure that there are concrete solutions that we have control over in Scotland, which will help people who are fleeing violence and other terrible situations to ensure that they are not faced with the same challenges here in Scotland.

15:34

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I have very much enjoyed today's debate, which has fostered a largely consensual tone, and I congratulate the committee on its work on the report. I remind members of my interests: I am a member of the homes for Ukrainians scheme and we hosted a Ukrainian refugee in our home for nine months. I share the sentiments expressed by members from across the chamber about the tragedy on the Bibby Stockholm. I hope that investigations will proceed with haste.

Presiding Officer, imagine the scene. You have just washed ashore on the beach at Dover, and the leaky craft that you crossed the Channel in would not have lasted much longer. You have just had to watch as the boat carrying your brother and his family sank beneath the waves five miles from shore, with the loss of all hands, but you have made it. The promise of a new life away from the religious persecution that you were running from is finally in reach. The year is 1685. For centuries, unseaworthy boats have ferried from France people seeking safe harbour in our islands.

The scene that I have just described refers to the Huguenot exodus from France following the removal of the law that allowed people to practise their Protestant faith without fear of persecution and murder. Their arrival saw the adoption of the French word "refuge", and, by extension, "refugee", into the English language, as a description of our new guests. In response to the Huguenots' persecution, the Parliaments of England and Scotland passed a law called the Declaration of Indulgence, which allowed the freedom to practise any religion. That feels surprisingly welcoming, even progressive, for the 17th century, when you consider the current debate in Britain around refugees and immigrants.

As we speak, members of Parliament in the House of Commons are preparing to vote on the second reading of the bill on the Conservative Government's Rwanda plan, about which we have heard so much in the debate, to send plane loads of people who have sought refuge and asylum on our shores 4,000 miles away to a country that the UK Supreme Court last week deemed to be unsafe for asylum seekers.

Instead of backing down, Rishi Sunak is attempting to pass a bill that states that Rwanda is a safe country, that prevents judges from ruling otherwise and that lays aside key aspects of our human rights legislation. That would bypass the Human Rights Act 1998 entirely, undermine the independence of our courts and damage our reputation internationally. Even if the bill clears its first hurdle tonight, further trouble will only be stored up for the amendment phase, when the factions of the Tory party, not content with the damage that they have already done, will undoubtedly attempt to make the bill even more extreme. The entire scheme has felt doomed from the start, and that has to be a good thing.

Liberal Democrats believe that we have a human duty to offer protection and safe legal routes for people who are fleeing torment. We want the Government to create a dedicated unit to make asylum decisions quickly and more fairly. We have a backlog of nearly 250,000 cases. That is a policy decision to try to break the system and deter others from coming.



However, this was always about so much more than simply stopping the boats. The legislation is an attempt by Rishi Sunak to heal a rift in his party and to prevent the rise of another by so doing. It was designed in part to placate the right wing of the Tory party. At the same time, it is an effort to neutralise the impact of the ascendancy of the anti-immigration Reform Party. All that has laid bare the ignorant and inhumane attitude towards asylum seekers of some sections of the Conservative Party, such as Tory party deputy chair Lee Anderson, who suggested last month that asylum seekers should be sent to “remote Scottish islands” while they wait for their applications to be processed. It is as though he is suggesting that they are some kind of malevolent actors. I remind members of the words of the poet Warsan Shire, herself an asylum-seeking refugee, who said that nobody chooses to exchange home for the water

“unless home is the mouth of a shark”.

All that is part of the Government’s wider anti-immigration narrative, of which we have heard so much during the debate. A new policy was recently introduced to increase the visa salary threshold for migrant workers to more than £38,000 a year. That had clearly not been thought through, because key workers from exempted professions or professions that earn more than that say that they will have to leave because their partners are no longer allowed to stay.

I turn to the bill that is being debated in—

**John Swinney:** Before Mr Cole-Hamilton leaves that point, does he recognise that the proposed approach, whereby spouses cannot accompany people in coming to this country, will have a catastrophic impact on the availability of people to work in our economy, particularly in our public services and caring services? Does he recognise the urgent necessity for a strong parliamentary expression of the importance of the dangers that we face as a consequence of that measure?

**Alex Cole-Hamilton:** I welcome John Swinney’s intervention, and I agree with him entirely. He is absolutely right. That would have a catastrophic impact on key workers whom the Government sought to exempt from the new rules. It did not remember the partners who come with them and the fact that nobody would choose to work in a country in which their spouse was not welcome.

I believe that that suggestion was mooted during our time in government, and we helped to put a stop to it, not least because the Ministry of Defence raised serious concerns about the fact that it had armed services personnel returning from overseas with new spouses from the

countries in which they had been deployed. They could not hope to bring their partners over because of the income threshold. It is an ill-thought-out and ideology-driven policy that would have far-reaching consequences, as Mr Swinney rightly identified.

This is all about trying to heal the rift in the Conservative Party. We must understand that the rule of law matters. I am so glad that it still appears to matter to certain elements of the Conservative Party. I hope that they will vote with their conscience on the issue tonight.

I agree with the Law Society of Scotland’s president, Sheila Webster, who said that the society was

“very concerned about this bill, and particularly sections that would undermine the independence of our judiciary, along with the UK’s commitment to human rights and international law. Our international reputation is in jeopardy.”

Those are her words. That is fundamentally what is at stake. That matters, and it should matter to all of us.

I will conclude by saying what the Liberals would do. We would immediately scrap the bill; fix the broken asylum system; allow asylum seekers to work, as I suggested in my intervention in Kaukab Stewart’s speech; ensure that decisions are processed quickly, fairly and with a degree of humanity; provide safe and legal routes to sanctuary for refugees from all countries; and expand a properly funded resettlement programme.

Our island story is a tapestry of cultures and traditions. When someone is offered a chance of a new life, they will repay that opportunity many times over. I was taught that by my Canadian immigrant mother, who was a descendent of the Huguenots who fled to North America for much the same reasons as those who came here all those centuries ago.

15:42

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Like others, my thoughts are with all those who have been affected by the events on the Bibby Stockholm this morning.

Amid headlines about Tory in-fighting, international law being broken and a carousel of Home Secretaries, we would be forgiven for thinking that the UK is fast becoming inhospitable to those in the international community who need our help the most. What started as Theresa May’s hostile environment policy escalated to Suella Braverman referring to refugees as “invaders” in a statement last year. Westminster has thoroughly demonised those who are fleeing from conflict and persecution, and it has actively pushed that

vulnerable cohort into destitution. I fully reject those dehumanising policies of the Tories, and I reiterate that every asylum seeker and refugee should be treated with the utmost dignity and compassion.

In the past two years alone, we have seen massive international crises in Afghanistan and Ukraine, which have led to large-scale resettlement efforts. Many of those who have fled the conflict in Ukraine are now settled in my Coatbridge and Chryston constituency, where they have integrated with the community and been welcomed by their neighbours during what must be the most difficult period of their lives. Although the circumstances are tragic, I am proud that Scotland has made real efforts to help to shelter and integrate people who have fled real danger and conflict rather than pushing them away and attempting to ship them off to Rwanda.

I have held several events that have been aimed at the Ukrainians who have settled in Coatbridge, and I was absolutely delighted to welcome them to the Parliament—their Parliament—just a couple of weeks ago.

I am one of the committee members who were involved in the powerful inquiry. In taking evidence, we heard about the overwhelming damage that the UK Government's language has done for those seeking asylum. It was noted that more compassionate language was needed. That is something that the UK Government has actively drafted policy against. In April this year, Graham O'Neill of the Scottish Refugee Council asserted to the committee that

“since ex-Prime Minister Theresa May coined the term ‘hostile environment’ as official public policy ... Asylum has been one of the casualties of the hostile environment.”—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 25 April 2023; c 9.]*

In May, when criticising Suella Braverman's use of the term “invaders”, Savan Qadir of Refugees for Justice told the committee:

“If we did not have that type of language, we probably would not need more officers to deal with the tension that comes with it.

The UK Home Office is creating this environment in which communities are being set against each other.”—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 2 May 2023; c 26.]*

While the committee heard a huge amount of criticism regarding the language of the UK Government, there was even more criticism of the actual policies that it has inflicted on asylum seekers. Not only was the Illegal Migration Bill seen as draconian and dehumanising, but the committee heard about the huge number of negative consequences that it could have. The Simon Community Scotland noted it would create a “rough sleeping crisis”, with charities and

services being “overwhelmed”. The Children and Young People's Commissioner commented that the bill would, in effect, embolden those who are involved in people trafficking. The Grampian Regional Equality Council simply said that the bill would

“make matters worse at all levels.”—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 2 May 2023; c 5.]*

I will quote Graham O'Neill of the Scottish Refugee Council again, as I believe that the vast majority of us in the chamber will agree with his sentiment—at least, I hope that that is the case. He said:

“we regard this Illegal Migration Bill as morally repugnant, and we also think that it will be practically unworkable.”—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 25 April 2023; c 5.]*

Although the evidence that we heard was valuable and also unsettling and worrying, we were unable to hear from the UK Government, as the Westminster Tory Government failed to respond to the committee's invitation to take part. The lack of active engagement from Westminster further underlines the sentiment that the Tories' seeming obsession with immigration and unworkable policies exists simply to placate the increasingly far-right wing of their party. The UK, and indeed those who are fleeing danger, should not be held hostage to that fringe.

In looking at how Scotland can—once again—mitigate the worst consequences of vile Tory policies, we are limited in what we can do, because, as we all know, immigration, asylum and visas are reserved issues. However, “Ending Destitution Together: A Strategy to Improve Support for People with No Recourse to Public Funds Living in Scotland 2021-2024”, the “Trafficking and Exploitation Strategy” and the Scottish guardianship service are three further interventions that reflect Scotland's long history of welcoming refugees and asylum seekers. Caroline O'Connor of Migrant Help summed that up to the committee when she said:

“I recognise that asylum seekers are coming to Scotland because they feel that the services and support here are better.”—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 16 May 2023; c 30.]*

As I said, immigration and asylum are reserved issues. However, we did not undertake an inquiry just to identify that and state what we cannot do. Those people who spoke to us expect us to do what we can. We have heard a wee bit about that this afternoon. For example, the people who spoke to us said a lot about transport. There is a lot of evidence that connecting people is really important. I know that the minister is working on that and that we have the pilots, but I encourage the Government to do more work in this area. We

heard that it can be as simple as ensuring that people can get to the gym.

We also heard a lot about ESOL, which the committee's convener started to talk about earlier. Again, that is very important, but there is not enough coverage in some places. In that regard, I pay tribute to a great piece of work in my constituency: the International Conversation Cafe in Summerlee, which is run every second Saturday. I went to visit it a few weeks ago and it is an absolutely fantastic project. I thank Khadija Hadji, who is an ESOL lecturer at the Coatbridge campus of New College Lanarkshire, and the other volunteers. However, it should not just be down to volunteers to do this work—we should have a well-resourced national programme.

I am running out of time, but I also want to mention the importance of people being involved in decision making and of having a rights-based approach, as set out in the "New Scots Refugee Integration Strategy 2018 - 2022". People told us that they want to be involved in those things.

I had so much to say because the committee's inquiry was very powerful, as I said, but I will need to skip some of it in the interest of time.

We heard a wide range of voices in our inquiry. We heard that current UK Government policy has created increasing community tensions, and we heard about some of the harrowing consequences that would result if current Tory policy was passed at Westminster. The new Scots approach that we promote here in Scotland was commended, but it was acknowledged that, without full control of matters that are currently reserved, we are hamstrung in our attempts to support and shelter asylum seekers while showing them the respect and compassion that they deserve.

**The Deputy Presiding Officer:** I inform members that we have probably exhausted most of the time that we had in hand.

15:49

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am pleased to contribute to a debate that covers a number of issues that I encountered throughout my time as a member of the Equalities, Human Rights and Civil Justice Committee.

I welcome the fact that the committee launched the inquiry and published its report. Although immigration and asylum are reserved to the UK Government, the committee has made a number of recommendations that are relevant to both the Scottish Government and local authorities. I therefore hope that today's debate can be about what the Scottish Government can do to improve the lives of asylum seekers here, in Scotland.

One of the key issues that the committee considered was housing and the on-going shortage of new affordable homes. The supply of such homes has decreased over the past 12 months. The Scottish Federation of Housing Associations has highlighted that the strain on supply is coming at a time when demand is increasing. That is creating problems when it comes to finding suitable accommodation for asylum seekers and is leading to the use of hotel accommodation, guest houses and emergency accommodation becoming too common.

When an asylum seeker receives a positive decision on their application, the lack of affordable housing is still creating problems for them and they might find it hard to find a place to live. Migrant Help was able to highlight that effectively.

We know that the housing crisis has consequences that go beyond the impact on asylum seekers. However, it is clear that an ambitious approach to Scotland's housing crisis will be required, as hotels and the other types of accommodation that I mentioned are not the best facilities in which to place these individuals. The committee recognised that, as did the individuals who gave up their time to speak to us.

Another issue that the committee identified was the lack of suitable training for those who engage with asylum seekers. There have been various reports of that being a significant problem, which is perhaps to be expected, given that those people might often be housing officers or hotel staff. Sometimes, they are not best placed to help these individuals because of that.

It is important that anyone who engages with asylum seekers is given appropriate training, but the opportunities to receive training are difficult to come by. A written submission from the Mears Group highlights some of the training that their welfare support officers currently receive. That includes mandatory courses to help identify asylum seekers with mental health issues and training in how to de-escalate difficult situations when necessary. Many of these individuals find themselves in difficult situations. As we have already heard today, some asylum seekers did not believe that they were in Scotland. That major issue needs to be addressed. Positive action needs to be taken to support these individuals. The committee is right to recommend that the Scottish Government should help to develop specific training for all those who work with asylum seekers and in the asylum system.

The committee has also received helpful evidence from Police Scotland during the inquiry, and it is clear that the police play an important role in engaging with—

**Stuart McMillan:** Will Alexander Stewart give way?

**Alexander Stewart:** Of course.

**Stuart McMillan:** Does the member agree that, given that asylum speakers are dispersed across the UK, the UK Government should provide funding to help with the training that he is asking for?

**Alexander Stewart:** The member makes a very valid point. Co-operation is required—that should take place. There might well be a need for the money to follow the process. If that could help the process, I would certainly support that.

Police Scotland gave the committee various ideas. Trust in the police may be second nature to us here, but that is not always the case for asylum seekers who come from very different cultural backgrounds, in which the police are not seen to be supportive. A certain amount of buy-in is required to get full co-operation from asylum seekers, and it must be recognised that such engagement can require significant commitment from police officers.

A key part of that engagement is the use of third-party reporting centres, which have been set up by many organisations and individuals. There are now more than 400 of the venues across Scotland, and they are run by experienced third sector organisations. The centres are an important part of the support network for asylum seekers in Scotland. They also allow asylum seekers to engage with the police and with others who provide support. Police Scotland has said that more and more organisations are coming forward to be involved in the process, which includes high street venues such as coffee shops. That is very welcome. Going forward, it is important that Police Scotland continues to be supported to break down the many barriers that asylum seekers face and that it has the opportunity to do that.

As we have heard today, asylum seekers face a number of challenges when they arrive in Scotland. The committee's report has shone a light on all that is happening in this area. As well as tackling the on-going housing crisis, it is important that the Government does what it can to support the police, local authorities and the numerous hard-working third sector organisations that continue to provide support for asylum seekers. I pay tribute to all those who have taken the time and used their talents to do that.

If the Government takes an approach that tackles those issues, I have no doubt that it will find support from many parts of the chamber. We all want to support individuals who come here by giving them the best start in a new world so that they can move forward.

15:55

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I welcome the Equalities, Human Rights and Civil Justice Committee's report. It is not the first time that a committee of the Parliament has produced a report of this nature, but I very much welcome it.

I affirm that every asylum seeker and refugee should be treated with dignity and compassion. Along with colleagues, I express my sadness at the death of the asylum seeker today, and I send my condolences to those affected. Asylum seekers are people just like you and me—the only difference is that they come from a country where they were no longer safe. That can be because of war or persecution or for reasons relating to their race, religion, nationality, political opinions or membership of a particular social group.

Although this is not included in the official definition of a refugee, many people flee their homes because of climate damage. According to the United Nations refugee agency, the climate crisis is driving displacement and making life harder for people who have already been forced to flee. That demonstrates that the climate emergency is also a social justice issue to be addressed.

I am proud that Scotland has a long history of welcoming refugees and asylum seekers, recognising that it is a human right to be able to seek asylum in another country. My Greenock and Inverclyde constituency, like others across Scotland, rallied round to support Ukrainians who had fled their homes following Russia's illegal invasion of their country. Many of those Ukrainians now feel able to make a new life for themselves in Inverclyde, having been welcomed with open arms by the community.

More recently, the UK Government situated asylum seekers in the Holiday Inn Express in Greenock. In response, the Greenock Baptist church opened its doors to provide a safe space in which asylum seekers can socialise and spend time outside the hotel, in the community. Local charities donate items to ensure that asylum seekers do not go without essentials such as warm clothing and toiletries. Since 2017, Your Voice, which is a third sector organisation in Inverclyde, has been running its new Scots project, which welcomes families and individuals from multicultural backgrounds as they navigate their new home.

The word "home" is important, because people seeking asylum are looking for a new home—somewhere to put down roots as they look for work and, potentially, raise a family. However, sadly, the UK Government's hostile environment

approach to asylum seekers and refugees is quite the opposite of Scotland's sense of welcome.

Labour's language around migration also leaves much to be desired. In a recent interview, the shadow secretary of state for work and pensions, Liz Kendall, said that Labour agreed with the Tories increasing the salary threshold for overseas workers. That will have a hugely detrimental effect on my constituency, which already faces population decline.

Yvette Cooper has also come out with a number of quotes. In October 2023, she said that net migration was too high; in November 2023, Labour pledged to raise the salary bar for a skilled worker visa; in May 2023, she said that Labour would put time limits on hiring overseas workers to curb migration; and, back in May 2013, she said that immigration "must come down".

I go back to the committee's report. Those seeking asylum are some of the most vulnerable people across the world, and they should be protected and welcomed. Last week, the Prime Minister held a press conference on his asylum plan, and the House of Commons will vote on the new Safety of Rwanda (Asylum and Immigration) Bill tonight. Where was his press conference on the cost of living crisis, high inflation or mortgage interest rates? Those issues affect every person who lives in the UK. As asylum is a dog-whistle issue for his party's base and back benchers, he sees it, sadly, as his primary focus. Sadly, Labour once again appears to support the Tory Prime Minister on this.

**Paul O'Kane:** Stuart McMillan seems to be suggesting that Labour somehow supports the bill that is being discussed in the House of Commons today and, indeed, the UK Government's rhetoric. In my speech, I clearly outlined Labour's approach to immigration and what a future Labour Government would do. It is clear that Labour MPs will oppose the Conservatives' bill in the House of Commons tonight.

**Stuart McMillan:** Mr O'Kane needs to go back and look at the *Official Report*. I did not say that Labour supports the bill.

Putting the issue front and centre perpetuates the notion that asylum seekers, refugees and immigrants are to blame for the issues that the UK faces. I reject the policy and language that the UK Government has used in recent years.

I note that the committee heard

"extensive evidence ... around the 'hostile' narrative."

Members should remember that it was the former Prime Minister Theresa May who coined the term "hostile environment" as the official public policy in 2012. In no uncertain terms, that is a deliberate ploy by the Tories to degrade the rights of asylum

seekers and to dehumanise them. The Tories want to create an environment in which people are not welcomed, in the hope that those who seek asylum decide to go elsewhere instead of building a life for themselves in the UK.

That shows how utterly out of touch the Tory UK Government is and why the Supreme Court was right to shut down its inhumane and morally bankrupt Rwanda policy. Sadly, that policy will come back to the Commons for a vote tonight. Instead of creating a culture war that attacks the most vulnerable, the Tories should invest in clearing the backlog and creating safe and legal routes for people who are fleeing war and persecution.

To provide some context to the debate, I will comment on two myth-busting facts from the Refugee Council's website. First, in contrast to what the Tories want people to think, the UK is home to approximately 1 per cent of the 27.1 million refugees who are forcibly displaced across the world. Secondly, refugees make a huge contribution to the UK. For example, around 1,200 medically qualified refugees are recorded on the British Medical Association database.

I note that the report calls for more funding for the third sector to provide a whole-systems approach. We are all only too aware of the challenging financial picture that the Scottish Government faces. However, I agree that the third sector needs to be involved with the development of policy and funding mechanisms at Scottish and UK Government level. As I have already mentioned, third sector organisations in my constituency play a key role in helping refugees and asylum seekers to feel part of the community.

The UK Government's callous approach to asylum is at odds with Scotland's desire to provide sanctuary for the most vulnerable. Only with independence can we establish a compassionate approach.

**The Deputy Presiding Officer (Annabelle Ewing):** I remind members that speeches should be of up to six minutes.

16:02

**Paul Sweeney (Glasgow) (Lab):** The Conservative UK Government sank to an all-new low when it unveiled the newest iteration of its asylum policy, which is devoid of humanity and empathy for people who have fled persecution and war.

Today's tragic news from the Bibby Stockholm underscores that heartbreaking situation. A person who had come to the UK in search of sanctuary has died in a place that was designed to demonstrate our cruelty and hostility to people

such as him. We had every means to help him, but we chose not to. It should be a mark of shame on us all.

The details of the case are not yet clear, but the rate of suicide and self-harm among people seeking asylum has soared in recent years. A system that is designed to strip people of all hope and humanity is beneath us and creates huge risks to life. It is shameful that, instead of welcoming people who seek asylum, the UK Government wants to ship them off to Rwanda, ignoring human rights concerns, and is intent on making things as difficult as possible.

The asylum system that is presided over by the Home Office is woefully inadequate. Processing takes an excruciating amount of time, and asylum seekers are prohibited from getting a job, even though their skills and expertise would be welcomed in the labour market in the UK. As the Equalities, Human Rights and Civil Justice Committee's report claims, local authorities and the Scottish Government have it within their grasp to ease the pain of people who seek asylum and to do more to address the issues in Scotland.

I welcome the committee's recommendation that the Government should extend the concessionary bus travel scheme to people seeking asylum, which the Government has adopted. Alongside the Voices Network and the Maryhill Integration Network, I campaigned with cross-party colleagues for around two years on the proposals. It was powerful to have support from my colleagues across the Parliament set out in the report at an important juncture in the campaign. I thank in particular my colleagues Ms Stewart, the member for Glasgow Kelvin, and Mr O'Kane, a member for West Scotland, for their advocacy on the matter in the committee.

As I mentioned, asylum seekers are unable to work and are forced to live on just £6 a day. Indeed, it is as little as £1.36 for those who are put up in hotel accommodation. In my region of Glasgow, an all-day bus ticket can cost in excess of £5, which means that asylum seekers must choose between eating or travelling to their various legal and medical appointments. Extending free bus travel to people seeking asylum will ease the burden of making such difficult decisions, and I am glad that, after a long campaign, the Scottish Government has seen the potential in that practical intervention to improve people's lives. I look forward to the funding commitment being set out more fully when the Deputy First Minister presents the budget to Parliament next week, and to hearing more details about how the scheme will be delivered in the coming months.

The committee's report also raises the issue of asylum seeker and refugee mental health. People

who have fled horrendous situations and have gone through terrible ordeals will, of course, be at heightened risk of experiencing depression, anxiety and post-traumatic stress disorder. As the report suggests, in addition to what we do already, efforts should be made to make it easier for those people to access mental health services in Scotland.

The British Red Cross, in its report "Far from a home: why asylum accommodation needs reform", highlights that asylum seekers who are housed in hotels "do not feel safe". It says that many spend extended periods in rooms that often have no windows, which can trigger trauma from the experiences that they have fled. Again, that has negative impacts on their mental health and wellbeing. There should be greater effort to educate people who are seeking asylum on how to access mental health services. Indeed, the issue goes beyond mental health. We must ensure that more is done to educate asylum seekers on their rights to healthcare and especially how to sign up to a GP practice.

Housing for asylum seekers is inadequate. The privatised Home Office accommodation contracts do not supply enough housing, and the likes of barges and military barracks have had to be used to house asylum seekers for extended periods, which is unacceptable. The blame for the poor housing and accommodation situation lies firmly at the door of those horrific and cynical Home Office contracts. However, the Scottish Housing Regulator could be better used to monitor and raise the standard of accommodation that is provided for people seeking asylum across Scotland.

The report from the Equalities, Human Rights and Civil Justice Committee is welcome. It shows that, although the Conservative UK Government is managing the asylum system poorly and cruelly and is intent on making it even more inhumane, the Scottish Government and local authorities in Scotland have it within their power to make practical changes to improve people's lives today. That is a moral obligation that we cannot deny. The report shows that the usual excuses of a lack of power under the devolved settlement are insufficient. The committee sets out exactly what can be done now to help asylum seekers in Scotland. The Scottish Government can and must introduce a comprehensive plan so that people seeking asylum can access the housing, education and healthcare that they need. There is an obligation on everyone in the chamber to see that that happens.

16:07

**Evelyn Tweed (Stirling) (SNP):** First, I echo the sentiments of my colleagues in the chamber in

condemning the latest round of Westminster immigration policies. Human rights legislation sets out that the protections that it provides, including the right to seek asylum, are universal. To deny those rights to anyone is barbaric. My thoughts are with the friends and family of the asylum seeker who sadly lost his life on the Bibby Stockholm.

In Scotland, we know how important it is to offer refuge to those who are forced to flee their homes and seek sanctuary here, which is a decision that is never taken lightly. We have also seen what amazing contributions asylum seekers, refugees and migrants can make in our communities—that has certainly been the case in my Stirling constituency.

Integration into their communities is important for asylum seekers' wellbeing, and language is a huge part of that. The Equalities, Human Rights and Civil Justice Committee's report highlights that asylum seekers who cannot speak English tend to shop in local cultural stores. Although that makes things easier, those shops are often more expensive, which means that the asylum seekers' already minuscule allowance does not go so far.

I was pleased to see a focus on that in the committee's report and its recommendations on provision of English for speakers of other languages—ESOL—as we have already heard. Asylum seekers are eager for that. In previous engagement, asylum seekers highlighted the barriers that prevent participation, such as childcare and access to transport.

Free bus travel for asylum seekers is to be welcomed, and access to ESOL classes is one of the many benefits that it will bring. However, ESOL provision is inconsistent across different regions. Research from COSLA shows that local authorities are innovative and inventive in their delivery of ESOL, and that is to be commended. However, reading the committee's report and hearing from local Stirling organisations working in that area, I can see that provision can be very patchy. Language skills that are learned through ESOL programmes can make a huge difference to wellbeing and community integration, but learning a new language obviously takes time.

In my constituency, a grass-roots organisation has recognised that there is much to be done. HSTAR Scotland provides advocacy services and counselling in 10 languages for women from a range of backgrounds, including asylum seekers and refugees. The organisation engages with service users with an understanding of how mental health is viewed in their faith and in their culture. It provides practical support and opportunities for community building, and it ensures that women who are seeking asylum across Scotland can access support, regardless of the language that they speak.

HSTAR Scotland also works with survivors of gender-based violence who are seeking asylum here. Women who are forcibly displaced and are seeking asylum are disproportionately likely to experience gender-based violence. Those experiences are compounded by barriers to reporting and accessing support, including social isolation, language barriers and a fear of being deported. HSTAR provides them with counselling as well as helping them to access justice through the Criminal Injuries Compensation Authority.

The service is much needed and it has had a great deal of success. More than 65 per cent of its users said that they became more active and open to their local community, as well as more confident and active citizens. HSTAR also reports a decrease in feelings of isolation, stigma and loneliness in its service users.

No recourse to public funds, which prevents people from accessing most mainstream social security benefits, homelessness assistance and other services, is applied to asylum seekers. The NRPF Network highlights that there are significant gaps in statutory support for many victims of domestic abuse, with no recourse to public funds. Organisations such as HSTAR fill some of those gaps with great success. However, being a small charity, HSTAR is facing many of the same challenges that the committee highlights in its report on the availability of resources to fund its work.

**Kaukab Stewart:** Will the member take an intervention on that point?

**The Deputy Presiding Officer:** You can take an intervention if it is very brief. I hope that you will conclude in about 30 seconds.

**Kaukab Stewart:** I commend the member's local example. The evidence in our report suggested that ESOL provision was patchy across the country. Does the member agree to call on the Government to review its ESOL policy?

**Evelyn Tweed:** I absolutely agree with the member on that point.

I was just about to conclude, Presiding Officer. I echo the committee's calls for consistent and timely ESOL provision. I also ask the Government to continue to think creatively about funding to ensure that asylum seekers have access to the services that they need and that those services are delivered in their local communities.

16:14

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank the committee for its comprehensive report on the human rights of asylum seekers in Scotland. The findings are truly shocking. I challenge anyone to read it and not to

feel compelled to act, because it is painfully clear that the Westminster Government has chosen to inflict unimaginable cruelty on people who are seeking refugee protection. We have seen the Prime Minister threatening to break international law and offshore refugees to Rwanda. We have seen refugees forced into wildly inappropriate accommodation, from army barracks to floating prisons.

This morning, we heard the news of the death of a person on the Bibby Stockholm, which is a huge tragedy for that person and for all the people who loved them. That is somebody who will never see the freedom that they dreamed of in coming to this country.

People have been stuck in hotels in Scotland as well, sharing rooms with people they do not know for months on end and unable to access the support that they desperately need. They are fragile and traumatised, and they need mental health support.

I was struck by the minister's comment at the beginning of the debate, when she recalled that there are some people who do not even know that they are in Scotland. I find that so sad. That has to change, and we have to welcome these people to our hearts.

There is a huge increase in the number of people who are forced into homelessness after being granted refugee status. The Home Office is evicting some people with barely a week's notice to find somewhere new to live. We should remember, however, that such hostility to people who are seeking refugee protection did not start with Suella Braverman or Rishi Sunak, and it is unlikely to end with a change of guard at Westminster.

With powers over immigration, Scotland could do so much better than that. We could do far more to protect the rights of refugees, people seeking asylum and all those who choose to make Scotland their home. We could choose to build a system that is based on compassion, empathy and solidarity—not on cruelty, hostility and inhumanity.

Although we might want to dismantle the hostile environment in its entirety and start again, we cannot legislate to do that in the Scottish Parliament—not yet, at least. Right now, we remain limited to mitigating some of the worst impacts of the Tory Government's assault on the right to asylum. That is our serious responsibility, as a country that is committed to human rights, and which is proud to protect refugees.

The Scottish Government has shown leadership in protecting people who are seeking asylum through the limited powers that are available to us, and the committee's report outlines where we have already taken steps in that regard. However,

the report and the evidence from witnesses make it clear that the assault on asylum is so stark that we need to use all the powers that we have within our devolved competence to protect everyone who comes to Scotland in search of safety.

With the stakes so high, we must do more, go further and be braver, because people who are seeking refugee protection are facing unimaginable hardships right now, in our communities. They are banned from working and from accessing mainstream social security benefits, and they are forced to live on just over £6 a day for all essential living needs. That includes clothing, travel, staying connected with loved ones, toiletries, school supplies for their kids, food and so much more. The amount that they get is barely 60 per cent of what I, or other members, would receive in universal credit. Those who are living in hotels receive only around £1.40 a day.

A recent survey by Asylum Matters of 300 people seeking asylum found that 91 per cent did not have enough money to buy food; three quarters could not afford the medicines that they need; and 95 per cent were not able to travel where they needed to by public transport. That is exactly what Just Right Scotland has described as "state-enforced destitution".

The committee also heard from witnesses about the impact of that enforced poverty on people seeking asylum, and it heard calls from within the refugee community that Scotland could do more to alleviate that hardship.

For the past two years, campaigners at Maryhill Integration Network and the Voices Network have been calling for the expansion of concessionary bus travel to people who are seeking asylum. Alongside colleagues on all sides of the chamber, in particular Paul Sweeney and Bob Doris, I have supported those inspiring campaigners, so I was delighted to see the committee's report echo our call for change.

Since then, we have managed to secure a £2 million commitment from the Scottish Government to finally grant concessionary bus travel to people who are seeking asylum—a measure that Patrick Harvie announced last month. I look forward to working closely with colleagues and the two ministers, and with campaigners, to get that delivered within the next year. That is just one example of how we can use the powers that we have within our devolved competence to protect everyone who comes to Scotland in search of safety.

That will make an enormous difference to the lives of people who are rebuilding their lives in Scotland, and go some way towards mitigating those hardships that are inflicted by the Home Office. The committee's report must be a wake-up



call. We are witnessing an all-out assault on the rights of refugees in the UK, and our actions here must match the scale of that threat. We must stand up for our friends and neighbours, and make sure that Scotland does everything that it can to be the welcoming nation that we strive to be.

16:19

**Karen Adam (Banffshire and Buchan Coast) (SNP):** First and foremost, I express my profound regret at the sad news from this morning about the loss of life aboard the *Bibby Stockholm*. I offer my condolences to the family and friends of the asylum seeker whose life was lost.

As a member of the Equalities, Human Rights and Civil Justice Committee, I often witness the tireless work of organisations and individuals to embed humanity into policy, and I am consistently reminded of the profound responsibility that we hold. The stories of asylum seekers in Scotland, as detailed in the recent human rights report, are not just abstract accounts; they are vivid realities that demand our attention and action. The work that we undertook to gather people's real-life experiences on a personal level will stay with me forever.

I have been thinking about how easy it is to take it for granted that we live in a country free from conflict, and about what would happen if that ever changed. How would the world react to us if we ever needed to flee and seek refuge? Perhaps that thought is more profound at this time of year, coming up to Christmas, knowing that, across the country, many children will be re-enacting a very familiar story of a family and their unborn child seeking refuge.

The lived experiences of asylum seekers, as highlighted in the committee's report, must guide our policies. Each individual brings a story—a narrative of loss, resilience and hope. Those are not mere tales; they are a reflection of our shared humanity.

The UK Government's approach to immigration not only lacks compassion; it denies the rights of, and dehumanises, those seeking refuge, as they are entitled to do under article 14 of the Universal Declaration of Human Rights. On Sunday, we celebrated the 75th anniversary of that declaration, and next year will mark 70 years since the United Nations Convention relating to the Status of Refugees came into force.

A Conservative minister recently made the assertion that asylum seekers risking their lives crossing the Channel had "no excuse" and were "breaking into our country". That is not just insensitive—it is a stark dismissal of human rights. That is dog-whistle politics at its worst, and it serves only to marginalise further those vulnerable

individuals who are seeking safety and refuge. It ignores the complex and often harrowing reasons that compel people to undertake such perilous journeys.

Our response should be inclusive and supportive, not merely tolerant. For example, the need for mental health services is critical, as is underscored in the committee's report. Many asylum seekers carry the scars of trauma and require culturally sensitive and accessible mental health care. Similarly, the importance of language assistance cannot be overstated. As has been noted, many asylum seekers struggle with language barriers, which hinder their ability to integrate and to access vital services.

We should consider the potential of concessionary travel for all asylum seekers, a policy that embodies dignity and freedom, allowing them to explore and to integrate into our communities. That is not just about policy; it is about sending a clear message: "You are a part of our society, and you are welcome."

It was plain to see that the core need for the provision of accurate information was essential. Asylum seekers must be aware of their rights, particularly in healthcare and legal services. That is not just a policy imperative; it is a moral one. It ensures that everyone who arrives in Scotland is treated with the respect and care that they deserve. Our approach must be rooted in kindness, empathy and a commitment to human rights. Every policy and every number represents a human story that deserves to be heard and acted upon.

We can lead by example and show the power of compassion in asylum and immigration policies. We must not be swayed by political pressures or bureaucratic convenience. Instead, let our actions be guided by the warmth of our humanity and the strength of our convictions. We need a distinctly Scottish path—one that is marked by understanding and by respect for human dignity. For example, that path could take the form of a new humanitarian strategy, as proposed by the Scottish Refugee Council, emphasising a "protect not penalise" approach, with anti-poverty and mental health initiatives to address the threats posed by serious and organised crime.

Although immigration and asylum remain reserved matters, there is much that we can do within our devolved powers. We can find innovative accommodation solutions, extend support to third sector organisations and ensure access to essential services such as ESOL and healthcare.

As I conclude, I ask for our response to asylum seekers to be more than only a policy one: it must reflect our values as a society. It is about building

a future in which compassion and human dignity are the foundations of our approach to those who seek sanctuary on our shores. As we move forward, we must remember that our policies and words have the power both to uplift and to harm. Let us choose kindness and respect and let us reaffirm our commitment to being a society that welcomes, supports and values every human life, regardless of where they come from or where the journey that they endured to reach us began.

**The Deputy Presiding Officer:** We move to the closing speeches.

16:25

**Foyso Choudhury (Lothian) (Lab):** I also express my sorrow at the distressing news of the death of an individual on the Bibby Stockholm earlier today. My prayers are with their family and friends.

Scotland should be a welcoming and safe place for asylum seekers. In the past few years, the UK Tory Government has created a hostile environment for those who come here seeking asylum. As my colleague Paul O’Kane noted, the UK Government is, as we speak, debating an inhumane bill that seeks to ship those seeking asylum in the UK off to a third country. We also have the Illegal Migration Act, which may force many vulnerable asylum seekers into the hands of human traffickers and criminal gangs. That goes hand in hand with the newly announced salary threshold for skilled workers visas, which Alex Cole-Hamilton, John Swinney and others rightly condemned. As Fulton MacGregor said, the UK Government’s hostile legislation has led to the UK being painted as a country that does not welcome those who most need our help.

**Stuart McMillan:** Will the member accept an intervention?

**Foyso Choudhury:** I have a lot to get through.

That is why Scottish Labour supports the conclusions that were reached by the Equalities, Human Rights and Civil Justice Committee’s inquiry. That inquiry sent a strong message that we should be using the powers within our devolved competence to improve the lives of asylum seekers in Scotland.

Integration is important to that. As Kaukab Stewart said, the Scottish Government must use its devolved powers to ensure that asylum seekers are able to integrate fully into Scottish society. I look forward to the Scottish Government’s plan on how asylum seekers can be included in concessionary travel schemes, which is something that my colleague Paul Sweeney has been working on.

The Illegal Migration Act 2023 can amend the powers and duties of the Scottish ministers to help victims of human trafficking under the Human Trafficking and Exploitation (Scotland) Act 2015. Miles Briggs commented that asylum seekers are among those who are most vulnerable to human trafficking and exploitation.

In October this year, I hosted a round table on the impact that the Illegal Migration Act 2023 may have on human trafficking and how it will interact with the Human Trafficking and Exploitation (Scotland) Act 2015. We heard from representatives of the Scottish Refugee Council, JustRight Scotland, Maryhill Integration Network and many more organisations about how the Illegal Migration Act has made life harder for survivors of human trafficking and modern slavery.

Under the act, survivors of trafficking who have received an initial reasonable grounds decision can be removed. Unaccompanied children arriving in Scotland can be subjected to mandatory scientific testing, including MRI scanning, to try to determine their age. If they refuse that, they will be processed as adults. The committee’s investigation makes clear that the Scottish Government can act within its devolved powers to mitigate that impact of the cruel Illegal Migration Act 2023—as it must. We need to concentrate action on that to protect victims of human trafficking and uphold, wherever possible, the right to seek asylum in Scotland.

The latest Home Office data shows that 662 asylum seekers were housed in hotels across 10 Scottish local authorities. In addition, 4,558 asylum seekers were living in dispersal accommodation. We must not forget the Ukrainian refugees hosted on temporary boats because suitable accommodation could not be found for them.

Those are not solutions. Currently, we face a housing crisis. The Scottish Refugee Council has warned that Home Office policies, such as giving people just seven days to leave asylum accommodation, mean that it could be a matter of time before someone dies on the streets due to a lack of housing. Let us be clear: that is not the fault of asylum seekers but is caused by a housing system that is not fit for purpose. The Scottish Government must provide a long-term housing plan. It must act on the conclusion of the inquiry to mitigate the damage of those inhumane Tory policies and ensure that asylum seekers are protected and welcomed in Scotland.

16:31

**Meghan Gallacher (Central Scotland) (Con):** Many speeches this afternoon began with the sad news about what has occurred on the Bibby Stockholm. I echo the comments that have been

made by many members and the calls to investigate what happened.

Today's debate has been robust. Many contributions have outlined what the Scottish Government can do within devolved competence to improve the lives of asylum seekers in Scotland. The committee's report outlined many important issues that we have discussed, including the slow rate of processing asylum applications, the financial challenges that asylum seekers face, the current housing crisis, and how local authorities support those who can claim asylum here in Scotland.

There were many points on which members found consensus—and, of course, there were areas of disagreement, whether in relation to reserved powers or to the UK Government's plan to tackle illegal immigration. The report states that committee members disagreed on the UK Government's approach to tackling illegal immigration. There is a real human cost when it comes to illegal immigration and the criminal activity that exploits so many vulnerable people. However, I appreciate that the topic is emotive and that it will cause a difference of opinion. I will pick up on some of those points shortly.

When I joined the Equalities, Human Rights and Civil Justice Committee, members were concluding the report after taking weeks of evidence on the topic. That is not an ideal time at which to join a committee, because there is a feeling of disconnection from those who gave evidence and shared their personal experiences with committee members. However, what was undertaken produced an important piece of work, which sought to improve the lives of asylum seekers in Scotland. I hope that we can all agree on that.

I also hope that the Scottish Government will start to record data on human trafficking cases in relation to outstanding court backlogs. I was concerned that, recently, in a response to Rachael Hamilton, the Minister for Victims and Community Safety, Siobhian Brown, advised that the Scottish Government currently does not hold that information. Although that was not in the report, I believe that it is crucial to maintain data if we are serious about ending the exploitation of vulnerable people in Scotland.

Members across the chamber raised several points that were in the committee report. The committee convener spoke about the real-life experiences that were crucial to the report, which outlined the challenges that asylum seekers and refugees face. Paul O'Kane echoed that view and highlighted how difficult it must be for people to leave their homes to seek asylum in another country.

Kaukab Stewart mentioned free bus travel for asylum seekers, which is an issue that Paul Sweeney has previously brought to the chamber. The report asks the Scottish Government to develop and report on plans for a Scotland-wide roll-out following the pilot schemes in Aberdeen and Glasgow. I am sure that MSPs will hear more on that when the Scottish Government develops its plans further.

Miles Briggs and Alexander Stewart raised the housing emergency that we currently face in Scotland. We know the number of homelessness applications and the number of children who have been assessed for or threatened with homelessness over the past financial year. Of course, we also know that 6,000 families are stuck in temporary accommodation for more than a year, and 450-plus people have been refused temporary accommodation from 2020 to 2023. I was therefore pleased that the committee's report sought clarification on the steps that the Government is taking to address the overall housing crisis that we face, because it is urgent. If we want more people to come to Scotland, we need to have affordable homes available. As Alexander Stewart rightly said, the housing crisis has consequences, especially when it comes to hotel accommodation for asylum seekers.

The report discussed the slow rate of processing of asylum seekers. I accept that and agree with colleagues that that must be rectified at haste, not just to alleviate the report's concerns but to ensure that people are not stuck in the system after fleeing an already difficult and often traumatising situation in another country.

Mental health is another big topic that was raised and debated by many members, and it is a vital part of the wraparound care that the minister mentioned in her opening speech. Services are available for people to access here but, as we know, they are under severe pressure. Although I accept that we need to raise awareness so that asylum seekers can access those vital support networks, we need to ensure that there are no language barriers and that we tackle the challenges that exist across all our mental health services.

I am running out of time. Many other topics were raised today, including the support that local government can provide. However, local government is another area that is under severe financial pressure just now, which restricts the support that it can give to asylum seekers and refugees.

There is clearly a cross-party appetite to do more to help those who claim asylum in Scotland. Like many members who made contributions today, I await updates from the Scottish Government in relation to the report's

recommendations. There has been an important and overarching argument made here today that we need to improve the lives of asylum seekers in Scotland.

16:38

**Emma Roddick:** I thank members for their contributions to this important debate and, again, I thank the committee for its work on the inquiry and for raising the UK asylum system issues that are impacting on people in Scotland's communities. I reaffirm the commitment that I gave in my opening speech to responding to the committee in full in writing, in due course.

Our "Building a New Scotland" paper on migration was launched on 3 November. It not only sets out the positive vision that we have for a humane and welcoming migration system in Scotland following independence, but comes from the position of our having already taken steps to do things differently within existing powers, particularly through our new Scots strategy.

I will reassure Paul O'Kane and others about new Scots. Members will be aware that work is under way to develop a refreshed strategy, which will be published next year. Engagement with sector professionals and refugee leaders took place in Aberdeen, Dundee, Edinburgh and Glasgow, as well as online, in early November, and lived experience engagement will take place until the end of February. An action plan will follow publication of the strategy, which will set out the work that partners will progress to support refugees, people who are seeking asylum and others who have been forced to seek safety as members of our communities.

Paul O'Kane and others requested some detail. One example that has been discussed thoroughly throughout the debate is the £2 million that has been set aside in next year's budget to support asylum seekers to access bus travel. The Minister for Transport recently met third sector representatives and agreed to set up a working group to consider how asylum seekers who are unable to access existing schemes can best be supported. That is important work and we must ensure that we do it in the most sensible way. I will continue to engage with the minister on that.

Of course, in the meantime, we do not discriminate against asylum seekers. Those who are aged under 22, those who are over 60 and those who are disabled can access free bus travel, like the rest of us, through the existing concessionary travel scheme.

**Paul Sweeney:** Has the minister any knowledge of the composition of the working group?

**Emma Roddick:** I am more than happy to get that information. I will refer the member's question to the Minister for Transport, who will get in touch with him.

I also appreciate the points that have been made about ESOL. For context, the new Scots partnership previously received £6 million from the European Union's asylum migration and integration fund for our £6.6 million project to support integration. That included more than £500,000 in targeted funding for two of the highest-priority areas, which are ESOL and employability. Because of Brexit, that funding comes to an end this month, but ESOL remains a priority area that is raised in the new Scots engagement process. Committee members will not be surprised to know that many people have directly raised ESOL issues with me. I know how important language is to integration, so I am taking a personal interest in the matter and seeing what more we can do. I am happy to commit now to looking into the specific ESOL issues that have been raised in the committee's report.

**Fulton MacGregor:** Would the minister consider coming to the International Conversation Cafe at Summerlee, which I mentioned in my speech, and speaking to the folk there.

**Emma Roddick:** I would love to do that. I look forward to receiving the member's formal invitation. I am currently speaking to staff in my private office about getting out to do more in-person engagement on ESOL and figuring out where best practice is already taking place.

Information to support refugees and asylum seekers to access healthcare in Scotland is available on the NHS Inform website. That includes links to general practice registration cards, which have been designed to support anyone who needs to register at a new general practice. They set out information on rights to accessing healthcare and were developed with people who are seeking asylum, as well as with those experiencing homelessness and with Gypsy Travellers, to support them to access services and promote the fact that they have the same rights to do so as anyone else.

On Miles Briggs' and Kaukab Stewart's points, we take our responsibility to asylum-seeking children very seriously, in terms of our legal and our moral obligations. In April this year we launched Guardianship Scotland, which is a statutory service that provides specialist support to all asylum-seeking children who arrive alone in Scotland. It currently supports around 800 children. There is still a shortfall in the funding that the Home Office provides to local authorities for hosting unaccompanied children, but we remain committed to working with it to find solutions to the acute pressures that are being faced. Much of that

is down to having adequate funding, but other measures, such as ensuring that communication happens well in advance, could be helpful.

I was glad to hear from Fulton MacGregor that he has picked up on the trend of people actively seeking to come to Scotland because they have heard that support is good here. That is really positive, but I worry about the impact that the UK Government's policy will have on people's impression of Scotland, and other countries in the UK.

Paul O'Kane will be aware of the difficulty that we face in providing information on mitigations to the provisions of the Illegal Migration Act 2023 ahead of getting from the UK Government details of the act's commencement and implementation. However, we continue to work across Government to consider all options that are available to us within our devolved powers and the law. We will continue speaking to stakeholders, as we have done since the legislation was introduced.

**Paul O'Kane:** I raise this issue time and again when we debate such matters because of the Scottish Refugee Council's calls for a comprehensive piece of work. What interaction has the minister had with the Scottish Refugee Council on those points and on its calls for a clear mitigation plan?

**Emma Roddick:** I engage regularly with the Scottish Refugee Council—most recently this morning. I am always happy to have such conversations with Paul O'Kane and his colleagues, as well as with our stakeholders, with whom—as I have said—we engage extensively.

There is currently a campaign going on to dehumanise asylum seekers and, indeed, all migrants. That is why it is important that when there is news coverage of loss of life because of lack of safe and legal routes—from the events of centuries ago that Alex Cole-Hamilton set out, to the news today—we feel that loss, whether it is because of boats collapsing or people completing suicide while going through the system. Many people out there will react differently to those news stories solely because the victims are asylum seekers, and there is perhaps a tendency to remove ourselves to protect ourselves.

However, from meeting asylum seekers and former asylum seekers across Scotland, I know that every life lost was the life of someone who could have been a business owner in Inverclyde, or volunteering full time for a charity in Glasgow, or treating people in our NHS. Every one of them could have been a new Scot and a valued member of our community.

I agree with reflections on the hostile narrative, including on the careless offhand proposal to send asylum seekers to—I quote, because I would not

use those words—“some remote Scottish island”, the Orkneys, or even uninhabited islands, where there would be no local support system for those marginalised people.

The Rwanda plan is absolutely baffling. There is not much else to say about it. Members' comments were right: it is a horrendous policy that is wrapped up in dangerous rhetoric.

The UK should be upholding the refugee convention and looking at the real problems in its immigration system, from decision-making timescales to working with Scotland to make use of migration to challenge our depopulation issues. Instead, it is pressing ahead with yet another nasty piece of legislation that is so incompatible with the rule of law that the Government needs to remove human rights from people in order to make it work.

Karen Adam was right to highlight that words can uplift as well as harm, and I will be sure to consider that in the wording of my response to the committee, knowing that it will be read not just by colleagues but by the people who are affected by the policies.

It is impossible to assess our abilities to support asylum seekers in Scotland while ignoring the context, actions and words of the UK Government. They limit our ability to act and they poison the impression that asylum seekers across the UK have of how welcome they are, often without distinction, and they destroy our good reputation internationally. However, I will continue to engage in seeking concessions where they can be made and, with the Convention of Scottish Local Authorities and the Scottish Refugee Council, in finding solutions to many of the biggest issues that asylum seekers face today in Scotland.

**The Deputy Presiding Officer:** I call Maggie Chapman to wind up the debate on behalf of the committee.

16:47

**Maggie Chapman (North East Scotland) (Green):** As deputy convener of the Equalities, Human Rights and Civil Justice Committee, I am pleased to close this important and, in many ways, heartbreaking debate on the committee's behalf. I am grateful to all members for their participation this afternoon and for the commitment and co-operation that have been shown.

I echo Kaukab Stewart's thanks to my fellow committee members, to our clerks, to the Scottish Parliament information centre and to the participation and communities staff, who ensured that our inquiry ran smoothly and that we were able to foreground the voices of those directly affected by the asylum system. I also associate

myself with the comments made about the tragic death today on board the Bibby Stockholm.

As we have heard, among the aims of the committee's original inquiry was to find out more about what it means to be living in Scotland while seeking asylum; how the system impacts the daily lives of people seeking asylum, local communities and agencies; the human rights issues engaged; and, in particular, the implications of the UK's Illegal Migration Act 2023. We heard evidence from a range of bodies and agencies, including third sector organisations, local authorities, the police and many more, and we held two informal evidence sessions with asylum seekers and refugees themselves. I thank everyone who contributed seriously and candidly to our inquiry, especially the refugees and people seeking asylum who shared their time and experiences so generously, speaking of matters that are inevitably intensely personal and painful. We welcome you to Scotland and we are deeply sorry that your experience, in so many ways, has not been what it ought to have been.

The committee's report covers a wide range of issues and concerns, many of which have been highlighted by members this afternoon. I will highlight and summarise just some of the principal themes that the committee considered and that we have discussed here today. The minister, Evelyn Tweed, Mark Ruskell, Stuart McMillan and others highlighted the valuable and immensely important contributions that asylum seekers and refugees have already made and will continue to make to Scotland. Many colleagues have been right to point out that, here in Scotland, in the asylum and refugee space, we seek to do something different from what we see happening at Westminster.

We should all keep in our minds our international obligations under the 1951 refugee convention, as well as other international treaties and conventions that speak to human rights, but none of us can ignore the massive and fundamental difficulties that are caused by the fact that immigration and asylum are reserved matters. The committee heard widespread and serious concern about the way that the UK Government has legislated, including in the Nationality and Borders Act 2022 and the Illegal Migration Act 2023, or the refugee ban bill, as it was widely known.

Graham O'Neill of the Scottish Refugee Council spoke of the UK turning its back

"on the most desperate people in the world"—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 25 April 2023; c 10.]

with lethal consequences, while Baroness Helena Kennedy described the criminalisation of people seeking asylum as a breach of international law. Foyso Choudhury and others highlighted the fact

that experts agree that the act will make it much easier for traffickers to prey on vulnerable people and much more difficult for them to be brought to justice.

Alex Cole-Hamilton made a powerful point about the importance—from the point of view of human dignity and of the economic and social benefit of Scottish communities—of giving asylum seekers the right to work. As a member of the Scottish Greens, I, like Mark Ruskell, wish that the UK Government would grant that right or devolve the powers to this Parliament to allow us to do so.

We heard about the underlying UK-wide and international issues that are contributing to the situation in Scotland. Those include the global rise in the number of people seeking asylum as a result of increasing and intensifying war and conflict, and the UK Government's choice to make stopping the boats a central focus of its agenda, building on Theresa May's hostile environment policy and on what Graham O'Neill and others have described as a general erosion of the right to asylum over the past 15 to 20 years.

We heard about Home Office delays that are so severe that a decision process that should take six months can now last 10 years. Some people who gave evidence to the committee would find ironic—perhaps that is the kindest word that I can use—Miles Briggs's comments about legal routes to seeking asylum. We heard very clearly from experts and from asylum advocacy groups that no such routes now exist under the UK Government's policies.

Paul O'Kane's excoriating assessment of the UK Government's Rwanda scheme, the scene from centuries ago painted by Alex Cole-Hamilton and the horrendous narratives of trauma that has been experienced by asylum seekers that Karen Adam outlined laid bare some of the doublespeak that is going on this afternoon. We would all do well to remember Karen Adam's statement that

"words have the power both to uplift and to harm".

The use of institutional accommodation, especially hotels, not just as temporary measures but as an increasingly normalised policy, was a central issue in our report. The committee looked at reports from Asylum Inquiry Scotland and heard from Baroness Helena Kennedy, who led that inquiry. It focused on events at the beginning of the Covid lockdown and found that the Park Inn incident was an "avoidable tragedy". Its findings reflect evidence heard by the committee about unsuitable food, insufficient space and resources for babies and toddlers to play and develop, barriers to accessing healthcare, especially mental health support, and safety concerns about vulnerability to far-right intimidation and to trafficking and exploitation.

Linked to that, as we heard from the minister and others, it is vital that we do whatever we can, in partnership with local government and third sector organisations, to support the integration, from day 1, of asylum seekers into our communities. Institutionalising people in hotels that could be anywhere is no way to treat anyone, never mind vulnerable asylum seekers.

Issues of money, poverty and destitution are central to the experiences of people seeking asylum. Those in institutional accommodation where meals are provided receive only £9.58 per week for all their other needs. Most people seeking asylum are not allowed to work, which has devastating effects on psychological, social and economic wellbeing.

Delays in decision making add to financial pressures—Andy Sirel of JustRight Scotland spoke of “state-enforced destitution”—and the asylum decision itself, whichever way it goes, frequently triggers eviction, homelessness and further trauma.

We heard much about access to support and services. Some of that has been covered by Paul Sweeney, Evelyn Tweed, Fulton MacGregor and others.

I want to pick up on just one issue: interpreter provision. Issues relating to a lack of access and a shortage of quality interpreters were raised. We were told that interpreters

“don’t always interpret the words said”

and that

“They forget so make stuff up”.

One person said that when

“every word counts in a person’s asylum journey ... it must be accurate. Any inaccuracy creates further delay and frustration”.

I welcome the consensus this afternoon that we need to up our game on all those issues.

Finally, the committee considered the role of devolved Scottish legislation and policy, including the Human Trafficking and Exploitation (Scotland) Act 2015, the new Scots and ending destitution strategies, the guardianship service and tuition fee funding. We heard urgent calls to do all that we can to mitigate the damage caused by UK policies. That could include the kind of radical humanitarian strategy argued for by the Scottish Refugee Council, together with initiatives such as free bus travel for people who are seeking asylum. As we have heard, that has been championed by Paul Sweeney and Mark Ruskell.

I conclude by urging all members to read the full committee report, which contains invaluable information and insights, including much that is deeply shocking. Some of the evidence was

conflicting, and members did not agree fully on all points, but there was a very high degree of shared consensus. That committee consensus represents deep concerns and anxieties but also a determination to do all that we can within our devolved powers to protect and enhance the human rights of people who are seeking asylum in Scotland. We look forward to the minister’s response to our report in due course.

My final words are for those who seek asylum here: we are honoured by your presence, inspired by your journeys and enriched by our shared humanity.

## Motion without Notice

16:57

**The Deputy Presiding Officer (Annabelle Ewing):** 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 the Minister for Parliamentary Business to move such a motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.57 pm.—[*George Adam*]

*Motion agreed to.*

## Decision Time

16:57

**The Deputy Presiding Officer (Annabelle Ewing):** There is one question to be put as a result of today's business. The question is, that motion S6M-11608, in the name of Kaukab Stewart, on behalf of the Equalities, Human Rights and Civil Justice Committee, on asylum seekers in Scotland, be agreed to.

*Motion agreed to,*

That the Parliament notes the conclusions set out in the Equalities, Human Rights and Civil Justice Committee's 8th Report, 2023 (Session 6), *The Human Rights of Asylum Seekers in Scotland* (SP Paper 455).

**The Deputy Presiding Officer:** That concludes decision time.



## Universal Declaration of Human Rights (75th Anniversary)

**The Deputy Presiding Officer (Liam McArthur):** The final item of business this evening is a members' business debate on motion S6M-10961, in the name of Kaukab Stewart, on the 75th anniversary of the United Nations Universal Declaration of Human Rights. The debate will be concluded without any question being put.

I invite members wishing to participate to press their request-to-speak button now or as soon as possible.

### *Motion debated,*

That the Parliament notes that 10 December 2023 is annual Human Rights Day, and marks the 75th anniversary of the Universal Declaration of Human Rights being proclaimed by the United Nations (UN) General Assembly in Paris on 10 December 1948; recognises what it sees as the vital role of human rights frameworks in expanding, promoting, and defending human rights across the globe; understands that the Declaration has been translated into over 500 different languages, and has paved the way for more than 70 human rights treaties to date; notes the belief that politicians of all parties must work together to ensure that human rights are championed and have a maximum effect in practice; recognises Amnesty International's campaign "Human Rights: Now Available in Human", which, it understands, aims to engage as many people as possible in the legislative process for Scotland's proposed new Human Rights Bill; further recognises the work of civil society organisations, including the Human Rights Consortium Scotland, JustRight Scotland and Making Rights Real, in helping to protect and advance human rights in Scotland; notes that 2023 also marks 25 years since the UN General Assembly adopted the Declaration on Human Rights Defenders; affirms its support for human rights defenders working on the front line of what it sees as rights abuses and injustice, and notes the belief that their voices should be integral to law and policy development in Scotland and across the world.

16:59

**Kaukab Stewart (Glasgow Kelvin) (SNP):** I refer members to my entry in the register of members' interests, as a member of Amnesty International.

Presiding Officer,

"Struggle is a never ending process. Freedom is never really won, you earn it and win it in every generation."

Those are the words of Coretta Scott King, Martin Luther King Jr's widow. She wrote them a year after his assassination, which was 21 years after the Universal Declaration of Human Rights was signed.

I am very grateful to my colleagues who signed my motion marking the 75th anniversary of the declaration and for the opportunity to secure the debate. Coretta Scott King's words stand as a timeless reminder that rights do not exist forever of

their own accord. Martin Luther King Jr was assassinated following a tireless campaign and fight for civil rights for black people in the United States through the 1960s. Treaties, agreements, declarations and even laws can be agreed and signed, but it is what we do in practice that determines the rights of people around us.

The United Nations General Assembly agreed the Universal Declaration of Human Rights on 10 December 1948, [out of the ashes of the second world war, which claimed the lives of more than 60 million people. The declaration contains 30 articles, each setting out rights and freedoms that ought to be respected and enjoyed by every person on this planet. Members in the chamber who are looking to contribute to the debate this evening may wish to delve into some of those articles in more detail, but I would like to start with article 1, which states:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

I do not doubt that, were a declaration on universal rights to be published for the first time today, it would perhaps use slightly more inclusive language, such is the evolving nature of our lexicon, but the meaning and intention behind the words endure. Consider the simple prospect that each human is the value of each of those around them—that is, that no person can or should expect better or lesser treatment. What an aspiration and an idea to tirelessly strive for. However, we know that we are not there—we are not even nearly there. Be under no illusion about that.

We are here today to celebrate the milestone of the 75th anniversary of the declaration, which is a groundbreaking international agreement that has done so much to inform and encourage laws and movements around the world in furthering human rights. The declaration has informed serious major treaties that have protected the rights of individuals across the globe. That includes the European convention on human rights, which was adopted in 1950 and is recognised in 47 nations as the baseline for human rights across Europe. The International Covenant on the Civil and Political Rights, which was adopted in 1966, has been enshrined in law and is used to protect the rights of detainees and freedom of expression in the United Kingdom. The International Covenant on Economic, Social and Cultural Rights was also adopted in 1966. Although that was not formally incorporated into legislation in the UK, it has informed court decisions on welfare, housing and labour rights.

In addition, the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted in 1979, ensures that women have the same legal rights as men in terms of

nationality, marriage, education, employment and welfare. Finally, the Convention on the Rights of the Child, which was adopted in 1989, and signed and ratified by most countries round the world, protects the rights and welfare of children.

However, celebration should not be confused with complacency; on human rights, we should be anything but complacent. Last week, the Parliament unanimously passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, in its amended form, which recognises and enshrines the convention's principles in Scots law. I am proud, as many other members are, to have been part of that moment in history.

With this age of the 24-hour news cycle and of immediate social media updates of events going on round the world, we have all witnessed human rights abuses on a scale that we have never seen before, whether it be the horror of Russia's invasion of Ukraine or the on-going terror being unleashed in Gaza and Israel. We all hear examples of states acting with flagrant disregard for human rights, and it is a stark betrayal of their fundamental duties to safeguard and protect the dignity and freedom of all its citizens.

Eleanor Roosevelt, a key driver in developing the UN Universal Declaration of Human Rights, said:

"Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works."

We look to human rights abuses and failings abroad, but we know that there is so much to do at home to improve the lives of our own citizens, particularly those who belong to minority groups. It would be remiss of me not to mention last week's Court of Session ruling on the Gender Recognition Reform (Scotland) Bill, which was passed in this place—and voted for by MSPs from every single party represented in the chamber—but which has been struck down by the UK Government. It is our responsibility to improve the rights of all individuals.

While talk around Whitehall grows over abandoning the UK's obligation with regard to human rights under international law, I am pleased to see that the Scottish Government remains committed to introducing the human rights bill to Parliament. Although it is limited to the confines of that which is devolved to this place, the bill will help incorporate a further four UN treaties into Scots law.

I am not sure whether I have a bit of leeway on time to outline them, Presiding Officer.

**The Deputy Presiding Officer:** I can give you a bit more time, Ms Stewart.

**Kaukab Stewart:** Thank you.

The four treaties are the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; and the International Convention on the Elimination of All Forms of Racial Discrimination. As convener of the Equalities, Human Rights and Civil Justice Committee, I look forward to being part of the bill scrutiny process. Scotland now has an opportunity to show leadership in furthering human rights at home and abroad, and I ask the minister, in summing up, to update members on the Scottish Government's work to do just that.

Earlier today, members in the chamber debated the report that my committee published on "The Human Rights of Asylum Seekers in Scotland". The report makes it clear that there are measures that we can take, notably the Scottish Government's commitment to free bus travel, to make better the lives of some of the most vulnerable people in society and around the world.

I look forward to contributions from colleagues to the debate, and I urge everyone to join me afterwards in the Burns room for an event that I am sponsoring with Amnesty International on the 75th anniversary of the Universal Declaration of Human Rights. This is a day for celebration, but also for serious consideration of what we must do better. *[Applause.]*

**The Deputy Presiding Officer:** I remind those who are in the public gallery that they are not to participate. That includes not applauding, difficult as that might be at times.

17:07

**Russell Findlay (West Scotland) (Con):** Human rights—what a vast subject. With just four minutes in which to speak, where do I even begin? I begin with a simple acknowledgement: as UK citizens, every single one of us here is blessed. Whether by virtue of the lottery of birth or of acquired British citizenship, many will give little thought to our immense good fortune.

Seventy-five years ago this week, the UK was one of 48 countries to sign the UN's Universal Declaration of Human Rights. In the aftermath of the second world war, it was a groundbreaking global pledge, with 30 articles setting out fundamental and far-reaching human rights that were to be universally respected and protected, and which were to apply to everyone, regardless of race, colour, religion, sex, language, political or other opinions and national or social origin.

In the Foreign, Commonwealth and Development Office's most recent annual "Human Rights and Democracy Report", published in 2022, Lord Ahmad of Wimbledon wrote the following:

"for far too many people, the hatred, depravity and atrocities of the Second World War have not been consigned to history. Too many repressive governments have chosen to disregard their international commitments, and rule through discrimination, persecution and violence."

How very true that is. Around the world, we see the brutal and bloody suppression of freedoms that we take for granted. In Syria, war criminal al-Assad murders hundreds of thousands of innocent citizens. In Afghanistan, the rights of women and girls are destroyed by the Taliban. In Myanmar, a military junta conducts extrajudicial killings, torture and sexual violence. In Qatar, people will be arrested for being gay, while a world cup that was built by slave labour buys legitimacy. In Iran, women and girls fight for freedom against a regime that thinks nothing of killing them. In Russia, war criminal Putin orders the massacre of Ukrainian civilians and the abduction of Ukrainian children. In China, the Chinese Communist Party commits genocide against the Uyghurs and other minority groups.

In all those places and many more, those who are brave enough to speak out risk being murdered by the state. They are imprisoned or killed, and most of their stories and their names will never be known. In such tyrannical places, it is often women's suffering that is the greatest: they are deprived of a voice and of education, at risk of sexual violence and exploitation and denied the most basic of freedoms.

Here in the UK, however, our rights are rock solid. All those rights—to education, to housing, to healthcare, to vote, to protest and to justice—are underpinned by our vibrant democracy, diverse free media and independent judiciary. Our country, the United Kingdom, is a glowing beacon and a global champion of human rights.

**Clare Adamson (Motherwell and Wishaw) (SNP):** This is a genuine question. Every day in my constituency, I see families going hungry or having to attend food banks. There are children who are hungry and young people who are suffering in this country, mainly because of austerity. Does the member understand that the right to food is a human right in this country, too?

**Russell Findlay:** The member can check all 30 articles of the Universal Declaration of Human Rights and see for herself how all-encompassing they are, but she also needs to learn a bit of perspective with regard to the positives that the United Kingdom brings to the world.

We can use our influence to work with other enlightened nations to defeat the darkness of

oppression. We believe that others should expect the rights and freedoms that we have, but that is in our interests, too, because in today's global village, such injustice fuels and spreads instability and insecurity.

I end with an observation and a note of caution. We need to be careful—we need some perspective. Shrill and overblown criticism of the integrity of our country is music to the ears of tyrants. It risks distracting from the evil deeds of those around the world who despise our values and the good that we represent.

17:13

**Mercedes Villalba (North East Scotland) (Lab):** I thank Kaukab Stewart for securing the debate to enable us, as a Parliament, to mark the anniversary of the Universal Declaration of Human Rights.

It is 75 years since the UN adopted the Universal Declaration of Human Rights, yet to this day, human rights abuses are being committed around the world. In Palestine, Israeli authorities carry out inhumane acts against Palestinians, seemingly with impunity. According to Human Rights Watch, those acts include sweeping movement restrictions such as the siege of Gaza, the erection of a separation barrier on Palestinian land and hundreds of checkpoints across the West Bank, as well as land confiscation, forcible transfer, denial of residency rights and suspension of civil rights.

However, that is not news. The reality is that Palestinians in the West Bank and in Gaza have been denied basic rights for decades. Now, as the eyes of the world are once more on what was Mandatory Palestine under British administration, we must take every opportunity to hold the UK Government to account for its role in the occupation and ethnic cleansing of Palestine from then to this day. That means supporting an immediate ceasefire, stopping the arms trade with Israel and ending the illegal occupation, the siege and the settlements.

Since Israel began its latest offensive on Gaza, 18,000 Palestinians have been killed, more than 7,000 of them children. That has led to the UN secretary general describing Gaza as

"becoming a graveyard for children."

Each life is mourned by that person's family, each life is a loss to the world and each life is entitled to the human rights that we should be celebrating today.

However, too many lives are being swept into statistics. The organisation We Are Not Numbers was set up to pair aspiring Palestinian writers with mentors around the world. It was co-founded by

Professor Alareer, a Palestinian academic and poet who was killed last week in an Israeli air strike on Gaza. I would like to take some time to share one of his poems with the chamber. This is “If I Must Die”, by Refaat Alareer:

“If I must die,  
 you must live  
 to tell my story  
 to sell my things  
 to buy a piece of cloth  
 and some strings,  
 (make it white with a long tail)  
 so that a child, somewhere in Gaza  
 while looking heaven in the eye  
 awaiting his dad who left in a blaze—  
 and bid no one farewell  
 not even to his flesh  
 not even to himself—  
 sees the kite, my kite you made, flying up above  
 and thinks for a moment an angel is there  
 bringing back love  
 If I must die  
 let it bring hope  
 let it be a tale”.

Palestinians are not numbers—no human being is a number. Palestinians are not nameless or faceless—none of us is. Their humanity is our humanity and Israel’s assault on their human rights is an assault on all of our rights.

So, when we see a people massacred, we must name it genocide; when we see a people displaced and forced from their land, we must name it ethnic cleansing; and when we see a people dominated and oppressed, we must name it apartheid. That is because if we allow a people to be stripped of their rights, to be described as “unhuman” and to be treated inhumanely, we concede our own humanity, and it is because human rights can be described as such only if they apply to all of us—every single one of us—equally.

17:17

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I thank my friend and colleague Kaukab Stewart for bringing this debate to the Parliament and congratulate her on her long-standing commitment to upholding human rights for all. I am delighted to take part in the debate.

On 10 December 1948, the general assembly of the United Nations announced the Universal Declaration of Human Rights, which sets out 30 rights and freedoms that belong to all of us. As we observe the world that we live in today, with war, poverty, famine and injustice, it is plain that, for far too many people, those rights are not being upheld. However, seven decades on, those rights continue to form the basis for all international human rights law and are a vital code that we should follow in a civilised society, because without that, people have no protection and no

access to justice, and more misery and cruelty will ensue.

The 75th anniversary of the declaration is an opportunity for the Scottish Parliament to reaffirm its commitment to furthering human rights protections for everyone in Scotland. The Scottish Government’s aim is to create a legal framework for us to embed international human rights within domestic law and drive transformative and positive change for people, empowering them to claim their rights. Last week, we passed landmark legislation to incorporate the rights of the child under the United Nations Convention on the Rights of the Child in everything that we do. In my book, that was a great day to be in Scotland’s Parliament, exercising our duty as elected members to bring forward that vital legislation, which has long been fought for by campaigners and third sector organisations, to benefit all children and young people in Scotland.

People in Scotland face challenges to their human rights every day, whether those relate to gender-based violence, disability, race or religion. We must promote equality and eliminate bigotry and discrimination, because they are an attack on all of us. Every day, we as MSPs try to help constituents to gain access to their basic rights in social care, to safe and secure housing, or to essential healthcare.

The human rights bill that is proposed for introduction by June next year will be a momentous occasion for our nation. We should, of course, learn from the problems that have been encountered with the induction of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. We should possibly establish an implementation programme that is similar to that which has accompanied the passage of that bill, and minimise any reliance on UK acts.

We have amazing organisations that have been at the forefront of protecting human rights for decades. One such organisation is Amnesty International. It reminds us that we need only look to the very recent UK Supreme Court judgment on the UK Government’s Rwanda deal, which drew attention to that country’s terrible human rights record, to see that human rights defenders face dangerous challenges. Speeches in our earlier debate powerfully highlighted the abuse that asylum seekers face.

The 75th anniversary of the Universal Declaration of Human Rights is a chance to pay homage to those who used their power during struggles for liberation and equality the world over. Their struggle was against colonialism and bigotry, and for equality; against patriarchy, and for gender justice; and for a world of greater dignity for all members of the human family.

Scotland has an opportunity to show leadership, and 2024 will be a year for politicians of all parties to take the next step in making human rights a reality in Scotland by supporting a new human rights bill. The legislation has the potential to be transformative for people in Scotland by obligating public bodies to uphold a much wider range of rights. Our overarching priority is to ensure that incorporation is led by, and results in, tangible improvements for individuals and communities—especially those who face the greatest barriers to the enjoyment of rights and those whose rights are most at risk.

Scotland is a compassionate and caring nation. Human rights have always been at the forefront of our society, and we now have the opportunity to build on that.

17:21

**Maggie Chapman (North East Scotland) (Green):** I congratulate Kaukab Stewart on securing this important debate.

The past week has been a rollercoaster for human rights in Scotland, with the relief of the UNCRC reconsideration on Thursday followed by the bitter disappointment of Friday's judgment. I reiterate my solidarity with trans people in Scotland and beyond, as we process that latest blow to their rights and wellbeing. I say to them: I and the Scottish Greens stand with you, and we will not give up.

Amidst all those emotions, this debate gives us the opportunity to take a breath and consider our work in its international and historical context. In many ways, the signing of the United Nations Universal Declaration of Human Rights represents the beginning of the modern human rights movement. However, during the 75 years, we have failed to achieve consistent protection of the declaration's rights—indeed, in many ways in the past few decades, the world has seen a falling away from its vision and its realisation.

The motion highlights the particular issue of human rights defenders, who—especially if they are indigenous women protecting their community environments—face more and more intimidation and violence, and even murder.

Those horrors illustrate one way in which the world has changed in 75 years. With the atrocities of fascism rightly uppermost in the drafters' minds, the focus was on the protection of the individual from state violence, victimisation and neglect. That is still the essential core of human rights law, which is acutely needed as so many Governments—not least the UK's—slither towards the authoritarian right. Along with that political shift—and, I would argue, closely connected with it—has come the enlargement, enrichment and

empowerment of corporations. Many of the most egregious wrongs, including environmental harms, are now committed not by states—although they may be deeply complicit—but by non-state actors. That happens particularly in relation to fossil fuels and other forms of extractive exploitation.

One of the challenges that we now face, therefore, is how we can protect people, including children, from corporate harms, with progressive Governments as active allies. That is relevant to how our human rights legislation develops, including the right to a healthy environment and effective remedies for groups and communities as well as individuals. It also relates to the potential for an ecocide law and for specialist environmental courts.

The issue of Governments as allies in rights protection connects this debate with the debate earlier this afternoon about the human rights of people seeking asylum in Scotland, which I closed. How can a devolved Government such as ours challenge and mitigate rights violations by the signatory state? More broadly, how can we challenge the anti-rights narrative that is so virulently promoted by a state Government and its media mouthpieces?

Last week, at the University of Strathclyde's celebration of the anniversary, Nicola Sturgeon pointed out that Eleanor Roosevelt would today undoubtedly be derided as “woke”. I do not think that she would mind, but it seems that less robust politicians do mind about that and are increasingly reluctant to use the language of human rights. Is there an alternative framing that would secure the same ends without confronting that hostility to the very concept of human rights? I do not think so. The ultimate purpose of human rights can be expressed as justice, freedom, human flourishing or dignity. It is the human rights framework that populates those abstractions with the specific requirements and responsibilities that are needed to achieve them.

In closing, I suggest that the anniversary can spur us to action in three areas. It can spur us to speak unashamedly the language of human rights, conscious that, in times of crisis, human rights matter more, not less; to move ahead with our work on legislation meticulously, courageously, urgently and co-operatively; and to remember that what we do here in Scotland, we do not only for ourselves but for those whose rights are breached and broken across the world—for the human rights defenders of forests and river basins and for the children of Gaza.

17:26

**Stephen Kerr (Central Scotland) (Con):** I refer members to my entry in the register of members'

interests as a trustee of a charity, Freedom Declared Foundation, which aims to promote freedom of religion or belief within the United Kingdom. I also refer members to my membership of my church.

I do not believe that we talk enough in this country about article 18 of the Universal Declaration of Human Rights, which is about freedom of religion or belief. We are inclined to be a bit smug about that article. We think that issues of freedom of religion or belief are confined to other places, countries and continents: freedom of religion or belief is an issue for some other people, but it is not an issue that we have to deal with in Scotland or the wider UK.

Article 18 says:

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Unusually in a debate such as this one in the Scottish Parliament, I want to speak about another member of the Parliament who, earlier this year, tested the waters of freedom of religion or belief in Scotland. I have always admired Kate Forbes, because she is willing to speak publicly about her Christian faith. When she ran for the leadership of the Scottish National Party earlier this year, she spoke truthfully about her beliefs and values. In what followed, we all witnessed the fragility beneath the consensus that we would all like to think exists in this country around freedom of religion or belief.

It is not often that a Tory would reference a nationalist in a socialist publication, but the Christmas issue of the *New Statesman* contains an article based on an interview with Kate Forbes that was conducted by the writer Jason Cowley. He refers to the first few hours and days of Kate Forbes’s leadership campaign. I will quote the article—it is worthy of being quoted, I believe. It says:

“the immediate focus of attention was on her religious and personal beliefs. She answered questions about equal marriage (she would have voted against), pre-marital sex (she was opposed), trans rights (“a trans woman is a biological male who identifies as a woman”) and the Scottish Gender Recognition Reform Bill (she would not seek to challenge the decision by the Sunak government to block it) as directly and honestly as she could.

What followed was a public shaming. Forbes was denounced and abused on social media. Senior SNP politicians, notably those closest to Sturgeon such as John Swinney, a former party leader and the then deputy first minister, said that Forbes’ views disqualified her from leading a modern political party. “Love is love,” tweeted Stephen Flynn, the leader of the SNP at Westminster.”

**Rona Mackay:** I am struggling to understand the relevance to the motion of what the member is saying. I am sorry, but it is, frankly, bizarre.

**The Deputy Presiding Officer:** Relevance is a matter for the chair. I do not think that anything that Mr Kerr has said is not in keeping with the broader concept of human rights, as he explained at the outset.

I invite Stephen Kerr to continue but to begin the process of concluding.

**Stephen Kerr:** I am grateful for the ruling, Presiding Officer. Actually, what is bizarre is that the member cannot understand the implication of article 18 in relation to the experience—I would say ordeal—that Kate Forbes was put through by the party to which the member belongs.

I will continue the quote:

“A Times columnist mocked her as a candidate ‘for the 19th century’. The ultra-liberal-Scottish Greens, who had entered a power-sharing arrangement with the Sturgeon government after signing the Bute House Agreement in August 2021, said they would withdraw support for the SNP if Forbes became first minister.”

The reason why I read that is that, although we pride ourselves on legal safeguards for freedom of religion or belief, there is a complacency about what that right entails. It is not just about allowing people to demonstrate, practise and observe their religion in private and in public. It is about a degree of tolerance that we should have for one another on the basis of our religious beliefs and our private and public opinions. In this instance, that was found wanting. Therefore, there is no room for complacency in respect of freedom of religion or belief, not just in the broader world but in this chamber and this country.

17:32

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** I congratulate Kaukab Stewart on securing this important debate, and I thank ‘members who have contributed. I thank also Scotland’s national human rights institution—the Scottish Human Rights Commission—the Human Rights Consortium Scotland, JustRight Scotland and Making Rights Real for their work in helping to protect and advance human rights in Scotland.

The Scottish Government is committed to working with the whole of Scottish society to deliver a shared vision for a Scotland where everyone can live a life of human dignity. We know that human rights are best secured if Governments, civil society, organisations, local communities and others work collaboratively to secure them. I make particular mention, as the motion does, of Amnesty International’s campaign “Human rights: now available in human”, which

aims to engage as many people as possible in the legislative process for Scotland's proposed new human rights bill. I look forward to Kaukab Stewart's reception later. Perhaps that will be an opportunity for those in the gallery to make some noise as well, and I look forward to seeing them there.

It is important to mark the 75th anniversary of the adoption by the UN of the Universal Declaration of Human Rights. The anniversary is marked every year on 10 December, but this year is a particularly significant milestone. As always, it is an opportunity to reflect not just on how far we have come but on how far we have left to go. Human rights impact everything that we do and discuss in this place. We have just had a debate on asylum seekers in Scotland. The Scottish Government is clear that everyone living in Scotland has human rights that must be respected, protected and fulfilled. That includes European Union and other non-UK nationals, refugees and asylum seekers.

Sadly, since 2012, there has been a series of attempts by the UK Government to replace or repeal the Human Rights Act 1998. The UK Government has now introduced its Safety of Rwanda (Asylum and Immigration) Bill and is openly seeking to remove human rights from some. At the risk of Russell Findlay accusing me of shrillness, I resent any suggestion that calling human rights breaches what they are is overblown. There is no overblowing that. I thought that we were all here in the chamber to mark the anniversary of the Universal Declaration of Human Rights. Human rights are worthless if they are not universal. We cannot decide that some humans are less human than others or less worthy of the same protections from the state that others enjoy. The Rwanda bill disapplies vital safeguards that are set out in the Human Rights Act 1998. It tries to sidestep obligations under the UN refugee convention and other international treaties, and it tries to prevent decisions from being challenged in UK courts.

Our ambitions in Scotland are very different. As a Government, we recommit Scotland to uphold democracy, human rights and the rule of law, which sustains hope and human dignity for all people in Scotland. We welcome scrutiny on that. We want to do better, and we want people to have access to justice when their rights are not being realised.

The international day of human rights defenders is another important day in the calendar and is observed on 9 December. This year marks the 25th anniversary of the UN declaration on human rights defenders, a non-legally binding document that was the first UN instrument to define the role of defenders.

As always, the Scottish Government is keen to support human rights defenders, including through the Scottish human rights defender fellowship, which is funded by the Scottish Government and delivered by the University of Dundee. This year, we enter the sixth year, welcoming five fellows, including a new intake of three fellows specifically representing women from the global south. There is a close connection between defending human rights, protecting the environment and safeguarding vulnerable minority or indigenous communities. Women are often the most prominent campaigners and activists and can be at particular risk.

Members will be aware of the unanimous agreement last week to incorporate the UNCRC into domestic law, which will ensure that we are a country that respects, protects and fulfils children's rights. The agreement will make us the first UK nation to incorporate the treaty.

Of course, members will also be aware of our intention to introduce a human rights bill, which will incorporate into Scots law, within the limits of devolved competence, a wide range of internationally recognised human rights in Scotland, including the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

Last month, I had the pleasure of attending Just Fair's conference on human rights, where I talked about our vision of a human rights bill for Scotland, as well as wider policies on the realisation of rights that involve tackling poverty and ensuring that public services are well funded. I have to say that the reception for Scotland and what we are attempting to do was not just warm but enthusiastic. I had attendees jumping up and down with excitement that, somewhere, there is a Government talking about human rights the way that they talk about human rights. That just shows that Scotland is a modern, inclusive nation that respects, protects and fulfils internationally recognised human rights.

Our move could have ripple effects. I was recently asked how the Scottish Government could introduce these rights only for Scottish people. What about the rest of the UK? We would, as a country, love for human rights to be ensured and realised across the world, but we can legislate only for our own country. Unfortunately, the UK Government does not think that incorporation of those treaties into domestic law is necessary.

Our neighbours in the Welsh Government think differently. They have committed to incorporating more international human rights treaties into Welsh law. I hope that we can share our experience and support our friends in Wales to take the same or similar steps.

**Stephen Kerr:** The minister is making a political point. The reality is that the United Kingdom has been a long-time signatory to all those treaties and therefore they are, in effect, respected and upheld in the United Kingdom. Some of what is being done in the name of human rights, in terms of legislation, is not far removed from virtue signalling.

**Emma Roddick:** If we compare incorporating treaties into law with ratifying treaties but flat-out refusing to incorporate them into domestic law, we can see that one country is certainly virtue signalling—and it is not the country that is incorporating them into Scots law.

On that note, I thank Scotland's civil society organisations, many of which are here today, and the Human Rights Consortium Scotland for its continued support and friendly challenge as we continue to develop the bill for introduction in the current parliamentary year. I know that we all want the same thing, and the challenge is how we get there and strike exactly the right balance: we want to go as far as we possibly can without stepping over the devolution line. We are clear that the bill is simply the next step in our journey. It is not the end, but it is an important step.

Kaukab Stewart and Rona Mackay were right to highlight that some groups are more at risk and furthest from having their rights realised. That is why the bill is to introduce specific protections for those who experience racism, disabled people and women. We received almost 400 responses to the consultation on the bill, which are being analysed, and we still plan to introduce the bill by the end of this parliamentary year. Work continues on engagement to inform the bill, and I look forward to hearing from Kaukab Stewart and others as it progresses.

**The Deputy Presiding Officer:** That concludes the debate. I am sure that the reception this evening will be a noisy one, and I wish it well.

*Meeting closed at 17:40.*



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

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