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Wednesday 1 February 2017

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Scottish Parliament

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

Portfolio Question Time

Communities, Social Security and Equalities

Third-party Right of Appeal (Planning Applications)

1. **Alison Harris (Central Scotland) (Con):** To ask the Scottish Government whether it plans to revisit the granting of third-party rights of appeal in planning applications. (S5O-00609)

The Minister for Local Government and Housing (Kevin Stewart): The introduction of a third-party right of appeal in the planning system has been considered on a number of occasions, including in our recent independent review of planning, which did not support such a change. Our on-going consultation focuses on the strengthening of engagement early in the planning process, rather than on the introduction of new appeal rights after a decision has been made.

Alison Harris: Is the minister aware that many individuals and community groups feel that the planning system is loaded too much in favour of the applicants? Where is the fairness in applicants' being able to appeal against a local authority's refusal to grant planning consent when the same right is not given to objectors when planning consent is granted? What more is the Government planning to do about that?

Kevin Stewart: We want more decisions to be made locally, and the expansion of the range of applications that can be delegated and made subject to local review procedures means that decisions will be taken at the lowest local level. The proposals in the consultation, which reflect those from the independent review, identify that more meaningful early collaboration will ensure that that happens.

I am keen to ensure that we become much more focused on ensuring that community planning and spatial planning come together. That is the best way to deal with all of this, rather than having even more centralisation and ministers having to decide on applications. We can do much to improve the system through use of new technologies. I hope that Ms Harris will respond to the current consultation and encourage all her constituents to do likewise.

Alex Rowley (Mid Scotland and Fife) (Lab): Although the review did not recommend an equal right of appeal and the Government has ruled it out, it is true to say that people who commented—in particular, community organisations and groups—are in favour of such a right. Does the minister agree that, for the consultation and the process to have public confidence, we need to be able to answer the question why, when there is no equal right of appeal, there is any right of appeal? What rights will be in place for communities?

Kevin Stewart: Our proposals, which reflect the independent review, follow on from wide public consultation and the focus on improving performance and confidence in the system. We also have to ensure that there is confidence about achieving the sustainable economic growth that we all want for Scotland.

The most important thing, as I said to Ms Harris, is to ensure that we get things right at the earliest possible part of the process, rather than having appeals at the end. That is why I am so keen to ensure that we engage communities through community planning—and that we bring spatial planning into that—so that they have their say at that point. All that is entirely valuable, and I believe that that is the best way forward. However, the Government will listen to what people have to say in the current consultation.

Local Authority Planning Rejections (Appeals)

2. **Maurice Golden (West Scotland) (Con):** To ask the Scottish Government what assurance it can give communities that objections to proposed developments will be fully considered in the appeals process, given the reported 25 per cent increase in the last year in the number of local authority planning rejections that were overruled by ministers. (S5O-00610)

The Minister for Local Government and Housing (Kevin Stewart): Independent reporters consider all material considerations, including valid community representations, when making planning decisions on behalf of Scottish ministers. Our current planning consultation paper supports the independent panel's view that appeal decision notices should clearly summarise how community views have been taken into account.

Maurice Golden: Residents in East Renfrewshire face the prospect of losing Broom park, which is a cherished community green space, to development. With mental health, obesity levels and poor fitness all topics of serious concern, it would be a mistake to allow the destruction of a resource that provides opportunities for recreation, exercise and social interaction. Does the Scottish National Party Government recognise those benefits to the community? What assurances can be given to the

save Broom park protest group that the Scottish Government will support it in opposing the development?

Kevin Stewart: Maurice Golden may be aware that I cannot, as planning minister, comment on individual cases that may cross my desk. If he was not aware of that, I ask him to take account of it when formulating questions in the future.

On the member's initial question, the figure of a 25 per cent rise in the number of planning appeals that were allowed is due to a misrepresentation of DPEA—planning and environmental appeals division—decisions and the inclusion of work other than planning appeals. Figures for 2016-17, although they are obviously as yet incomplete, suggest that the percentage of appeals being allowed is in line with the figures for years for which we have complete data. Any fluctuation in the number of planning appeals in which the original decision has been overturned would be significantly lower than the 25 per cent level that is suggested by Mr Golden.

I would ask the residents whom Mr Golden mentions to engage, too, with the planning consultation. I reiterate what I have said previously: I want communities to become much more involved in the planning system in the early stages. That is the point at which they should have their real say, rather than relying on the appeals system.

Richard Lyle (Uddingston and Bellshill) (SNP): Further to that comment, does the minister agree that the focus of the Scottish Government must be on strengthening engagement in the planning system? Does the minister recognise the benefits of stronger early engagement as a more positive and constructive approach?

Kevin Stewart: I fully agree that early engagement in the planning process is essential, and Mr Lyle is absolutely right to highlight that. Our current consultation sets out proposals for improving engagement, including through a new right for communities to plan their own places, as well as measures to secure more meaningful engagement from the outset in both planning and decision making. That would be much more constructive than introducing the right of appeal at the very end of the process, as has been asked for by others.

Scotland Act 2016 (Commencement Orders)

3. Clare Haughey (Rutherglen) (SNP): To ask the Scottish Government whether it is confident that the United Kingdom Government will lay its commencement order in time for the Scottish Government to take forward its social security plans. (S5O-00611)

The Minister for Social Security (Jeane Freeman): The joint ministerial working group on welfare, which comprises ministerial representatives from the Scottish Government, the Scotland Office and the Department for Work and Pensions, agreed at its most recent meeting on 11 October 2016 that the UK Government would work with the Scottish Government to transfer legislative competence by June 2017. That agreement is reflected in the published minutes of that meeting, and in all our discussions with the UK Government and the DWP since then we have been very clear that we expect the timetable to be adhered to.

Assuming that the commencement order is laid according to that timetable, we will introduce our social security bill to the Scottish Parliament by the end of this parliamentary year. Work on the bill is proceeding on the basis of that clear and unequivocal agreement.

Clare Haughey: Does the minister agree that it is the DWP that is responsible for the progress and delay of commencement of the relevant sections of the Scotland Act 2016, and that because the timetable is imperative in ensuring safe and secure transition of the powers, the DWP must take responsibility for the timetable, as it stands?

Jeane Freeman: Clare Haughey is right that both Governments have a role in the exercise. The UK Government and the DWP are wholly and solely responsible for laying the necessary commencement order, which will allow the Scottish Government to meet our commitment to introduce a social security bill before the end of the current parliamentary year. That responsibility, naturally, extends not only to progress but to delay. However, we have not been talking to the UK Government and the DWP about delay; we have been talking to them about adhering to the timetable that we agreed in that joint ministerial working group. That said, safe and secure transfer of vital benefits that ensures that no payment is missed and that no recipient has to go without, requires that a large-scale programme of work be carried out jointly by the Scottish and UK Governments and the DWP. In delivering that, we will be accountable to the Scottish Parliament and the people of Scotland; I am sure that the UK Government and the DWP accept that they will be accountable for their parts.

Adam Tomkins (Glasgow) (Con): The minister has said before that there is no delay, and in her answer to Clare Haughey she talked about "adhering to the timetable". In that context, what is the timetable for the Scottish Government to publish its summary of the responses to the consultation exercise on social security?

Jeane Freeman: We are almost at the end of receiving and looking through the independent analysis of the consultation responses and drafting our response to it, so I expect to be able to publish both in the coming weeks.

Charity and Third Sector Funding

4. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what action it can take to ensure that charities and third sector organisations that support communities are appropriately resourced. (S5O-00612)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Charities and third sector organisations play a crucial role in supporting our communities and are key to driving forward social justice and inclusive economic growth. The third sector has access to resources through a range of programmes across the Scottish Government, and funding for the core third sector budget in 2017-18, will be protected at the 2016-17 level of £24.5 million.

Brian Whittle: When I visit and speak to third sector organisations, whose services are crucial in the community, I find that on-going funding is the major concern that is consistently raised. Organisations in my area, such as Addaction, WG13, which gives second chances to young people who are looking to develop work and life skills, Centrestage or the Holiday Project—and many more—are much better placed to deal with community issues than central Government. With an ever-decreasing pot to apply to and the declining resource of the Big Lottery Fund, will the Scottish Government consider how it can best support those vital community resources and influence the length of term of any funding to allow for proper planning and stability for service users and providers? After all, how effective could we be in our roles if we needed to seek annual re-election—shudder, shudder?

Angela Constance: I thank Mr Whittle for his supplementary question because, unlike his equalities spokesperson a few weeks ago, he has taken the opportunity to advocate for and champion the role of the third sector. In our day-to-day jobs, we all rely on third sector organisations, which are often at the forefront of tackling poverty and inequality in our country.

Mr Whittle's point about the need for longer-term security of funding is well made. We have a manifesto commitment on making it far easier for the voluntary sector and the third sector to access funding. We are also looking at three-year rolling funding, where that is appropriate.

Mr Whittle made a point about the voluntary sector having the reach into communities that statutory agencies struggle to have. I welcome his endorsement, praise and support of charities and the third sector. I hope that some of his colleagues learn from his example.

George Adam (Paisley) (SNP): Will the cabinet secretary confirm that the Scottish Government has no intention of introducing an anti-advocacy clause that would restrict the activities and campaigns of charities and third sector organisations, as the UK Government has done?

Angela Constance: I can confirm that the Scottish Government has absolutely no intention of introducing an anti-advocacy provision, as the UK Government has done. Charities and the third sector have been part of shaping Scotland for many years. They bring an insight and perspective to public policy, and we make absolutely no apology for operating in a way that enables our partners in third sector organisations to participate in policy development and to provide honest challenge. That is important.

One of the strengths of the third sector is that those organisations are not afraid to speak truth to power. That is not always comfortable for Governments, but it is part of who we seek to be, and we have no wish to deter that important part of the democratic process.

Mark Griffin (Central Scotland) (Lab): The cabinet secretary will be aware of the fantastic work that is done on income maximisation by advocacy and advice workers in third sector and voluntary organisations. In order to provide those vital services, those organisations rely on local government for £8.75 million-worth of funding. How does the cabinet secretary think that the £327 million-worth of cuts to local government will impact on income maximisation advice and advocacy in the third sector, given that reliance on local government funding?

Angela Constance: The reality is that tackling inequality, poverty and the systemic disadvantage that exists structurally in our economy is at the heart and the core of this Government. I believe that local authorities have been given a fair offer. When we consider the additional resources that are put into education, health and social care, we can see that there has been additional investment in services and on the front line.

Mr Griffin makes an important point about the role of advice services in relation to income maximisation. I endorse that. Across Government, we are investing between £40 million and £50 million in advice services. There are some specific funds for advice services that are very much focused on income maximisation. Further, at the beginning of the year, the Government announced

a new fund: the £29 million aspiring communities fund, which has been matched by money from the European social fund. There are many sources of funding, and it is our job to ensure that we get maximum impact in that regard. The point that Mr Griffin makes about income maximisation is well made. Income maximisation is often the key to unlocking issues around disadvantage and, indeed, discrimination.

Lesbian, Gay, Bisexual, Transgender and Intersex-inclusive Education

5. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government what its position is on the time for inclusive education campaign pledge, which calls for LGBTI-inclusive education. (S5O-00613)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Ministers recognise that these are concerning issues and are committed to understanding more fully the current experiences and views of children and young people in schools. The Scottish Government will continue to work with all key stakeholders, including TIE, Stonewall Scotland and LGBT Youth Scotland to address their concerns.

It is important to better understand the relationship between mental health issues and bullying, and in particular the impact on LGBTI young people. We will take action to address that, including commissioning research, if appropriate.

Patrick Harvie: I take as a matter of trust the fact that the Government has good will on these issues, and I hope that the Government understands that there is good will across the political spectrum on these issues, too, as evidenced by the fact that the 40-plus MSPs who signed the campaign pledge represent members of all political parties. I hope that we can agree that the issue is something on which we can make substantial progress together.

The campaign pledges include some things that could be done relatively quickly and straightforwardly, such as monitoring inclusion activity in schools, ensuring that bullying is properly recorded and developing teacher-training materials. I hope that progress can be made on all five elements of the campaign, including curricular inclusion, in the near future.

Given the level and breadth of political support for the campaign, will the cabinet secretary commit to giving a full written response, in detail, to the campaign pledges? Can she indicate how long it will take for the Government to produce that kind of response?

Angela Constance: I thank Mr Harvie for the tone and tenor of his question. I will indeed supply

a full written response. It is appropriate that I do that in partnership with the Deputy First Minister and Cabinet Secretary for Education and Skills.

Mr Harvie will be aware, from the comments that the First Minister made only a few weeks ago, that the Government and ministers are supporters of the TIE campaign. The First Minister made crystal clear her commitment and determination to take forward the issues that have been identified.

We need to move from words to deeds. The Deputy First Minister has taken some early actions with regard to the delivery plan for education, with a timescale of reporting back this year. As a Government, we are considering our options for how we achieve what we all want, which is a better experience, better support and better outcomes for young people. We have to give serious consideration to how we achieve those in the context of how our education system currently operates.

Nonetheless, there are great opportunities for early action. As the equalities cabinet secretary, I am particularly interested in the issues around monitoring and reporting. I am aware that there have been surveys by TIE and Stonewall Scotland, as well as the health survey on bullying behaviour in schools. To me, that points to a need for more comprehensive research, but with the purpose of being a springboard for action.

Nonetheless, we need to look at where we can quickly move from words to deeds.

Kenneth Gibson (Cunninghame North) (SNP): As the cabinet secretary will know, all schools must pursue an anti-bullying strategy. As many of us will recall from our own school days, children can be bullied because of their appearance, their ethnicity, the way they speak and a host of other reasons. Does she agree that schools must rigorously oppose the bullying of any pupil, regardless of the cause, wherever and whenever it occurs?

Angela Constance: Yes. The Scottish Government has to take bullying, in all its forms, very seriously. Bullying of any kind, including homophobic, biphobic and transphobic bullying, is unacceptable and has to be addressed swiftly and effectively wherever and whenever it arises.

Children and young people have to feel safe, happy, respected and included in their learning environment. All staff have to be proactive in promoting positive relationships and behaviour in the classroom, in the playground and beyond, in the wider learning community.

We will publish our refreshed anti-bullying guidance later in the year, once the Deputy First Minister has had the opportunity to consider all the points that will be raised by the Scottish

Parliament's Equalities and Human Rights Committee.

Carers Allowance (Glasgow)

6. Anas Sarwar (Glasgow) (Lab): To ask the Scottish Government when carers allowance will be increased for carers in Glasgow. (S5O-00614)

The Minister for Social Security (Jeane Freeman): Increasing carers allowance to the same level as jobseekers allowance, which will provide an additional £600 a year to carers, is one of the key commitments that we have made for our new social security powers. It reflects the recognition that we give to carers, who make such an important contribution to our society. We are in active discussions with the Department for Work and Pensions to assess options for delivery, ahead of the new social security agency being fully operational. At this point, it is not possible to confirm exact timescales.

Anas Sarwar: I agree whole-heartedly with the policy of increasing carers allowance to the same level as jobseekers allowance. That will benefit carers who sacrifice their own lives to care for others—11,000 of them in my region, Glasgow. The minister is right to suggest that a £600 increase will be a lifeline for many carers, and it will represent a £6 million boost for carers in Glasgow alone. The reality is that the powers for that top-up came in September 2016, so I think that carers across the country deserve a direct answer about when we can expect the increase to take place. It is one thing to demand powers; it is a second to get a power; and it is a third to deliver justice and fairness for people who deserve the extra support.

Jeane Freeman: I am glad that the member recognises that there are stages in this exercise. We have been around this a few times in the chamber. Those stages are that the United Kingdom Government has to lay the commencement order, we have to bring the bill to the Parliament, and we then have to establish our own social security agency to deliver, at our own hand, the increases, changes and improvements that we intend to make to the 11 benefits that will be devolved to us.

In advance of that, we rely on the DWP to make any changes that we might wish to make in the interim. I have just explained to Anas Sarwar that we are in active discussion with the DWP about its capacity to deliver any increase to the carers allowance in advance of us working through the proper stages to secure the safe and secure transfer of benefits to this Government. That is an indication of our recognition of the importance of the commitment that we have made to carers and of our intent to deliver that before we have the agency to deliver it for ourselves, but I cannot give

a timescale at this point, because those discussions are on-going. As I made clear in an earlier answer, at this stage and throughout it is a joint exercise between this Government and the UK Government and the DWP. We need the DWP to be able to deliver that increase for us at this point, just as we have agreed with it how it will deliver the flexibilities in universal credit that I was pleased to announce a couple of weeks ago.

Charities and Third Sector (Social Role)

7. Maree Todd (Highlands and Islands) (SNP): To ask the Scottish Government what role it considers charities and the third sector play in helping people and creating an equal and fairer society. (S5O-00615)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): The third sector is a pillar of our society and is at the forefront of our drive to tackle poverty and inequality in Scotland. We should be proud that there are more than 45,000 third sector organisations operating in Scotland and that more than a quarter of the population volunteer. Many play their part in building a better and fairer Scotland for us all. That is why I have protected the third sector budget at the 2016-17 level of £24.5 million, to maximise the impact of the sector in reducing disadvantage and inequality, working with communities to tackle tough social issues at source.

Maree Todd: Does the cabinet secretary agree that a recent comment piece by the Tories' equalities spokesperson that gave credence to a tabloid investigation that was full of inaccuracies—or fake news, as some people might call it—revealed the Tories' preference for restricting the activities and campaigns of Scotland's charities was shameful, and that we should instead celebrate the important role that the third sector plays in highlighting policy issues and providing a voice on public policy?

Angela Constance: Yes. I personally found some of the stories that appeared in the press offensive and disrespectful to the thousands of staff and volunteers who work very hard for charitable causes up and down the country. Of course, the press and journalists are absolutely free to say and do as they wish; I would not want to interfere with that in any way. However, I was somewhat disappointed that a Tory member aided and abetted what I perceive to be a slur on an entire sector.

As members of the Scottish Parliament, all of us across the chamber know that we have benefited from and, no doubt, used and quoted from the briefings, information, policy work and evidence to committees that have been provided by our vibrant third sector. Our third sector organisations provide

value for money and punch above their weight. They are, I repeat, a pillar of our democratic and transparent society. They are not afraid to speak truth to power, whoever is in power, and they are at the forefront of community-led action to tackle poverty and inequality.

Jamie Greene (West Scotland) (Con): A report that was published yesterday by the veterans' mental health charity, Combat Stress, highlighted that Scottish veterans are much more likely to end up living in deprived areas than ex-servicemen and women in the rest of the United Kingdom. In a sample of 3,000 ex-service personnel, more than half were found to be living in some of the most deprived areas of Scotland. What action might the Scottish Government take to work with charities and the third sector to ensure that our veterans are adequately equipped with the resources that they need to meet the complex challenges that they face when they leave the military?

Angela Constance: I welcome that question. I am a former prison social worker, and often in my case load I had ex-squaddies who had experienced post-traumatic stress disorder and then abused drugs and alcohol and committed an offence. As a back bencher in the Parliament, I led a debate on the issue and did some work with stakeholders on the overrepresentation of veterans in our mental health system and our prison system. The member raises an important point, and he rightly points to the evidence that came to our attention yesterday.

In the Government, Keith Brown, over and above his responsibilities as economy secretary, has responsibility as a champion for veterans. We must remember that we have to work closely with the Ministry of Defence, which has responsibility, as we all do, for those who have given their utmost to serve their country. We must continue to care for them when their active service is over because, if we do not, that has extreme ramifications not just for them as individuals but for their families and communities. If there is further information that I can provide the member with on the work that we are doing in the third sector, I am happy to provide it. Colleagues across the Government are with Jamie Greene in the endeavour to do far more for our veterans.

Planning System (Regeneration and Economic Growth)

8. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government how it will ensure that the planning system will drive forward regeneration and promote long-term economic growth. (S5O-00616)

The Minister for Local Government and Housing (Kevin Stewart): Planning has a key role to play in delivering Scotland's economic

strategy. The importance of the role of planning in supporting regeneration and long-term economic growth runs through the proposals in our current planning consultation. One of the four outcomes that support the Scottish Government's vision for the planning system is

"supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places."

Rona Mackay: Will the minister set out how Scotland's planners can empower our communities and provide a stable environment for investment through the uncertain times that we live in?

Kevin Stewart: We want Scotland's planning system to empower people. We have invested in tools such as the place standard, which provides a framework for communities to get involved in the planning process. Use of the place standard is an excellent opportunity for people of all ages to take part in conversations about the quality and future of their places. Our proposals on long-term spatial planning and the delivery of infrastructure and housing will provide a secure environment for growth investment.

Beyond that, as I said in earlier answers, I want communities the length and breadth of Scotland to be involved in planning, and the incorporation of community planning and spatial planning is extremely important. As I did with other members who asked questions on this issue today, I encourage Ms Mackay to get as many of her constituents as possible to respond to the current planning review.

Funding and Support (Inequalities Projects)

9. Richard Lochhead (Moray) (SNP): To ask the Scottish Government what funding and support it provides to projects that aim to tackle inequalities. (S5O-00617)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): In October 2016, the Scottish Government published its "Fairer Scotland Action Plan" to help to create a more socially just society. A number of budgets across the Government provide support to tackle inequality. For example, the social justice and regeneration budget allows us to deliver a range of actions to achieve social justice, including £3.6 million to support advice and advocacy services and £1 million to tackle food poverty. The Community Empowerment (Scotland) Act 2015 and the £20 million empowering communities fund empower local people and help communities to deliver action to tackle poverty and inequality. In addition, the equality budget, at £20 million, supports activity to promote equality across the range of protected characteristics. There is also our recently

announced funding of £29 million to support communities and third sector organisations to develop new ways of helping people to overcome disadvantage in their communities.

Richard Lochhead: On tackling health inequalities, the cabinet secretary will be aware of the eat canny project in Moray, which is run by four local charities—Community Food Moray, Elgin Youth Development Group, REAP and Transition Town Forres. The project has held over 200 cooking classes and taken many other initiatives to help to make it easier for people to access healthy eating in their communities.

Its funding is due to run out in March. I am sure that the cabinet secretary agrees that it is really important that it continues its good work. I know that various cabinet secretaries have funds that could help that kind of project to continue in our communities throughout Scotland. Is the cabinet secretary willing to have her officials look at what help could be made available to the eat canny project, so that it can continue its good work in the Moray communities, just as similar initiatives are working elsewhere in the country?

Angela Constance: I am aware of the excellent work that eat canny undertakes, in particular its work to tackle health inequalities through food.

Mr Lochhead is right: there are a range of alternative funding sources. For example, the aspiring communities fund will provide support to communities to work collaboratively with partners to accelerate the design and delivery of what I stress are community-led initiatives to tackle poverty, inequality and exclusion. The Government funds community food and health (Scotland), which provides a range of advice and support to groups on things such as practice development, community retailing, nutrition and cooking classes and runs an annual development fund. I can write to Richard Lochhead with more detail on that and on the work that is undertaken across Government.

The Presiding Officer (Ken Macintosh): Question 10 has been withdrawn.

Food Banks

11. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government how it supports food banks. (S5O-00619)

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): We believe that access to sufficient nutritious food is a basic human right and that no one in a nation that is as rich as Scotland should have to access food banks, which is why we have established a £1 million a year fair food fund. It supports the development of approaches that support people who are affected by food poverty

and do so in a dignified, sustainable way that reduces reliance on emergency food aid.

The fair food transformation fund, which is a subset of the fair food fund, supports 36 projects, 14 of which are food banks that are adapting their model to provide more dignified responses.

I had a productive meeting with the Trussell Trust recently in which we discussed key areas where we could work together, including by supporting the trust to carry out some key research into food poverty.

Pauline McNeill: I put on record my thanks to the Trussell Trust for educating me and a number of members about the wonderful work that all food banks do and that has become necessary in today's world. Importantly, many food banks now go beyond the role of ensuring that people do not starve by performing a wider advocacy role.

Is there a Government policy on the long-term use of food banks? Necessary though they are now, in the long term we would want to see progress towards ensuring that they are not a necessary part of society.

Further, would the minister consider an all-party meeting to discuss the use of food banks, so that we could perhaps get an understanding of the Government's approach to their funding, given the wider role that they seem to be playing?

Angela Constance: Yes. I am always happy to meet Pauline McNeill and other members to discuss our long-term approach to tackling the causes and consequences of food poverty.

I am sure that Pauline McNeill is aware of the short-life working group on food poverty, which produced the report "Dignity: Ending Hunger Together in Scotland". We very much based our policy and approach on the work that the group did on the fair food principles, which must have dignity at their heart, and on opportunities for service users both to have a real say in how services are delivered and to volunteer or upskill.

Of course, we must all be in the business of finding ways to eradicate the need for food banks, as opposed to allowing them to become normalised. As a result of the work that we have done with the short-life working group, we are focused on moving from food charity to food justice and are pursuing work in a number of areas to achieve that. I am always happy to discuss that work in more detail.

Stuart McMillan (Greenock and Inverclyde) (SNP): I agree with many of Pauline McNeill's comments. Does the cabinet secretary agree that the United Kingdom Government's maladministration of benefits, its benefit cuts and its benefit sanctions have continually pushed more and more people into food poverty, that they have

increased the demand for and the number of food banks in Scotland and that that shocking trend needs to stop?

Angela Constance: Yes, that is my view, as a Scottish Government minister. It is also the view of the independent third sector, which points to clear evidence that the current benefit conditionality and sanctions regime is neither fair nor proportionate.

The Scottish Government and stakeholders have highlighted the negative impact of sanctions on individuals across Scotland. It is clear that sanctions have been a major driver of food bank use. According to the most recent figures from the Trussell Trust, the number of people who seek assistance from food banks continues to rise, and issues to do with benefits account for 44 per cent of referrals.

It is clear to me that food poverty is a symptom of wider poverty and that the UK Government's welfare cuts and punitive sanctions regime are pushing more and more people into acute income crisis. That is a shameful situation in an advanced and successful country and economy such as ours.

The Presiding Officer: I apologise to members for not getting through very many questions.

Legal Aid Review

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Annabelle Ewing on a review of legal aid. The minister will take questions at the end of her statement; there should therefore be no interventions or interruptions.

14:41

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): I draw members' attention to my entry in the register of members' interests, where they will find that I am a solicitor by profession and hold a current practising certificate—albeit that I do not currently practise.

I am grateful for the opportunity to inform Parliament today of action that the Government is taking in respect of the legal aid system. In the programme for government, we made a commitment to commence this year engagement with the legal profession and others in order to identify specific measures to reform Scotland's system of legal aid while maintaining access to public funding for legal advice and representation in civil and criminal cases, alongside measures to expand access to alternative methods of resolving disputes.

Publicly funded legal assistance plays a vital role in providing citizens with the ability to enforce their rights and in upholding social justice. In Scotland, we have, notwithstanding budgetary pressures, maintained wide access to legal assistance across criminal and civil cases. We have a demand-led system that has a high eligibility rate, which means that all those who apply and are eligible receive publicly funded legal assistance.

The system is founded on the Legal Aid (Scotland) Act 1986—a statute that pre-dates devolution, human rights legislation and other major reforms to the justice system, and which is now more than 30 years old. The 1986 act has, appropriately, been updated over those 30 years to ensure that it has reflected current needs in relation to human rights, and that it has met Governments' social justice ambitions.

Legal aid adjustments are a regular feature of the Justice Committee's workload. I thank members of that committee, past and present, for their engagement and for ensuring that we have maintained a strong legal aid system. As a result of regular adjustments, however, we have a rather complex web of regulations, which can at times be difficult to navigate, even for seasoned legal practitioners.

The commitment in the programme for government reflects our view that the time is right to review the legal aid system, with a view to implementing a programme of future reforms of the system. As I said, publicly funded legal assistance is an important aspect of improving lives and tackling inequalities.

There is a range of perspectives on how the legal aid system might be improved for those who need that public service and those who deliver it. It is important that the wide range of interests in the legal aid system play a part in shaping future reforms. I therefore intend to establish an independent review group to consider the legal aid system in 21st century Scotland and how best to respond to the changing justice, social, economic, business and technological landscape within which a modern and flexible legal aid system must operate.

The programme of justice reform in the past few years has been significant and is shaping a much more modern and progressive civil and criminal justice system, which includes, importantly, greater focus on the needs of individuals who engage with the justice system. Hence, the legal aid system must keep pace with the reforms and developments in the justice sector. A review of legal aid is timely, and I note that both the Law Society of Scotland and the Faculty of Advocates are supportive of a review being undertaken. I note, too, that some of the parties that are represented in Parliament had manifesto commitments to examine the legal aid system, so I hope that our planned review will be welcomed by members from across the chamber.

Legal aid is a complex and technical subject, but it matters to individuals—especially those who are most vulnerable. It is vital, therefore, that the direction and leadership of the independent review reflect that. I am delighted to announce that Martyn Evans, who is the chief executive of the Carnegie Trust for the Universities of Scotland, has agreed to chair the review. He brings a wealth of experience, having previously been the chief executive officer of Citizens Advice Scotland and a director of the Scottish Consumer Council, Consumer Focus Scotland and Shelter. He will be assisted by an expert adviser, Alan Paterson, who is a professor of law at the University of Strathclyde and director of its centre for professional legal studies. Professor Paterson has extensive knowledge of legal aid systems in jurisdictions around the world.

Martyn Evans will also be assisted by a review panel. We are finalising the panel with the chair, but I am delighted to confirm the following people as panel members. Colin Lancaster is the chief executive of the Scottish Legal Aid Board. Jany Scott QC is a highly respected Queen's counsel

with interests in all forms of child law, and is the chair of the Faculty of Advocates Family Law Association. Brian McConnachie QC has conducted many high-profile trials and appeals during his time as principal advocate depute, and is now involved in a wide range of serious crime and regulatory crime cases. Lindsey McPhie is a criminal defence solicitor advocate and past president of the Glasgow Bar Association. Jackie McRae is a civil legal aid lawyer specialising in family law, and is a former member of the council of the Law Society of Scotland. Susan McPhee is head of policy and public affairs at Citizens Advice Scotland. Deputy Chief Constable Iain Livingstone, of Police Scotland, works across the justice sector. He currently sits on the Scottish Sentencing Council and was a member of Lord Bony's post-corroboration safeguards review. Professor Fran Wasoff is professor of family policies at the University of Edinburgh and a member of the Scottish Civil Justice Council's access to justice committee. Alison McInnes OBE is a former MSP and justice spokesperson who has an extensive knowledge of the governance of Scotland and its public and third sectors. She was awarded an OBE for public service in 2013. I hope that members will agree that the review panel represents the broad range of interests that are needed to review the legal aid system.

The review will have the following high-level remit:

"legal aid in the twenty-first century: how best to respond to the changing justice, social, economic, business and technological landscape".

The review needs to consider the people who engage with the system—both the end users and the solicitors and advocates who provide their services. It is also clear that the legal aid system should be efficient and comply with the principles of best value and public service reform. It will be for the review group to set out its full programme of activities; its chair has already begun preliminary work to do so. I anticipate that that work will include engagement with the full range of stakeholders who have an interest in the work. I encourage everyone who is involved with the legal aid system to engage with the review at every opportunity. The independent chair will lead the review and present his final report to ministers within a year, and ministers will respond to the review's recommendations in due course.

In establishing the review, it is important to recognise that the legal aid system has many strengths. We have maintained the wide scope of civil legal aid despite a challenging financial context—a fact that is applauded by our international legal aid colleagues. We have maintained generous eligibility criteria, we continue to operate a demand-led system and everyone who is eligible for legal aid will receive it.

Therefore, regardless of budget constraints, no one is turned away.

That is in stark contrast to the position in England and Wales where, regrettably, the amount of civil representation that is funded through legal aid has fallen by about a third since the commencement of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Indeed, an Amnesty International report called "Cuts that hurt: the impact of legal aid cuts in England on access to justice", which was published in October 2016, evidenced that in the area of social welfare law, there had been a 99 per cent reduction in the number of welfare benefits cases that were in receipt of legal aid funding since the introduction of that legislation.

In England and Wales, legal assistance is also no longer available for certain types of family, housing and other non-family problems, including those relating to welfare reform. I point out that in Scotland, however, legal assistance for family, housing, welfare and other non-family problems has been maintained. We have, for example, maintained access to publicly funded legal assistance for people pursuing contact and residence cases—assistance that has, in many cases, been removed in England and Wales.

It is important that while outlining our proposals for a review today, I also assure colleagues that updates to and improvements in the day-to-day operation of the legal aid system will continue to be made in order to ensure the system's proper functioning. In that regard, I wrote to the Justice Committee on 27 October 2016 detailing my short-term, medium-term and long-term plans to improve the legal aid system.

In the short term, we will, by means of Scottish statutory instruments, focus on making essential provision for legal aid in response to new developments, as we did, for example, with respect to the introduction of simple procedure.

For the medium term, we are developing proposals to streamline and modernise the system, particularly for people who provide advice, assistance and representation. That responds to the proposals that are set out in the Law Society of Scotland's paper called "Legal Assistance in Scotland: fit for the 21st century". For example, proposals on certain fee reforms for criminal legal assistance have been developed and will be taken to the profession in the near future. The proposals will seek to adjust how fees are structured to reflect more appropriately the services that are provided by lawyers, and to simplify how fees can be paid. I look forward to engaging with the profession on that matter.

The review will take a long-term, independent and strategic look at the legal aid system,

including its purpose and the outcomes that we, as a society, want it to achieve. In conclusion, I say that the review offers a timely opportunity to take that strategic, independent and long-term look at our legal aid system to ensure that it is fit for purpose and fair, and that Scotland's population can continue to access support when they need it most.

The Deputy Presiding Officer: I will allow about 20 minutes for the minister to take questions on the issues raised in her statement. Many members want to ask a question, but we will not get through them all unless there is a bit of brevity. I ask that front benchers set that example.

Douglas Ross (Highlands and Islands) (Con): I thank the minister for advance sight of her statement.

Access to justice is one of the most important tenets of a civilised society, with the legal aid system fulfilling a crucial duty in that regard. However, it is a complex, outdated and, at times, inefficient system that would benefit from simplification and wider reform. In light of that, and to ensure that the most vulnerable in our society receive the legal assistance that they require, Scottish Conservatives called for a review of the legal aid system in our 2016 manifesto, so today's announcement is certainly welcomed by members on the Conservative benches.

The minister mentioned the Law Society's paper "Legal Assistance in Scotland: fit for the 21st century". The document argues that the justice sector overall has kept track of inflation and other cost drivers, but that that has not been the case for legal assistance, meaning that law centres, the advice sector and other front-line services have funding challenges. In light of that, will the minister expand on the proposals for the fee reforms to which her statement briefly referred?

Further, I understand from the minister's statement that the Scottish Government is finalising the review group's panel members. We wish those appointed every success in their task. I am particularly pleased to welcome the involvement of Alison McInnes, who did great work in this chamber and has a wealth of knowledge and experience that will no doubt be beneficial to the group. Will any further additions to the panel be made? If so, what sectors will those extra members come from?

Finally, the minister mentioned a demand-led system in which everyone who is eligible for legal aid receives it. I have a constituent in Fochabers who is out of work and severely ill in hospital, and whose only income is through benefits. Will she explain why, despite that, his legal aid application for divorce proceedings has been denied, whereas the other party, who is in work, has been given

legal aid? Such ambiguity and inconsistency in the current system cause concern. I would appreciate her response.

The Deputy Presiding Officer: That was hardly brief, Mr Ross.

Annabelle Ewing: I will try to give brief answers.

In broad-brush terms, with regard to the Law Society of Scotland's paper and the budgetary issues, it is important to say that the allocation of legal aid funding for the legal aid fund is the same in this year's draft budget as it was last year. That allocation of £126.1 million has been made against a backdrop of continuing cuts in the Scottish budget from Westminster.

As far as the fee reform issue is concerned, the member will recall that I wrote to the Justice Committee on the matter in quite some detail. We intend to bring forward plans on that in the medium term. We have been working on the issue, and we will discuss with the legal profession our plans on some elements of criminal work and potential block fee arrangements.

When it comes to additional panel members, we have been working with Martyn Evans, the chair, and, in conjunction with him, announcements will be made shortly. We are absolutely committed to ensuring that there is a proper balance on the review panel to take into account all relevant interests.

With regard to the specific case in his region that the member mentioned, as a minister I obviously cannot comment on individual cases. I suggest that the member invites his constituent to contact the Scottish Legal Aid Board to find out whether there is anything that can be done.

Claire Baker (Mid Scotland and Fife) (Lab): I thank the minister for providing an advance copy of her statement.

A review of legal aid is welcome, and we wish Martyn Evans and the review panel well in the task ahead.

I understand the minister's decision to highlight the difference between the scope of civil legal aid in Scotland and its scope in the rest of the United Kingdom, where significant cuts are having a serious impact on access to justice. However, there are serious concerns in Scotland about the sustainability of the current legal aid system, which the Law Society says is putting at risk the provision of legal services to some of the poorest and most vulnerable in our society. It says that gaps are developing in provision.

It would seem that, in order to address issues with the availability of legal aid, more resources need to go into its provision. Unless the option of

more funding is available, there are concerns that the scope of legal aid could be limited. Are such options included in the review's remit? Is the review restricted to the current budget parameters?

Annabelle Ewing: As I stated in answer to one of Mr Ross's four questions, the funding allocation for the legal aid fund for the coming year is the same as it was last year—namely, £126.1 million. Of course, legal aid is demand led, so it is not a cash-limited budget. I have seen different figures in some Law Society documents; they include the administration budget for SLAB, which is a different element. When it comes to the draft budget—which we will be discussing further on Thursday—we are looking at the legal aid fund itself. Needless to say, if the budget is not agreed to, there will be no money for the legal aid fund.

We have committed to a wide scope for legal aid—I gave a flavour of that in my statement—and we will continue to be committed to that. It is vital that everyone in Scotland who needs support in the form of access to legal aid can get it.

The review that I have announced today is independent, and it will be up to the chair and his review panel to engage, to investigate and to discuss. They will do so without fear or favour. We are holding the review in 21st century Scotland, in 2017-18, and, as a Government, we are subject to significant financial constraints as far as our budgetary settlement from Westminster is concerned. I imagine that that will be known to every member of the panel.

Fulton MacGregor (Coatbridge and Chryston) (SNP): The minister has given an overview of those who will form the review panel. In her response to Douglas Ross, she assured Parliament that its membership will cover a wide range of expertise and issues regarding legal aid. Will the membership of the panel include representation from those who work with people who rely on legal aid?

Annabelle Ewing: Yes. I announced the panel members, and the member will see that various interests are represented, including those of Citizens Advice Scotland. It is clear from the membership of the review panel that the breadth of the expertise and experience of its members is quite substantial. I am very grateful to all the panel members who have agreed to bring their expertise to bear on the important policy review that we have announced today.

John Finnie (Highlands and Islands) (Green): I thank the minister for early sight of her statement.

The Scottish Green Party welcomes the review, and I am particularly delighted that former colleague Alison McInnes is involved. The party

also supports greater use of alternative dispute resolution, which by avoiding litigation and prosecution can potentially reduce costs.

The phrase “access to justice” was peppered throughout the statement, and obviously applies to environmental law. The minister will know that in the previous session of Parliament the Scottish Government carried out a consultation entitled “Developments in environmental justice in Scotland”—

The Deputy Presiding Officer: Can we get to the question, please, Mr Finnie?

John Finnie: Indeed. Will this review cover the Aarhus convention and remove any dubiety about Scotland’s compliance with it?

Annabelle Ewing: As I have said, the review is independent, and all members are encouraged to make their views known to the review panel.

On the Aarhus convention, we have taken on board all the elements of the convention in terms of access to environmental information, public participation and access to justice, where changes have been made to standing for judicial review in order to create a clear, broader entitlement to take a case to court, including for environmental non-governmental organisations.

On the introduction of an environment court, we have proceeded with a consultation, the analysis of which, I understand, is to be published shortly. I am sure that the member will have further comment to make at that time.

Gordon Lindhurst (Lothian) (Con): I, too, welcome the review that the minister has announced. Like her, I have an interest in the matter—in my case, as a practising advocate.

Those at the court-face, such as many of my colleagues in the Faculty of Advocates and others in the legal profession who deal in legal aid cases, may be surprised and disappointed—in view of the current state of legal aid in Scotland—to hear the negative comparison that has been made with the English system. Will the minister confirm that the review will not be a downwards-only review that further negatively affects the ability of the most vulnerable in Scottish society to obtain legal representation?

Annabelle Ewing: I felt that it was helpful in the statement to put the Scottish legal aid system in context. After all, it has been recognised by the International Legal Aid Group as one of the most generous in the world.

As for the comparisons with what the member’s party is doing down south on legal aid, there have been significant cuts to not only the budget but the scope of legal aid that is available to people there, with a 99 per cent reduction in the legal aid that is

available for welfare benefit cases. That statistic is quite shocking.

The independent review panel will investigate matters, take in people’s views and submissions, reflect, discuss and formulate recommendations. I have total confidence that it will do that without fear or favour and bring its tremendous breadth of expertise to the table.

Mairi Evans (Angus North and Mearns) (SNP): As the minister said, the current legislation is largely piecemeal, and the last substantive act was passed in 1986. Given that the world is now a very different place, with rapidly changing technology, does she expect any legislation that is created as a result of the review to reflect those changes in technology?

Annabelle Ewing: I thank the member for an important question. As I have said, the review’s remit includes looking at changes in the technological landscape in 21st century Scotland. That will be important, because I do not think that we have seen anything yet with regard to changes in technology.

The approach fits in with our justice digital strategy and SLAB’s increasing use of online platforms, including the ability to submit applications and treat online, and much more can be done to facilitate easier access to the system for users, simplify the process and maximise efficiency. On the technological front, it will be very interesting indeed to see what the review panel comes up with further to its engagement with wider stakeholders in Scotland.

Mary Fee (West Scotland) (Lab): I am grateful to the minister for early sight of her statement. She referred to

“proposals to streamline and modernise the system”

and went on to say that

“proposals on certain fee reforms for criminal legal assistance have been developed and will be taken to the profession in the near future.”

Will those fee reforms include civil legal assistance? If not, what is the timetable for looking at fee issues surrounding such assistance?

Annabelle Ewing: The fee reforms work to which I referred in my earlier answer follows from strands of work that were commissioned from SLAB by my predecessor, Paul Wheelhouse. One of those strands involves looking at the possibility of streamlining funding in some criminal cases. That work has continued apace, and I understand from officials that we are nearing the point at which we can have detailed discussions on that with the Law Society of Scotland. Obviously, we will keep the Justice Committee informed of that.

On the position of civil legal aid and the wider legal aid system, the review panel that has been set up is independent, and how it wishes to proceed and map out its focus will be up to it. It will, of course, be informed by the submissions that it receives from members and the public alike.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): On assisting those who are most vulnerable, will the minister assure Parliament that the extra support that is provided to the Scottish women's rights centre to provide legal information and advice to women who are affected by gender-based violence will continue for the duration of the review?

Annabelle Ewing: Yes—I am happy to do that. Last year, the Cabinet Secretary for Justice announced some £665,000 extra for the Scottish women's rights centre to enable it to continue its excellent surgery work and its signposting for women in that position. I know that the centre hopes to extend north from its bases in Glasgow and Lanarkshire to Dundee and, I think, the Highlands. That is welcome. I confirm to Mr Macpherson that that funding will continue as per the cabinet secretary's announcement.

Liam McArthur (Orkney Islands) (LD): I, too, thank the minister for early sight of her statement. Notwithstanding the now customary critique of what is happening elsewhere in the UK, the minister gave a fair assessment of why the review is needed. I very much welcome the establishment of the group and its members, not least my former colleague Alison McInnes.

What is the likely timeframe for the group to complete its work? Will the minister ensure that it takes account of any specific issues that relate to legal aid and access to justice more generally in rural and island areas?

Annabelle Ewing: The review will take up to 12 months.

Liam McArthur's point about the particular position of rural and island communities was well made. I know—at least I assume—that the review panel and its chair will look at the statement and the ensuing question-and-answer session in the *Official Report* and that that point will be picked up.

Oliver Mundell (Dumfriesshire) (Con): At a time when, as the Scottish Parliament information centre has confirmed, the Scottish Government's budget is increasing, many people will wonder why we are seeing a real-terms cut in legal aid. Rather than talking about what is happening in England and Wales, will the minister explain that?

Annabelle Ewing: It is clear that, between 2010-11 and 2019-20, Scotland's budget will decrease by some 9.2 per cent, which is some

£2.8 billion. Imagine what we could do with that. Instead of whingeing to the Scottish Government about the cuts from Westminster that his party is making, perhaps Oliver Mundell might wish to direct his comments to his colleagues in London.

Rona Mackay (Strathkelvin and Bearsden) (SNP): In all such reviews, hearing from stakeholders and those with first-hand experience is vital. What steps will be taken to ensure that stakeholders have wide engagement in the review?

Annabelle Ewing: In my statement, I encouraged the widest possible engagement. I am conscious that we have set up an independent review; having done so, I do not want to unduly step on toes. However, I am sure that the review will seek evidence from wherever it can be submitted, as doing that will best inform it and how the recommendations are determined.

The Deputy Presiding Officer: I call Rhoda Grant, and we might even manage to get Stuart McMillan in.

Rhoda Grant (Highlands and Islands) (Lab): Further to Claire Baker's question, legal aid has a stand-still budget this year. Will the review panel be able to recommend increasing the scope of payments that are made under legal aid? Will it look at how time and distance are taken into account in legal aid payments?

Annabelle Ewing: As I said, the review is independent, so the panel will take the review where it wants to go. I also said that we live in times of great budgetary restraint in 21st century Scotland, further to budget cuts from Westminster. That will be part and parcel of how people on the panel will approach the issue.

On the nuts and bolts issues—time, distance and so forth—that Rhoda Grant mentioned, I encourage her or her party to make submissions about the detail that she hopes that the review panel will address.

The Deputy Presiding Officer: I ask for a final quick question and answer, please.

Stuart McMillan (Greenock and Inverclyde) (SNP): If the review recommends a change to legislation, will the Scottish Government accept that recommendation?

Annabelle Ewing: As with any review that the Scottish Government—present or past—has commissioned, we will await with interest the group's recommendations and will carefully consider them. Having duly considered them, we will bring matters back to the Parliament at the appropriate time.

Female Genital Mutilation

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-03761, in the name of Angela Constance, Cabinet Secretary for Communities, Social Security and Equalities, on the prevention and eradication of female genital mutilation and all other forms of so-called honour-based violence. I call Angela Constance to speak to and move the motion—up to 12 minutes, please, cabinet secretary.

15:11

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): On behalf of the Scottish Government, I am pleased to open the debate on this important matter.

Today, ahead of the international day of zero tolerance for FGM on Monday 6 February, we collectively have the opportunity to add our voices to those around the world opposing female genital mutilation. That global day, which has been marked by our Parliament for a number of years, provides people all over the world with an opportunity to take a stand against a practice that has no place in society but which, unfortunately, still affects far too many communities across the globe.

Female genital mutilation, as with any form of so-called honour-based violence, is a specific form of gender-based violence and an abuse of human rights. World Health Organisation figures tell us that 200 million women and girls globally are affected by FGM, which is symptomatic of the inequality that women and girls all over the world experience because of their gender. Our equally safe strategy recognises that so-called honour-based violence, regardless of what form it might take, is purely and simply, like all forms of gender-based violence, about power and control. Our strategy embeds that understanding in the law of the land and gives the police and our prosecutors the power to tackle that violence.

Practices such as FGM and forced marriage are manifestations of the gender-based imbalance of power. I am glad that the United Kingdom Government has recognised that by finally supporting, at the end of last year, the private member's bill brought forward by Dr Eilidh Whiteford MP, which calls for the UK Government to ratify the Istanbul convention. That is an issue that I support and which I highlighted in the chamber at the end of last year when we all marked the 16 days of activism against violence against women and girls. Although the UK

Government signed the convention nearly five years ago, it has, as we all know, yet to ratify it.

The convention states that there is a need to address fully violence against women, in all its forms, and to take measures to prevent it, to protect its victims and to prosecute perpetrators. I hope that by supporting Dr Whiteford's bill, the UK Government is now signalling a momentum for ratification of the convention and that it will work, with the Scottish Government and others, to overcome the last few obstacles and not kick this important issue into the long grass again. As the bill enters its committee stage, I hope that the UK Government seizes the opportunity to take forward this important issue. However, I compliment the UK Government on the good work that it has done with respect to FGM, and I am pleased to say that we will support the amendment in the name of Annie Wells.

Tackling FGM and indeed all other forms of violence against women under the guise of culture or religion—so-called honour-based violence—requires a response that extends protections to those who are at risk and holds those who choose to perpetrate this abuse to account.

Not that long ago, few people had even heard of female genital mutilation or forced marriage. Now we have legislation to protect people from honour-based violence and a national action plan to prevent and eradicate female genital mutilation. The plan, which runs until 2020, sets out an agreed range of actions and associated activities to be taken forward by the Scottish Government and its partners in communities, the third sector and the public sector to prevent and ultimately eradicate FGM. Actions from the plan are being taken forward under the guidance of a multi-agency national implementation group, which will monitor progress over the plan's lifespan and give a sharp focus to the practical approach that we can take to realise our ambitions on this agenda.

There are no quick fixes to tackle FGM and honour-based violence. It is a complex and often hidden issue, and there is no single solution to end it. With that in mind, our approach to preventing and eradicating the practices has been informed by collaboration with faith leaders and community activists, who are uniquely placed to be at the very heart of work to effect significant social, cultural and attitudinal change. As such, I am also pleased to support Mary Fee's amendment.

It is crucial that we collaborate with the organisations and agencies across the statutory and third sectors that are working to help us to understand the background to the practices. For example, we recently published "Understanding forced marriage in Scotland". This research, which was commissioned by the Scottish Government, outlines nine recommendations and it forms part of

our on-going work to bring together key agencies to protect those who are affected by forced marriage. I put on the record my thanks to the authors of this in-depth, insightful and very useful research.

Survivors identified the excellent support that they receive from third sector agencies, which provide first-class, trusted support. However, the research also helpfully identifies the barriers to accessing and receiving the right support and intervention at the right time, so we must seek to increase the confidence of those who need assistance and the confidence and capacity of those who need to provide it. We will be working in partnership with the multi-agency forced marriage network, which is facilitated by the Scottish Government, to look at how we take forward the recommendations from the research. That type of collaboration can support our aims, whether on forced marriage, FGM or the wider eradication of violence against women.

As part of a week of activity to mark the international day of zero tolerance for female genital mutilation, I am proud that I will be attending the Kenyan Women in Scotland Association's national conference here in Edinburgh on Saturday, and I will also be meeting Waverley Care next week. Both organisations are respected for their work in tackling FGM and are key partners in our work to eradicate it. That joined-up approach will help to ensure that what we do—not only to protect those who are at risk of harm but to try to end the practice—is informed by co-operation, conversation and a collective will to bring about change.

I turn briefly to legislation. No doubt many members are aware that FGM has been unlawful in Scotland for over 30 years, with the Prohibition of Female Circumcision Act 1985. The Prohibition of Female Genital Mutilation (Scotland) Act 2005 re-enacted the 1985 act and extended protection by making it a criminal offence to have FGM carried out either in Scotland or abroad, by giving extra-territorial powers. The Scottish Government worked collaboratively with the UK Government to close a loophole in the 2005 act and extend the reach of the extra-territorial offences in that act to cover habitual as well as permanent UK residents.

That was achieved by means of a legislative consent motion on the Serious Crime Act 2015. The 2015 act contains a number of provisions relating to FGM that have come into force in England and Wales. We have closely examined each of them, and we have taken a thoughtful and considerate approach to determining the best way forward for Scotland. To ensure that what we choose to do is informed by the best information that we have, the Scottish Government consulted across the statutory and third sectors, as well as

among a cross-section of potentially affected communities, to gather their views on the provisions. We are now considering the feedback from that engagement, and we will consider how to take the matter forward in Scotland.

I will briefly address the issue of prosecutions. Understandably, much continues to be made of the fact that, although FGM has been illegal for more than 30 years, there has not been a single prosecution in Scotland nor in any other part of the UK. FGM, by its very nature, is a hidden issue, it may be underreported, and those who are affected may not be able to come forward or indeed share their concerns. That is why our work with communities is so important, in giving people both the understanding and the confidence to discuss, challenge and report the practice.

At the launch of Scotland's national action plan on 4 February 2016, speakers from the statutory sector and from potentially affected communities all made the point that the law needs to protect those at risk and ensure that those who perpetrate this abuse are held to account. However, they were equally clear that prosecution should be part of an overall response that includes protection for those at risk and the provision of services for those affected.

Let me be clear that, although there have been no prosecutions in Scotland, every referral or child welfare concern that is brought to the police relating to concerns that girls have been at risk of having FGM performed on them has been fully investigated by Police Scotland, and no criminality has been found. Of course, we must remain ever vigilant.

I reiterate the Government's commitment to preventing and eradicating FGM, so-called honour-based violence and all other forms of violence against women and girls. Our approach has been and continues to be one of working closely with all our partners, to whom I pay tribute here today. It is the commitment of professionals across the third and statutory sectors, who protect those at risk and respond to the damage that FGM causes, that enables many women and girls to live their lives free from harm or to rebuild their lives when harm is identified; it is also the commitment of the many unrecognised individuals working within affected communities who give so freely of their time and talents to raise awareness and to challenge the practice.

The desire, drive and determination to rid our society of violence against women and girls, in whatever forms it may take, must unite the Parliament. Together with our stakeholders, we can all help to end it.

I move,

That the Parliament recognises 6 February as the International Day of Zero Tolerance for Female Genital Mutilation (FGM); is clear that FGM, along with all other forms of violence perpetrated against women under the guise of gender, culture or religion, so-called honour-based violence, is a violation of the human rights of women and girls; acknowledges that a preventative, supportive and legislative approach is crucial to tackling, preventing and eradicating FGM; recognises that communities and individuals affected by honour-based violence must be at the heart of work to effect significant social, cultural and attitudinal change over the long term, and welcomes the positive engagement and ongoing partnership approach across the police, NHS, education, social services, third sector and community-based organisations, in taking forward the actions from Scotland's National Action Plan to Prevent and Eradicate FGM.

15:23

Annie Wells (Glasgow) (Con): There can be no justification for female genital mutilation, and I welcome the Scottish Government's efforts at home as well as the UK Government's efforts abroad to tackle this awful crime.

I take this opportunity, as the cabinet secretary did, to raise awareness of the international day of zero tolerance for FGM, which is next Monday.

FGM, which involves the full or partial removal of young girls' genitals, has no health benefits and, although it is carried out for a number of reasons, in many cases it is done solely to improve a daughter's marriage prospects. It stems from a deep-rooted inequality between the sexes and can only be seen as a violation of the rights of women and girls, no matter their cultural background.

The ramifications, both physical and psychological, can be massive. FGM is commonly performed by people with no medical training and without proper consideration for hygiene. Complications can include severe bleeding, problems urinating, cysts, infections and infertility, as well as complications in childbirth and an increased risk of new-born deaths.

In 2015, a survivor of the crime who is now living in Glasgow spoke bravely about her experience to a local newspaper to raise awareness of FGM. Forced to undergo the procedure at the age of four in her home country of Gambia, she spoke of being locked in a house with 50 to 60 girls who were as young as three months old. She described the ordeal as destroying her life by affecting her mental health and her desire to form a relationship with a man; she also described the infections that she regularly picked up.

Worldwide, UNICEF estimates that at least 200 million girls and women have been subjected to the practice of FGM across 30 countries. I am pleased that the UK has been a key player

internationally in trying to tackle it. The Department for International Development has allocated £184 million to a number of programmes that are tackling gender violence issues such as FGM, forced marriage and female infanticide. It has allocated £35 million specifically to reduce FGM by 30 per cent in 17 countries across Africa.

As we all know, however, the practice also takes place behind closed doors in homes across the UK. The UK Government estimates that 170,000 women and girls in the UK have undergone the procedure. In Scotland, it is understood that nearly 3,000 girls have been born to mothers who were born in FGM-practising countries.

I commend the work that the Scottish Government has done on the issue. The 2005 act, which updated Scottish legislation, increased the maximum penalty for the crime to 14 years and made it illegal for family members to take girls abroad to carry out the practice. "Scotland's National Action Plan to Prevent and Eradicate Female Genital Mutilation (FGM) 2016-2020", which was produced last year, went a long way in forming the preventative educational measures that are needed to raise awareness of FGM. Among those measures were letters and presentations to raise awareness among teachers and healthcare professionals, and the internal guidance produced by Police Scotland for officers who deal with honour-based violence. The Scottish Government also allocates money to a number of programmes and organisations for improving women's rights as part of its violence against women and girls budget.

I will always support a consensual approach to issues such as FGM and other forms of honour-based violence. It is important that we get this right for every girl who is at risk in Scotland, and that we work together to build on the efforts and initiatives of the past. However, it would be wrong of me not to raise some important points and not to look at what is happening down south and at least bring to the debate initiatives that are taking place in England, Wales and Northern Ireland. In that regard, I welcome the cabinet secretary's input about the report that the Scottish Government has received and will look into, which I will come on to. Those initiatives include the mandatory reporting by doctors, nurses and education professionals of FGM cases in females aged 18 and under, and FGM protection orders.

In December 2014, the Scottish Refugee Council published its report "Tackling Female Genital Mutilation in Scotland", which the Scottish Government commissioned and which, as I have referred to, the cabinet secretary is going to review. Among its recommendations were that statutory bodies should report FGM cases and that

a strong criminal justice message needed to be sent out.

As we see in the rest of the UK, court protection orders mean that potential victims can be protected, for example by the mandatory surrendering of passports so that families are not able to travel abroad. The UK Government has been actively encouraging all agencies, including local authorities, social workers, police forces and schools, to make use of those orders. The mandatory reporting of FGM cases involving females aged 18 and under by healthcare professionals and teachers has meant that the statistics are now more reliable when it comes to estimating the number affected. Underreporting exists, of course, which is why measures such as anonymity for victims who are at risk of being identified are so important.

It is important that we all question the lack of successful FGM-related prosecutions in Scotland and the rest of the UK since FGM became illegal in 1985—in fact, as we know, there have not been any. However, I welcome the information that all reports of the crime are being fully investigated by Police Scotland, and rightly so.

Comments have been made in the past about families travelling to the UK to have the procedure done due to a perceived leniency here. There is room for us to be tougher on this awful crime.

I end by noting just some of the efforts that are made in Glasgow to tackle FGM and other forms of honour-based violence. Rape Crisis Glasgow's ruby project, for example, supports victims of sexual violence, including those who have suffered FGM.

I thank the Scottish Government for bringing this vitally important issue to the chamber today and for the renewed focus on tackling FGM. We must work together to build on the efforts of the past to prevent such abuse from occurring in the first place, to support those who fall victim to honour-based violence and to ensure that robust criminal sanctions are in place for those who commit abuse.

I move amendment S5M-03761.1, to insert at end:

“, and recognises the international work of the UK Government, which has allocated £35 million to reduce FGM by 30% in 17 countries across Africa.”

15:30

Mary Fee (West Scotland) (Lab): I thank the Cabinet Secretary for Communities, Social Security and Equalities for her motion highlighting the important work that is being done to tackle and end female genital mutilation and so-called honour-based violence, and for bringing the

motion to the chamber to allow us to debate the issue. Speaking on behalf of Scottish Labour, I am happy to confirm that we will support the Government's motion and the Conservative amendment. I ask for support for our amendment. It might be small in detail, but it is hugely significant with regard to meeting our shared ambitions.

It is with regret and sadness that I note that we require this debate and that we need to have an international day of zero tolerance for female genital mutilation. I feel regret and sadness knowing that medieval, barbaric and horrific acts of violence and mutilation are still carried out in the 21st century, primarily against young women and children. There will be few countries, if any, in the world that are not affected in some way by female genital mutilation or honour-based violence. Therefore, it is right that the Scottish Parliament helps in the global fight to shine a light on such behaviours and to raise awareness of the dangers of the violence and cruelty that are involved in FGM and honour-based violence, in the hope of eradicating them.

I am sure that members across the chamber felt anger when reading the article entitled “An Agonising Choice” that was published in *The Economist* last June and which called for a new approach that supports minor forms of FGM. The author tried to argue that allowing minor forms of FGM that cause no long-lasting harm is better than

“being butchered in a back room by a village elder”.

Accepting that proposal would be a backwards step and would send the wrong message—that the abuse and mutilation of a child through FGM is somehow acceptable.

Campaign groups across the UK were right to quickly condemn the article, and *The Guardian* reported that the article gave ammunition to supporters and practitioners of FGM, who could claim that some in the west were on their side. Scottish Labour—and, I am sure, members across the chamber—will never give those ideas the time of day. Instead, we will continue to stand on the side of the women, girls and families who are affected by FGM, and endeavour to bring an end to this barbarity.

The World Health Organization estimates that more than 125 million women and girls are affected by FGM. The incidence of FGM tends to be concentrated in pockets of the middle east, across central Africa and, increasingly, in south Asia. Inspiration in tackling FGM can be taken from the work of non-governmental organisations in communities across the world. The work of Sponsored Arts for Education—SAFE—Kenya is an illuminating example of that. Female genital

mutilation is illegal in Kenya, but is still widely practised in rural areas across the country as a rite of passage. SAFE Kenya has taken a community-based approach to tackling that gender-based violence, with three projects that are aimed at changing the cultural practices that normalise FGM. Before SAFE Kenya started working in the Loita hills in Kenya, the rate of FGM in the region was 98 per cent. After the promotion of an alternative rite of passage, the rate has dropped by 20 per cent.

The practice of FGM and honour-based violence is driven by the deep-rooted unequal power relationship between men and women across the globe. Education is key to tackling FGM and honour-based violence. A grass-roots approach that aims to alter cultural views on FGM might be a slow process, but it is a necessary one and an effective means in the fight to eradicate FGM across the globe.

It is important to teach young boys and men that FGM is an extremely dangerous procedure that is not a religious requirement, a prerequisite for marriage or a rite-of-passage ritual. It is quite simply an unnecessary, barbaric act that violates women's and girls' human rights.

It is estimated that 24,000 people living in Scotland were born in FGM-practising countries, and that 12 women in the United Kingdom each year lose their lives to honour killings. All women and girls, in communities the length and breadth of Scotland, must feel safe, respected and equal. It is the duty of this Parliament to make that ambition a priority.

Although we must continue to support the victims of FGM in Scotland, we must also contribute to the global campaign to eradicate the practice of FGM. The United Nations international day of zero tolerance for female genital mutilation is a prime opportunity for the global community to use the power of its collective voice to show its strength in condemning FGM as a barbaric act.

In closing, I repeat our support for both the Government motion and the Conservative amendment. I ask that we recognise the role that faith leaders, who are well respected by their communities, can play in eradicating FGM and honour-based violence. The Scottish Government's national action plan is an important aspect of its commitment to ending FGM in a generation. I am happy to work with the cabinet secretary and the minister to take that plan forward.

I move amendment S5M-03761.2, to insert after "long term":

“; further recognises that faith leaders of communities potentially affected by FGM and so-called honour-based

violence have a role to play in working to change cultural attitudes”.

The Deputy Presiding Officer: We now move to the open contributions. I remind members who wish to speak to make sure that they have pressed their button. I am trying hard not to stare at the people who have not.

I have a wee bit of time in hand to allow for interventions.

15:37

Ruth Maguire (Cunninghame South) (SNP): I am grateful for the opportunity to speak in such an important debate, as we look ahead to 6 February as the international day of zero tolerance for female genital mutilation.

FGM is a reprehensible and completely unacceptable, illegal practice that no child should have to suffer. It is easy to condemn, but it is less easy to eradicate. As has been mentioned, according to UNICEF, at least 200 million girls have been subjected to the practice of FGM across 30 countries, although the exact numbers remain unknown.

FGM is found in 28 African countries and in south-east Asia and the middle east. It is also found in Europe and elsewhere among communities originating from those parts of the world. Here, FGM is seen in some ethnic groups who have migrated to this country.

As the cabinet secretary said in opening, FGM is a complex, sensitive and often hidden issue for which there is no easy fix. It is rooted in what are, to many of us, alien and quite appalling traditions and, when it comes to engaging with FGM-practising communities, there are often language, as well as cultural, barriers to contend with. Thus, working towards its prevention and eradication demands working sensitively and with many different sectors. It also means working with and within the directly affected communities, as the only way to truly eradicate FGM is to eradicate the damaging attitudes and cultural traditions that underpin it.

I strongly welcome the national action plan that was published last year and its recognition of the scale of the challenges that are involved, as well as its realistic and robust objectives and its commitment to working with partners across the statutory and third sectors, from Police Scotland to Scottish Women's Aid.

I also welcome the commitment to work with those directly involved. It is in communities that the problem exists, and that is where it must ultimately be solved. If FGM is to be eradicated in Scotland, long-term social, cultural and attitudinal change must be our goal. However wrong and

appalling we find it, as long as FGM is accepted and considered to be important or necessary in some communities, it will be an issue.

The national action plan to tackle FGM is inextricable from the wider “Equally Safe” strategy on preventing and eradicating violence against women and girls. That is because FGM, at its most fundamental, is an extreme form of violence against girls and women and is rooted in gender inequality and discrimination. It is at the extreme end of a vast and varied spectrum of objectification of girls and women, which ultimately results in the abuse of their bodies.

While the horrors of FGM may be an alien practice to many of us here, it would be foolish to think that it is a problem for others. We are not immune to the discrimination against and objectification of women and girls in our culture, which are rooted in just the same gender inequality, damaging attitudes and cultural norms here. Far from it; the problem is endemic and manifests itself daily in our newspapers, on television, on the street, in the playground and even, as we saw recently, in the chambers of Parliament. It is everywhere, and on a scale that can feel pretty overwhelming.

Similarly, though the starting point is more extreme, the fundamental aims and objectives of the action plan to tackle FGM are the same as those of the “Equally Safe” strategy: a Scotland where women and girls live free from abuse and the attitudes that help to perpetuate it; where women and girls feel safe, respected and equal; where women are empowered and enjoy equality of opportunity, particularly with regard to resources; where positive gender roles are promoted; and where people understand what healthy and positive relationships are.

For that reason, we all have a role to play in tackling FGM, as we can and must all play our part in tackling the wider inequality that underpins it. Providing good services for victims and survivors is crucial, but we must also start recognising the context in which that violence takes place. A culture in which everyday sexism and the objectification of women are the norm is conducive to violence and must be challenged if we are to make a lasting difference to the lives of women and girls. We can start to make that difference here by all agreeing not to tolerate any objectification of women—in our own or any other culture.

The Deputy Presiding Officer: I call Gordon Lindhurst, to be followed by Clare Haughey.

15:42

Gordon Lindhurst (Lothian) (Con): Thank you, Presiding Officer.

“But we have no slaves in Scotland, and mothers cannot sell their bairns.”

So decided the Court of Session in Edinburgh almost exactly 330 years ago, on 13 January 1687, in the case of Reid v Scot of Harden and his Lady. For those interested in references, the quote is found in the case report in Morrison’s dictionary, page 14545. The case was about a lassie who was used by a travelling showman as a performing gymnast, until she fled and was given refuge by a couple. He raised an action in the court claiming that he had bought the girl from her mother and she must be returned. The court refused to countenance that argument.

Of what relevance is something from hundreds of years ago today? Sadly, that and other problems such as the one that we are talking about are still with us. A few days ago, I attended the Tumbling Lassie seminar, hosted by the Faculty of Advocates, which had a number of eminent speakers, including Alison Di Rollo, the Solicitor General for Scotland. The seminar was held to raise awareness of modern-day slavery and human trafficking, which, sadly, some think is entirely behind us. The issue is a real one, as we know from recent police investigations in Scotland. The price of liberty is eternal vigilance, and the price of freedom the constant review of the current state of affairs—otherwise we might have no need for politicians.

As has already been said, the practice of female genital mutilation has been illegal in Scotland since 1985, but we still know little about the numbers of people here who have been affected by it or who may be at risk. Such crimes, as well as other so-called honour-based violence, are often culturally based, devoid of any religious basis and shut off from mainstream society.

It has been reported this week that Scottish Government research shows that, between 2011 and 2014, 191 girls and women were forced into marriages in Scotland and that 10 per cent of them were aged between 14 and 16. That is another issue that, sadly, is still with us today.

As has also been said, because of the underground nature of these crimes, research into the issue is difficult, but it is imperative that we know more about it. Scotland’s national action plan to tackle FGM recognises the lack of available data about which communities in Scotland might be likely to be directly affected by the issue. The first annual statistical information for England was published in July 2016. We need corresponding data for Scotland to understand what resources need to be allocated to dealing with the issue and stopping the practice here. The question that I pose in the context of today’s debate is: will the Scottish Government follow the actions of the UK Government in that regard?

The issue might be more important in Scotland, going forward, than we have been aware of it being, given changes in ethnic diversity in the past decade. We need to know more about the potential for FGM and other acts of so-called honour-based violence to take place here in Scotland, what we can do to prevent them and how we can seek to help the victims and deal with the consequences.

The amendment from my colleague Annie Wells recognises the work that the UK Government has been undertaking internationally to reduce the occurrence of FGM. As has been commented on, it has allocated £35 million for action to tackle FGM on the African continent. Note should also be taken of the legislation in England and Wales in the Serious Crime Act 2015, which might be relevant and could inform the Scottish situation. For example, there is a mandatory duty on professionals to report to the police cases in which they believe that FGM has occurred, for which they are given statutory guidance to assist them. I have a further question, which is: will the Scottish Government consider taking similar steps or does it have plans to do so in future, and what is the timescale for hearing about such action being taken?

These are horrendous crimes that inflict physical and psychological pain on victims, and perpetrators need to know that the practice is unacceptable in Scotland, the wider UK and indeed around the world. On that basis, I am happy to support the motion and the amendments.

15:47

Clare Haughey (Rutherglen) (SNP): The term “FGM” is a sanitised one that allows us to talk about female genital mutilation without dealing with each of those three words. Mutilation of young women leaves physical and mental scars that last a lifetime for the victims and for the communities that practise it. Let us be clear that FGM involves performing “surgery” on the genitals of young women and girls. Procedures can involve cutting off parts of the labia and clitoris or stitching up the vulva or vaginal opening. The procedures offer zero medical benefits; all that they guarantee is pain and suffering. They are performed by families who believe that FGM must be carried out, that it is the right thing to do and that FGM is the key to maintaining respectability and standing in their community. Often, the young girls themselves see it as a rite of passage from childhood to becoming a woman.

In reality, however, FGM is used to ensure that a woman is culturally acceptable, to uphold family honour and tradition and to ensure that a woman is seen as suitable for her permitted role as a wife. By damaging her genitals, a community can

damage her ability to have sexual relationships and can ensure that sex, instead of being a natural part of human expression, is painful and unpalatable for her. In essence, it is a way of controlling women’s sexual behaviour. The young women who experience this violence suffer in painful and perhaps more obvious physical ways. They have difficulty urinating, sexual problems, problems in childbirth and wounds that become infected and lead to further complications.

What about the other wounds that are inflicted? Levels of post-traumatic stress disorder are the same among survivors of FGM as among those who have been subject to childhood abuse. Research has shown that anger, pain and sadness continue through later life for women and that on-going chronic stress, anxiety disorders and sleep problems are common in survivors.

A number of studies have touched on the impact on the survivor, but I want to consider the impact that the abuse has on the community as a whole. How many mothers who themselves have experienced FGM come to decide on FGM for their daughters? Violence affects not only the victims but the perpetrators. Those who arrange or are complicit in inflicting FGM on children have often experienced FGM themselves. It begets a cycle of abuse in which mutilation is the norm and the pain and suffering that are caused are less important than is being seen to fit in. FGM as a way of policing women’s bodies is a double crime: it is inflicted on young women; then those young women themselves become party to inflicting it on the next generation. How many of those are true choices, free of coercion by and the influence of the woman’s wider group?

When we tackle FGM—as we should—we should remember the full cost that we are asking young women to pay when they share what has happened to them. We are asking them not only to admit what has been done to them and to discuss their bodies with strangers and people from outside their community, but to admit that their community—their family—has been party to what happened. When we acknowledge a crime, by extension we acknowledge that those who committed it are criminals. For young girls who have experienced FGM, talking about it contributes to the huge burden of emotional and psychological damage that they already carry from the abuse.

Although the crimes are carried out to ensure honour, there is nothing honourable in violence and abuse. Underreporting of FGM is strongly suspected, which ties in with other forms of abuse that entwine fear, love, loyalty and propriety to create an emotional net that prevents women from speaking about what has been done to them. We need to empower women to talk openly about

those threats and experiences, especially girls who are at risk and those in communities who know that girls are at risk of FGM. That is especially true, given that studies have shown that women who have experienced FGM tend to develop psychological conditions that make them withdrawn, uncommunicative or distrustful. The women whose voices we need to hear the most are those who are most likely to be silenced by their experience.

Committing FGM is a crime and I am proud that the Scottish Government has been forthright in condemning it. I am heartened today to hear so many members do that too. We need to consign female genital mutilation to history and we will do that by ensuring that the crime is policed and through joined-up thinking about public services and support for the women who are affected.

The Scottish Refugee Council has identified 24,000 people born in an FGM-practising country who live in Scotland, with nearly 9,000 of them living in Glasgow. Any such small communities will need support to adjust to life here in a country that has more developed and proactive public services. We must reach out and engage with all communities, but especially when there is the potential for FGM. We must communicate to women, young and old, that genital mutilation is wrong and that, whatever the practices of the past, it is not acceptable in Scotland.

We must also seek to amplify the voices of women in those communities who are already standing up against FGM and empower young women to support each other in their communities. I welcome the Scottish Government funding that projects such as the Kenyan women in Scotland association and Rape Crisis Glasgow's FGM survivor support service are benefiting from to drive forward the equality agenda in 2016-17, and I welcome all steps that this Government takes to tackle all forms of violence that seek to control women's bodies and police women's behaviour under the corrosive banner of "honour".

15:54

Pauline McNeill (Glasgow) (Lab): Child marriage and honour killing are just two elements of the wider systematic subjugation, exploitation and domination of women and girls around the world, and, as we have heard, Scotland is not free of those things. Previous Labour Governments have legislated on them, and the Scottish Government is to be commended for leading on them today.

Womankind will not be free until we have made more significant progress towards protecting women and girls from the horrors of FGM, forced marriage—it is very often children who are forced

into marriage—and so-called honour-based violence, which is murder and violence just the same.

Child marriage is often physically violent and in many cases is tantamount to rape. Jasvinder Sanghera, who founded the charity Karma Nirvana, which receives 850 calls a month, mostly from victims, said:

"Emotional blackmail is huge in these cases. Either you are going to be raped on your wedding night or you are going to be disowned by your family. Lots of young people are faced with that choice."

Children who have been forced into marriage are having children when they are as young as 13 or 14 and have hardly had time to become adults themselves.

What is meant by "honour-based killing"? It is said that there is an unwritten code, known as "honour". Girls are raised to believe that their purpose in life is to uphold the honour of the family, and that if they bring so-called dishonour on the family, they will pay the price with their lives. Many, many women have come to the UK from other countries to escape such violence, and some women have not escaped.

The killing takes place to erase the dishonour. The majority of victims of honour killings are girls and women, but men can also be victims. The perpetrators are usually men, but it is important to note that family members can be actively and passively involved in the killings. The majority of reported killings were carried out by family members. In the UK, 29 cases were recorded between 2010 and 2014. The UK police recorded more than 28,000 cases of honour-based violence, which included abduction, mutilation, acid attacks, beatings and murder.

As Gordon Lindhurst said, there have been 191 cases of forced marriage in Scotland over the past four years. We need more data on that.

I want to focus on the international picture. One in three girls in the developing world is married before she reaches 18. A staggering 700 million women who are alive today were married as children. If there is no reduction in child marriage, the global number of child brides will reach 1.2 billion by 2050. Niger has the highest proportion of child brides, at 76 per cent, but India has the highest number, with 26.5 million child brides.

According to research from the Women's Refugee Commission in Ethiopia, Lebanon and Uganda, child marriage is regarded as a way of protecting girls or alleviating hardship caused by conflict. It appears that we need to add into the picture the fact that the current humanitarian crises in areas of conflict are working to increase child marriage and forced marriage.

As we heard, the practice is found to be cultural. Whatever and wherever it is, it is pervasive discrimination and violence against women and girls. Early marriage forces girls into adulthood and frequently motherhood before they are physically and emotionally mature. I have heard women say that they do not feel equipped to look after their babies and fear that something will happen to their babies because they are not old enough and mature enough to protect the lives that they have brought into the world.

The experience profoundly affects a girl's life, not only because it substantially lowers her educational prospects but because it causes health complications and harms her psychological wellbeing. We know that the causality runs both ways. Child marriage reduces educational attainment, and girls who have less access to quality education are much more likely to marry early.

In Scotland, we must have a harsh message in our criminal law on all so-called honour-based crimes. We must review our law to ensure that it takes account of all aspects of such violence and covers not just the perpetrators but any family member or other person who is involved in the premeditated murder of a man, woman or girl.

Culture can be no excuse for violence and deep-rooted discrimination. We should never forget that there is much work to be done, including internationally, to achieve global progress for all women and girls.

16:00

John Finnie (Highlands and Islands) (Green):

Yesterday, as part of the work done by small groups of members in the Justice Committee, my colleague Mary Fee and I took evidence from a gentleman in his 50s who described a whole childhood of abuse. In the previous session—when you chaired the committee, Presiding Officer—we took evidence in private from victims of domestic abuse and heard the harrowing details of what they had gone through. Likewise, in the previous session, the Equal Opportunities Committee held three evidence sessions on the issue of female genital mutilation and heard harrowing testimonies from individuals. It is important to say that those sessions took place in private with appropriate support and safeguards. I, for one, am full of admiration for those individuals for the strength that they have shown in coming forward to inform us, as lawmakers, about such complex issues—and there is no issue more complex than FGM.

The answer is not more laws, which is why we have the national action plan on the prevention and eradication of FGM. It is not an issue for

Parliament, as many members have said, and for that reason we will support the Labour amendment, which recognises the key role that community leaders can play. It is not lost on many of us that those community leaders will be men and that the power that is an intrinsic element of this obscene practice lies with men—this is gender-based violence. I am amazed at the ability that humans have to abuse each other, and FGM is linked to abusive and coercive power, as members have said.

I have difficulty with the phrase “honour-based violence”, as does Pauline McNeill. I do not get that terminology at all. Similarly, to the overwhelming number of victims, the term “female genital mutilation” means nothing. Many euphemisms are used in front of those young girls and women. For example, they are told that they are going to a party or on a holiday. They are tricked by their family and community, which in itself is a huge breach of trust that resonates for a lifetime.

I acknowledge that there are cultural pressures, but let us be quite clear about how those pressures manifest themselves. They manifest themselves in a child being attacked, sexually assaulted, mutilated, restrained and detained, often for days. The most worrying thing is the psychological effect that that has on them, which is immeasurable, and the fact that their dignity has been stolen. I will not rehearse the various medical issues that follow FGM, but the reproductive issues are significant and the victims suffer many lifetime medical issues as a consequence of it.

The legacy paper of the Equal Opportunities Committee from the previous session says that

“problems identified could have been avoided if staff had been trained”.

There are issues there. That is not a criticism; there are issues around cultural sensitivities such as some women appearing at medical practices accompanied by a male and the challenges that people will understand. However, we have to get on despite those cultural sensitivities. I do not want a monoculture for Scotland—I think that Scotland grows from the growing diversity of our culture—and this is not an attack on any individual culture. It is entirely in line with the United Nations approach, which is to afford the utmost protection to all females and give the maximum support to those who seek to end this abhorrent practice.

It is not easy, but I can cite examples of where there have been sizeable changes both in the reporting of the practice and in the courts. There has been a wholesale change in the approach to domestic violence, including in police practices in courts and the support that is available. Likewise, there have been changes in how we deal with

child abuse and sexual assault. Although there is some way to go on all those issues—we can all see that these things never happen straight away—progress can be made.

Education is vital in those challenging communities in which men often have undue sway. Training is important in raising awareness, particularly among health professionals. I am grateful to the British Medical Association for its briefing paper. It talks about those who are at risk and the assistance that the medical profession gives to identify them. The education authorities also help people who are returning to countries where their previous generation came from by raising awareness about what might happen at key moments in a young girl's life.

I commend the professionals who have been involved. I also commend the volunteers, many of whom are unsung because, to be effective, regrettably, they must remain anonymous.

It is important to have international days and this is an international issue. We will support the Conservative Party amendment and—I need to take a deep breath to say this—I commend the UK Government for its support on the issue.

The reality is that we have an action plan. As others have said, it is tied into the equally safe strategy. This is about equality and it is about gender-based violence. We must have zero tolerance towards gender-based violence and, as the BMA says, we must break the generational cycle of FGM.

16:06

Alex Cole-Hamilton (Edinburgh Western) (LD): I start with a declaration of interest: before I came to this place, I sat on the ministerial task force on violence against women and girls that was delivering the equally safe strategy.

I rise to offer the full-throated support of members on these benches for the Government's excellent motion and the amendments. I welcome the consensual and respectful tone of the debate. The subject clearly unites the chamber, and I always welcome an opportunity to speak in such debates. However, the fact that we even have to debate the issue in 2017 is an indictment on where we are in our global striving towards modernity and the empowerment of women. It is a symptom of the mountain that we still have to climb in tackling this most gendered of all violence.

Each year, 3 million girls and young women are subjected to acts of barbarism and mutilation in the name of culture and tradition. That is a humanitarian outrage; it is an atrocity of eye-watering proportions.

Legislatures often walk carefully through the cultures and the traditions of other societies. We have to uphold and respect diversity, but where practices are involved that are dangerous, abhorrent and cruel, we must show willingness to tackle that head-on. I am glad to hear colleagues from all parties do that so eloquently in the debate.

As we have heard many times in this excellent debate—I highlight the words of Ruth Maguire, Clare Haughey and John Finnie—FGM may be an act of cultural acceptance or a rite of passage, but it has nothing to do with religion or faith. Nowhere in the scriptures, the sacred texts or the words of prophets are atrocities such as female genital mutilation laid out as articles of faith or commandment. Some communities have sought to ascribe a causal relationship between the two, but we must be in no doubt that, over the centuries in which that grotesque practice has been performed, it has been driven solely by the sexual jealousy and inadequacy of men.

The fundamental nature of FGM and honour-based violence is gendered, but its solution is not. As parliamentarians of all genders, we always have a duty to call out abuse, whether it be the cutting of girls and the beating of sisters or wives, and to say with resounding unity that such behaviour is criminal and obscene and has no place in our society. Together, we have made great strides in that agenda, and I commend the Scottish Government on its ambitious national action plan, which has our full support. It is a vital step in our collective response. It rightly elevates the issue to new heights in our national consciousness.

The plan sets out a blueprint for national and local government, the third sector, the police, schools and communities to work together to raise awareness and to share best practice, for example, on reporting. We need to learn from the lived experience of victims. By listening to those who would otherwise struggle to be heard in the first place, we can build interventions around the stories that they tell us on how they could have been helped or kept safe if a certain thing had happened or an intervention had been available to them. Those are the stories that we need to hear.

Right out of the traps, we need to foster in girls and young women an understanding of their rights enshrined in our culture and our laws. We need to build awareness of victimhood among those who may not even be aware that they are victims and foster safe spaces for them to disclose what has happened to them.

We must recognise that there are still frontiers in our society where we must answer the needs of equality for women. We must look at the attitudes to maternity rights and equal pay that exist in our board rooms. Such areas of commonplace

discrimination add to a wider narrative that is ages old and, if they remain unchecked, they will ultimately feed the worst aspects of the barbarism and cruelty that we are discussing this afternoon.

I am heartily glad that the action plan is so grounded in a rights-based approach and that it roots policy on prevention and awareness raising firmly in article 24 of the UN Convention on the Rights of the Child, which calls for the prohibition of all traditional practices that are prejudicial to the health and wellbeing of women. John Finnie said that we do not need laws for this, but I take issue with that. I have stated many times, both in Parliament and outside it, that we will make rights real only when we fully incorporate the UNCRC into Scots law. Only then will children have access to justice and redress when rights of any kind are violated. That will have the societal effect of making rights real, because when, systemically, we are forced to consider the implications for children's rights, we naturally foster a rights-based approach to public policy.

John Finnie: If that is how what I said came over, that is not what I meant; I meant that it is not exclusively a question of legislating. We can pass all the laws we want, but tackling FGM will take more than that. It will primarily involve education.

Alex Cole-Hamilton: I welcome John Finnie's intervention, and I recognise his contribution and our shared goals in this area.

It is only by incorporating the UNCRC into Scots law that a rights-based approach to public policy will be achieved, and it is only by adopting such an approach that we can ensure that we protect women and girls on our shores and, by extension, offer an example to the world of how rights matter.

Silent indignation on this matter is a futility that we can no longer afford or indulge. We need to protect and empower, and to bring justice to the guilty and the complicit. Coretta Scott King said:

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

However, on this bloody tradition, no generation has ever seen freedom or satisfaction prevail; it is time that we let ours be the first.

16:12

Tom Arthur (Renfrewshire South) (SNP): I am grateful to have the opportunity to participate in this afternoon's debate ahead of the international day of zero tolerance for female genital mutilation, on 6 February.

I welcome the Government's motion and the opportunity that it provides to discuss "Scotland's National Action Plan to Prevent and Eradicate Female Genital Mutilation", both of which show in

their tone and their detail the correct approach to a challenging and complex issue.

It is only fair to acknowledge and welcome Annie Wells's amendment. I am sure that Alex Cole-Hamilton will join me in indirectly acknowledging the work of Lynne—now Baroness—Featherstone, who as Parliamentary Under Secretary of State for International Development announced the funding, to which Ms Wells referred, at the UN Commission on the Status of Women in March 2013. That programme is set to end next year, and I hope that Annie Wells will urge her colleague Priti Patel, the UK Secretary of State for International Development, to build on the existing work, and that she will encourage her colleagues to support Eilidh Whiteford's private member's bill, which calls on the UK Government to ratify the Istanbul convention.

It is also only fair to acknowledge Mary Fee's amendment, which highlights the need that is outlined in the national action plan to work with communities to break the cycle of violence. I acknowledge, too, the excellent speeches of other members, particularly those of Alex Cole-Hamilton and Clare Haughey, and the overall tenor of the debate.

The Government's motion

"acknowledges that a preventative, supportive and legislative approach is crucial to tackling, preventing and eradicating FGM".

We are making progress on all three aspects. It was only in 1985—the year that I was born—that FGM was made illegal in Scotland, through the Prohibition of Female Circumcision Act 1985. That legislation is relatively recent, but it is indicative of the progress that has been made that the term "female circumcision" is rightly no longer in common use and is nowadays probably far less known than "FGM". That is reflected in the more recent Prohibition of Female Genital Mutilation (Scotland) Act 2005, and the further strengthening of legislation in the Serious Crime Act 2015.

Legislative progress has also been made in tackling forced marriage, which can, like FGM, be associated with honour-based violence. The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 provides a specific civil remedy for people who are threatened with forced marriage and those who are already in such marriages. Indeed, in Scotland forced marriage was recently criminalised in section 122 of the Anti-social Behaviour, Crime and Policing Act 2014, which—crucially—states:

"A person commits an offence ... if he or she ... uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and ... believes, or ought reasonably to believe, that the

conduct may cause the other person to enter into the marriage without free and full consent.”

The terms that are used in that act are important in their recognition of the various and complex ways in which people can be pressured into forced marriage.

It is clear that we have made progress in legislation on both forced marriage and FGM. I am also encouraged by the work that is already under way, or is imminent, as set out in the national action plan, and which constitutes the preventative and supportive aspects of the approach to tackling FGM. Measures that have been undertaken by the Scottish Government include issuing communication to police, education bodies and the national health service, and the national guidance for child protection being updated in 2014 to include a specific section on how to respond to concerns that a child might have been subjected to, or be at risk from, FGM. There is, moreover, now a standard operating procedure in place for Police Scotland.

FGM is perhaps the most overt manifestation of the patriarchy's attempts to dominate, control and possess women. Although, historically, FGM has not been a traditional cultural practice in Scotland, the fundamentally chauvinistic and misogynistic attitudes that underpin FGM and honour-based violence evince themselves in domestic abuse, rape, sexual assault, sexual harassment, stalking and commercial sexual exploitation. The same attitudes also evince themselves through sexual discrimination in the workplace and in the gender pay gap, as well as in the societal pressures and expectations that are placed on girls and women with regard to their bodies, their appearance and their role in society. Government, Parliament, community leaders and partner organisations all have an important role to play in the matter, but sustained progress will be achieved only when individual men address and abandon their own palaeolithic attitudes.

Writing in the mid-19th century, William Thompson wrote:

“As your bondage has chained down man to the ignorance and vices of despotism, so will your liberation reward him with knowledge, with freedom and with happiness.”

Liberty, knowledge, freedom and happiness are the rights of all human beings. Gender inequality denies those rights to one half of the population and gives the other the illusion of them.

We all have a duty to work towards a society in which we can all enjoy the same rights and opportunities, but achieving that will not be easy. Max Weber remarked that

“Politics is a strong and slow boring of hard boards. It takes both passion and perspective.”

However, he went on to say that we would

“not have attained the possible unless time and time again”

we

“had reached out for the impossible.”

As is made clear in the national action plan, eradicating FGM will be challenging and complex. However, it is a challenge that I have every confidence this Government, this Parliament and this country will rise to. In doing so, we will have taken another step towards creating a truly equal society.

The Deputy Presiding Officer (Christine Grahame): I call Miles Briggs, to be followed by Kenneth Gibson. Mr Gibson will be the last speaker in the open debate.

16:18

Miles Briggs (Lothian) (Con): As other members have done, I welcome today's debate and the significant degree of consensus that has been demonstrated around the chamber, which perhaps emphasises the importance of the issue. I also congratulate the cabinet secretary on the work that she has undertaken on the matter.

It is crucial that we, as a Parliament, unite to send out a message that we will not tolerate FGM and honour-based violence in Scotland. Those crimes must be tackled using the available provisions but, as has been said, it is of real concern that, to date, there have been no successful prosecutions for FGM.

The debate has also demonstrated that the Scottish Government and the UK Government must work closely together if we are to make progress towards eradicating FGM. I record my strong support for the significant work on FGM and on forced marriages that Prime Minister Theresa May undertook during her time as Home Secretary. In addition to criminalising forced marriage, she strengthened laws on FGM, including provisions on the mandatory reporting duty, which means that health and social care professionals have a legal duty to report to the police known cases of FGM involving under-18-year-olds. She also set up innovative national FGM prevention programmes, issued new guidance to raise FGM awareness among police officers, and instructed Her Majesty's inspectorate of constabulary to inspect the police response to honour-based violence, with a focus on FGM and forced marriage.

I welcome the positive engagement and the on-going partnership approach that “Scotland's National Action Plan to Prevent and Eradicate Female Genital Mutilation (FGM) 2016-2020” is achieving, and I welcome the “Equally Safe” strategy document. I hope that the Scottish

Government will continually assess the effectiveness of the work that is being undertaken across the UK and in other Governments around the world on legislating and prevention, and that it will consider what more can be done to support people in Scotland. William Hague, the former Foreign Secretary, also undertook a great deal of excellent work in trying to tackle FGM abroad. We should remember his efforts.

My colleague Annie Wells is right to note in her amendment the continuing international development and support from the UK Government. The Prime Minister has said of FGM that

“legislation alone is not enough. We must do more to prevent these harmful practices ever happening in the first place. We must raise awareness, challenge social norms and protect those at risk.”

I agree. Sometimes that will mean ensuring that political or cultural sensitivities are not used as excuses to prevent uncovering of abuse. Although that might be challenging, we must make it clear that there can be no soft-touch approach and that the laws of this country apply to everyone who lives here, in every section of our society.

The Scottish Government’s motion states that

“communities and individuals affected ... must be at the heart of work”

that is done on FGM and honour-based violence. I agree with that.

There is increasing concern that FGM is being performed on young women outside the UK. In many cases, the girls and young women are taken to countries under the pretence that they are going on holiday or visiting family members in other countries.

Ahead of the debate, I again watched “The Cut”, which is an excellent documentary that was made in 2009 by the campaigner, film maker and writer Linda May Kallestein. She helped to spread worldwide awareness of the issues around FGM.

As has already been said, it is worth reflecting on the scale of the issue internationally. FGM affects around 200 million women around the world. Traditions are very strong in many cultures and, sadly, the cultural myths behind that 5,000-year-old African tradition have not been addressed by religious, community or official leaders in many countries around the world. We all have a responsibility to try to address that.

The debate has very much demonstrated the need to focus work and resources on at-risk individuals and communities, and on helping to educate community leaders on the long-lasting damage and on-going emotional distress that FGM can cause. I commend the work of local organisations in my region, including Shakti

Women’s Aid and Scottish Women’s Aid, which have really important work to do and a really important role to play. Shakti Women’s Aid is an important source of information and advice for women from ethnic minority communities across the Lothians, and it offers a safe refuge for women who are at risk.

I encourage any constituent who fears that they might be at risk of facing FGM, or who knows anyone, including young girls, who fears that they might be at risk, to contact Scottish Women’s Aid to seek support, which they will get in total confidence. It is important that all elected representatives raise awareness of the support services that exist and help to get the message out to the ethnic minority communities that we represent in our regions and constituencies.

This is an important debate. The Scottish Conservatives will happily work with the Scottish Government and parties across the chamber to help to achieve the societal, cultural and attitudinal changes that we need in order for FGM and honour-based violence to be eliminated from Scotland. In doing so, we urge ministers to work closely with the UK Government and community organisations at all levels to ensure that the legal and criminal justice systems are appropriately supported to punish and deter the perpetrators of these abhorrent practices.

I repeat what Linda May Kallestein has said on FGM:

“The topic is not pretty. We are talking about ... long term suffering and death. Despite the disgust we feel at the very thought of it, we should not look away. Young girls, who are unable to defend themselves, are the victims. They suffer in silence. We can help by giving them a voice.

Help spread it to make this voice heard all over the planet. Support the victims even more by demanding that female genital mutilation must stop. Unlike many other problems our world suffers from, where there is a lack of resources and much needs to be done, here the answer lays in the simple solution of not doing something anymore. It simply needs to stop.”

I support Linda May Kallestein’s words and the amendment in my colleague Annie Wells’s name.

The Deputy Presiding Officer: Before we move to the next speaker, I say that Ms Lennon has extra time and has up to eight minutes for her speech, and Oliver Mundell has a bit of extra time and has up to nine minutes to close.

Kenneth Gibson will be the last member to speak in the open debate, before we move to closing speeches. You know where it takes you if you are not in the chamber but spoke in the debate earlier. That is fair warning to anybody with a cup of tea in their hand.

16:24

Kenneth Gibson (Cunninghame North) (SNP): I, too, welcome the debate, which gives valuable time in the chamber to an issue that so many of us have long been deeply concerned about. It is 16 years since I lodged a motion in Parliament on so-called honour-based violence in support of UN resolutions 55 and 56, and it is more than 15 years since I lodged a motion condemning female genital mutilation. It is both shocking and distressing that, all these years later, it is still an issue that is faced by countless women and young girls around the globe.

In my 2001 motion, I said that FGM is

“a violation of the human rights of girls and women as it represents an attempt to control women’s sexuality and subordinate their status in society.”

That point stands as strong as ever today, and is something that we must bear in mind as we move forward to eradicate FGM.

In another motion that I lodged in 2012 on the international day for the elimination of violence against women, I stated that

“society is left all the more impoverished when it allows violence in any form to hinder any girl or woman from realising her full potential.”

Some five years later, I am sure that that message resonates deeply with all of us in the chamber. FGM, without a doubt, is a form of violence that hugely threatens so many women’s lives. It is thought—as we have heard from other members—that some 200 million women worldwide have been affected by FGM at some point in their lives, and that every year, another 3 million girls become at risk of that appalling procedure. Those numbers are so staggering that they are hard to comprehend. The sheer cruelty of FGM, combined with those figures, can make it an issue with which it is extremely difficult to come to terms. It is vital, however, that we do not shy away from this important issue. Only by facing it can we take action and move towards a safer and fairer place for women and girls all over the world.

Perhaps one of the most shocking aspects for us is that FGM could occur here in the United Kingdom. It has been suggested that the most common age for girls in Britain to go through the horrifying process is when they are between seven and nine years old. Girls who are forced through the dangerous and traumatising process, wherever it occurs, are then left to deal with life-long consequences. Of course, FGM causes many immediate dangers through mutilation, including haemorrhage and infection, particularly when the process is done in unsafe and non-sterile conditions, often without even anaesthesia for the young girls who are going through the process.

In the long term, there are many health risks and mental health problems that the girls go on to face for the rest of their lives. I am particularly concerned about the lack of available research and information about the psychological and psychosexual impacts of FGM. It seems to be obvious that there will be many long-term psychological consequences of what is, for many, childhood trauma. Because FGM is most likely to be inflicted by close family members of the young girls, they are likely to have to deal for the rest of their lives with problems of trust and confidence in their family. How could they trust anyone—no matter how close to them—who has inflicted such appalling violence on them?

Mental health issues arising from FGM, including psychosis, anxiety and depression, have been widely reported. There is much to be done to provide for women who have been through the trauma of FGM. We must try to understand it as best we can in order that we can offer young girls the support that they need so much. We must also offer it to them as they grow older and become women, because I think that the trauma of FGM will never go away, for those who have suffered it—it cannot go away. I am not talking about physical consequences, but about psychological consequences.

Although there is still a long way to go, over the past 15 years key steps have been taken here in Scotland and further afield, around the world, to improve the lives of women who have suffered such torture, and to prevent it from happening to others. Here in Scotland, FGM has been unlawful since 1985 and, over the years, further legislation has continued to improve our society’s approach to the matter. It was particularly strengthened by the Serious Crime Act 2015, and the Scottish Government has worked to improve the lives of potential victims since my motion way back in 2001.

I am proud to be of a country that is taking progressive and important steps towards eradicating gender-based violence. In June last year, the Scottish Government announced £20.3 million of funding to tackle discrimination across Scotland. That was divided among 224 projects across a variety of groups in order to help families, communities and individuals to address discrimination and inequality. In my constituency, that included North Ayrshire Women’s Aid, which is based in Saltcoats, and which carries out invaluable work to protect and support vulnerable women, including women who have suffered the atrocities of FGM.

For many women who have suffered this horrific torture, there may be feelings of shame and fear of speaking out about the terror that they have been through. Often, they face intense pressure from

within their cultural groups, but there are many factors that can hold women back from speaking out and looking for the support that they so desperately need. They often fear the stigma that could attach to them if the issue were to be raised, and so they suffer in silence for much—or perhaps even all—of their lives.

It is therefore imperative that we take the opportunity of the international day of zero tolerance for female genital mutilation to make it clear to all those, of every age and background, who have been through such horrific torture, that they can find a safe place here in Scotland. We are a country of inclusivity and acceptance. It is vital that we continue to do everything possible, both here in Parliament and as a nation, to work towards being an even safer place for women to come forward and live their lives in peace and safety.

The Deputy Presiding Officer: Thank you, Mr Gibson.

Before we move on to the closing speeches, I note that Gordon Lindhurst is not present for the summing up and closing speeches. I am tired of saying this. Presiding Officers are taking a note of offenders and we have ways of dealing with them: they might just find that they will not get to speak in a debate. We have that within our power. No doubt somebody will convey that to Mr Lindhurst. Perhaps somebody should have warned him in advance that this would happen. We are absolutely furious that it continues to happen. It shows disrespect for colleagues, for Parliament and—certainly—for the chair, and it will not continue.

Having said that, I am smiling at you, Ms Lennon. Would you like to close for Labour, please? You have up to eight minutes.

16:32

Monica Lennon (Central Scotland) (Lab): Thank you, Presiding Officer.

I join colleagues throughout the chamber in welcoming the opportunity to recognise the international day of zero tolerance for female genital mutilation, and I reiterate Scottish Labour's full support for the Scottish Government's motion and indeed the national action plan. I also put on the record my recognition of the cabinet secretary's strong leadership in the area. It is important that we have women in our Parliament, but it is equally important that we have feminists in our Parliament, and we have certainly seen that in action today from members throughout the chamber, male and female.

Female genital mutilation is unquestionably a complete violation of the rights of women and girls

across the world. As the cabinet secretary said in her opening speech, it has no place in society. Ruth Maguire touched on the fact that it is the most extreme act on a spectrum of gender-based violence, but she also said that, although it is easy to condemn FGM, it is less easy to eradicate it.

I think that we all take the point that we have a responsibility to call out low-level sexism and misogyny. We were all horrified by the way that Tasmina Ahmed-Sheikh was treated in the House of Commons when she was barked at. We have to call out the humiliation of women who are in positions of power and have a voice, and I am glad that people across the political spectrum have done so.

As we have heard today, female genital mutilation has no health benefits to women and girls, and the important briefing that we received from the BMA says that there should be no acceptance of its medicalisation. There is no mild form of FGM. It is barbaric and it is mutilation.

Clare Haughey touched on the physical and psychological trauma that is involved.

This concerns little girls. In Scotland, the children at most risk are aged between seven and nine, and the summer holidays can be the time when they are robbed of their childhood for ever. Annie Wells touched on that psychological aspect in her speech.

There is absolutely no place for FGM in our society, but the difficult thing is that we do not really know the extent of it, as it is such a hidden, secret practice.

What has struck me from today's debate is that girls are victims not just at the point at which this barbaric practice is carried out, and that the cycle continues. We have touched on the point about survivors becoming perpetrators themselves.

Over the Christmas recess, I read "The War on Women" by the late Sue Lloyd-Roberts. The first chapter is entitled "The Cruellest Cut", and it is absolutely relevant to what we are discussing today. It is so disturbing, but I will touch on her description of the experience of a mother in the Gambia who is involved in holding down her daughter while FGM is carried out on the child. The mum is about to become the cutter in the village, as another family member has moved on from that role. She says:

"Can you imagine holding down your five-year-old daughter, and they are cutting her and she is screaming and calling out 'Mum' and Mum is the one who is holding down your legs and there is nothing Mum can do? So, I was shaking my head and tears were coming to my eyes and I said to my mind that, whatever happens, I will never do this, I will never do the cutting".

She keeps that to herself, however. She adds:

“This is when I regretted having a daughter.”

That is so tragic.

Other members have talked about honour-based violence and killings. Putting those words together and getting them out has been difficult for people—if ever there was an oxymoron, that is it.

The problem is overwhelming. We have talked about how complex and difficult it is, and we cannot solve it by legislation alone. It needs cultural change. That is why the national action plan is so important.

The international day of zero tolerance for FGM is an opportunity to highlight the actions that we in Scotland can take, doing all that we can to ensure that children in this country are protected from a practice that experts tell us will cause them to suffer serious, long-term physical and mental health problems.

I am very grateful for the support across the chamber for the amendment in Mary Fee's name. We recognise that the problem is not one that women can solve alone. We need men and leaders in communities to take that responsibility. I am proud that we are united across the chamber and that we recognise the need to work together.

As I said at the beginning of my speech, Labour welcomes the Scottish Government's work on this issue and its action plan. We also commend Annie Wells for her amendment. We recognise the contribution that the UK Government has made in trying to combat the problem internationally. The issue absolutely requires cross-party support and international co-operation.

There have been so many fantastic speeches by colleagues today. I do not want to miss anyone out. John Finnie spoke powerfully when he said that the issue is one of power—the power that lies with men—and he also touched on the importance of community leaders. It is important that so many men have spoken in the debate. Kenneth Gibson has enlightened me—I was not aware of his previous motions on the subject. It is scary to think that they date back 16 years, but that tells us that tackling this subject is something that our Scottish Parliament has been advocating about for a long time now. It is important that we do not give up, and that we keep going on these issues.

I realise that I have been given a bit of extra time so, in closing, I will say that it is important to bring people to justice for this crime. We understand that we are all committed to prevention, but it would send a strong message if we were able to bring prosecutions. People deserve to be punished for the abuse that is being carried out on the most vulnerable people in our society.

I thank all colleagues who have made contributions today. This is not going to go away; perhaps in another 16 years, someone else will bring forward a similar motion. However, on days like today, the Parliament unites to say, “Not in our name”, whether it be in Scotland, the rest of the UK, or anywhere in the world, the practice is a barbaric violation of human rights and the Scottish Parliament will not stand for it.

16:40

Oliver Mundell (Dumfriesshire) (Con): I greatly appreciate the opportunity to close today's debate for the Scottish Conservatives. We can all agree that it has been an extremely moving and powerful debate with strong contributions from members right across the chamber.

I am particularly grateful to Mary Fee for her contribution. She and Monica Lennon are absolutely right to emphasise the importance of avoiding the medicalisation of FGM. That would be unacceptable and a retrograde step, as the BMA said in its briefing for today's debate.

Ruth Maguire was also right to re-emphasise the importance of community-based solutions, and I will talk further on that in my contribution.

I was also pleased with Gordon Lindhurst's attempts to draw our attention to the harsh reality that lots of these issues are not new. I took some hope from his remarks because, when we look back at our history, we can see that we have made significant strides when it comes to the rights of women in Scotland. That job is far from complete and it is important to recognise that, with a combined effort, real progress can be made.

That takes me neatly on to Tom Arthur's contribution. I think that we are getting used to his trademark powerful style, and he is right to bring together some of the other issues of gender inequality and recognise that FGM cannot just be tackled in isolation. When we make sure that women's rights are fulfilled in every aspect of their lives across our society, it empowers people to challenge the abuse to which they have been subjected.

On that note, I welcome Kenneth Gibson's long-standing commitment to the issue, which, like other members, I became aware of only during today's debate. I was also interested to hear about his focus on the mental health and psychological aspects of this crime because, when we look at the issue briefly, it can be easy to somehow think that we are talking purely about physical harm and it is clear that that is not the case.

Miles Briggs was right to highlight the importance of having the correct support services

in place, particularly when it comes to challenging the lifelong harm that FGM causes.

In her remarks, Monica Lennon was right to emphasise the importance of securing prosecution. If we could see just one person in the UK being brought to justice for this crime, we would see an awful lot more people coming forward and that would be of tremendous symbolic importance.

All those contributions, as well as the motion and amendments, go a long way toward sending out a strong and unified message, ahead of the international day of zero tolerance on 6 February, that female genital mutilation is abhorrent and unacceptable and has no place in our society.

That said, I have to be honest enough to admit that, as a 27-year-old male preparing for this debate and researching the issues around the topic, I have not found it easy to come to terms with the horror that these practices instil in victims and survivors or to understand the cultural practices that surround female genital mutilation. We cannot afford to lose sight of that challenge. The fact that something is alien to us and is not a problem that we have encountered at first hand does not mean that it is forgivable to stand by and watch while such practices continue. Not only in countries abroad but here in Scotland, in shadowy places, behind closed doors, victims are left isolated and feel that they cannot come forward. As many colleagues have pointed out, we must be willing to stand up to the cultural challenges and not be afraid to call out breaches of human rights. No matter how sensitive we must be to the beliefs of others, there are some things that are just wrong.

That said, I agree with John Finnie and some other members that law alone is not enough. That is why we on these benches welcome the effort that the Scottish Government has put into drawing together the national action plan and focusing on a multifaceted and interagency response that brings together all aspects of public life.

The motion recognises that, in order to truly prevent and eradicate female genital mutilation, we need to look to communities and individuals that are directly affected in order to break down the barriers, change attitudes over the longer term and ensure that people are willing to talk about what is a difficult, intimate and deeply disturbing and upsetting subject. However, we cannot leave the work to those communities alone. As many members across the chamber have graciously done, I welcome the international efforts of the UK Government on behalf of us all to try to tackle some of the cultural issues that are at the root of this matter, rather than waiting until events have taken place. We all need to reflect on that and look

to see what more we can do to promote education and to change people's minds.

Today, we have heard many statistics and have listened to examples of where these practices are going on and of some of the legal challenges that we face. However, I would not be doing this subject justice if I did not outline some of the testimony of those who have been personally affected. While preparing for today's debate, I was truly moved by the words of a Somali girl who actually wanted to be cut. She said:

"I had absolutely no idea that this was wrong. I thought it was completely normal ... It was like a rite of passage, like something really wonderful was about to happen to you ... From a young age you were told girls who weren't cut were promiscuous ... If you weren't cut you were isolated. No child wants to be that girl who nobody wants to play with because they're dirty and unclean ... It was a really big deal, something that I really wanted to happen to me."

That, in itself, tells us how difficult an area this is to deal with and just what a challenge we have ahead of us if female genital mutilation is to be eradicated.

We have a plan of action, but the challenge will be delivering on it. There is a willingness across the chamber to take the issue forward, but we cannot just have a debate here and then forget about the issue or place it to one side. We need to keep a continual focus on the national action plan and ensure that it delivers and that it meets the changing challenges.

We on this side of the chamber fully support the Scottish Government in its efforts on the subject and recognise the need to do more in Scotland and globally.

16:49

Angela Constance: I thank everyone who contributed to the debate, which has been consensual and respectful, as Alex Cole-Hamilton said. There has been recognition across the political divide that collective endeavour is required on this matter.

I thank Monica Lennon for her solidarity with our colleague and friend Tasmina Ahmed-Sheikh, which is much appreciated. It is always encouraging to hear the commitment that exists across the chamber to tackling female genital mutilation and so-called honour-based violence and to supporting survivors of those practices at home and abroad. John Swinney has rightly said that it is important that we debate international issues in this place.

I enjoyed very much listening to Oliver Mundell's summation. He gave a refreshingly honest account of his own reflections and how we all, at a personal level, need to contemplate change. It is the change that we make as individuals that leads

to bigger political and organisational change. He is absolutely right. What matters now is how we turn debate into delivery and words into deeds. My own reflection on his contribution—over and above my shock that I am 19 years older than him—is that I have now had the very strong feeling on a number of occasions in the chamber that there is a feminist in him who is just bursting to get out.

Annie Wells started the debate with personal reflections. She spoke eloquently about the impact of FGM on women's mental and physical health and about the lifelong scars and consequences of such barbaric action. She spoke about the difficulties and challenges that are associated with that form of violence being behind closed doors.

I give a reassurance to Annie Wells, as well as to Gordon Lindhurst and Miles Briggs, who raised the concern that there cannot be a soft-touch approach in Scotland. We are now looking closely at six provisions in the Serious Crime Act 2015, which is England and Wales legislation. One has already been implemented, subject to the LCM that I mentioned in my opening remarks. In principle, we could quite quickly come to an agreement on most of the provisions and see how they could have an impact in Scotland.

I say directly and honestly to members that we need to look closely and in a detailed manner at one or two provisions in the 2015 act. One is the mandatory reporting requirement for doctors and nurses. We are looking at, listening to and learning from the experience in England and Wales, where there has been controversy and difficulties in relation to data and there has been a bit of pushback on mandatory reporting.

As I said, we are giving all the provisions in the 2015 act full and serious consideration but, for the sake of transparency, it is important to highlight to Parliament that we are struggling with one or two of them. That does not mean that the legislation will not be examined fully. Of course, Parliament will also be given its place.

Mary Fee rightly said that we need to shine a light on the violence and cruelty and be absolutely clear about it by calling it what it is—the abuse and mutilation of children that is quite simply wrong. Like others, she spoke of the importance of educating not just women and girls but boys and men. She echoed the comment of Alex Cole-Hamilton and John Finnie that it is important that so many men participated in the debate.

As always, Ruth Maguire was insightful and thoughtful. She spoke of the objectification of women at home and abroad and about how that wider inequality underpins everyday sexism, which creates a culture that is conducive to violence.

Gordon Lindhurst, who has been mentioned so often in dispatches, Presiding Officer—

The Deputy Presiding Officer: Not always happily, I think.

Angela Constance: Gordon Lindhurst gave a unique historical perspective. At one point I wondered where he was going with his contribution, but he made some important points about modern-day slavery and the challenge of addressing human trafficking. I say to him and to Miles Briggs that we invest more than £700,000 in specialist agencies in the third sector—for example, Shakti Women's Aid—that can give specialised and trusted support.

Clare Haughey spoke about the cycle of abuse and about how we need to overcome the barriers to reporting and seeking assistance. John Finnie and Monica Lennon made an important point that ran throughout the debate, which was about our discomfort with the phrase “honour-based violence”. I note that, yesterday, the Conservative MP Nusrat Ghani brought forward a motion for a private member's bill on domestic violence that would stop the use of the term “honour killing”. She said yesterday that

“Language matters. The use of the term ‘honour’ to describe a violent criminal act—sometimes committed against a man, but more often against a woman—can be explained only as a means of self-justification for the perpetrator. It diminishes the victim and provides a convenient excuse for what in our society ... should accurately and simply”

be called

“murder, rape, abuse or enslavement.”—[*Official Report, House of Commons*, 31 January 2017; Vol 620, c 813.]

That summarises how we all collectively felt today in the chamber.

Female genital mutilation, along with other forms of so-called honour-based violence, demonstrates that even in the 21st century women are deprived of their most basic human rights just because of their gender. Our approach to tackling that imbalance of power is grounded in our gendered analysis of violence against women and girls. That approach recognises the complexity and the sensitivity that is required to make a difference to the lives of women and girls.

Our approach does not focus on just one area; it recognises the need to work in partnership to protect those who are at risk and to hold to account those who perpetrate the abuse. We recognise very much that communities have to be part of the solution. That point was made time and again during the debate, and our approach places communities firmly at the heart of what we are doing. Without engaging communities—men, women and girls—on so-called honour-based violence, and without empowering those who are affected to make their own choices while staying safe, we will not get anywhere. Only by learning

from experts and ensuring that what we do is informed by the best level of community engagement can we hope to achieve our objective of a Scotland where FGM, forced marriage and all forms of honour-based violence have been consigned to history.

We do not underestimate how difficult it is for someone from a practising community to come forward. If it was easy, more people would have come forward and there might already have been prosecutions. However, as we know, looking at this complex issue through a narrow lens obscures the bigger picture, which is preventing people from coming forward. That makes our work to raise awareness among communities, to bring about attitudinal change and to encourage reporting of FGM by women, girls and men all the more important.

Although there have been no prosecutions in Scotland, let me be absolutely clear that anyone who is aware of FGM taking place has a legal and moral duty to report it. There is never any excuse for violence against women and girls, no matter how it is described. Those at risk will be protected and those who choose to perpetrate the practices will—rightly—face the consequences of their actions. Standing up to FGM and all other forms of violence against women is about much more than numbers; it is about the rights—the human rights—of women and girls at home and abroad.

We know that we need to work together with each other but, more important, we need to work with communities and front-line services. Whatever we do, it is important that it is the right approach for Scotland. I hope that the work that we are taking forward with our partners will help not only to prevent honour-based violence but to inform a response to the damaging consequences where it has occurred. Importantly, that work should also help affected communities to resist such violence and to understand that there is no good reason for women and girls to experience the harm that it brings.

I take the opportunity to thank again all our partners in all sectors who have worked so well in partnership with the Government. Their commitment and expertise are crucial. By acting together, we can contribute towards making a reality of the global aim of ending FGM along with other forms of so-called honour-based violence and all forms of violence against women and girls. I have absolutely no doubt that, in the Parliament, we have a desire for FGM and violence against women and girls in all its forms to be consigned to history. I thank everybody who participated in the debate.

Business Motions

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-03780, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 7 February 2017

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: The Future of the Jobcentre Plus Network in Scotland

followed by Scottish Parliamentary Corporate Body Motion: Appointment of Scottish Public Services Ombudsman

followed by Legislative Consent Memorandum: Health Service Medical Supplies (Costs) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time Tuesday 7 February 2017

followed by Members' Business

Wednesday 8 February 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Economy, Jobs and Fair Work;
Finance and the Constitution

followed by Scottish Government Debate: Scotland's Social Enterprise Strategy: 2016-2026

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 9 February 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.45 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate: The Scottish Patient Safety Programme

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 21 February 2017

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 22 February 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Rural Economy and Connectivity;
Environment, Climate Change and Land
Reform

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 23 February 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.45 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S5M-03778, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable at stage 1 for the Air Departure Tax (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Air Departure Tax (Scotland) Bill at stage 1 be completed by 12 May 2017.—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motion

17:02

The Presiding Officer (Ken Macintosh): The next item of business is consideration of a Parliamentary Bureau motion. I ask Joe FitzPatrick to move motion S5M-03779, on the variation of standing orders.

Motion moved,

That the Parliament agrees that, subject to its agreement to the general principles of the Budget (Scotland) Bill, for the purposes of consideration of the Bill at stage 2, in Rule 9.10.2 of Standing Orders—

- the word “third” be substituted for the word “fourth” in both places where it occurs, and
- “16:30” be substituted for “12:00”.—[*Joe FitzPatrick.*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:02

The Presiding Officer (Ken Macintosh): The first question of the four that are to be put is, that amendment S5M-03761.1, in the name of Annie Wells, which seeks to amend motion S5M-03761, in the name of Angela Constance, on the prevention and eradication of female genital mutilation and all other forms of so-called honour-based violence, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-03761.2, in the name of Mary Fee, which seeks to amend motion S5M-03761, in the name of Angela Constance, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-03761, in the name of Angela Constance, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament recognises 6 February as the International Day of Zero Tolerance for Female Genital Mutilation (FGM); is clear that FGM, along with all other forms of violence perpetrated against women under the guise of gender, culture or religion, so-called honour-based violence, is a violation of the human rights of women and girls; acknowledges that a preventative, supportive and legislative approach is crucial to tackling, preventing and eradicating FGM; recognises that communities and individuals affected by honour-based violence must be at the heart of work to effect significant social, cultural and attitudinal change over the long term; further recognises that faith leaders of communities potentially affected by FGM and so-called honour-based violence have a role to play in working to change cultural attitudes; welcomes the positive engagement and ongoing partnership approach across the police, NHS, education, social services, third sector and community-based organisations, in taking forward the actions from Scotland's National Action Plan to Prevent and Eradicate FGM, and recognises the international work of the UK Government, which has allocated £35 million to reduce FGM by 30% in 17 countries across Africa.

The Presiding Officer: The final question is, that motion S5M-03779, in the name of Joe FitzPatrick, on the variation of standing orders, be agreed to.

Motion agreed to,

That the Parliament agrees that, subject to its agreement to the general principles of the Budget (Scotland) Bill, for the purposes of consideration of the Bill at stage 2, in Rule 9.10.2 of Standing Orders—

- the word "third" be substituted for the word "fourth" in both places where it occurs, and
- "16:30" be substituted for "12:00".

State Pension Inequality

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-03344, in the name of Sandra White, on the women against state pension inequality campaign. The debate will be concluded without any question being put.

Motion debated,

That the Parliament acknowledges what it considers the injustice facing women affected by the acceleration of the increase in the state pension age; welcomes the Landman Economics report on the impact of the changes to pension arrangements for women born in the 1950s, which identifies an affordable solution that would slow down that increase in order to give adequate time for women in the Glasgow Kelvin constituency and across Scotland who are affected to make alternative arrangements, and notes the calls on the UK Government to work with Women Against State Pension Inequality (WASPI) to explore transitional protection for those affected.

17:05

Sandra White (Glasgow Kelvin) (SNP): I thank the WASPI—which is short for what you just said, Presiding Officer—campaigners for all their work in highlighting the serious injustice faced by women who were born in the 1950s. I welcome to the Parliament those who are in the public gallery and I thank them for all their hard work. [Applause.]

This issue, which I believe has been debated in Westminster no less than five times and raised there—amazingly—44 times affects hundreds of thousands of women, and yet the situation remains the same.

No one disagrees that the state pension should be equalised, but what we disagree with—and what is so damaging—is the way that the changes have been implemented. Accelerating the Pensions Act 2011 timetable for women's state pension age from 63 to 65 between April 2016 and November 2018 and from 65 to 66 by October 2020 is not only unjust but causing severe financial and emotional hardship for women who are caught up in the legislation, and it gives them no time at all to replan for retirement.

To illustrate the impact of the changes, I will share with members and people who are in the public gallery some personal stories that women have sent me. This is one lady's story:

"Due to life circumstances I was unable to join the superannuation until 2004. In 2005 I received a letter stating that I wouldn't be eligible to my pension until I reached the age of 66!"

Non-communication is a huge part of the problem.

"I have worked for the NHS from 1986 and paid my national insurance since I was sixteen. In 2014 I developed pancreatic cancer. I have since undergone surgery and

chemotherapy and have no doubt that it will return. Therefore I had to leave my post with the NHS and retire early due to my ill health and I fear by the time I reach the age of 66 it will sadly be too late for me to even receive my pension that I paid into”—

diligently—

“for 40 years.”

Another lady told me:

“My own story is that I was born in mid-October 1954 and I have worked since I was 15. Then 6 months before I was 60 I contracted Viral Meningitis, I decided not to be a burden to my employer and take my retirement. It was only after the paperwork was signed that my sister, who volunteers for CAB, informed me that I would not get my state pension until I was 66. I have paid 43 years National Insurance and I feel this is a total injustice that I have to wait not 18 months, but an extra 6 years to get my state pension.”

Other women sent in emails and letters, and I spoke to some women. I will dip into their stories—I will not be so diligent about telling their whole stories.

Women are being forced to take jobs that are inappropriate to their state of health, to qualify for limited jobseekers allowance, and they are then enduring humiliating tests—if they do not take them, they face sanctions. Some are forced to take jobs that place them in a worse financial situation, particularly jobs that have zero-hours contracts.

The next point, which a lady sent to me, is very important:

“Single, divorced or widowed women often have no other sources of income”.

That is completely ignored by the Westminster Government and the Department for Work and Pensions with regard to the pensions issue.

Another issue, which I am sure that lots of us know about, is that some women are unable to work because they care for elderly or ill parents or are, in fact, in ill health themselves. All those women are affected.

Some women who have planned and saved for their retirement are living on dwindling limited savings until they reach their new state pension age, when the only income that they will have left will be their state pension.

We, the Scottish National Party, commissioned the Landman Economics report into the impact of the changes to pension arrangements. The report identifies an affordable solution that would slow down the increase in order to give adequate time for women affected by the acceleration to make alternative arrangements. The United Kingdom Government has rejected both the report and its recommendations, despite the fact that the measures would alleviate very difficult financial situations for women across the country. The

proposed solution is a more rational approach to the equalisation of state pension age, in stark contrast to the United Kingdom Government's bulldozing action, which illustrates the Government's disregard for the women who are affected by the changes.

My colleagues in Westminster will continue to push the Tory Government on the matter, and I will do everything that I can do—as I hope and am sure that other members here will—to fight for the rights of those women. More important, the WASPI women will continue to fight the injustice. They will have all our support as they do so.

The Conservatives have ducked their responsibility to the WASPI women for too long. It is time to face up to reality. We must remember that pensions are not a privilege; they are a contract, and the UK Government has broken that contract. The WASPI women entered into a contract when they were working and paying in, and the contract has been broken.

The Landman Economics report proves that the Tories' figures are wrong and that the UK Government can afford to right the wrong that it has done to the WASPI women. The UK Government rejected the report and its recommendations, despite the fact that the proposed measures would go some way towards alleviating a very difficult financial situation for women across the country.

We know that the national insurance fund surplus is projected to be more than £30 billion at the end of 2017-18. Instead of sitting on that hefty pot, the UK Government must consider releasing £8 billion—£8 billion from a £30 billion pot—to alleviate the plight of the women of the 1950s. That progressive approach will cost the UK Government significantly less. More important, it will reduce relative and absolute pensioner poverty. [*Applause.*]

The Deputy Presiding Officer: I ask our visitors in the gallery to refrain from clapping, please. I will happily give you the opportunity to applaud at the end of the debate. Thank you.

17:12

Annie Wells (Glasgow) (Con): I thank Sandra White for bringing this issue to the Parliament today.

My mother, at the age of 72, has just gone from working 24 hours a week to working a still-impressive 17 hours a week at a local supermarket, so I understand at first hand some of the financial pressures that women of retirement age face.

This is a difficult situation. I strongly believe that people who have worked hard all their lives deserve security in their retirement.

In 1995, legislation was passed to equalise the age at which men and women would be eligible to draw their state pensions. That meant raising the pension age for women from 60 to 65. The process was intended to take place gradually between 2010 and 2020.

It is unfortunate that, because life expectancy projections rose sharply beyond initial projections, the Pensions Act 2011 provided for the acceleration of equalisation so that the process would be complete by November 2018 rather than April 2020, as was originally intended.

In 2011, after listening to concerns, the UK Government capped the maximum increase in state pension age at 18 months relative to the 1995 timetable. That was a £1.1 billion concession. It is important to highlight that concession, but I still understand the concerns of the women who have been affected, having met WASPI members from Glasgow over the past few months.

Although many people were sympathetic to the idea that the state pension age should be equalised, the speed of change and the perceived lack of communication over timetable changes concerned people most.

The Work and Pensions Select Committee commented on the latter point last year. As members know, the issue has been debated in the UK Parliament on a number of occasions, and an all-party parliamentary group was set up to address the public's concern.

At this point in what has been an on-going issue for many years, my course of action will be to write to the Secretary of State for Work and Pensions, to echo the concerns that are expressed in the chamber today. A key point will be the concern about how changes were communicated.

Clare Haughey (Rutherglen) (SNP): It is laudable that Annie Wells says that she will write to the Westminster Government expressing her concerns, but what other actions are she and her party going to take so that there is some justice for the women who are sitting in the public gallery today?

Annie Wells: As I said, because it is a reserved matter, I can write about what has happened in the chamber tonight, and I intend to do so. I will put down the concerns about how the changes have been communicated despite the UK Government having insisted that women be given between five and a half and six and a half years' notice. I know, from meeting WASPI members that that has not been the case, and that is part of what I will put in

my letter. I am also going to highlight, from information that I have received from WASPI women in Glasgow, the unique position in which Glasgow sees itself because life expectancy rates there are lower than in the rest of the UK. I will put forward whatever comes out in this debate, and I hope to communicate more with the WASPI women on that.

I know that it will come as little reassurance to those who are affected, but I reiterate that some positive changes have taken place with regard to the state pension. It does not help someone who has not got their state pension—I know people who have not received their state pension—but the state pension triple lock, which was introduced in 2010, means that pension holders are now in receipt of over £1,000 a year more. The new state pension has been introduced at a single flat rate of £155.65 a week, which equates to an average £8 a week more in the first 10 years for thousands of Scottish women.

Beyond the positive steps that we have seen regarding the state pension, I understand the concerns of the women who are affected by changes to the state pension age. I assure the members of WASPI who are sitting in the public gallery and elsewhere that I will make their concerns known.

17:17

Gail Ross (Caithness, Sutherland and Ross) (SNP): I feel very privileged to be able to take part in the debate, and I thank Sandra White for bringing this very important topic to the chamber. I welcome our WASPI guests to the public gallery.

Of course, we should not have to debate the issue, and I should not be standing here about to recount stories from women I know who feel let down and left behind by the Government at Westminster. It is all very well for a member of the Scottish Conservatives to explain what the current pension is, but that is no good if people are not getting it.

I am 39 years old and I must admit that I did not really think about my pension or give it as much consideration as I probably should have done. I do now. Mhairi Black MP is 22 years old, and I dare say that she has put a lot more thought into pensions in the past two years than she normally would have.

I should perhaps declare an interest, as the change affects my mother, who is a proud WASPI woman. The WASPI campaign has reached all parts of the UK, and I am proud to say that two feisty women from my part of the world, Aileen Shanks and Lorna Simpson, have been instrumental in representing the views of women in the far north. They went to the demonstration in

London last June and presented a petition to the House of Commons in October, which had over 2,000 signatures from Caithness alone. They are also urging women who are affected to write formal letters of complaint to the Department for Work and Pensions. It is international women's day on 8 March, when thousands of people will again descend on Westminster to demonstrate. They are determined.

In such debates it is powerful to provide—as Sandra White has done—real-life examples. One woman told me:

"I was always under the impression that I could retire at 60 so decided to change jobs to a less stressful position with another organisation. (I was working very long hours, had a huge amount of responsibility and knew I had to look for something less stressful for health reasons.) I took a huge drop in salary which I was more than willing to do. Unfortunately I then found out that I wouldn't be able to retire until 10 days off my 66th birthday! I was informed of the changes to state pension age when I was 58 years old and was absolutely stunned as clearly my expectation would be that I would only have 2 years to go before receiving it. As I was only given 2 years notice of the change, it left little time to plan for my retirement."

Another woman, who worked as a cook, took early retirement knowing that she would receive a small pension from her employer. She found out that she would not receive her pension until months off her 66th birthday. She is now living on a very small pension and struggles day to day. Her husband is on a low income. She feels that, at her age, she has no chance of finding another job.

Another lady, who works as a cleaner in the public sector, has health problems and is very worried. How is she going to manage working in that field for the next three and a half years? Her job is physical and a real struggle. Added to that is the worry of how she is going to cope—she lives on her own and pays full rent but earns only just over the minimum wage.

When talking about finding the money for pensions, Mhairi Black said:

"When we want to bomb Syria, we can find the money. When we want to refurbish Westminster, we can find the money. But when it comes to giving our pensioners their pensions, we cannot find the money? I just do not accept that."—[*Official Report, House of Commons*, 24 February 2016; Vol 606, c 356.]

Presiding Officer, neither do I.

17:20

Rona Mackay (Strathkelvin and Bearsden) (SNP): First of all, I thank Sandra White for her extensive campaigning on behalf of the WASPI campaign group and for securing the debate.

As Sandra White said, the Conservative Westminster Government increased women's retirement age to 65 in 1995 and to 66 in 2011.

The UK Government has shamefully admitted that the first time it wrote to women to inform them of the changes was between April 2009 and March 2011—more than 15 years after the Pensions Act 1995. That disgraceful failure has destroyed the retirement plans of thousands of women who were born in the 1950s, leaving them with little time to amend plans for the future that they had regarded as safe.

With only two years' notice, many women have lost as much as £36,000 of the pension that they would have had had they been able to retire as planned. That might not matter to the people of inherited wealth who make the decisions or to highly paid civil servants with huge pension funds, but for hundreds of thousands of hard-working women in Scotland and throughout the UK it is devastating. It shows just how out of touch this Westminster Government is. In East Dunbartonshire, where my constituency lies, more than 4,000 women are affected. It is nothing short of daylight robbery by the UK Government. As Sandra White said, pensions are not a privilege.

WASPI agrees with the equalisation of pensions. However, the core of the campaign's argument is the unfair and unjust way the changes were implemented, as was so articulately highlighted by my Westminster colleague, Mhairi Black, who has waged a valiant fight on behalf of the women affected.

SNP MPs have raised the issue at least 44 times in the House of Commons, and the party commissioned independent research by Landman Economics, which WASPI describes as

"a useful first step in showing the Government that, despite their statements to the contrary, money is available in the National Insurance Fund for 1950s women's pensions".

WASPI has raised awareness of the injustice and championed the cause of thousands of women born in the 1950s who are affected by the lack of notification and the change to their pension status. Although the financial implications can be measured, the emotional implications of the stress of how to make ends meet are immeasurable. Much needs to be done to slow down the increase, allowing women to access their pension and giving them more time to change their retirement plans, and to alleviate pension poverty.

There are 140 WASPI local groups, more than 30 local and county councils have passed resolutions supporting the campaign and Unison pledges its support for WASPI at a national level. The UK Government needs to move away from its increasingly isolated stance on the issue and recognise the calls from across parties, local authorities and organisations for it to rectify the injustice.

Hard-working women deserve respect and access to their own money, on which they had planned their future.

17:24

Jackie Baillie (Dumbarton) (Lab): I congratulate Sandra White on securing the debate and, indeed, on the content of her speech. I offer an apology to the chamber from Kezia Dugdale, leader of the Scottish Labour Party. She had intended to speak in the debate; unfortunately, she had a funeral to attend.

I know how important this issue is to the women who are affected, because I have heard many similar stories from women in my constituency. However, it is important for us all because, fundamentally, it is a matter of fairness and justice. It is good to see so many women from the WASPI movement in the public gallery this evening.

The equalisation of the state pension age has had a devastating impact on many women who were born in the 1950s, some of whom are now facing real hardship as a result. Some 2.6 million women across the UK and 252,000 women in Scotland are affected, so the scale of the problem is enormous. They have not been able to plan for their retirement. They were given no notice that such sweeping changes were to be made and, frankly, they should not have to bear the brunt of Tory mismanagement.

It is genuinely interesting that Governments will talk about things such as transitional relief when they are discussing business rates. If we can have transitional relief when it comes to the rateable value of buildings, surely we can have relief for the women whom we are discussing, many of whom have worked all their lives and made immense contributions to their community in all sorts of different ways. Instead of robbing them of security in their retirement, the UK Government would do well to thank them for everything that they have done.

In 2011, Iain Duncan Smith—remember him?—made a commitment to look at transitional reliefs to help the women who would be hardest hit by the changes. He did not make good on his promises, nor did any of his successors. It is no wonder that politicians—particularly Tory politicians—get such a bad name.

We in the Labour Party have repeatedly argued for transitional arrangements. Labour suggested an initial proposal that was allied to pension credit, which it expanded to include a cohort of women who were born between April 1951 and 1953. However, we recognised that we needed to deal with all the WASPI women, and it is right that the fight continues. Our colleagues in Labour and the

SNP at Westminster have worked together on the issue, and I look forward to that continuing.

The reality is that many women have been forced to accept low-paid jobs on temporary or zero-hours contracts. Others who had retirement plans to look after grandchildren or elderly parents have had those plans shattered. It is simply not fair, so Scottish Labour pledges—as others have done—to stand four-square in support of their cause.

I turn briefly to the powers that we have in Scotland. The Parliament now has the power to top up benefits or to create new benefits in devolved areas, and although I am absolutely not in favour of letting the Tory Government off the hook, I am concerned that we do not miss the practical opportunity to help the women affected here in Scotland. Therefore, I hope that if the time comes that we do not win that argument with an uncaring Tory Government, the Scottish Government will consider using its new powers to ensure that women do not have to suffer.

Just when we thought that things could not get any worse, along comes a consultation on the concessionary bus pass. I have been contacted by a number of women in my constituency who are genuinely concerned, and they have asked me to raise the issue this evening. I say this as gently as I can to ministers: let us not penalise women any more by changing the qualifying age for concessionary travel. I hope that that does not happen, but if it does, collectively, we will be no better than the Tory Government in making it even harder for the same cohort of women.

Clare Adamson (Motherwell and Wishaw) (SNP): Will the member take an intervention?

The Deputy Presiding Officer: The member is just closing.

Jackie Baillie: Let us all send a strong signal that women and men across the chamber—regardless of the party to which they belong—would regard it as unacceptable if the qualifying age for concessionary travel were to be changed.

The Deputy Presiding Officer: Please close, Ms Baillie.

Jackie Baillie: I again thank Sandra White for a very thoughtful and powerful speech.

The Deputy Presiding Officer: I am aware that quite a lot of members still want to take part in the debate, so I would be content to accept a motion without notice under rule 8.14.3 to extend the debate by up to 30 minutes.

Motion moved,

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

Motion agreed to.

The Deputy Presiding Officer: I am pleased that members agreed to that, because there are quite a lot of people in the gallery who would not have been pleased if they had not done so. The debate will be extended.

17:29

Angus MacDonald (Falkirk East) (SNP): Being fully aware of the importance of this issue to so many of our constituents, I thank my colleague Sandra White for bringing it to the chamber for debate. I have been contacted by many Falkirk East constituents on the issue of state pension equalisation, and I know the feeling of utter disbelief and, at times, devastation that is conveyed in the personal stories of women born in the 1950s being unfairly and unjustly treated by the UK Government.

In recent years, this issue has been met with the stone faces of a Tory Government in Westminster that seems oblivious of the impact of these changes on thousands of women up and down the country who were completely unaware that they were to be made. As has been acknowledged, state pension equalisation has been widely accepted—that is not in question—but the fact is that these changes are being imposed unfairly.

What it boils down to is that the changes were not effectively communicated—in the majority of cases, they were not communicated at all—to the women who will be severely impacted if something is not done to mitigate the pace of change. The Landman Economics report, which has been referred to and which was commissioned by our colleagues in the SNP Westminster group, not only strikes a compromise with regard to the pace of implementation of the reforms but takes the commonsense approach of ensuring that women who have paid into the system for over 30 years—some of them for over 40 years—are not disproportionately disadvantaged and left with a financial void that they did not expect when planning for their retirement.

The single-tier pension is not the focus of this debate, but the fact remains that there are more women than men over the age of 65, yet only 22 per cent of women who reached state pension age in 2016 will qualify for the full £155.65 rate. That cannot be acceptable. Even by 2054, women will be one and a half times more likely than men to receive less than the full amount of the single-tier pension due to a lack of sufficient qualifying years. Removing those pension entitlements with little notice or time to plan for the rule change will disadvantage many women, who will not have had the time to achieve the financial stability required to ensure that they are not put into a dire position

through no fault of their own. Many women have made decisions based on the understanding that their state pension would be payable and due at 60, but that will not now be the case.

WASPI has been instrumental in alerting everyone to this issue, and I pay tribute to its work to highlight the issue. However, the anxieties that are being expressed by thousands of women affect not just that age group but younger people in their 40s, who are extremely concerned that their pension age, which is nearly 70 at the moment, could be extended once again.

It has been proven time and time again that the UK Government is unwilling to consider any suggestion or compromise, reasoned or otherwise, on several issues, but that is particularly the case on this issue, even though the Landman Economics report offers five separate options as solutions. It beggars belief that, each time this issue has been debated in the Houses of Parliament at Westminster, we have heard the same old tune from the Tory Government that this is about equalisation, that it will not repeal the Pensions Act 1995—which no one has asked it to do—and that it will not be held accountable, as this issue has had its moment in the spotlight. However, it is for those precise reasons that the WASPI campaigners have kept this issue on the radar, and we as their representatives should continue to press for the necessary changes.

The minister will be aware that my local authority in Falkirk recently debated the issue at length at a full council meeting, with the ruling Labour-Tory administration calling for the Scottish Government to compensate those women affected by the changes to their state pension age. Members of the administration in Falkirk should have known, as should Jackie Baillie, that the Scottish Government does not have the power to pay a pension to women who have not reached the UK pension age. However, had the UK Government seen fit to transfer the necessary powers over pensions to the Scottish Parliament under the Scotland Act 2016, the Scottish Government might have been able to take a different approach and, I am sure, would have ensured that these women were given the fair treatment that they so rightly deserve.

Once again, the best chance that we have is to ensure that the voices of those affected continue to be heard and that this issue continues to be a thorn in the side of an increasingly arrogant and out-of-touch UK Tory Government.

17:34

Alison Johnstone (Lothian) (Green): I, too, thank Sandra White for securing a debate on this

really important issue, and I also thank her and my colleagues for their contributions this evening.

I was proud to speak at the WASPI rally that was held outside Parliament last September. Indeed, I find it remarkable that a campaign that began with five women getting together in 2015 has gathered such strength. The petitions have been well supported and the debates well attended; the website attracts great interest; and there are more than 140 local groups. It all shows that people care passionately about this issue.

The pension changes are unjust and simply indefensible. Before that rally, many constituents got in touch with me to explain how the changes will affect them, and many have done so since—Sandra White touched on some of those ways. This week, a constituent told me that her pension age went from 60 to 64 and a half and then to 66 basically without notice. It is entirely unacceptable to introduce such devastating change without giving people an opportunity to plan. The decent thing would have been to delay. Women are quite accepting of equalisation, but it has to be done in a fair and balanced manner.

Many of the women affected chose to raise children. As a result, they made financial sacrifices in their time spent out of employment. Their financial needs are now being sacrificed again.

The changes are being made against a backdrop of severe inequality. We know that pensioner poverty continues to affect women disproportionately due to maternity leave, parental responsibilities, the pay gap and other aspects of workplace inequality. Let us not forget that many women were not even allowed to join company pension schemes until the 1990s.

Although the issue affects women who were born in the 1950s in particular, it has an incredibly serious impact on us all. It erodes public trust in pensions and damages public confidence in our social security system. As others have said, how can young people today be expected to feel secure about their financial future when such erratic changes can be just swept through without any warning or consultation?

Pensions are reserved to Westminster, but it is crucial that we debate the changes here. I am one of those who would like pensions to be devolved to Scotland. We know that Scotland has specific demographic challenges and that life expectancy is lower in Scotland compared with the rest of the UK. We have to challenge that, too, but the UK Government has attempted to justify raising the pension age by saying that we are all living longer. We are not all living longer. In many parts of this country, people are not living long enough. In the most deprived areas, people begin to suffer multiple chronic diseases at shockingly young

ages. On average, women in Scotland are expected to enjoy good health only until the age of 62.

On the wider social impact that the changes will have, most carers in Scotland are women, and most carers are aged between 55 and 64. A significant number of carers will be affected by the changes. If women over 60 are forced to work for longer, who will take on those additional caring responsibilities? Many other women who counted on leaving work at 60 planned to help their families with childcare needs. These unfair changes will leave other working parents—they will most likely be women—without vital family support. Therefore, gender inequality will continue to cascade down the generations.

It is fair to say that austerity is gendered. Of the £26 billion of cuts from Westminster since 2010, a staggering £22 billion of them have been felt by women. Almost every Westminster Government action that we examine has had a strongly negative impact on women or a relatively beneficial impact on men. Members should not take my word for that: the highly respected women's budget group has highlighted that fact.

I am delighted that Westminster is taking an interest in the matter. The new cross-party group that was set up to look at it attracted 120 MPs at its first meeting. Our sister party in Westminster is represented on the group by Caroline Lucas, who is a co-chair.

The issue will not go away. We will not simply sit back and be quietly reasonable. We will continue to contest this until we have fair pension rights for women.

17:38

Clare Haughey (Rutherglen) (SNP): I, too, thank Sandra White for bringing the debate to Parliament, and I welcome the WASPI women who are in the gallery, including those from my Rutherglen constituency.

Unfortunately, I have not heard about any positive steps from the Tories—Annie Wells spoke of those in her speech. However, I will read what was said to see whether I missed something.

It has been estimated that 243,000 women in Scotland have been and will be affected by the change in respect of women's pensions. As many members have already said, we do not object to the equalising of the pension ages of men and women, and neither does the WASPI campaign. What we oppose is the ill-thought-out decision that has resulted in hundreds of thousands of women enduring significant changes that have been imposed on them with no appropriate notification.

Anne Potter, the WASPI co-ordinator for Glasgow and Lanarkshire, has argued:

“Those born in the 1950s are angry. They feel persecuted and singled out as soft targets for the government to save money.”

That reflects the opinions of many women who have had their retirement plans obliterated, with overwhelming consequences.

New analysis suggests that individuals in the poorest households lose most from tax and benefit changes; it also suggests that single mothers are hardest hit by cuts to services and by tax and benefits changes. Simply put, women’s lives do not mirror those of men; differing working patterns, priorities and attitudes to saving have important roles to play in the discrepancy between male and female retirement planning. For a woman who was expecting to retire at 60 to be told, with little notice, that she must work for an extra six years, is crushing—especially if she has contributed for more than 40 years.

It is even more calamitous if the woman has poor health and is now expected to struggle on regardless. One of my constituents—Susan—is in exactly that situation. Having started work at 15 in a local factory, she eventually became a nurse, got married, raised a family, studied for and earned a master’s degree and changed career. In a demanding job, she suffered during her 50s from ill health, with a debilitating condition that can result in seizures. The condition is managed with medication, but a regular side-effect is chronic fatigue. In effect, she has to take prescription drugs to enable her to continue working. Susan had been looking forward to retirement last year at 60, but she must now work until she is 66. She is fearful that her health might not hold up, but with no pension at 60, she must continue to work for an income. A fair transitional arrangement could have offered her the prospect of perhaps an additional two or three years of working instead of six. That would not exactly have been the best of circumstances, but it would at least have offered some improvement on the current arrangements.

It cannot be right or fair that, after 45 years of paying into the system, Susan and many other women are now expected to work and contribute for up to 51 years, and might lose up to £40,000 in pension income in the process. It is also important to note that the increase in the state pension age also has multigenerational effects because, while older women continue to work, fewer jobs will be made available to younger generations. In addition, as we have heard, there will be an impact on caring arrangements, too.

As Sandra White mentioned in her opening speech, an independent report that was commissioned by the SNP found that it would cost £8 billion to return to the original timetable that is

set out in the Pensions Act 1995. Rather than spending £7 billion on upgrading the Palace of Westminster, or £8.4 billion on the Iraq war, or £167 billion on the renewal of Trident, surely Westminster could easily have found £8 billion to prioritise women’s pensions and economic advancement. At the very least, consideration could be given to equalizing the pension age at some later point in the 2020s.

The SNP has raised the issue of women’s pension age 44 times in the House of Commons, has brought forth three debates on it at Westminster, and has even commissioned its own research, as I mentioned. However, as a result of inaction and indifference, the issue persists. That inaction indicates that women’s lives and their economic security are viewed as disposable or non-essential. That cannot continue. To ensure women’s economic safety, the Government must develop fair transitional arrangements for all women born on or after 6 April 1951 who have had to bear the undue burden of the state pension age increase.

17:43

Alison Harris (Central Scotland) (Con): I am pleased to speak in the debate. I believe that all people who have worked hard throughout their lives should be able to look forward to a financially secure retirement. Many people assist themselves in achieving that goal by having private pension plans, which are often taken out as early as when they are in their 20s. However, others quite rightly look forward to state pensions after working lives in which they have paid taxes. I say straight away that that means that I acknowledge and appreciate the anger that many women feel at the way in which the pension changes came in.

Our starting point is understanding the situation that the women who are affected find themselves in. From that starting point, there are a number of important contexts to the change that everyone in the chamber should acknowledge. The first is that the overall policy ambition for a secure retirement surely cannot be questioned. The UK Government has applied a triple lock to the basic pension, which has led to increases in the amount payable, and to the introduction of a flat-rate pension for all those who reach retirement age after April 2016.

Clare Haughey: Will the member take an intervention?

Alison Harris: No. I would like to continue with these points, please.

All women who are affected by the 2011 pension age changes will draw their state pensions under that new system. That means that tens of thousands of Scottish women will receive

an average of £8 per week more in the first 10 years.

The second context is how the changes came in, which is an issue that stretches back many years. The Pensions Act 1995 legislated for equality in the state pension age to be introduced gradually after 2010. Following the sharp increase in life expectancy projections, the process had to be accelerated by the Pensions Act 2011 to secure the sustainability of the system.

Sandra White: Will the member take an intervention?

The Minister for Social Security (Jeane Freeman): Will the member take an intervention?

Alison Harris: No. I am sorry, but I want to continue. I have only four minutes.

At that time, the UK Government responded to concerns and, as a result, put in another £1.1 billion to assist those who would be affected by the transition to the higher state pension age.

Sandra White: Will the member take an intervention on that point?

Alison Harris: No. I would like to continue, please. I have only four minutes.

We have to acknowledge that the arbitrary change caused anger, but we also have to acknowledge that some transitional relief has already been introduced and that the maximum increase was capped at 18 months, relative to the 1995 timeline.

The final context is the manner of communication with those who are affected. The notice that was given about the changes that arose from the 1995 and 2011 acts has been a source of much discussion. The Department for Work and Pensions is clear that all those who would be affected were written to well in advance of the acts' coming into effect. However, I know that concerns about the changes will come with anything that requires people to work for longer. People felt that they did not see it coming. People felt shocked and surprised, and I have heard what has been said in the chamber tonight.

In turn, I believe that all politicians have a duty to be open with the public. Last week, we saw that a number of MPs who support the WASPI groups and said that they would move amendments in the House of Commons failed to do so, citing procedural issues.

We also have to see that, with rapid demographic change and an ageing society, further support would come at significant cost, which would inevitably mean reductions in spending elsewhere.

Clare Haughey: Will the member take an intervention?

Alison Harris: No. I am in my final minute.

To reverse the changes of the 2011 act would cost more than Scotland's entire annual budget. The issues that underpin the pension changes are deep and complex questions for our society, and no one wins if we seek to duck those challenges.

I will always support people's right to express their disagreement with policies of either of Scotland's two Governments. In line with my colleague Annie Wells, I will also write to the DWP ministers to communicate the strength of feeling that is clear in this chamber and beyond.

I thank Sandra White for bringing forward the debate.

17:47

Kenneth Gibson (Cunninghame North) (SNP): I thank my colleague Sandra White for securing this debate on an important issue for thousands of my constituents and their families.

A basic point that identifies the most obvious and fundamental flaw with UK Tory Government policy on WASPI women is that the state pension is not a benefit as such, but a contract between those who are contributing towards their retirement and a Government obligation to make payments from state funds at the end of an individual's working life.

We accept that the male and female retirement ages should be equalised, but to move the goalposts for women who were born in the 1950s and were already contracted with the state on set terms for their pension provision is a clear breach of that contract. Indeed, it is a betrayal of responsibility by the UK Government towards those women, many of whom now find themselves completely unsupported financially.

The UK Government's Pensions Act 1995 outlined plans to equalise the state pension age at 65. When the legislation was passed, the Turner commission recommended that women be given 15 years' notice to help them to prepare for the changes. However, the first letters from the UK Government to alert affected women who were born between April 1951 and April 1953 were not posted until 14 years later. Some women received as little as a year's notice, while thousands received no warning at all and were completely unaware that their retirement age was to be changed.

The Pensions Act 2011 accelerated the timetable, with women now seeing a rise in the pensionable age from 63 to 65 between April 2016 and November 2018, and from 65 to 66 by

October 2020. For many of the women who are affected, there is no alternative means of income. Some women who are suffering from ill-health and are unfit to work are being told that they need to continue in employment or retrain.

Of the women affected, 3,800 reside in my constituency, Cunninghame North. Of those who have raised their voices in opposition to the Tories' ill-thought-out plans, none have been more vocal than the women against state pension inequality.

I was proud to stand alongside WASPI women at their rally outside the Parliament last September, and I pay tribute to their collective efforts to keep the issue at the top of the political agenda. Local groups such as that in Ayrshire have engaged with politicians on many fronts. At least one Ayrshire WASPI member, Margaret Johnson, is in the public gallery today.

I am delighted that, last October, North Ayrshire and Arran MP Patricia Gibson was able, on the group's behalf, to present to Westminster a petition opposing the changes. It gathered 2,534 signatures from the North Ayrshire and Arran constituency. That was the second highest number from any UK constituency and the signatures were collected in only eight days, which indicates the strength of feeling.

WASPI campaigners now intend to take the DWP to court, to challenge the legality of the proposed changes through a judicial review and to make maladministration complaints. I wish them well.

Of course, there should be no need for such a campaign. A report by Landman Economics, commissioned by the SNP, modelled five different reform options for compensating women who will lose out from the planned changes. One option is a return to the original timetable as set out in the Pensions Act 1995, whereby the state pension age for women rises from 63 in March 2016 to 65 by April 2020, with no further increase to 66 until the mid-2020s. The cost of that would be £8 billion, not the erroneous £30 billion that is often claimed by the Tories when they are trying to avoid their responsibilities.

Talking about responsibilities, of the 37 MSPs who signed the motion to allow the debate to take place, not one was a Tory. If it was up to them, we wouldnae even be debating the subject.

The national insurance fund is projected to have a surplus of £30.7 billion this year. It can be used only to make contribution-based payments, such as the state pension. It is shocking that Jackie Baillie has cynically tried to imply that the SNP Government is somehow complicit, although we all know that the Scotland Act 2016 would prevent the Scottish Government from acting, even if resources were available. Of course, the source of

such resources was body-swerved by Jackie Baillie, who was desperate to let the Tories off the hook. No wonder her party is in terminal decline.

The Tories' refusal to give way on the issue is based on ideology, not affordability. In the interests of social justice, they must compensate those women whose own money is in effect being stolen from them.

17:52

The Minister for Social Security (Jeane Freeman): I, too, thank Sandra White for bringing this important motion to the Parliament for debate. I extend my best wishes to the WASPI women who have joined us in the public gallery and particularly—I have to say this—those from Ayrshire.

I thank all the members who took part in the debate for their thoughtful contributions, although I am saddened that our colleagues on the Conservative benches that are—at least geographically—to my left continue to feel obliged to be apologists for their Tory Government. When someone talks about the importance of honesty in politics, it really is time for that honesty to be reflected in an understanding and an accurate description of what has happened to the women and what the Tory Government has done.

I have no hesitation in supporting the motion. The women who are caught up in this mess grew up, as I did, believing that they had a two-way deal with the UK Government. Sandra White brought to life many of the circumstances that the women face, as did other colleagues, who told some of the real stories that were brought to them as members of the Parliament.

The women involved have raised families, cared for those who needed care, worked and paid taxes and national insurance. They rightly expected to have returned to them a state pension of a modest, but liveable, amount.

To be clear, in principle, the Scottish Government supports equalisation of the pension age for men and women. In doing that, however, the UK Government has managed to penalise hundreds of thousands of women who were born in the 1950s.

To recap, the Pensions Act 1995 aimed to make the pension age 65 for men and women by—this is the important point—2020. The 2011 act changed the age to 66 and sped up the process, despite there being little evidence that we had all suddenly started to live longer in those 16 years, and despite the promise from both Conservative and Liberal Democrat ministers in 2010 that changes would not take place before the 2020 date. Not content with that, that Government

ensured that women now face the imposition of apparently random differences in how much later the pension that they have contributed to will arrive.

A woman who was born in January 1953 will have got her state pension when she was 62, but a woman who was born after 6 December of that year will have to wait until she is 65. Only in the parallel universe of a Westminster Tory Government could being a few months younger mean waiting three more years.

Why is that happening? It is not about equalisation or fairness; it is entirely about reducing public expenditure because of a Tory Government's thirldom to austerity economics that makes those who are least responsible pay for the proliferation of riches for the few and the mad casino gambling of minimally regulated banks that successive Tory and Labour Governments foisted on us.

All this means major changes to the life plans and life chances of those women, which the Westminster Government did very little to tell them about. A series of broken promises was kept under wraps for as long as possible. There was no warning of impact, no exhortation to review retirement plans—nothing. Last year, the House of Commons Work and Pensions Committee produced a report that was full of statements of the blindingly obvious, such as “communication was poor” and “lessons must be learned”, but there was no action and no redress—nothing.

We are talking about women who grew up at a time when working full time and raising a family was even harder than it is now. Childcare was scarce. Most women worked part time and still do. Whether women are in full-time or part-time work, the majority work for low pay and, in far too many cases, for lower pay than their male colleagues. These women, whose retirement plans are shattered, have to try to continue to work and cope with the loss of years of pension that they were entitled to and right to expect.

More than the financial anxieties is the loss of valuable years that the women planned to spend with their family and friends, and all the while, they have a burning and justifiable sense of injustice. But here is the thing—the women are not powerless. They have found their voice and, like women everywhere, they are organised and organising. For that, the WASPI movement is to be congratulated and commended.

In Westminster, our SNP MPs commissioned the Landman Economics report, which considered and costed five options for the UK Government to consider so that it could deliver fairness and dignity, if it had the political will to do so. How the £8 billion could and should be spent is a political

choice. As has been pointed out, not only is the money in alternative spending plans, although it would be better used in the proposed direction, but it is in the surplus in the national insurance fund, which is expected to be £30.7 billion by 2018, as my colleague Sandra White said.

Last summer, Angela Constance, our cabinet secretary, wrote to Stephen Crabb, the then Secretary of State for Work and Pensions, to urge him to reconsider his Government's assertion that nothing could be done. His response was that the UK Government has no plans to revisit the changes. To Annie Wells, I therefore say, “Good luck with your letter. I hope you get a better response than we did, but I wouldnae hold my breath.”

The women—there are about 250,000 of them—were trying to plan for their retirement and to put something away for a rainy day when the goalposts were shifted and the ground was snatched from under their feet. It is not too late for the UK Government to right this wrong. It should take responsibility for the heartbreak and misery that it is causing and find ways and means to provide transitional protection.

To Jackie Baillie, I say that I am not prepared to let the Tory Government off the hook but, even if I was, section 28 of the Scotland Act 2016, on exceptions to reserved areas, says that top-up does not include pensions assistance or assistance

“by reason of old age.”

Jackie Baillie: Will the minister take an intervention?

Jeane Freeman: No—I will not.

The WASPI campaign will continue the fight for fair transitional arrangements and it should have our support today and every day, in every way that it needs that support, including on 8 March, when the campaign will organise its international women's day demonstration outside Westminster.

It should never be too much when all that we ask for is honesty, decency, fairness and integrity. I urge all members to support Sandra White's motion and the WASPI campaign and to pledge to continue our hard work to see the decision reversed.

The Deputy Presiding Officer: I close the meeting. Those in the public gallery may show their appreciation now if they wish. [*Applause.*]

Meeting closed at 17:59.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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