



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Tuesday 13 June 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 13 June 2017

CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTION	3
<i>Motion moved—[Joe FitzPatrick]—and agreed to.</i>	
OATH	3
TOPICAL QUESTION TIME	4
Educational Institute of Scotland (Industrial Action).....	4
Edinburgh to Glasgow Improvement Programme.....	7
INDEPENDENT ADVISORY GROUP ON HATE CRIME, PREJUDICE AND COMMUNITY COHESION	12
<i>Statement—[Angela Constance].</i>	
The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance).....	12
GREENHOUSE GAS INVENTORY 2015	24
<i>Statement—[Roseanna Cunningham].</i>	
The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham)...	24
HUMAN TRAFFICKING AND EXPLOITATION	36
<i>Motion moved—[Michael Matheson].</i>	
<i>Amendment moved—[Claire Baker].</i>	
The Cabinet Secretary for Justice (Michael Matheson).....	36
Claire Baker (Mid Scotland and Fife) (Lab).....	39
Adam Tomkins (Glasgow) (Con).....	42
Ash Denham (Edinburgh Eastern) (SNP).....	45
Oliver Mundell (Dumfriesshire) (Con).....	46
Ruth Maguire (Cunninghame South) (SNP).....	47
Mary Fee (West Scotland) (Lab).....	49
Kate Forbes (Skye, Lochaber and Badenoch) (SNP).....	50
John Finnie (Highlands and Islands) (Green).....	51
Liam McArthur (Orkney Islands) (LD).....	53
Sandra White (Glasgow Kelvin) (SNP).....	55
Jamie Greene (West Scotland) (Con).....	56
Fulton MacGregor (Coatbridge and Chryston) (SNP).....	58
Claire Baker.....	59
Annie Wells (Glasgow) (Con).....	61
Michael Matheson.....	64
DECISION TIME	67
FREEDOM OF INFORMATION (SCOTLAND) ACT 2002	68
<i>Motion debated—[Neil Findlay].</i>	
Neil Findlay (Lothian) (Lab).....	68
Graham Simpson (Central Scotland) (Con).....	71
Monica Lennon (Central Scotland) (Lab).....	73
Andy Wightman (Lothian) (Green).....	75
Tavish Scott (Shetland Islands) (LD).....	77
Edward Mountain (Highlands and Islands) (Con).....	79
Richard Leonard (Central Scotland) (Lab).....	80
The Minister for Parliamentary Business (Joe FitzPatrick).....	81

Scottish Parliament

Tuesday 13 June 2017

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Hannah Rose Thomas, who is a creative director for art projects with refugees to commemorate world refugee day.

Hannah Rose Thomas: It is a great honour to have been invited to speak today.

I would like to invite you to imagine yourselves in the shoes of a refugee, forced to flee your homeland and the unimaginable horrors of war. Consider how it would feel to have lost loved ones, your home and all that is known; to be plunged into the unknown, desperately seeking a place of refuge.

There are more than 65 million people across the world who have been forced to flee their homes. Too often, we lose sight of the people who have been affected by this global crisis. We forget that they are people and not just numbers. It is easy to perceive them solely as refugees, an economic burden or a terrorist threat. Yet those men, women and children have lives like yours and mine, which are defined by the same basic human needs, hopes and aspirations.

Over the past couple of years, I have spent time in camps in Calais and Jordan, where I partnered with the United Nations High Commissioner for Refugees and Relief International to organise art projects for Syrian refugees. My unusual position as an English artist who is fluent in Arabic has enabled me to cross cultural barriers and communicate refugees' stories. Stepping so far out of my comfort zone has not been easy, but, through reaching out and seeking to understand, my life has been enriched.

It is human nature to fear those who are different from us, especially in the current tense political climate that accentuates difference and fear. However, when we close down the borders of our hearts to those who are different, we impoverish ourselves and restrict and limit our own lives. It is important, now more than ever, to recognise our common humanity with the people fleeing their homes across the world. As Jo Cox said in her maiden speech, we have more in common than we have that divides us.

I believe that nothing is more important than compassion for one another. Through my portrait paintings of refugees whom I have met, I seek to convey that each of us is created in the image of God and is equally valuable in his eyes, regardless of race, religion, economic circumstance or social status.

Let us seek to keep the borders of our heart open to those who are different from us. That is essential if we are to overcome the distorted agendas of violence and extremism that seek to divide us.

Business Motion

14:03

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-06056, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for today.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 13 June 2017—

after

2.00 pm Time for Reflection

followed by Parliamentary Bureau motions

insert

followed by Member's Oath/Affirmation—[*Joe FitzPatrick.*]

Motion agreed to.

Oath

14:04

The Presiding Officer (Ken Macintosh): Our next item of business is the taking of an oath by our new member. I invite Rachael Hamilton to take the oath.

Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): I, Rachael Georgina Hamilton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law, so help me God. [*Applause.*]

Topical Question Time

14:05

Educational Institute of Scotland (Industrial Action)

1. **Tavish Scott (Shetland Islands) (LD):** To ask the Scottish Government what its response is to EIS members considering supporting industrial action. (S5T-00587)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The Scottish Government would encourage negotiations in all circumstances on all employment issues to avoid industrial action.

Tavish Scott: The teaching union the Educational Institute of Scotland has today published figures on the pressure that teachers face. Fifty-four per cent of teachers say that their workload has risen in the past year, and a further third say that their workload has increased significantly. Despite all the parliamentary assurances that teacher workload is falling, it is rising. Does that not starkly illustrate that the Government is out of touch with the reality of teaching across Scotland? Will the Cabinet Secretary for Education and Skills accept that teachers are considering strike action because his improvement plan and his initiatives on tackling bureaucracy have failed to address that pressure in the classroom?

John Swinney: The Government has taken a series of steps to tackle the issue of teacher workload, including the removal of unit assessments, which will apply in the next academic year, and the publication of benchmarks to provide the clarity that the teaching profession has requested on the levels that students are expected to achieve in curriculum for excellence.

We have issued curricular guidance to provide clarity on literacy and numeracy, and health and wellbeing. Those curricular areas should be given priority in the curriculum. I have issued guidance to all teachers that indicates that the teaching profession should be free to concentrate on learning and teaching, and on enhancing learning and teaching for young people across the education system.

In addition, I commissioned Her Majesty's Inspectorate of Education to audit the burden of bureaucracy that was applied to schools by local authorities. As Mr Scott will realise, about half of local authorities were identified in the inspection as having work to do to reduce the workload that was being applied to schools, and a reduction in bureaucracy is now being undertaken.

I encourage Mr Scott to look at the various measures that the Government has taken to reduce the workload on teachers and ensure that they are free to concentrate on what we need them to concentrate on, which is learning and teaching.

Tavish Scott: Surely the point is that we have looked at the initiatives that the Government has brought forward, and yet the figures from the EIS today illustrate that, far from going down, the workload is increasing. In 2014, an EIS survey said that 44 per cent of teachers would not recommend teaching as a profession. The latest survey, which was also published today, suggests that the figure has risen to 56 per cent.

In two days' time, the education secretary will propose school reform. Will he accept that Thursday's statement must now include a far-reaching independent assessment of teachers' pay and conditions—a McCrone 2? Does he accept that the 16 per cent cut in teachers' wages over the past decade should be repaired; that the promotion structure in schools should be reviewed; and that the standing of the profession—the most important profession for Scotland's future—should be enhanced and should not be allowed to wither any further?

John Swinney: I certainly agree with Mr Scott that we need to enhance the teaching profession. The statement that I will make to Parliament on Thursday will outline a number of very substantive steps to enhance the professional responsibility of teachers and to enable teachers to fulfil the role that we all require them to fulfil in delivering education for young people in Scotland.

Secondly, I acknowledge that there has been constraint in public sector pay for some considerable time. I cannot deny—and I make no attempt to do so—that I was the author of the public sector pay policy in Scotland as the finance minister. However, Mr Scott needs to reflect on the fact that he was a supporter of the United Kingdom Government that presided over austerity for five years, which created the financial climate in which this Government has had to operate.

If we are all accepting responsibility, as I do as the author of the public pay sector policy in Scotland for many years, Mr Scott must accept that the challenges that exist on teachers' pay and public sector pay in general have not been the product of individual decisions by this Government but are the product of the financial climate that he and his colleagues in the Liberal Democrats were prepared to support in the United Kingdom Government for five years without complaint.

Finally, I say to Mr Scott that the Government is determined to work with the profession, other stakeholders and our local authority partners to

strengthen Scottish education. That will be at the heart of the reforms that I take forward. Indeed, that approach has been at the heart of the measures that I have taken to reduce bureaucracy and to focus the curriculum, and I will continue to take that approach in the period ahead.

Liz Smith (Mid Scotland and Fife) (Con): In the light of the first part of the answer that Mr Swinney has given to Tavish Scott, does he foresee an opportunity in the governance reforms and in the greater autonomy for schools to allow greater devolution of pay structures and working conditions to headteachers?

John Swinney: One of the points that I made when I introduced the governance consultation paper to Parliament some months ago was that I envisaged the continuation of national terms and conditions discussions. That will be my position in my statement on the governance review on Thursday; it was my position at the outset.

On the other details of the governance review, I will be making a statement to Parliament on Thursday and I will answer members' questions to me on the details at that time.

Iain Gray (East Lothian) (Lab): We read today in the press that a welcome additional £2 million is finally being made available to colleges to honour their pay deal with lecturers. How much additional funding will the cabinet secretary make available to local authorities to allow them to address teachers' concerns about salary and workload, thereby avoiding industrial action in our schools?

John Swinney: Clearly, a process of negotiation must be undertaken with the teaching trade unions as part of the Scottish negotiating committee for teachers with which Mr Gray will be familiar. As a member of the SNCT, the Government will, of course, participate in those discussions and we look forward to progressing them in the period that lies ahead.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I remind members that I am the parliamentary liaison officer to the cabinet secretary. Does he agree that the national picture on teacher workload varies? That variation is often driven by the ways in which local authorities track, monitor, report and record attainment data, for example. Will he outline what action the Government has taken to ensure greater consistency across Scotland when it comes to what our local authorities ask of Scotland's teachers?

John Swinney: As part of the work that we all committed to do, which was long before I became the education secretary, I asked local authorities to reduce the workload and the bureaucracy that is applied to the teaching profession. I look to local authorities to exercise considered judgment on the

collection of information through tracking and monitoring to ensure that that is appropriate and commensurate with their responsibilities.

As I indicated in my answer to Tavish Scott, I asked Education Scotland to undertake a focused review of the demands that are placed on schools by local authorities in relation to the curriculum for excellence. It found that there were a number of local authorities where there was a significant variation in the extent to which actions have been taken and in the effectiveness of those actions. I continue to monitor the progress that has been made to support improvement to address the specific issues and to share best practice among authorities.

Ross Greer (West Scotland) (Green): The latest inflation figures released this morning show a four-year high of 2.9 per cent. The expectation is that the figure will continue to rise due to fallout from Brexit. The public sector pay cap has seen massive erosion in the value of salaries. Teachers are considering strike action and rising inflation is only going to make the situation worse for them. How much loss to the value of teachers' pay is the Scottish Government willing to accept before it will act on the pay freeze?

John Swinney: As I have indicated, in no way am I trying to avoid my responsibility for public sector pay. I was the finance minister here for nine years. I made a clear judgment, which I was open about with Parliament, that, in order to protect public sector employment in a period of significant fiscal restraint applied to us by the United Kingdom Government, of which Tavish Scott and the Conservatives were supporters, I had to apply pay constraint to public sector employees.

I accept that, in the situation that we now face, with pay restraint in the context of rising inflation, it is difficult to support such an approach, given the pressures on individual public sector workers. The Government will look carefully at public sector pay, as part of our negotiations with trade unions, and as part of the budget preparations that the Government undertakes on an annual basis.

Edinburgh to Glasgow Improvement Programme

2. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government what the final cost will be of the Edinburgh Glasgow improvement programme. (S5T-00586)

The Minister for Transport and the Islands (Humza Yousaf): As I recently informed the Parliament, Network Rail has confirmed a further delay to the route electrification. We await further advice from Network Rail on the costs arising from the delay. Tomorrow, Mark Carne, the chief executive of Network Rail, will be in front of the

Rural Economy and Connectivity Committee, of which Mr Greene is a member.

Jamie Greene: The Edinburgh to Glasgow improvement programme was supposed to cost the taxpayer £742 million. However, just under a year ago it was reported that the cost had risen by £32 million. A further delay was announced, for the replacement of faulty electrical equipment, which might incur additional staffing costs.

Does the minister expect further increases in the cost of the improvement programme? More important, does he think that the additional costs will impact other rail projects or rail funding in general?

Humza Yousaf: I thank Jamie Greene for the question and the tone in which he asked it. He will be aware that the responsibility for delivery of the project is Network Rail's; Transport Scotland and the Scottish Government are the client and the funder. We have a funding ceiling within which we must work, and I do not expect it to be breached. I assume that that was the member's question.

There has been a further delay. We will continue to have discussions with Network Rail, and I defer to Network Rail on the potential cost increases; it will have to get back to us on that. From a Scottish Government perspective, the most recent report on cost increases is the independent report from EY, which the committee has had sight of.

The problem is shared with the United Kingdom Government. Network Rail is a reclassified body under the Department for Transport, and the UK Government faces issues with Network Rail that are similar to those that the Scottish Government is facing. Now that the UK Government has been appointed—Cabinet members have certainly been appointed—I am keen to sit down with the railway minister in the UK Government as soon as possible to find some sort of shared solution. It is not acceptable that we, as the client, fund major projects for which Network Rail—which is responsible for delivery—is not accountable to this Government or this Parliament.

Jamie Greene: The minister is passing the buck to Network Rail, to some extent. Surely, as the minister in charge of transport in Scotland, he must have some oversight and can share with Parliament the costs of the project.

We know that electric trains will not be delivered on the Edinburgh to Glasgow line until October, nearly a year after the 2016 deadline. There have been a range of problems, including components breaking down, poor project management, unforeseen corrective action and a delay in the energisation of the overhead cables. A spokesman for the Scottish Government has said that that is "wholly unacceptable".

What assurances can the minister give to passengers in Scotland, who have already suffered significant disruption on the line and must now wait potentially until the autumn for electric trains to be in operation? Does he agree that that is unacceptable?

Humza Yousaf: Of course I agree that that is unacceptable, but I take issue with one or two things that Jamie Greene said. I am sure that he does not expect me, as the transport minister, to be literally on the wires and lines, delivering the project. It is being delivered by Network Rail. We have a responsibility as the funder—we are the client—but the project is being delivered by Network Rail, which is a reclassified body under the UK Government's Department for Transport.

Any delay in a project is unacceptable. I informed the committee—no doubt, under the member's questioning—that we expected electric services to come on to the route in July this year but that it is now going to be October, which is extremely disappointing. However, let me make a comparison. In some projects south of the border, there have been delays of not months but years—four years, in the case of the trans-Pennine electrification. We are in a better position.

I agree that it is wholly unacceptable that Network Rail continues to say to me that it is unable to deliver the project despite our having provided the funding as the client and funder.

To reassure passengers, we have a project board that is helping to flush out some of the issues much earlier than we would have had sight of them before. My commitment to Parliament is to continue to keep it and the relevant committee updated whenever I get that information from Network Rail.

I would welcome a discussion with parties across the chamber. Even if they do not agree with the full devolution of Network Rail—I respect that that might be their position—I ask them to at least think about the devolution of infrastructure projects, because it is unacceptable that we fund these projects yet the accountability remains with Network Rail as a reclassified body under the Department for Transport.

John Mason (Glasgow Shettleston) (SNP): Will the minister confirm that the original cost of EGIP was quite a lot higher and that the idea of running longer trains less frequently means that there have been huge savings on signalling as well as less congestion, which I imagine is also better for the environment?

Humza Yousaf: Yes, there have been cost savings not only on this project but on some others. However, I reiterate that that does not take away from the fact that we have seen a cost increase from our revised estimates, which has

come about because Network Rail failed to notice some circumstances that it should have been able to foresee.

We will wait for Network Rail to give a further update on what further delay there may be on EGIP that may potentially lead to a cost increase. We are not letting Network Rail off the hook. Having said that, I am confident that the many railway projects that we are looking to deliver in control period 5 can be delivered within the funding ceiling to which we have committed.

There have been savings not just on EGIP but on other projects. However, that does not take away from the fact that this is disappointing news and Network Rail should be held to account not just by the Department for Transport but by this Parliament and this Government.

Neil Bibby (West Scotland) (Lab): The Associated Society of Locomotive Engineers and Firemen—the train drivers' union, ASLEF—says that EGIP has been mismanaged and has lacked political leadership from both Network Rail and the Scottish Government. As the Scottish Government is ultimately responsible for the project, despite the minister perhaps trying to suggest otherwise, does he accept that there has been a failure of political leadership on EGIP from the start? What will he do now to reassure the workforce, the passengers and the taxpayers that the Scottish Government should be trusted any longer with meeting the railway infrastructure needs of this country?

Humza Yousaf: That question is beyond ludicrous for a number of reasons. EGIP has already delivered on many occasions. In December 2010, there was the electrification of Haymarket tunnel, and we took political leadership on that. In December 2013, the transformed Haymarket station opened to passengers on time and on budget as part of EGIP. In May 2014, there was the electrification of the Glasgow to Cumbernauld line—Neil Bibby forgot to mention that. In May 2015, we had the Haymarket to Inverkeithing resignalling—the member completely forgot to mention that. In December 2016, the Edinburgh Gateway rail-tram interchange opened to all passengers. Of course, the member forgot to mention all of that.

EGIP has achieved many of its milestones, and we have funded the achievement of those milestones—Neil Bibby should recognise that. If the member wants examples of political leadership on the railways, on top of EGIP, I can say that we delivered the Borders railway, the Airdrie to Bathgate link and electrification of the Cumbernauld line. A project that affects the member's constituency is the Paisley corridor improvements. There have been many other rail projects, as well.

I will take no lessons from Neil Bibby when it comes to the management of our railways. I suggest that he look to his own Labour colleague, the former United Kingdom transport minister, Tom Harris, who said:

“The Scottish Government is responsible for the strategic direction and funding of the Scottish rail network, but this responsibility cannot be properly exercised while Network Rail remains answerable to the UK Government.”

He added that Reform Scotland, the think tank that he was working with at the time,

“believes that Network Rail in Scotland should be fully accountable to the Scottish Government, and that means it must be devolved.”

That is from somebody who was a transport minister in a UK Labour Government. I suggest to Neil Bibby that, instead of carping from the sidelines, he should take some expert advice on how to manage our railways.

Liam Kerr (North East Scotland) (Con): People will be incredibly frustrated about the delay, not least because the drip, drip of information prevents anyone from taking full responsibility. Will the minister tell Parliament on what date he was informed of the potential delays to the project? Is he willing to publish minutes of all the meetings in which the delay was discussed?

Humza Yousaf: On the documentation about the delay, I have a letter from Mark Carne that was sent to me on 25 May, which I have written to the committee’s convener about. I will discuss with my officials whether a copy of that letter of 25 May can be published.

I share Liam Kerr’s and the public’s frustration about

“the drip, drip of information”

that we tend to get from Network Rail. As I continue to say, Network Rail is ultimately accountable to the UK Government, under the Department for Transport, as a reclassified body. I would like a conversation with Mr Kerr and members across the chamber about how we can rebalance the situation and ensure that Network Rail is accountable to this Parliament and this Government.

On the main part of the member’s question, I will look into whether the latest letter that I received from Mark Carne can be released.

Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion

The Presiding Officer (Ken Macintosh): The next item is a statement by Angela Constance on the independent advisory group on hate crime, prejudice and community cohesion. The cabinet secretary will take questions at the end of the statement, and I will allow about 20 minutes for that.

14:25

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): There is absolutely no excuse for hate crime and prejudice. The Scottish Government is committed to tackling it wherever it happens, whenever it happens and whomever it happens to.

An attack on one is an attack against us all, and recent events have emphasised the importance of unity in the face of those who would seek to divide us. The terrorist atrocities in Manchester and London serve to remind us not just of the terrible dangers of hatred and intolerance, but of the hugely inspiring way in which whole communities can rally round to demonstrate unity, to support each other and to stand up to hatred.

At the parliamentary debate on hate crime last November, I said that I would bring forward a full response to the recommendations of Duncan Morrow’s advisory group on hate crime, prejudice and community cohesion. I am pleased to update Parliament that we have, today, published a plan of action to implement the advisory group’s recommendations. I would like to take this opportunity to express again my thanks to Dr Morrow and the group for their good work.

The advisory group’s work has built on a long-standing commitment in Scotland to the issues. This Parliament has a long history of championing equality and of standing united against hatred, and the Scottish Government is actively working to build one Scotland in which diversity is celebrated and everyone has the opportunity to flourish.

We know that inclusive and cohesive communities that embrace diversity provide a better quality of life for everyone. Communities thrive when they feel a shared sense of belonging, when they learn and grow together, and when they feel able to live their lives in peace. However, cohesion is weakened when the things that push us apart come to the fore: isolation and loneliness, poverty and inequality, and intolerance and prejudice. Those are the issues that need to be tackled if we are to remain united. We have

therefore worked tirelessly to promote equality and tackle discrimination, and I think that Scotland is in a relatively good place. We know that social attitudes have changed for the better, and equality is very much at the forefront of how we do our business.

However, it is absolutely vital that we are not complacent. Last week's hate crime statistics show that we still have work to do. A minority of the population still think that it is acceptable to be prejudiced, and we know that people continue to experience hate crime and discrimination. That experience is all too real for too many people.

Unity is hindered by the toxic language that we sometimes hear and read about migration, Islam and refugees, which serves only to divide communities, condone prejudice and encourage hatred and abuse. Some people have used recent events to target the Muslim community. That is completely unacceptable: it cannot be allowed to stand and should always be challenged.

Scotland is in a strong position, but as Duncan Morrow's group has rightly recognised, there remains much more to be done. In reading the group's report, I was struck by the experiences of people who suffer intolerance and discrimination, which can sometimes be lost in wider debates about policy and legislation. It is vital that we put that lived experience at the heart of our approach as we seek to tackle the issues, so we will look afresh at our approach in order to ensure that we are hearing the range of voices and views in communities, and to ensure that those communities are actively participating in shaping our approach.

The advisory group's recommendations are wide ranging, so breadth and depth are required in the approach to implementation. Important though the matter is, dealing with it is not the sole responsibility of the justice system; rather, it requires a truly cross-Government endeavour in which the communities, education, transport and justice portfolios work together to tackle the issues. That is why I am announcing today that we are establishing a multi-agency delivery group, which will have ministerial oversight, to ensure that the advisory group's recommendations are progressed. In particular, the delivery group will carefully consider the barriers to reporting hate crime and how to remove them. It will also consider how we can better support work to build community cohesion within communities and community planning partnerships, so we will invite the Convention of Scottish Local Authorities to join the group as a key partner.

We are also setting up an advisory panel on community cohesion to ensure that our work is always informed by the best expert advice. We need to ensure that our approach is informed by

the best evidence, so we are working closely with Police Scotland to produce more detailed statistics on hate crime. We are also updating our national outcome on having strong, resilient and supportive communities, and we will seek to improve how we measure that.

We will continue to work very closely with our justice agencies, which provide front-line support to victims, tackle perpetrators and engage with communities to raise awareness and provide reassurance. That work will include consideration of what more we can do to tackle online abuse. There is, of course, no magic bullet that will solve the problem, but social media companies certainly have a role in removing unacceptable content and in ensuring that their users have a safe experience. We must also ensure that we tackle the underlying behaviours and attitudes that drive people to act that way in the first place.

Ensuring that police and prosecutors have the right tools to tackle hate crime is vital, so the Scottish Government has commissioned Lord Bracadale to conduct an independent review of hate crime legislation. That builds on the recommendation in Duncan Morrow's report that we should consider whether the existing criminal law provides sufficient protections for people who may be at risk of hate crime, including in relation to their gender, age or refugee or asylum status. Lord Bracadale will make recommendations to ministers in early 2018, and we will consider them very carefully. Lord Bracadale plans to engage widely in developing his recommendations, and I look forward to meeting him later this month. I am sure that other members from across the chamber will seek to engage with the review as it proceeds.

It is also important to look beyond the justice system to ensure that our broader services are responsive to hate crime. We will therefore agree, with public transport operators, a hate crime charter that will provide common standards and consistent processes for dealing with hate crime on public transport. We will develop our understanding of hate crime in the workplace, and we will work with the Scottish Trades Union Congress and other organisations to take steps to address it.

Important as having strong services and quick responses to hate crime are, we know that they are not enough on their own. Awareness of hate crime needs to increase. In November last year I announced that we would run a public awareness campaign on hate crime in 2017. It aims to raise awareness, to help people to understand the impact of their actions and to increase wider societal understanding. It will build on previous campaigns, such as the campaign on standing up to hate crime that we ran in 2014. We plan to run

this year's campaign in conjunction with hate crime awareness week later this year.

All those steps are important, but we need also to tackle the prejudicial attitudes that cause hate crime. That is the fundamental route to preventing it from happening in the first place. Later this month, I will be announcing funding, through the equality budget, to promote equality and cohesion across Scotland. We will continue to support interfaith dialogue, and we are formally adopting the International Holocaust Remembrance Alliance's working definition of anti-Semitism. We will ensure that the advisory group's recommendations are locked into our work to promote race equality and the rights of disabled people.

There are simple things that we can all do as members of our communities. This weekend sees the great get together, inspired by Jo Cox, which will see communities and neighbourhoods come together to celebrate what binds them, and I will be attending Edinburgh pride to stand shoulder to shoulder with the lesbian, gay, bisexual, transgender and intersex community in Scotland. I am sure that members throughout the chamber have similar plans, and I very much encourage everyone to get involved in some shape or form. The great get together is a fantastic initiative, so let us put our differences aside and celebrate all that we have in common.

Our response to the advisory group outlines what I consider to be an ambitious yet practical range of steps that will continue our work to build one Scotland with many cultures, where everyone has the opportunity to flourish and everyone can live in peace. I know that Parliament is united on the fact that hate crime and prejudice are unacceptable. Let us also unite around the continuing need to show leadership, remain vigilant and drive real change in the months and years ahead, as we look at practical action that makes a real difference to people's lives.

The Presiding Officer: I urge those who wish to ask a question to press their request-to-speak button if they have not already done so. I call Adam Tomkins.

Adam Tomkins (Glasgow) (Con): I welcome the cabinet secretary's statement and the action that the Government is taking on hate crime, prejudice and community cohesion. Ministers have our full support and I associate myself and the Scottish Conservatives with the cabinet secretary's comments on Manchester, London and the remarkable resilience of communities across the United Kingdom.

In 2015, the Scottish Council of Jewish Communities published a report called "What's

Changed About Being Jewish in Scotland?" I will read two quick quotations from that report.

"For the first time in 62 years I did not attend high holiday services this year due to my security concerns."

"I'm scared to tell people at work that I'm Jewish—I talk about going to church instead".

Figures that were released last week show that, since that 2015 report, both offensive conduct towards Jews and offensive communication about Jews have increased in Scotland. What, specifically, is the Scottish Government doing to address the on-going rise of anti-Semitism in Scotland?

The cabinet secretary mentioned the multi-agency delivery group, but she did not offer much detail. When will it be established? Who will chair it? How many members will it have? What will its remit be? What specifics about those matters can the cabinet secretary share with us today?

The cabinet secretary talked of a renewed public awareness campaign building on the stand up to hate crime campaign in 2014. Was that campaign successful? How was it evaluated? What assessment of that campaign has the Scottish Government undertaken to ensure that, this time, public resources are targeted as effectively as possible? This is too important an issue for us to get it wrong.

Angela Constance: I appreciate Mr Tomkins's verbalisation of support for the action that we have taken in response to the range of recommendations that Duncan Morrow and his group have made.

I received a copy of the report that SCoJeC prepared in 2015 and I am very familiar with its content; indeed, I am very familiar with SCoJeC, which is an organisation that I have met on more than a few occasions across various portfolios. Charges for hate crime against Jews or Judaism are indeed up by 28 per cent. That is an increase from 18 to 23 charges. The figures remain very low; nonetheless, I accept that we must not be complacent and that there may well be underreporting. Underreporting is raised as an issue time and time again in relation to other hate crime, disability-related hate crime being another example. The interfaith work is particularly important in that regard, as is work done through our equality budget.

The multi-agency delivery group will have ministerial oversight. I will chair it, but that will not exclude the involvement of other ministers. Indeed, it has to be a cross-Government endeavour. Others who have been invited to participate include COSLA, the police and the Crown Office, which, although independent, has an important role to play, and there will be other

groups and organisations that we will want to include.

I want the group to be up and running this year. The focus is on delivery, on practicalities and on how we can have an impact on the front line. My thinking has been informed by the way in which the equally safe joint strategic board operates with regard to delivery and the progress that we have managed to make on the ground with services for violence against women and girls.

Hate crime campaigns need to be evaluated. Along with Dr Morrow's report, our previous experiences with the one Scotland campaign and the stand up to hate crime campaign in 2014 led us to the view that, as well as increasing awareness of hate crime, we need to increase awareness of its impact and that there is a role for increasing offenders' insight into the impact of their behaviour. Even a low incidence of antisocial behaviour has a grinding impact on individuals day in, day out, and it increases social isolation and the risk of hatred.

Pauline McNeill (Glasgow) (Lab): We welcome the statement and the priority that has been given to tackling hate crime and prejudice, and, in particular, the reference to the education service tackling prejudice and transphobic, homophobic and disability hate crime. We also welcome the particular reference to refugees and asylum seekers.

It is a difficult time for many communities around the country. I was struck by a quote from Duncan Morrow, who said that the alienation of minority groups "can lead ... to radicalisation". What is the Government doing to respond to that point? Will the Government feed in anything at all to the much-discredited prevent strategy?

It would be wrong for us to be complacent. The cabinet secretary said in her statement that

"social attitudes have changed for the better",

but I want an assurance from her that the Scottish Government will not found on that assumption about today's world. On Sunday, I and many other members stood united against terrorism with the Muslim community. It is certainly not a complacent community and it is very vigilant.

Religiously aggravated offences have increased and we need to understand in some detail the nature of crimes that are committed because of anti-Semitism or Islamophobia—indeed, all offences that are committed on the ground of faith. When will more detailed figures be available so that we can all have a more detailed analysis of the issue?

Angela Constance: I am grateful again for the tone and tenor of the member's question. She is right to highlight the importance of education. She

will be aware that counterterrorism is reserved, but many aspects of the prevent strategy are devolved. Although we have a justice service, a police service, a security service and a counterterrorism response to extremism, my statement today is about how we help communities to respond to extremism, how we help to bring people together and how we help to break down barriers and enable people to work, live and grow together. In many ways, that is the essence of Duncan Morrow's work.

We have to be committed to that work with our communities in times of stability and calm, but also in times of adversity. We need to be committed in the long term to our efforts to address poverty and inequality, and to eradicate prejudice, discrimination and social isolation.

With regard to the member's other comments, it is imperative that we ensure that no community is scapegoated for the actions of a mindless minority. Although we have not seen an increase in community tension following the tragic events in London and Manchester, it is vital that we are focused on that issue.

Emma Harper (South Scotland) (SNP): Last week, a gentleman who is a citizen of the European Union came into my regional office in Dumfries because he had been on the receiving end of extreme verbal abuse at work and had been quite affected by it. Can the cabinet secretary confirm that the further action outlined will reassure EU citizens who are living in the south of Scotland that tackling hate crime is an extremely important priority for the Scottish Government?

Angela Constance: Emma Harper raises an important issue. Behind the statistics lie the personal testimony and experience of individuals. She touches on something that I did not address when I responded to Pauline McNeill. We always need to get behind the headline statistics. For example, religiously aggravated offences have indeed increased, although there has been a decrease in the number of charges for hate crime committed against the Muslim community. However, we need to be hypervigilant around underreporting and emphasise the need to engage with our communities and the organisations that represent them. In addition, there can be absolutely no scapegoating.

As I said in response to an earlier question, although, unlike south of the border, we saw no spike in hate crime following the EU referendum, we must not be complacent. I am sure that Emma Harper is interested to know, given her constituent's experience of verbal abuse at work, that we are taking action and working with employers and the STUC to improve equality and

community cohesion. We are also taking that work into new spheres such as the workplace.

It is important that members continue to raise the individual experiences of constituents because that gives the Government and others the opportunity to reiterate that EU nationals remain welcome in this country and that any abuse is unacceptable and must always be reported.

The Presiding Officer: We have a number of questions and I hope to get through them all.

Margaret Mitchell (Central Scotland) (Con): I welcome the cabinet secretary's statement. The advisory group's report highlights concerns that

"data collection and disaggregation appears to be inconsistent"

and that

"Police Scotland data is mixed in terms of usefulness, in particular because it has not been available at local level since the creation of Police Scotland."

The report also states that "continuous delays" are being experienced in establishing a vulnerable persons database, which is

"an obvious barrier to producing good police data".

Will the cabinet secretary confirm what the Scottish Government is doing about the wider issue of data collection and say when the vulnerable persons database will be established?

The cabinet secretary highlighted the role of social media companies in removing unacceptable content and ensuring that their users have a safe experience. Will she elaborate on any discussions that she or the Government have had with social media companies and, where such issues concern reserved matters, the discussions that she has had with the United Kingdom Government?

Angela Constance: I hope to reassure the member. The justice analytical services division is working on a broader range of information with respect to victims, offenders and the circumstances in which offending has occurred. Through a variety of means, including the multidisciplinary group, that will inform policy and our actions.

I will ask the Cabinet Secretary for Justice to respond directly to the member on the vulnerable persons database and local data. She is right to point out that we need to look at a variety of data. We should not forget what the Scottish social attitudes survey tells us about the progress that we are making and where we still have work to do. There is also the survey work that the Scottish Refugee Council has done.

Lord Bracadale's work will touch on online abuse. We all have a responsibility to raise awareness of the risks and to promote safety

online. We will continue to work with the UK Government and others on that. There are specific prevent duties on Scottish specified authorities in relation to their information technology solutions and filters, and there is no doubt that there is more to do.

I understand that Google, Facebook, Twitter and Microsoft have made a commitment to work together to remove offensive material. It is important that, as a Government, we continue to pressure companies to make progress, but we must also recognise the work that we need to do in communities.

The Presiding Officer: I remind members to keep questions and answers as succinct as possible.

Fulton MacGregor (Coatbridge and Chryston) (SNP): What more will the Scottish Government do to reduce and tackle disability hate crime?

Angela Constance: I hope that it goes without saying that we are absolutely committed to tackling hate crime in all its forms, including disability hate crime. We believe that disability hate crime remains underreported and we will continue to work with disabled people's organisations to encourage reporting of that crime.

We will continue to progress that work through our planned awareness-raising campaign and the establishment of the multi-agency delivery group. It is important that the work that other ministers are doing locks into the work that we are doing to tackle disability hate crime, and particularly the work that the Minister for Social Security has done in pulling together the disability delivery plan.

Mary Fee (West Scotland) (Lab): I thank the cabinet secretary for advance sight of her statement. I agree that tackling hate crime in all its forms must be a priority and I welcome her announcement of funding through the equality budget to promote equality and cohesion across Scotland. However, I am disappointed that she has failed to refer to the recent Scottish Police Authority figures, which highlight a concerning rise of 34.5 per cent between 2015-16 and 2016-17 in hate crime that targets transgender people.

The Presiding Officer: Briefly please, Ms Fee.

Mary Fee: There has undoubtedly been progress in improving the knowledge of police officers about the specific hate crime that is suffered by members of the lesbian, gay, bisexual, transgender and intersex community, and Police Scotland worked with the Equality Network to provide 91 police officers with bespoke LGBTI training. What plans does the cabinet secretary have to work with the Equality Network and Police Scotland to widen access to LGBTI training for

police officers in order to help to eradicate that particularly insidious type of hate crime and to promote a more socially inclusive and cohesive society?

Angela Constance: I advise Mary Fee that I am informed that work has already been undertaken with Police Scotland on specific training for police officers about LGBTI issues. Police officers also have a role in providing training, particularly to people who work in third-party reporting centres. Training is a live issue that will have to be continually revisited.

The member is right to point to the increase in hate crime against the transgender community. The number of reported crimes went up from 30 in the previous year to 40. I think that we would all accept that there is underreporting and that we have to continue in our endeavours with the Equality Network and Police Scotland to encourage reporting, even of low-level incidents, at all times. It is really important that people report all abuse in all its forms to show that it will not be tolerated in any shape or fashion.

John Finnie (Highlands and Islands) (Green): I thank the cabinet secretary for early sight of her statement and assure her of the Scottish Green Party's support for the initiatives that she outlined. Anti-Semitism has been touched on, and the rise of the far right has clearly played a part in that unacceptable and heinous crime. On the redefinition of anti-Semitism, will the cabinet secretary outline the deficiencies of the previous definition, say whether she also has plans to redefine Islamophobia and give her response to concerns that the definition of anti-Semitism could be abused to stop legitimate criticism of the apartheid state of Israel?

Angela Constance: I reassure Mr Finnie that we engage with all communities without fear or favour, whether it is the Jewish or the Muslim community. If the Muslim community approached the Government about reshaping definitions that have a practical impact on how it is supported on the ground, there would be an open door for that.

We looked at the definition of anti-Semitism very carefully. We spoke to a range of stakeholders and were persuaded coolly and calmly of the merits of the definition.

Alex Cole-Hamilton (Edinburgh Western) (LD): I, too, thank the cabinet secretary for giving us advance sight of her statement. Does she agree that tackling hate crime must start from an early age and that there is a need to ensure that LGBTI pupils at every school have sufficient protection and enjoy a culture of openness and acceptance that is fostered by teaching staff, particularly given that the time for inclusive education campaign informs us that nine out of 10

LGBTI pupils have suffered homophobia, biphobia or transphobia? Does she recognise that, as a hangover from the days of section 2A and as a result of some aspects of religious doctrine, an anxiety still exists in some schools—particularly faith-based schools—about what aspects of sexuality may be discussed in school?

Angela Constance: It is of course the Government's job and duty to provide as much clarity and certainty on such matters as possible. Mr Cole-Hamilton might be interested to note that the LGBTI inclusive education working group met for the first time on 9 May and is due to meet again on 20 June. The Deputy First Minister has also committed to meeting universities, the General Teaching Council for Scotland and local authorities before the summer recess to do a content analysis of equality issues in initial teacher education.

The points that the Deputy First Minister has touched on about equality training for guidance staff, all teaching staff and the children's workforce as a whole are well made. He is well engaged on equality issues that relate to continuing professional development for teaching staff as well as to personal, social and emotional education—he has engaged closely with the Education and Skills Committee's inquiry on that.

John Mason (Glasgow Shettleston) (SNP): The cabinet secretary mentioned Jo Cox, who was a victim of hate crime. I think that the cabinet secretary said that she was going to attend an event this weekend. Does the Government have any other involvement in the great get together events?

Angela Constance: Yes. Several ministers recently met Brendan Cox to hear about the work of the Jo Cox Foundation, and I know that the Presiding Officer and other parliamentarians, including party leaders, met Mr Cox and members of the foundation. As I said, I will attend the Edinburgh pride event at the weekend. The First Minister will host an intergenerational women's event at Glasgow Women's Library on Saturday, and the Minister for Social Security will host an event on Friday for disabled people in Glasgow, which has been arranged through the Glasgow Disability Alliance. I encourage everybody to get out and support the great get together this weekend.

James Kelly (Glasgow) (Lab): Will the cabinet secretary give an assurance that the work of the Bracadale review in relation to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 will not be used to hinder parliamentary scrutiny of the member's bill that I am pursuing to repeal that act?

Angela Constance: It is not for ministers to hinder parliamentary scrutiny of any piece of proposed legislation, including the member's bill. The Bracadale review includes the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 because that is a key piece of hate crime legislation. Lord Bracadale is committed to accessibility in the conduct of the review, and there will be opportunities for members to remain apprised of the work and to engage with it. The Government will wait and see what members' response is not just to Lord Bracadale's review but to Mr Kelly's member's bill.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I welcome the cabinet secretary's statement on LGBTI equality. Does she agree that that is important not just in Scotland but across the UK?

Angela Constance: Yes. According to the rainbow index for 2016, which is published by ILGA-Europe, Scotland is one of the most progressive countries on LGBTI equality. However, we cannot be complacent. It is unacceptable that, as we have seen in the hate crime statistics, homophobic incidents have increased by 5 per cent, and I think that they increased by 10 per cent in the previous year. Crimes against the LGBTI community are the second most common form of hate crime, although we have progressive policies and legislation in place. We need to continue to work closely with national LGBTI organisations.

It is important to advance and promote equality outwith Scotland. That is why the Government allows civil partners from elsewhere who want to get married in Scotland to do so, and it is why my party wants to ensure that same-sex couples have equal pension rights. It is also why we believe that the UK Foreign and Commonwealth Office should appoint a special envoy to promote rights and to help alleviate the discrimination and persecution that the LGBTI community faces throughout the world.

Greenhouse Gas Inventory 2015

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Roseanna Cunningham on the greenhouse gas inventory 2015. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

15:01

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): I am pleased to inform Parliament of the sustained progress that the Scottish Government is making in tackling climate change. I will outline progress made against statutory emissions reduction targets, based on the latest greenhouse gas emissions statistics, which were published this morning. I will also provide an update on the climate change plan and set out the Government's proposals for a new climate change bill.

First, I make clear the Scottish Government's continued commitment to this global challenge. The news of the US withdrawal from the international Paris agreement is clearly regrettable, but it reinforces the need for more international co-operation on climate issues, not less. We continue to build our networks and co-operation globally. That includes our pledge to work with the state of California as part of the under2 coalition, which covers more than 1 billion people and a third of the global economy. That work will continue. It is also important to remember the role that is played by the European Union in global climate negotiations. As previously stated, we will work to ensure that Scotland continues to benefit from the EU's powerful voice. The Scottish Government remains focused on being a world leader on climate change, strongly supports the Paris agreement and will continue to collaborate with international partners.

Twelve months ago, I informed Parliament that Scotland had met its statutory 2014 emissions reduction target. I am delighted to report that statistics that were published today show that Scotland has met its statutory emissions reduction target for the second successive year. The level of the statutory net Scottish emissions account shows that emissions in 2015 were 45.504 million tonnes of carbon dioxide equivalent, which exceeds the target level set in legislation. That is a significant achievement, particularly as it was realised against a background of on-going improvements to the underlying data.

The data revisions are outside our control and reflect changes in the way that emissions are measured rather than changes in the amount of

greenhouse gases in the atmosphere. They are necessary as they represent improved understanding of the challenge faced and ensure consistency with international reporting under the United Nations framework convention on climate change. The cumulative effect of the revisions over the years means that the baseline is now around 10 per cent higher than when the targets were set. The level of effort required to meet the fixed annual targets is, therefore, far greater than was envisaged when Parliament agreed the targets. The fact that today's statistics show a 41 per cent reduction since 1990—well in excess of the 35 per cent reduction that was envisaged when the targets were set—is a remarkable achievement in that context.

Largely as a consequence of technical revisions to the data, progress towards the 2020 target is not as advanced as reported in the 2014 release. However, what is important is that Scotland remains well on track to achieving its interim 2020 target.

As a result of the most recent technical revisions, the forestry sink has reduced, but the sector continues to absorb significant amounts of carbon. We are committed to reversing the historical decline in woodland creation rates and protecting that important carbon sink, which has an important role in delivering our climate change commitments. Scotland was responsible for 83 per cent of all the woodland that was created in the United Kingdom in 2015-16, and the draft climate change plan sets out our ambition to increase woodland further.

Peatland, which is another natural carbon sink, is also vital. We have set out a step change in our ambition for peatland restoration through the peatland action project.

I return to the statistics. I am pleased to report that, despite the revisions to the data, actual Scottish emissions in 2015 were down by 38 per cent since 1990 and by 3 per cent since 2014. That is a clear downward trajectory that shows that emissions reduction efforts are paying off. The new figures also show that Scotland has yet again outperformed every other part of the UK over the period since 1990, which is the standard baseline year. Scotland is among the top performers in the EU 15 countries—it is behind only Sweden and Finland.

As I indicated and previously committed to do, I wish to update Parliament on the progress of the draft climate change plan. The period for parliamentary consideration of the draft plan has ended. I thank everyone who contributed to the process, including the four committees that undertook detailed and constructive scrutiny. We have listened to industry experts, the public sector and the private sector, parliamentary colleagues

and the general public. That feedback, alongside the updated statistics that were released today, will help in finalising the plan.

The Environment, Climate Change and Land Reform Committee recommended that we engage further with stakeholders in finalising the plan. We are taking forward that recommendation by establishing an advisory group that will contribute to the consideration of cross-cutting issues across the plan and advise on external engagement and communications. A number of key stakeholders have been invited to work with us on that group. We want to take time to work with our stakeholders to ensure that the final plan maintains ambition in meeting challenging goals, sets us apart as an innovator and global leader on climate issues, and is supported and owned by the people of Scotland. For those reasons, we expect to publish the final plan in early 2018.

In the meantime, we will continue to strengthen the package of measures to address emissions. Today, the Minister for Transport and the Islands launched "Switched on Scotland Phase Two: An Action Plan for Growth", which sets out the next steps in delivering the Scottish Government's vision to free Scotland's towns, cities and communities from the damaging emissions of fossil-fuelled vehicles by 2050. The minister also announced a further £8.2 million to support the low-carbon transport loan fund. Those loans are interest free and they will, for the first time, be available for electric motorbikes and scooters and plug-in heavy goods vehicles.

We are strengthening our support to communities to run locally led projects that reduce carbon emissions. I am pleased to announce that the climate challenge fund, which offers multiyear funding to empower communities to tackle climate change, is now open for applications. Communities will be able to apply for either one-year or two-year funding. We make that announcement ahead of the forthcoming budget to give communities as much time as possible to develop applications.

In February 2017, Scottish Natural Heritage published a report on blue carbon, which estimated that the amount of carbon that is stored within Scotland's inshore marine protected area network is equivalent to four years of Scotland's total greenhouse gas emissions. We will support Marine Scotland to consider further opportunities to expand that valuable and remarkable research to better understand the role and significance of blue carbon.

We are working towards a more targeted approach in ensuring that the transition to low-carbon employment is supported by our transition training fund. That will ensure that more oil and gas workers can be supported to move into low-

carbon sectors such as the renewables and energy efficiency sectors.

In addition to all that and in line with our programme for government commitments, the Scottish Government has been working with the Committee on Climate Change to bring forward proposals for a more ambitious climate change bill. I am pleased to announce that the Scottish Government proposes to increase Scotland's 2050 emissions reduction target to at least a 90 per cent reduction from baseline levels. That proposal is the more ambitious of two options that have been set out by the Committee on Climate Change, which advises that a 90 per cent emissions reduction target is a stretching contribution to the aims of the Paris agreement. The proposals will strengthen Scotland's position at the very forefront of global climate ambition and, in so doing, play a key role in supporting Scotland's sustainable economic growth.

We propose to include provisions to allow a net zero emissions target to be set as soon as the evidence becomes available; to reset the level of the interim 2020 target to at least a 56 per cent reduction from baseline levels; to set new interim targets for 2030 and 2040; and to set all targets on the basis of actual Scottish emissions.

In response to requests, we propose to increase the scrutiny period for future draft climate change plans. On the advice of the Committee on Climate Change, we have consulted key stakeholders and will launch a public consultation on our proposals in the coming weeks.

The statistics that were published today show that Scotland is making strong progress against ambitious statutory targets. That will be bolstered by the plans that I have set out for finalising the climate change plan to deliver a clear road map for meeting the targets, and the new legislation.

There is a huge opportunity to reap economic benefits from being at the forefront of a more resource-efficient and sustainable global economy. We are starting to see that in action, and the Scottish Government is determined that Scotland should seize the opportunity fully, as well as fulfilling our moral obligations to future generations. Our actions provide the momentum and motivation to do exactly that.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement. I will allow around 20 minutes for that.

Maurice Golden (West Scotland) (Con): I thank the cabinet secretary for prior sight of the statement. I am pleased that the Scottish Government has met its climate change target for 2015. Although the overall progress is encouraging, it would be incorrect to paint a

picture of improvement across the board. Since 2014, emissions from transport and residential sources have increased, and transport is now the single biggest source of carbon emissions in Scotland. There has been no improvement in the sector since 1990, and transport emissions have increased by 0.4 per cent since 2014.

The Scottish Conservatives propose a wide range of measures that will lead to a substantial reduction in transport and household emissions, from increased and incentivised electric vehicle ownership to improvements in the energy efficiency of the current housing stock so that it reaches energy performance certificate rating C by 2030.

When there have been milder winters, that has helped us to meet our targets. Will the cabinet secretary continue to accept responsibility for the targets even when there are harsher winters?

Roseanna Cunningham: We had a slightly harsher winter between 2014 and 2015, and we think that that is why the residential emissions went up over that period. We live in the real world and, if winters are good, people will not use as much energy, whereas, if winters are bad, they will use more. We have to accept the reality of that.

The draft climate change plan sets out our intention to reduce transport emissions by a third compared to 2014 by 2030. It is long-term project that is underpinned by technological innovation and our behaviour change approaches. I referred to today's announcement by the Minister for Transport and Islands. We invest more than £1 billion a year in public and sustainable transport in order to encourage people to use public transport and active travel modes.

I appreciate that transport emissions are now higher than energy emissions were before. In a sense, though, that reflects the improvements in energy emissions. Nevertheless, we will have to look carefully at transport emissions.

Good progress has been made on domestic and residential emissions. The share of the most energy-efficient dwellings—those in EPC band C that Maurice Golden referred to—has increased by 74 per cent since 2010, so we are doing quite well there. I appreciate that there is a desire to move to an EPC band C target. We sought views on target setting in the consultation on Scotland's energy efficiency programme, which closed on Tuesday 30 May. We will fully analyse and consider the responses before publishing the SEEP route map in 2018, but I expect that the issue of targeting band C properties may arise in that context.

Claudia Beamish (South Scotland) (Lab): I thank the cabinet secretary for prior sight of her statement.

It is to be welcomed that the Scottish Government has met its targets for the second successive year, and I welcome the progress on blue carbon. However, it is very concerning that transport is now the heaviest emitter, with growing emissions.

Every year, the Scottish Government reports the emissions inventory. We have seen transport emissions barely change, and agriculture emissions have done likewise. We have called for more action through the climate change plan, but it does not appear that there are new actions despite phase 2 of “Switched on Scotland”. How is the Scottish Government addressing modal shift?

How can the cabinet secretary justify air departure tax in terms of climate justice, and why is the Scottish Government restricting people’s eligibility for bus passes?

Does the cabinet secretary agree that, if a transition training fund is to be effective, significantly more funding is required?

Roseanna Cunningham: There was slight consternation when the member referred to our restriction of bus passes—I am told that we are actually extending eligibility for them. Perhaps a bit of a misunderstanding has developed.

On modal shift, the draft plan includes a number of measures to influence the decisions of people and businesses, such as low-emission zones, workplace parking levies, active travel funding and consolidation centres. They build on current measures to reduce demand and encourage modal shift to active travel and public transport—in freight, from road to rail. There will probably be a fairly vigorous discussion on the Scottish Government’s commitment to have low-emission zones in place by 2018, and several local authorities have flagged up their desire to be involved in that initiative. Bringing forward low-emission zones will begin to focus minds on the advantages of changing modes of travel.

As I said, we are investing more than £1 billion a year in public and sustainable transport and active travel modes, and we will continue to invest record levels in active travel throughout this parliamentary session.

On aviation, at the risk of repeating myself, I say that we got advice from the Committee on Climate Change. It advised that our intention to do what we are doing with air transport tax or duty—

David Stewart (Highlands and Islands) (Lab): It is air departure tax.

Roseanna Cunningham: I mean air departure tax. I am sorry—it has changed its name. I still think of it in its earlier incarnation.

The committee advised that what we intended to do was doable but that it would require extra effort. If members look inside the overall figures for transport, they will see that some transport contributions are down compared to others. It is not a straightforward across-the-board figure.

We are taking the advice of the Committee on Climate Change and we are putting in effort across the board. The overall target is the one that we work towards, and we have met it.

The Deputy Presiding Officer: We will have to be a bit sharper on the questions and answers if we are to get through everyone who has requested to speak.

Graeme Dey (Angus South) (SNP): In welcoming the figures, Jim Densham of Stop Climate Chaos Scotland said that they showed that real progress is being made towards securing a “clean energy revolution” and that to

“hit future climate change targets we now need to build on the early successes.”

However, we have learned, in the past few days, that plans for four wind farms in the Firth of Tay and the Firth of Forth are once again being threatened by RSPB Scotland. Will the cabinet secretary outline how important a part offshore wind is required to play in our achieving the future targets?

Roseanna Cunningham: I cannot comment on anything that involves continuing legal proceedings. More broadly, I can say that the draft energy strategy proposes a new 2030 all-energy renewables target, which will be an ambitious challenge to deliver the equivalent of half of Scotland’s heat, transport and electricity needs from renewable sources.

Offshore wind is a large-scale technology that has the potential to play a pivotal role in our energy system over the coming decades. There is a lot of optimism about the further development of offshore wind in Scotland given that 25 per cent of Europe’s offshore wind resource can be found around our coastline.

Alexander Burnett (Aberdeenshire West) (Con): Residential emissions increased by 3 per cent between 2014 and 2015. Will the cabinet secretary address that by committing to improve energy efficiency so that, where practical, all Scottish homes have an EPC rating of band C or above by 2030?

Roseanna Cunningham: I would much rather be able to commit to sorting out Scotland’s winter climate to ensure that it was not quite so challenging for us.

I dealt with some of the EPC band issues in my responses to earlier questions. I am aware that

some people desire to set a target for all homes to be rated EPC band C by a certain point. Work is continuing to develop our energy efficiency programme. I understand that £0.5 billion is available over the next four years and that, by the end of 2021, we will have allocated more than £1 billion since 2009 to tackling fuel poverty and improving energy efficiency. We are making good progress in respect of energy-efficient dwellings, but members are correct to point out that we can do more.

John Mason (Glasgow Shettleston) (SNP): Yesterday, the Economy, Jobs and Fair Work Committee visited the hydrogen office project in Methil, Fife, which was really exciting. It looks as though Scotland really is at the cutting edge. Can the cabinet secretary say anything more about where Scotland stands in the international field in comparison with other countries?

Roseanna Cunningham: We punch above our weight in international efforts. As I indicated in my statement, among the western EU 15 countries, only Sweden and Finland have delivered greater reductions. The EU 15 country average is a 20 per cent emissions reduction in 2015 from the baseline, and Scotland, with a 37.6 per cent reduction, is well ahead of that.

David Stewart: I welcome the statement and acknowledge that Scotland has met its statutory emissions reduction target for the second successive year.

The cabinet secretary referred to the role that the EU plays in global climate negotiations. The EU emissions trading system is a crucial vehicle for achieving future emissions targets. Of course, there is no guarantee that the Brexit negotiations will achieve the UK's continued membership of the EU ETS. Will the cabinet secretary agree today to run the TIMES model without the EU ETS to provide a realistic future scenario for a new climate change bill?

Roseanna Cunningham: That is an interesting question from David Stewart, and I will speak to officials with regard to whether what he suggests is a feasible option, as I do not know off the top of my head. He is absolutely right to highlight the importance of the EU ETS and the considerable degree of uncertainty that now arises because there is no indication of what our future involvement in that regard may be, or, if we are to be removed from the scheme, whether there will be some form of replacement. On the previous occasion that I raised the matter with UK ministers, it was clear that they had not really been giving it very much thought, which is a concern.

It is very important that we remember how big a part the EU actually plays in the global climate change debate and in global efforts. It is important

that we ensure that, as far as possible, that is not disturbed by Brexit.

Angus MacDonald (Falkirk East) (SNP): Clearly it is imperative that all parties are on the same page when it comes to tackling climate change. Does the cabinet secretary share my view that the Tory party's friends and allies in the Democratic Unionist Party are simply wrong when they describe the Paris agreement as a "delusion" and climate change itself as a hoax?

Roseanna Cunningham: I rather suspect that the members on the Conservative benches in this chamber privately share Angus MacDonald's concerns about the DUP's views on climate change; I do them the courtesy of assuming that their concerns will be as real as ours.

The overwhelming consensus of international climate change scientists is that climate change is happening and that it is exacerbated by human activity. In 2015, the Paris agreement was secured through long and difficult negotiations, following more than 20 years of international consensus building. The Scottish Government is committed to playing its part in that agreement and capitalising on the opportunities that it presents to strengthen our economy. It will be a great sorrow if climate change denial becomes embedded at the heart of Government at Westminster.

Mark Ruskell (Mid Scotland and Fife) (Green): I, too, welcome the meeting of the annual targets for the second successive year, as well as the intention to set a net zero emissions target, which is significant. Given that transport has overtaken energy as the largest emitter, how can a zero emissions target be met, especially while there are plans to increase air travel, particularly through the planned expansion at Edinburgh airport? That expansion will be facilitated by cuts in air passenger duty, a project that has no environmental impact assessment associated with it and, so far, we have seen zero interest from the Scottish Government in holding that project to account in climate terms.

Roseanna Cunningham: I make it absolutely clear that we are committing to bringing in the net zero emissions target when the evidence is there for us to be able to do it. It will not be in the climate change bill to begin with.

I have dealt with some of the issues that Mark Ruskell raises on transport in general and aviation in particular. I simply return to the point that we operate on an evidence-based presumption. We do that with the Committee on Climate Change. If the Committee on Climate Change begins to look again at the issue, we will take that on board, but at the moment its advice on what we intend to do on aviation tax is that it is doable, as long as there is sufficient effort across the board. That effort is

evidenced by our reaching the target for the second year in succession.

Liam McArthur (Orkney Islands) (LD): I join others in welcoming the achievement of the target for the second year in succession. I point the cabinet secretary to the Committee on Climate Change's recommendation that 65 per cent of new car sales should be electric by 2030. The Scottish Government's proposal is for that to be just 27 per cent. Given that an £8 million transport loan fund is unlikely to make up the shortfall—

The Deputy Presiding Officer: Will you come to a question, please, Mr McArthur?

Liam McArthur: Will the cabinet secretary commit to strengthening the final climate change plan to ensure that we see far greater uptake of electric and low-emission vehicles?

Roseanna Cunningham: That was an occasion when all our evidence suggested that the Committee on Climate Change's target probably would not be achievable. We are in a situation in which we must try to set stretching but realistic targets. If it becomes the case that it looks as though we can increase the target for the percentage of new car sales that are electric vehicles, I will be happy to start pressuring my ministerial colleague here on the left to confirm that that is possible.

The advice that we were getting about transport in Scotland was that that target would be unlikely to be achievable, and the danger in factoring that target into longer-term commitments would be to distort them unnecessarily.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): We will inevitably hear calls for a 100 per cent cut in greenhouse gas emissions by 2050. What advice has the Committee on Climate Change given on going even further than the Scottish Government proposes?

Roseanna Cunningham: The Committee on Climate Change provided two options for the level of long-term ambition. The first option was to keep the 2050 target at its current level of 80 per cent emissions reduction. It noted that that was a stretching target. The second option was to increase the ambition of the 2050 target to 90 per cent emissions reduction. To use its own words, that was

“at the very limit of feasibility.”

In our consideration of the draft legislation that will be before us at some point, we have taken a very deep breath and decided that we would go for that 90 per cent target.

The Committee on Climate Change was unable to produce a scenario that would reduce net greenhouse gas emissions to zero by 2050—the

100 per cent cut. Given that the UK Committee on Climate Change could not produce a scenario that would deliver that cut, it would be very unwise of us to say that we will do that or be pushed into doing it at this point.

John Scott (Ayr) (Con): I thank the cabinet secretary for the advance copy of her statement.

Other members have noted that progress in reducing transport emissions since 1990 has been poor, and there is little or no improvement. Will the cabinet secretary accept that we must be more ambitious in our electric vehicle uptake targets, bringing them more into line with those of other European nations? If they can do it, why cannot we?

Will the cabinet secretary also ensure that the Scottish Government adopts measures, such as the installation of more charging points, to make ownership of electric cars more attractive and to incentivise their use? Will she also consider the possibility of using interchangeable batteries and using bus lanes?

Roseanna Cunningham: That might be a level of technical detail on which I would be unwise to engage at this point. I am sorry, but I missed part of the member's question; did he give a comparator who has a much bigger target?

John Scott: Other European countries seem to have greater ambitions than we do on the introduction of EVs.

Roseanna Cunningham: There are a variety of ambitions across a number of countries, but it is important that we take care to investigate exactly what is being proposed. Not many countries take the tied-hands, statutory approach that we have been taking. It would be useful to know what the targets are, country by country, and how people propose to meet them. I know that Norway is planning to ban traditional petrol and diesel vehicles, but no other country is planning to do that, although there is a debate in that regard.

There are a variety of targets and discussions, and different countries and markets will differ in their rates of electric vehicle adoption, for a whole set of reasons. Our vision represents an ambitious and challenging target.

The Deputy Presiding Officer: Before we hear the final question, I say to members on the front benches that their conversations are very loud—in my left ear, in particular, today.

Emma Harper (South Scotland) (SNP): Will the cabinet secretary set out how the memorandum of understanding with the State of California will help to address climate change and potentially create low-carbon jobs?

Roseanna Cunningham: A key part of the Scottish Government's agreement with California is to increase co-operation through the work of the under2 coalition—the big coalition to which I referred, which involves around 1.2 billion people in 35 countries, across six continents, who are committed to ambitious emissions reduction measures. The collaboration presents great opportunities for Scotland and our partners. Collective effort is key. Our work with California and the under2 coalition will be focused on key areas, which will help all partners to maintain momentum in cutting emissions and reap the benefits of doing so.

There are much more specific commitments. For example, there will be a major climate change conference in California in 2018, at which we will provide support and expert advice, explaining and demonstrating good practice and technological developments that are driving the low-carbon transition, which are of interest to people outside Scotland. I can update Emma Harper separately on other, detailed parts of the agreement.

Human Trafficking and Exploitation

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-06031, in the name of Michael Matheson, on human trafficking and exploitation—making Scotland a hostile place for traffickers and providing effective support for victims.

15:35

The Cabinet Secretary for Justice (Michael Matheson): The motion sets out the Scottish Government's objective to make Scotland an increasingly hostile place for those who traffic and exploit other human beings and to make the support that we provide to victims more effective.

Human trafficking and exploitation are abhorrent crimes and they are abuses of human rights. Trading adults and children as commodities and exploiting them for profit or personal benefit degrades victims and causes lasting physical and psychological damage. No one should be subject to such treatment and no country should tolerate it happening within its borders. Victims may not be imprisoned in a physical sense, but they are imprisoned psychologically—trapped in their circumstances and often hidden in plain sight.

The inventiveness of those who peddle human misery in this area is unfortunately astounding. Commercial sexual exploitation, labour exploitation, forced drug cultivation, domestic servitude and sham marriages are just some examples of the types of exploitation that can take place.

The Human Trafficking and Exploitation (Scotland) Act 2015, which the Parliament passed unanimously, created a new consolidated offence in order to support our police and prosecutors in tackling human trafficking and exploitation. The 2015 act provides for the protection and support of victims; it also provides for orders that disrupt the activities of perpetrators.

As required by the 2015 act, I laid Scotland's first trafficking and exploitation strategy before the Parliament on 31 May 2017. The strategy sets out how we can get better at identifying and supporting victims, at identifying perpetrators and disrupting their activity, at addressing the broader conditions that foster trafficking, and at raising awareness across the board.

The strategy includes a specific section that covers the particular needs of child trafficking victims. Children depend on adults for their care and are more vulnerable to coercion and abuse. Sadly, children are trafficked into Scotland, but children who are born and bred here can also fall

prey to trafficking and exploitation. Support and protection for child victims in Scotland are generally provided within the context of Scotland's child protection system. However, the strategy sets out a number of specific actions to strengthen our response to child victims, including the implementation of the elements of the 2015 act that involve children.

The strategy was developed by a wide range of stakeholders. That inclusive approach has drawn praise, including from Kevin Hyland, the Independent Anti-Slavery Commissioner, and I put on record my thanks to all who contributed to the development of the strategy.

Most important, the strategy reflects the views of victims themselves. They have told us about the psychological and physical scars that they bear as a result of their experience. I am determined to ensure that we continue to reflect victims' views and that we put in place a strategy that is informed by their experience alongside that of other stakeholders. The implementation of the strategy will reflect those views in the weeks and months ahead.

I take this opportunity to highlight some of the very specific measures that we are taking. As members of the Justice Committee will be aware, new court orders are being introduced to disrupt trafficking activity: trafficking and exploitation prevention orders will come in on 30 June this year, and trafficking and exploitation risk orders will come in on 31 October this year. The orders will give the police, prosecutors and the courts further options to target those who are responsible for human trafficking and exploitation, making Scotland an increasingly hostile environment for perpetrators.

We will also be taking forward an awareness-raising campaign, which will be launched later this year. During the consultation on the strategy, victims of trafficking told us that they wanted the public to know and understand what had happened to them. We are, therefore, working with a range of partners to develop the campaign over the coming months.

We need to ensure that we continue to improve the support that is available to victims of trafficking. Today, I can announce that I intend to lay regulations that will extend the length of time for which adult victims of trafficking who are recovered in Scotland will be provided with support. If the victim consents to the provision of support, the Council of Europe requires a minimum period of 30 days for reflection and recovery. Currently, Scotland and the other countries in the United Kingdom provide a minimum of 45 days of support. However, in Scotland, we will now go further, and the regulations that I intend to lay before Parliament

will specify a period of 90 days. The majority of those who responded to our consultation on that proposal highlighted a period of 90 days as being a key step towards meeting the aims that are set out in the strategy to support victims to safely recover.

Jamie Greene (West Scotland) (Con): If the Government extends that period, will it provide additional funding to the third sector organisations that support victims of trafficking, specifically the trafficking awareness-raising alliance—TARA—Migrant Help and the anchor centre?

Michael Matheson: Yes, we will, in order to reflect that step.

I have taken time to reflect on the responses that we received during the consultation and to consider the evidence that was put forward, including the counterarguments against moving to a 90-day period. However, I believe that the commitment to a 90-day period will ensure that we are doing as much as possible to support victims of human trafficking in Scotland, and I encourage Governments across the rest of the UK to follow our lead in this area.

When Parliament was considering the Human Trafficking and Exploitation (Scotland) Bill, there was a great deal of pressure inside and outwith Parliament to mirror the English system of a statutory defence for victims. I resisted that proposal because I was of the view that what we were proposing in Scotland—Lord Advocate's instructions and the presumption against prosecution—would be of greater benefit to victims of trafficking.

Last October, the anti-trafficking monitoring group published a report called "Class Acts?", which compared the key provisions in the three UK human trafficking acts. It says that

"The Lord Advocate's Instructions ... provide an easily understood set of principles and guidelines on non-prosecution for lawyers and non-lawyers."

It goes on to say that the group considers that to be "exemplary practice" and recommends that it be adopted in other UK jurisdictions. I believe that the report reinforces the benefits of the approach that we have taken in terms of Lord Advocate's instructions and the presumption against prosecution in Scotland.

Although we have made great progress in tackling human trafficking and exploitation in Scotland, I am conscious that there is still a great deal of work to do. In 2016, 150 victims of trafficking and exploitation were recovered and supported in Scotland. That is not a huge number, but each of those individuals is a real person and may have suffered weeks, months or even years of abuse and exploitation. Further, those are just the ones we know about, which is an important

point to make because, by its nature, human trafficking is a hidden crime.

Our strategy sets out the actions that we will take to maintain our approach to ensuring that Scotland remains a hostile environment for those who wish to perpetrate trafficking. Partnership will be key to doing that effectively. The united approach that has been taken across Europe to tackling the issue through law enforcement and support for victims has been key to the progress that has been achieved to date. Where we can form strong partnerships across borders, that will be of mutual benefit in targeting perpetrators and bringing them to justice, and in preventing the trafficking and re-trafficking of vulnerable people. I strongly believe that that cross-border co-operation must continue if we are to tackle the international trade in both adults and children who are trafficked and exploited.

Scotland's first trafficking and exploitation strategy is a milestone on that journey, and I look forward to supporting victims who are identified in Scotland while ensuring that Scotland is a hostile place for those who traffic and exploit other human beings.

I move,

That the Parliament recognises that the abhorrent crimes of human trafficking and exploitation are an abuse of human rights and dignity, which can cause lasting physical and psychological damage to victims, both adults and children; recognises the cross-party support that exists to make Scotland a hostile place for those who traffic and exploit other human beings; welcomes the publication of Scotland's first Trafficking and Exploitation Strategy on 30 May 2017; further welcomes the vision set out in the strategy to eliminate human trafficking and exploitation by identifying victims and supporting them to safety and recovery, identifying perpetrators and disrupting their activity, and addressing the issues that foster trafficking and exploitation; welcomes the contribution made by external stakeholders to the development of the strategy, including those who have directly experienced trafficking, and recognises the contribution that will continue to be made by stakeholders in its implementation.

15:46

Claire Baker (Mid Scotland and Fife) (Lab): I very much acknowledge the Government's commitment in the matter, through this afternoon's debate and the strategy. I start by thanking my colleague Jenny Marra MSP, who has done a great deal of work on human trafficking, including proposing a member's bill. She has really helped to raise the profile of the crime, both in Parliament and among the public. She is on maternity leave at the moment, but I am confident that she would have made, had she been here today, a significant contribution to the debate.

Ms Marra's consultation on her proposed bill received the support of more than 50,000 people, which is one of the highest response rates to any

consultation since devolution. I appreciate that, in its motion, the Government is highlighting the cross-party support for tackling human trafficking in Scotland. It is important that we continue to achieve such cross-party support and that Parliament continues to speak with one voice in condemning these abhorrent crimes. We will support the Government motion tonight.

The 2015 act was significant in introducing a single offence and a maximum penalty of life imprisonment for people who are convicted. However, as was recognised during the passage of the Human Trafficking and Exploitation (Scotland) Bill, that can be only the start in dealing with traffickers. We are talking about the exploitation of some of the most vulnerable people in our society, including children. We are talking about crimes and about victims who often exist at the margins, who are invisible to the authorities and who are often unable to receive the support and justice that they deserve.

Much trafficking originates outside Scotland, with certain areas of the world becoming ever more volatile, which increases the risk of the crime and opportunities to engage in it, and I appreciate that there is only so much that we, as a Parliament, can do. Therefore, it is vital that we do everything possible. We therefore welcome the publication of the strategy, in these early days of planning. We must ensure that communities across Scotland are aware of traffickers, and we must ensure that there is no hiding place on the margins for those who wish to exploit vulnerable people.

Some work has been undertaken to make the public more aware of the effects of trafficking and recognise that it does happen in Scotland. I acknowledge the new measures that the cabinet secretary has outlined this afternoon. Trafficking in Scotland involves sexual exploitation, and there are also instances of domestic servitude, labour exploitation, organ removal and the operation of criminal gangs.

There was an increase in the number of potential victims of trafficking in Scotland last year, which could be attributed to the passing of the Human Trafficking and Exploitation (Scotland) Act 2015 and to a concerted effort to tackle the issue, but we must always be alert. As the strategy progresses, it is important that we continue to increase detection, but we must also be conscious that, ultimately, we all wish to eradicate human trafficking from Scotland and hope to see a downward trajectory in the numbers, at some point.

The statistics can tell us who are being trafficked, how they are being trafficked and where they are being trafficked. We know that the number of potential victims was split equally

between male and female, and that 69 per cent were adults and 31 per cent were children. We also know that the majority of adult females who are trafficked are trafficked for sexual exploitation, and that female children are trafficked for a combination of domestic servitude and labour exploitation, whereas male adults and children are trafficked predominantly for labour exploitation. We need to ensure that the strategy and our efforts are as evidence based as they can be.

We are seeing some success, but it is potentially only the tip of the iceberg. Adults must give consent to enter the national referral mechanism, from which the statistics originate, but in many cases victims are reluctant to come forward because they are scared of retaliation against themselves in Scotland or against their families back home.

Often, we need to overcome language or cultural barriers, and there is the difficulty of many people being purposely isolated so that they are unaware of the help that is available. Although the figures are helpful, they do not capture the full extent of human trafficking in Scotland.

There are various ways of exploiting people: commercial sexual exploitation is one area in which we could take further action within the law. We need to challenge demand and we need to support the people who are used, which will mean seriously considering criminalising the buying of sex, decriminalising people who are in prostitution, and providing long-term support and exit services for people who have been exploited through prostitution. That approach could work to disrupt the market for commercial sexual exploitation and feed into our work on tackling human trafficking.

I welcome the work that the Government and outside agencies have undertaken so far to ensure that the public are aware of the signs to look for if they suspect that someone is a victim of trafficking, including their physical appearance, their isolation, their restricted freedom of movement and the fact that they have few or no personal effects.

However, there is much work still to be done. Government polling from earlier this year shows that, although many people believe trafficking to be an issue, the closer it gets to home, the less they believe that it is happening near them. The polling shows that 63 per cent of people believe that trafficking is an issue in the rest of the world, 53 per cent believe that it occurs in Europe and 30 per cent believe that it occurs in the UK, but only 14 per cent believe that human trafficking is an issue in Scotland, and the figure drops to 5 per cent when people are asked about what happens in their local area.

As our amendment sets out, local authorities have a key role to play in tackling human trafficking and supporting recovery. As Jamie Greene mentioned, third sector organisations also play a vital role. At statute level, all child victims must be provided with support and protection, and the responsibility for co-ordinating such services lies with local authorities. They also have powers to identify and disrupt perpetrators of human trafficking. However, we must ensure that they are fully resourced and funded to be able to use their powers in relation to licensing of houses in multiple occupation and environmental health, and to fulfil the difficult task of looking after child victims. If we want the strategy to be effective, we must not continue to cut local authority budgets. We keep expecting our councils to do more and more with less and less, but that is not sustainable.

The same is true of our police. We have high expectations of them, and their role in modern Scotland is changing and becoming ever more complex. They are dealing with challenges that were unknown when this Parliament was re-established, and Police Scotland is under huge pressure financially and in terms of its governance and leadership. The strategy states that

“Police Scotland will appropriately record and investigate all reports of trafficking or exploitation as a crime”,

which

“can inform the development of local services and processes.”

However, Unison reported this week that 500 Police Scotland vacancies are not being filled, including vacancies in areas that are at the forefront of tackling criminal activity.

The Scottish trafficking and exploitation strategy is a good strategy and we all hope that it will succeed, but we need to be confident that it will be supported and fully resourced. That is why we will support the Scottish Government’s motion today, and why I urge members also to support our amendment. [*Interruption.*]

I move amendment S5M-06031.1, to insert at end:

“; notes the role to be played by local authorities in tackling human trafficking, and believes that they, along with Police Scotland, must be properly resourced and funded to tackle trafficking and exploitation in communities.”

The Deputy Presiding Officer: It is always useful to move an amendment if you wish it to be supported. [*Laughter.*]

15:53

Adam Tomkins (Glasgow) (Con): I am proud that the United Kingdom is a global leader in

fighting the evil trade in human beings for sex and labour exploitation. We should all be proud of that. I am also proud that, as Home Secretary, Theresa May introduced the Modern Slavery Bill—the first of its kind in Europe—that she appointed the world’s first anti-slavery commissioner, and that she set up the modern slavery task force to bring together the heads of MI5, MI6 and the National Crime Agency to co-ordinate the United Kingdom’s response to criminal gangs operating across the world. The Modern Slavery Act 2015 has been described as

“an international benchmark to which other jurisdictions aspire”,

and rightly so.

I am pleased, also, that Scotland is playing its part. The Human Trafficking and Exploitation (Scotland) Bill was introduced to Parliament six months after Theresa May’s Modern Slavery Bill was introduced in the House of Commons. The Scottish bill was passed with all-party support and we continue to support the act now that it is in operation. We will support both the Government’s motion and Claire Baker’s amendment at decision time today.

In introducing the milestone Modern Slavery Bill, Theresa May said:

“This landmark legislation sends the strongest possible signal to criminals that if you are involved in this vile trade you will be arrested, you will be prosecuted and you will be locked up. And it says to victims, you are not alone—we are here to help you.”

However, we must be mindful that legislative measures are a starting point, not a panacea. When the Human Trafficking and Exploitation (Scotland) Bill was introduced in Parliament in 2015, figures indicated that there were 55 victims of human trafficking in Scotland. That number has increased to 150, of whom almost a third are children. We know that there are many more victims of this hidden crime—possibly even thousands—who do not realise that they are being treated as mere commodities and are being mercilessly exploited, or who are unable or too frightened to come forward.

The UK’s Modern Slavery Act 2015 has had some time to bed in and was, in its first year of operation, reviewed by barrister Caroline Haughey. In her report, she succinctly encapsulated the complexities of human trafficking and the enormity of the task that lies ahead across the UK’s jurisdictions. She observed that

“professionals can often miss the indicators of exploitation. This can be a resource-heavy area of investigation ... Human beings who are treated as a commodity are rarely ‘used’ for a single purpose. The offending associated with them”

—as the cabinet secretary said in his opening remarks—

“can include: sham marriages; identity fraud; false benefits claims; rape; false imprisonment; violence; and a range of other crimes. The evidence of those crimes is often voluminous”,

which presents challenges of court management, especially as regards juries. Caroline Haughey continued:

“Victims often have multiple vulnerabilities: mental health issues, learning difficulties, financial desperation, alcohol or drug dependency. ... Many victims have a fear of authority figures ... or, come from cultures where those in uniform or associated with ... law enforcement have a negative reputation. ... Cases involving trafficking across borders require investigators and prosecutors to rely on data from organisations based overseas, which can be time-consuming and costly.”

We need to bring human trafficking out of the shadows, and I welcome the trafficking and exploitation strategy as the next step in preventing and combating this most degrading of crimes. Its multipronged approach to supporting and protecting victims, disrupting the activities of perpetrators and addressing the conditions that foster trafficking addresses many of the issues that Caroline Haughey touched on in her review of the UK legislation, but it will require close monitoring over the coming months and years to assess its impact on the ground.

Human trafficking is without doubt a challenging and complex crime that is constantly changing. We have made good progress in Scotland since the Human Trafficking and Exploitation (Scotland) Act 2015 was passed, when one senior Police Scotland officer described the force’s response to human trafficking as

“just fighting in the trenches”.

That progress cannot and should not be impeded by rigid thinking and static strategy; as Claire Baker’s amendment points out, adequate resourcing is key.

In the Conservatives’ view, we need to build on the successes of the recent legislative measures and to go further

“to focus on the exploitation of vulnerable men, women and children for their labour, people who are moved around our own country and between nations, as if they were not human at all.”

We know that most adult and child victims of trafficking in 2016 were exploited for labour, and a BBC documentary reported that people are now the second most lucrative criminal commodity, after drugs. That cannot be allowed in modern society, so the Scottish Conservatives will support action to ensure that it comes to an end once and for all.

The Deputy Presiding Officer: We move to the open debate.

15:58

Ash Denham (Edinburgh Eastern) (SNP): People are now the second most lucrative criminal commodity in Scotland. Members heard that correctly: according to a recent BBC documentary, the sale of human beings is second only to drugs as the most profitable business for criminals. Last year, nearly 4,000 people in the UK suffered at the hands of modern-day slavers and encountered violence, rape, mental abuse and forced labour. The Scottish Government has set forth an exhaustive strategy to stem the flow of trafficking in Scotland, and I particularly welcome the strategy's focus on victim support and recovery.

As we debate how to make Scotland a hostile place for traffickers, I will speak about commercial sexual exploitation, which, along with forced labour, is the primary cause of human trafficking. Across the EU, human trafficking for the purpose of sexual exploitation is the most reported form of trafficking, according to a 2016 report from Europol.

In Scotland last year, 57 per cent of trafficked females—and many who are trafficked are children—were trafficked for the purposes of sexual exploitation. The business model is easy enough to understand. Prostitution is the market, the market creates demand and the demand fuels the need for more trafficking. Unlike a drug, a girl can be sold over and over to create huge profits.

The industries of trafficking and prostitution are linked, so to reduce one is to reduce the other. No market equals no demand, and no demand equals no trafficking. If Scotland is to become a hostile place for traffickers, we should therefore look at policy that will challenge the demand and reduce the market for prostitution.

That is why, at the Scottish National Party conference in March, we successfully passed a motion on a Scottish model for addressing prostitution. That policy would decriminalise the sale of sex, criminalise the purchase of sex and offer a means of support and exit for those who want to leave prostitution.

Challenging demand through legislation is required because research evidence has demonstrated that, even if punters suspected that a girl was under age and/or trafficked, that would not prevent the majority of them from going ahead. The demand-challenging policy, which is modelled on a law that was pioneered in Sweden in 1999, aims to protect the exploited and punish the exploiter. Such protection is critical, for as the United Nations definitions in relation to trafficking emphasise, victims are always in a position of

vulnerability with no alternative but to submit to abuse.

Unfortunately, Scotland is in a position where the need is becoming more urgent. We are surrounded by countries—Ireland, Northern Ireland, Sweden, Norway, Iceland and France—that have adopted the Nordic-style model for addressing prostitution. Over a decade, Sweden cut its demand for prostitution by half. Norway has also seen a reduction in the buying of sex and trafficking for sexual exploitation.

In a wire-tapped conversation that Swedish police recorded after Sweden had legislated on the issue, traffickers who were discussing potential locations said, "Don't bother with Sweden." Traffickers do not care where they go as long as it is easy to do business. The more difficult we can make it for them, the better.

If sex traffickers are displaced from our neighbouring countries—Ireland and Northern Ireland recently passed such legislation—we must not let them turn to Scotland. In combating human trafficking as a whole, let us enact laws that punish rather than aid sexual exploitation. Together, let us ensure that human beings are never a top commodity for sale and exploitation. Let us send the message to sex traffickers that Scotland is closed to their business.

16:03

Oliver Mundell (Dumfriesshire) (Con): As the motion states, human trafficking is one of the most abhorrent and truly inhumane of crimes. It seems alien to us and like something of the past, yet it is a practice that continues. It is murky and dark and it challenges our understanding of what human beings are capable of doing to others. However, we must not allow ourselves to believe that eradicating it is impossible. Like the overt slave trade that blights our past, modern slavery must be brought to an end.

Across the political divide in this chamber and across our United Kingdom, it is clear that all parties, all politicians and the overwhelming majority of our society recognise that such practices are plain wrong. They are an affront to us all and they are an affront to our humanity, which is why it is so important that we are united in taking steps to bring these vile practices to an end.

We only have to look at the recent BBC documentary that identified dozens of sham marriages in Scotland—70 were registered in Glasgow and a third were in the Govanhill district—to understand how current and relevant our actions and the strategy will be and how important it is that the Government, other organisations and stakeholders should come together to form a comprehensive plan of action to

tackle the causes and bring the perpetrators to account.

Although 150 people in Scotland were officially recorded as victims of trafficking last year, many people who have experience of working in the area believe that the actual number of victims is in the thousands. That is not acceptable and we cannot afford to stand by.

I welcome the recent passage of the Human Trafficking and Exploitation (Scotland) Act 2015 and I understand that the implementation of some parts of the act is still on-going. Conservative members welcome that toughening of the law, the specific offences that have been created and the powers that the courts have been given to prevent trafficking and to punish those who carry it out, as well as the issuing of new instructions to prosecutors about how trafficking victims should be treated if they are alleged to have committed other offences.

However, alongside legislation we need to do more, and that is where putting in place a comprehensive strategy will help to bring together all the relevant agencies and to promote partnership working. The new 90-day period that the cabinet secretary outlined will give time for support to be delivered. In addition, the aims of the strategy will help to bring the issue out of the darkness and into the light, and it will focus people's minds on identifying victims and perpetrators and disrupting the activity. It will also bring the local and global aspects of this heinous practice to the fore.

I welcome today's debate and I look forward to seeing the strategy implemented in full. I hope that, in due course, we will have other such debates in which we look at how effective the implementation of the strategy has been. We must be mindful that the practice still exists on our watch and that inaction is therefore not an option.

16:06

Ruth Maguire (Cunninghame South) (SNP): Human trafficking and exploitation in any form are cruel and abhorrent abuses of human rights and dignity. It is incumbent on us as members of the Scottish Parliament and as a nation to do all that is in our power to make Scotland a hostile place for the vile individuals who traffic and exploit human beings, to ensure that those who are caught are brought to justice and to support victims and survivors.

For that reason, I strongly welcome the Human Trafficking and Exploitation (Scotland) Act, which the Parliament passed in 2015 to consolidate and strengthen the existing law. For the first time, there is now a single offence for all kinds of trafficking, the maximum penalty for trafficking is life

imprisonment, and police and prosecutors have a more robust set of tools to prevent and detect trafficking and to bring to justice those who are responsible.

The 2015 act requires the Scottish ministers to develop and publish a strategy, and I welcome the publication of Scotland's first trafficking and exploitation strategy last month. I look forward to working with colleagues across the chamber and groups across the country to implement its goals.

As with so many issues of exploitation, women and girls are disproportionately affected, particularly when it comes to commercial sexual exploitation. As the strategy states, Scottish figures on trafficking victims in 2016 show that female adults were trafficked mainly for the purposes of sexual exploitation. Figures that relate to children indicate that many more female than male victims will experience sexual exploitation.

Action area 3 of the strategy focuses on the need to

"Address the conditions, both local and global, that foster trafficking and exploitation."

The conditions that underpin commercial sexual exploitation—women and girls being forced into sexual slavery—are clear. First and foremost, that is about demand; it is about a minority of people, who are predominantly men, wanting to buy sexual access to women and girls. TARA, which is a Scottish Government-funded organisation that provides support and assistance to adult victims of trafficking, is clear on that. It says:

"We know that women are trafficked into Scotland each year for commercial sexual exploitation. This encompasses all aspects of the sex industry including, lap and table dancing, stripping, prostitution, escort services, internet sex sites and pornography. ... Scotland has a flourishing sex industry and women are trafficked to meet the demand that it creates."

That demand is in turn rooted in the deep and profound gender inequality that permeates society. That inequality allows women to be devalued as human beings; their bodies are objectified and commodified and then bought and sold, used and traded. Tackling the immediate demand and the deeper gender inequality that underpins it must be seen as a key tool in tackling the wider evil of human trafficking.

The outcome of the vision for the trafficking and exploitation strategy is to eliminate human trafficking and exploitation. The cabinet secretary describes the vision as

"challenging and ambitious, but also absolutely necessary."

To have a hope of achieving that vision, we must address the harm that is caused by the sex industry. To end the exploitation, we have to end the demand. That will be challenging, but it is also absolutely necessary.

16:10

Mary Fee (West Scotland) (Lab): It would be remiss of me not to mention the contribution of my colleague Jenny Marra, who, as my colleague Claire Baker referred to, worked tirelessly to force the issue of human trafficking on to the Scottish Government's agenda. The tone in the chamber has rightly been consensual. There is a clear commitment from parties of all colours to end the truly abhorrent crime of human trafficking.

Human trafficking is a stain on our society and an abuse of human rights and dignity. I reiterate Scottish Labour's support for the Government's strategy to tackle human trafficking and exploitation, which has the unequivocal aim of making Scotland a hostile place for human traffickers. However, along with my Scottish Labour colleagues, I note with concern the Scottish National Party's cuts to local authorities and Police Scotland, which I am concerned may hinder the implementation and effectiveness of the strategy.

Human trafficking is degrading and dehumanising. There can be few worse crimes than a transaction involving the selling and exploitation of one human being by another. Quite simply, it is a human rights abuse. It is a crime lacking in humanity and one that is motivated by greed. Human trafficking relies on control, with victims often subject to grooming and violence from their traffickers. Make absolutely no mistake: human trafficking is a form of modern-day slavery.

I am sure that every member of the Scottish Parliament and all members of the public who watched last month's BBC Scotland documentary "Humans for Sale" will have been touched by the immense suffering that is caused by this truly abhorrent and awful crime. The documentary revealed women's harrowing experiences of sham marriages, rape and sexual exploitation. Europol has stated that Scotland is being specifically targeted by human traffickers, with victims, particularly young women, being recruited by organised crime gangs before being sold to potential grooms.

Across Scotland, a plethora of fantastic third sector and voluntary organisations are working to support victims of human trafficking. For example, there is the TARA service, which operates in the Glasgow region; Migrant Help and Childline, which operate across Britain; and the Scottish women's rights centre, which has bases in Hamilton and Glasgow. Those organisations deserve recognition for their incredible work in offering support and advice to victims of human trafficking—undoubtedly, they are the best of us. They are full of humanity, and they are shining examples of hope, despite the fact that they operate in incredibly difficult circumstances.

As I come to a close, I reiterate Scottish Labour's support for the Scottish Government's trafficking and exploitation strategy. However, I must once again emphasise that the Scottish Government's cuts to Police Scotland and local authorities risk hindering the implementation and effectiveness of the strategy. It is vital that this abhorrent crime—this human rights abuse and form of modern-day slavery—is ended once and for all. Scotland must become a hostile place for traffickers.

16:13

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): The word "slavery" conjures up history lessons in school and human beings transported and then used and abused for somebody else's gain, but in another era and another world. We do not think about Scotland, in 2017. We do not think that there are more people in forced labour worldwide today than there were when abolitionist William Wilberforce was fighting to end slavery.

Why is that? It is because we do not think twice about the teenager at the car wash, the young girl helping at the nail bar, the hard-working farm hand or the house with the suspiciously closed curtains. Those people have been trafficked and enslaved into manual labour, domestic servitude, prostitution, pornography, forced begging, benefit fraud, criminality and organ removal. They are forced to work for little or no pay and live in poor conditions with minimal freedom.

That is happening in Scotland in 2017 and the Scottish Government's human trafficking and exploitation strategy's three action areas—identifying the victims, identifying the perpetrators and identifying the partners that we need to work with—cannot be delivered soon enough. They cannot be delivered soon enough for the mother and daughter from eastern Europe who are locked in a room to serve the men who come and rape them at the same time, or for the workers at a hotel in a remote Highland village who have paid thousands to come from Bangladesh and find themselves working from 5 am to midnight without pay or freedom. Nor can they be delivered soon enough for the Slovakian girls who have been lured into sham marriages or sold to Glasgow gangs for sex, or for the 16-year-old Vietnamese boy found cowering in bushes in Dumbarton, who had probably been trafficked to Russia and then to Scotland. For each of those genuine cases whose stories we know because they have been rescued, there are thousands more. They are not just out there somewhere but here in Scotland, often most hidden because we are still ignorant of the problem.

I am delighted that the Scottish Government's strategy identifies the need for partnership at

every level—locally and globally, politically and socially. One such partner could be International Justice Mission, which works with justice systems throughout the world to rescue victims, bring criminals to justice, restore survivors and strengthen justice systems. It is the largest anti-slavery organisation in the world and, most importantly, it works across borders.

I will finish with two stories of freedom. They highlight the freedom that we long for for every human being in Scotland and throughout the world. They also highlight the importance of working across borders.

In 2015, a man living in London was convicted of sexually exploiting children via a webcam and possessing more than 4,000 indecent images of children. On the other side of the world, International Justice Mission worked with the police to rescue four children, including seven-year-old Maarko, who were held as slaves in the Philippines. They had been trafficked to meet cybersex demands by paedophiles in the UK. Maarko and the others are now in a Government aftercare shelter in the Philippines and enrolled in school.

A rescue operation in India, which involved the Indian police and IJM, rescued 564 children, women and men from forced labour slavery at a massive brick factory in Chennai. The families lived in tiny tents or rooms and earned less than £5 a week, with pregnant women expected to work as well. It is reported that a Government officer asked the crowd of workers, “Who wants to go free?” and was met with a stunned silence. Slowly, one man raised his hand. Then another did so and, before long, dozens of tired hands had shot into the air.

There are thousands of tired hands across the world waiting for freedom. That is why we need the strategy to deliver it.

The Deputy Presiding Officer (Christine Grahame): Thank you very much, Ms Forbes. I was loth to interrupt those two examples, which were telling.

16:18

John Finnie (Highlands and Islands) (Green): I join colleagues in recognising the work of Jenny Marra in the field.

Presiding Officer, as convener of the Justice Committee in the previous parliamentary session, you led the scrutiny of the Human Trafficking and Exploitation (Scotland) Bill. The reality is self-evident from our stage 1 report on that bill, in which we quote a Scottish Parliament information centre briefing, and from what we have heard. However, it is worth repeating the quotation:

“Victims of human trafficking are by and large, already extremely vulnerable people which make them easy targets for traffickers. In many cases, victims are concealed by physical isolation or language or cultural barriers.”

Those factors permeate everything that we have heard so far. Victims also often face fear of retaliation, either directly or against their families back in their homelands. They also face coercive behaviour, which we are dealing with in the Domestic Abuse (Scotland) Bill. That is a key element and, because of the domestic setting, it is difficult to estimate numbers.

A lot of work has been done on this subject, including work by our Equal Opportunities Committee in its migration and trafficking inquiry in 2010 and the Equality and Human Rights Commission in its “Inquiry into Human Trafficking in Scotland” report in 2011.

We know that people are being recruited worldwide. On the transportation of people, vigilance is obviously required by those who guard our borders. We heard stories of people directly flying in whose demeanour gave them away.

Transfer became a very important element of the legislation, because we know that, once these commodities or resources—these human beings—arrive in Scotland, they are transferred within the country. The legislation had to be very clear to pick up that and the harbouring aspect.

As I have said, the means of human trafficking involve coercion, threats, deception, fraud and the abuse of power. The purpose of human trafficking has been alluded to: it is about exploitation, including sexual exploitation, and forced labour. On sexual exploitation in particular, the Equality and Human Rights Commission said that there was a particular niche and that trafficked prostitution was not an on-street issue, but happened in sex flats.

We know that human trafficking and exploitation have a disproportionate impact on women and girls, and my party and I certainly commend the robust police action on trafficking and exploitation. Addressing that exploitation is about multi-agency work. As Ash Denham said, it is about support to exit when the opportunity arises.

I want to touch on a couple of things in the short time that I have left. The cabinet secretary alluded to the number of days of support. In a previous online statement, he talked about listening to victims themselves. It is apparent that that has happened. The 45 days of support were good; raising that number to 90 days of support is excellent, and I congratulate the cabinet secretary on that.

On the requirement to train professionals to spot the signs of human trafficking, the reality is that many victims do not know that they are victims. In

a previous debate, I alluded to a young man from Vietnam who managed a cannabis farm not far from Inverness and thought that he was outside London. There were issues around his age.

I commend the scrutiny that we did on the statutory defence and the cabinet secretary's comments on the Lord Advocate's instructions, because we must be absolutely clear about who is a victim and who is an accused. The reality is that, if a person has been manhandled, taken around the world and abused, they are a victim, not an accused. It is good to have clarity on that.

There is not enough time left to say a fraction of what I planned to say. However, it is quite apparent that partnership is key and that we will progress through partnership.

16:22

Liam McArthur (Orkney Islands) (LD): Some excellent speeches have been made. I congratulate Kate Forbes on a speech that was extremely powerful and unsettling in all the right ways.

The Scottish Liberal Democrats were strong supporters of the Human Trafficking and Exploitation (Scotland) Act 2015, which has provided the basis on which to make Scotland a more hostile environment for those who are intent on trafficking and exploitation. Maintaining the momentum is key, and the publication of the strategy—followed by the action plan, I hope—is essential.

The principles of the strategy are a focus on victims and potential victims, a commitment to partnership working, determination to learn from what works and what does not work, and responding quickly and anticipating changes in risks and circumstances. Those principles provide a solid framework within which to pursue our collective efforts to combat the most grotesque and often the most insidious of crimes.

It is understandable that, when most people think of human trafficking and exploitation, the image of forced prostitution, drug trafficking or even child trafficking is conjured up. However, human trafficking and exploitation crimes can be complex. They are often hidden and they are constantly evolving; they are not simply committed by and against people from outwith the UK. The strategy clearly states that adults and children, including UK citizens, are trafficked and exploited within and between communities—both rural and urban—in Scotland and across the UK as a whole. We must be honest in confronting that uncomfortable truth if we are to have any hope of eliminating that scourge.

I turn to the action plan that is to come and will briefly flag up a couple of points.

It must be recognised that trafficking and exploitation can arise from the vulnerabilities of individuals and communities. They can arise from poverty, mental health issues, disabilities and many other factors. We must therefore do much more to reduce vulnerability through collective and collaborative action and targeted interventions by health, social care and education providers. Such action is already taken, but that has undoubtedly been made more difficult, as Claire Baker said, by the squeeze on budgets and, in many cases, the reductions in staffing levels.

With heavier workloads, staff often have insufficient time. With the scaling back or even removal of some services in our communities, the opportunity to spot problems and intervene early is diminished. I respectfully suggest that the Scottish Liberal Democrat proposals for a penny on income tax to invest in key education services would have eased some of that pressure while enhancing our chances of delivering many of the strategy's laudable objectives.

Where risks have been identified, there must be opportunities to share the concerns with police in a timely manner. That said, it is essential that we guard against excessive, inappropriate and disproportionate sharing of individuals' personal details.

My final point relates to the importance of collaboration on an international scale. It is self-evident that any effort to disrupt, far less prevent, trafficking or exploitation requires police and security agencies to work seamlessly across borders. Anything else affords criminals an advantage that they will all too willingly exploit. From the wreckage of the increasingly chaotic Brexit negotiations we must salvage the ability to engage in cross-border co-operation to combat serious organised crime. Retention of the European arrest warrant, membership of Europol and access to EU information databases would be the starter for 10. In addition, we must reopen the Dubs amendment scheme, as failure to do so would expose around 3,000 unaccompanied child refugees to a heightened risk of falling victim to trafficking.

I welcome the debate and the strategy that gives rise to it, which must be translated into an action plan that delivers on the principles of being victim focused, collaborative in approach and committed to constant improvement. I support the Government's motion and the amendment in Claire Baker's name.

16:26

Sandra White (Glasgow Kelvin) (SNP): I am pleased to speak in the debate. Many members have debated human trafficking and exploitation on numerous occasions. Along with others, I have been raising the issue in the Scottish Parliament since 1999, and we have moved slightly forward. I was pleased when our hard work paid off with the introduction of the Human Trafficking and Exploitation (Scotland) Bill. I thank Jenny Marra and the many individuals and groups who worked so hard to bring the bill to fruition, and I wish the strategy well.

I congratulate the media—we do not often do that in this place—for a documentary that other members have mentioned, which was on the BBC and was made by investigative journalist Sam Poling. The programme highlighted the clear link between eastern European crime gangs and Asian organised crime in Glasgow.

I must also mention the soap opera “River City”, which has been running a storyline about women being trafficked for sex. It is excellent that the programme has picked up on that issue. Human trafficking may not be an easy subject to view, but it is essential to get the message across that human trafficking has no place in society in Scotland or any other part of the world. I thank “River City” for highlighting the issue.

Ash Denham, in a very thoughtful speech, talked about commercial sexual exploitation. She talked about such prostitution as a business involving supply and demand, which was a powerful way in which to describe the subject. I fully supported Ash Denham and others in their determination to have a motion passed at the SNP conference to mirror the Swedish policy of challenging that demand through legislation. It can be difficult to get a motion passed at conference, so I congratulate them on their success.

Liam McArthur mentioned poverty, the threat of which runs through the issue—it is the reason why many people are trafficked. In the BBC programme that I mentioned, we saw places such as Slovakia, where the poverty is tangible. People—particularly young women—are duped into coming here and to other parts of the UK, thinking that they are coming to a better life. They end up being trafficked and having an appalling existence. Some are even sent back and end up being trafficked again. That is abhorrent in any society.

Kate Forbes mentioned the exploitation and trafficking of people for work. I have spoken about that previously, as some of my constituents have been affected by it. Many people have been trafficked to be chefs or waiters or to work on building sites and so on. They were brought over

to find that they would be sleeping in a room with maybe 10 other people, that their passport and money were being removed from them and that they were working for something like £1 a day. Sexual exploitation of women and children is absolutely abhorrent, but we must look at the other side as well—workers who are being exploited.

I echo everyone who has said that we must have cross-border working throughout Europe.

The Deputy Presiding Officer: I call Jamie Greene, to be followed by Fulton MacGregor, who will get to speak if he presses his request-to-speak button. He will be the last speaker in the open debate.

16:30

Jamie Greene (West Scotland) (Con): There is very little time available today, and we are rushing through our speeches to get as much in as we can. I will try to add some further thoughts to the debate.

I found the previous speech interesting, because the reasons for human trafficking are wide and varied. We know that forced labour, sex work, child exploitation and domestic servitude are the main ones, but the problem can manifest itself in a variety of ways for people who come to this country thinking that they are getting a better life yet ending up entrapped in trafficking circumstances.

I guess that I should not be surprised that there are recorded figures of trafficking in Scotland, but I am—indeed, I am quite shocked. It is the sort of practice that one never really believes takes place on one’s own doorstep, but experts believe that the official figures underestimate the number of victims each year. The official figure is around 150, but many people in the third sector believe that the actual figure could be in the thousands.

Part of the reason why the figures are surprising is that our image of what a modern slave might be does not always fit the stereotype. We have talked a bit about some of the television documentaries that have covered human trafficking. I recall one that was shown last year on, I think, BBC Three about the story of a Polish immigrant who had come to the UK. He was a burly guy, 6 feet tall, who had come here to do labour work and was forced into agricultural work against his will. His passport was taken away, he was given limited access to money and he was confined to accommodation from which he could not escape. Moreover, he was beaten up by the gangmaster who controlled the group of people that he was in.

John Finnie: Jamie Greene makes a valid point about employment. Does he agree that it is

important that employers robustly scrutinise the source of their employees?

Jamie Greene: I do. In the field of manual labour, which is often paid by cash in hand, it is important that employers look at where their staff come from, especially if they use an agency. They might think that they are doing the right thing in using a legitimate agency, but unscrupulous work might be going on behind that. I could not agree more with John Finnie.

Given the fear and control that are involved—members should bear in mind that fear is a way of controlling people—how can we encourage more victims to come forward? We have not touched on that as much as we could. How can we encourage victims to seek help when they are living in unique circumstances of danger?

It is worth noting that the serious organised crime strategy shows that human exploitation is not confined to big cities but happens in small towns, villages and even rural communities. It is happening under our noses. How aware of the problem are we? Do we choose to close our eyes to what is going on around us in society?

I welcome the strategy, which is widely supported. It focuses on the victims but also touches on how we identify perpetrators and disrupt their work practice. There is little to disagree with in the strategy, to be honest. The focus on victims is important. The long-term impact of being a victim of human trafficking is inconceivable, but it is important that victims overcome that impact if they are to reintegrate into society. As is always the case with such strategies, measurement and monitoring will be key to success. The onus is on the Scottish Government and this Parliament to regularly review the strategy and its progress.

The title of the motion includes the words

“Making Scotland a Hostile Place for Traffickers”,

and I could not agree more with that. An unequivocal and unapologetic message should go out from this place to tell human traffickers that they are simply not welcome here and that we will not tolerate their activity. The 2015 act introduced a number of new powers to prevent and punish trafficking, including the option of life imprisonment for those who are prosecuted. We should not shy away from using those powers to their full extent.

I think that we would all agree that, as things stand, trafficking is still at an unacceptable level in Scotland and across the UK. Collaboration—not only across Governments, police forces and enforcement and border agencies, but, more important, as we have seen today, across the political divide—is the key to making the strategy a success.

16:35

Fulton MacGregor (Coatbridge and Chryston) (SNP): As other members have said, human trafficking is one of the most important issues that we face and it must be eradicated as soon as possible. I am proud that the Parliament has put in place robust legislation with meaningful punishments for those who engage in that abhorrent crime.

I am pleased that the Scottish Government is also developing a new strategy. It would be easy for us to point at recent legislation and say that we are doing our bit, but the renewed focus makes it clear that the Scottish Government, the Parliament and the people of Scotland are serious about doing everything in our power to stop trafficking in this country.

The strategy, as its first priority, makes it clear that victims will be the priority and that they will be offered, as they should be, every bit of support that is necessary to aid them to safety and recovery. The legislation that was passed two years ago also puts victims first, which has been welcomed by international watchdogs such as Amnesty International. Catching and prosecuting the perpetrators of human trafficking is crucial to preventing it in the future, but every effort must be made to ensure that the victims are well cared for at all times.

I welcome the plans in the new strategy to run a public awareness campaign. There will be times when people who are victims of trafficking come into contact with the general public and with all of us, and yet we cannot necessarily spot the warning signs. The latest figures show that 149 victims were identified in Scotland in 2016. That shows an increase from 2015, which—although it is worrying that there are more victims year on year—shows that the procedures that are in place are getting results.

Thinking back to my time as a social worker, I believe that the training on child protection that we received was quite robust. From 2004 onwards, everybody was trained quite well in that area, but human trafficking was not covered, so training on identification for professionals will have been welcomed over the past couple of years.

It is clear that the authorities are not yet identifying all victims, and that trafficking is a much bigger problem in Scotland than we would hope. John Finnie, among other members, mentioned some of the issues that arise in trying to identify those people. We also know that the figures do not even provide the total number of victims, as adult victims are required to consent to referral under the national referral mechanism, as has been discussed.

In 2016-17, Migrant Help and the trafficking awareness-raising alliance were supported by the Scottish Government with £700,000, which has given them resources to support victims. It allows them to provide accommodation, medical treatment and psychological counselling as well as translators, legal services and help to access compensation. I am glad that the Scottish Government has been investing in that work. I note that Labour colleagues said earlier that, although they welcome the legislation, they have concerns about provision for the Police Service of Scotland. I ask those colleagues to join me in hoping that we can have all the powers at this Parliament in order to raise and distribute money as required. There is consensus on trafficking and members in this Parliament, no matter what party they are in, agree that action must be taken.

On justice for victims, the 2015 act makes prosecution of perpetrators much more straightforward, which should be welcomed. A life sentence is now at the disposal of the courts, and those who engage in human trafficking should take note. As other members have said, the actions of traffickers are not welcome and our justice system will come down hard on them if they carry on.

I welcome the Scottish Government's recognition that more needs to be done on information gathering and data analysis, as well as on sharing information between authorities and, where appropriate, between other countries. That should enhance the detection of patterns of trafficking and make it easier for authorities to put a stop to it earlier.

I welcome all the steps that are being taken to eradicate human trafficking from Scotland, and I look forward to working towards that end in the months and years to come.

The Deputy Presiding Officer: We move to the closing speeches. I call Claire Baker to close for Labour. You have five minutes, if you are ready.

16:39

Claire Baker: Yes, thank you, Presiding Officer. Today's debate has been interesting and I am pleased about the consensus on the need to tackle human trafficking. The trade in people and the modern-day slavery of men, women and children is abhorrent and has no place in Scotland.

Adam Tomkins described the need to bring trafficking out of "the shadows", and many members reflected that view in their forceful speeches this afternoon. I will try to recognise their contributions. As the cabinet secretary said in the strategy's foreword, the strategy and the action plans are "living documents", so it is important that we listen to all views.

I will comment on a few things that the cabinet secretary said. I welcome increasing the days of support up to 90 days, a doubling of the allowance; the anti-trafficking monitoring group's emphasis on the importance of the approach adopted by the Crown Office on non-prosecutions, describing it as exemplary practice; and the importance of partnerships working across borders. As we have uncertainties ahead in our relationship with Europe, it is important that we maintain the effective networks that have been built up.

John Finnie spoke about the importance of multi-agency working and Fulton MacGregor talked about the importance of information sharing. Tackling human trafficking is an issue not just for the justice secretary, but for the health secretary, the education secretary and other ministers, and Adam Tomkins made the fair point about the UK Government's effort in this area, too.

It is early days with the Scottish Government strategy, but it requires close monitoring. The publication of a strategy is often the easy part; now it is down to the implementation, which can be more challenging.

A number of members talked about people being the second most lucrative commodity in modern-day trading. Support for victims and their recovery is important. We need to be aware that boys and girls, like men and women, can experience trafficking in different ways, so they may need different support. John Finnie described how people are easy targets as a result of having multiple vulnerabilities, so we are dealing with complex issues.

Ash Denham and Ruth Maguire talked about how demand is driving much of the exploitation of people. They both argued for decriminalising the sale of sex and criminalising the buyer. They might be aware that Rhoda Grant introduced a member's bill in the previous parliamentary session. It did not receive enough support across the chamber so we could not legislate in that area. Perhaps we will see progress made in this session.

This afternoon, we heard shocking reports of sex trafficking and the level of abuse that is involved, as well as the level of awareness among buyers about that and their willingness to become involved in that crime. Sweden and Norway were cited as examples of countries where much more hostile environments have been created. There is a serious risk that we could see an increase in trafficking in Scotland as others take action, but we are left behind on this agenda.

We must address issues of public perception. Sandra White made a good point about how to communicate with people effectively, whether that

is through soap operas, documentaries or other television shows that appeal to people.

Oliver Mundell talked about the importance of focusing people's minds on identifying victims. Human trafficking happens across Scotland. How do we raise awareness that it is taking place in all our communities? Although members have talked about commercial sexual exploitation, there are also many victims in forced labour, particularly in services that many of us use every day. We need to recognise the importance of the victim's experience and to listen to them and understand why they have become trapped in such situations, often without it being evident to themselves.

Kate Forbes talked about the prevalence of nail bars, car washes, forced begging and other such activities. It can be difficult to identify the victims and the perpetrators. We often come into contact with those services. We are often dealing with victims who are just people trying to find a better life for themselves. Kate Forbes gave a human face to the strategy that we are discussing.

People are often tricked into coming to the UK. Jamie Greene described the control and the abuse of forced labour that takes place. There is a role for employers here, as well as for trade unions in raising the profile of the issue.

This afternoon's debate has been interesting. We need to recognise that human trafficking is a global issue—members touched on that when they talked about the reasons why people are trafficked and how the attraction of the UK is a strong pull for people, who can then easily be exploited.

As John Finnie said, when we reach out to victims, we need to realise that some people have low literacy and language skills, particularly if English is not their first language. We need to ensure that materials are tailored to victims' needs.

I welcome the strategy, but we must ensure that it is followed up with resources, enforcement and education. We need traffickers to be brought to justice and we need victims to escape the clutches of gangs. I hope that the strategy is a live document and that we can adapt to changing circumstances and the lived experience of people who are caught up in such a heinous crime.

16:45

Annie Wells (Glasgow) (Con): I welcome the opportunity to close the debate on behalf of the Scottish Conservatives. Many members from across the chamber have made thoughtful and helpful speeches, and I thank everyone who has spoken in the debate.

At First Minister's question time recently, I asked the First Minister about the shocking revelations in

a BBC documentary that was shown in May that young girls who are victims of human trafficking are being forced into sham marriages in Govanhill, in Glasgow. The passing of the Human Trafficking and Exploitation (Scotland) Act 2015 and the publication of the trafficking and exploitation strategy on 30 May are welcome, but the documentary highlighted the scale of the challenge that faces us if we are to address the sickening abuse that is going on in our communities.

I welcome that the 2015 act makes it simpler for law enforcement agencies to take action against traffickers, in that it introduces a single offence that covers all kinds of trafficking. It is also right that the maximum sentence of the criminal law—life imprisonment—is available to the courts when a person is convicted of trafficking offences. That sends a strong and clear message from this Parliament that the systematic abuse of victims' human rights will attract the fullest and most severe punishment, and that it sits alongside the most severe and despicable crimes that are recognised in Scots law.

The 2015 act places a clear duty on the Scottish ministers to ensure that an adult victim has access to support and assistance, and that an adult guardian is made available to a child who is, or is vulnerable to becoming, a victim of trafficking. It is crucial that ministers fulfil that duty, because when victims are identified, it is essential that the correct support is available in order to help them to re-establish their lives.

I welcome the action that the Scottish Government takes to fund support for all adult victims of human trafficking in Scotland. The psychological support that is provided at the Anchor centre and by third sector organisations is particularly important. I cannot begin to imagine the horrific psychological and emotional impact that victims of trafficking must endure. All victims, including victims of slavery, servitude and forced labour, should be able to get the support that is offered. The strategy commits to considering the issue further; I urge the Scottish Government to make its support services available to all victims, without further delay.

I support the actions that the strategy sets out in order to identify perpetrators. The approach must build on the strong powers of the police and courts to identify and punish those who are guilty of trafficking offences.

In today's debate, we have heard about the witness service that Victim Support Scotland provides. That kind of support is crucial. Often, the evidence that is needed to bring perpetrators of crime to justice comes from witnesses who are vulnerable and are reluctant to give evidence in court. That is why proper support for witnesses

from Victim Support Scotland, and court procedures that are sensitive to victims' and witnesses' vulnerabilities, are essential. The actions that the strategy sets out in that regard are very welcome.

I support the strategy's focus on preventing violence against women and girls. It is important that we recognise the huge contribution that the United Kingdom Government makes to tackling violence against women and girls and, thereby, to tackling exploitation and trafficking across the world, by committing to spend 0.7 per cent of gross domestic product on international aid.

The 2015 act requires a review of the strategy within three years of its publication. That means that we will have the opportunity to measure the strategy's effectiveness during this parliamentary session.

It is, for all the reasons that have been mentioned by others, of the utmost importance that we get the strategy right and address the shameful practice of human trafficking. I encourage all members in all parties to put aside our traditional differences when this difficult issue arises, so that we can ensure that the Government's actions and strategy are placed under close scrutiny and that any failures are identified and dealt with robustly. That must happen on a continuing basis as well as when the formal review takes place in 2020.

I recognise the point that has been made clearly by members throughout the debate about the need for co-operation across borders. Human trafficking and exploitation of vulnerable people take place without regard to borders and therefore multi-agency and multination efforts to tackle the crimes are obviously essential. Continuing co-operation with our European partners as we leave the European Union is essential.

The UK Government has led efforts internationally to tackle modern slavery and trafficking, including by ensuring that ending modern slavery was included as a UN sustainable development goal. I am proud that Scotland, as part of the UK, is leading efforts to end this heinous crime across the globe. Everyone in Parliament should welcome that.

The Scottish Government's strategy gives us the opportunity to build on that success. For that reason, it is welcomed on this side of the chamber. We will support the motion and the Labour amendment at decision time, and we will work constructively with others in Parliament to achieve the eradication of human trafficking and exploitation.

The Deputy Presiding Officer: I call Michael Matheson to close for the Government.

16:51

Michael Matheson: I thank all members for their contributions to the debate. A number of important issues have been raised in respect of tackling human trafficking and exploitation. Members across the chamber recognise the complexity that is involved in tackling human trafficking and exploitation.

As others have done, I want to acknowledge the work that has been carried out by Jenny Marra, Christina McKelvie and Sandra White over a number of years in pressing the Government and highlighting issues to make sure that we were taking forward all the appropriate measures to tackle human trafficking and exploitation effectively.

I am happy to accept Claire Baker's amendment to the motion. She made reference in her speech to a number of interesting statistics—in particular, statistics about people's perception of whether human trafficking is a problem here, or is a problem for others outwith Scotland or the UK. That, to some degree, illustrates the nature of the challenge in tackling human trafficking and exploitation; very often, people's perception is that it does not take place here in Scotland. However, the statistics demonstrate that it does.

Members have referred to the increase in the number of referrals by 3.4 per cent between 2015 and 2016, from 145 to 150. Since 2013, referrals have increased by 52 per cent. Interestingly, an equal number of men and women were referred in 2016, although I know that members made particular reference to the impact of human trafficking and exploitation on women. This year, 75 men and 75 women have been referred to the national referral mechanism. Sexual exploitation is the most common type of exploitation of adult females who are identified in Scotland, with labour exploitation being the most common type of exploitation of adult males who are identified in Scotland.

The data also highlights that for the past three years, Vietnamese nationals have been the biggest single nationality group of victims who have been referred to the national referral mechanism. That raises a particular point of interest for us and it is one to which I am already giving further consideration within the Government.

We can take action in the way that Adam Tomkins mentioned through legislation, which is part of the process—it is the start of the process. The strategy will help us to take the issue out of the shadows, but we also have to consider what work we need to do further upstream, at the point of origin, in the countries from which individuals are being trafficked. Evidence demonstrates that if

we can take appropriate measures in those countries, we can help to reduce the likelihood of individuals being trafficked.

In his speech, Oliver Mundell referred to the “murky and dark” trade of human trafficking. To some degree, I agree with that. Some aspects of it are dark. However, in their speeches, Kate Forbes and Jamie Greene spoke clearly about the very public way in which some human trafficking and exploitation have taken place through labour exploitation. We heard about someone who was forced to become a farm labourer and we know of case studies involving individuals becoming labourers on building sites. Kate Forbes referred to people working in nail bars and we know that people have been forced to work in the fishing industry. I do not want to characterise the problem as being prevalent in particular industries or areas, but I think that those examples demonstrate that the problem can be happening right under many people’s noses. We must ensure that people have awareness and are conscious of the problem. That is why part of the strategy will be a public information campaign that we will launch later this year. That will ensure that the issues that we are talking about will be at the forefront of people’s minds.

Claire Baker: Will the information in that public information campaign be provided in different languages, in recognition of the different communities that we might be trying to engage with?

Michael Matheson: That is an important point. We are already engaging with stakeholders, including victims, on how we can shape the campaign best. That will include considering whether we need to provide the information in other languages. I will ensure that that is part of our consideration.

John Finnie intervened on Jamie Greene to make a point about the need for employers to ensure that they are implementing appropriate checks in relation to the individuals whom they employ. That is an important point. However, it is also important that landlords who let properties for business purposes also consider the individuals to whom they let the properties, because we know that many of the people who are involved in human trafficking and exploitation are involved in serious and organised crime groups, which have a range of criminality attached to them. That is why the work that is being done by Police Scotland and the serious and organised crime task force, which I chair, is not just about drugs and issues that many people would consider serious and organised crime to involve, but is also about issues such as human trafficking and exploitation.

A number of members have acknowledged the international element of human trafficking and the

need to ensure that we are taking forward measures that recognise the cross-border nature of the crime. One of the organisations that provide particular assistance to Police Scotland is Europol, which supports joint investigation teams that can work across a number of different countries in order to tackle issues such as human trafficking. As we go forward with the Brexit negotiations, it will be important to ensure that we retain our membership of Europol and, where possible, retain access to joint investigation teams, which is not available to associate members. Also, the European arrest warrant, which Liam McArthur highlighted, brings important benefits in terms of tackling issues around human trafficking, so we must ensure that we still retain the warrant to help us in the work that we are doing to tackle human trafficking.

Members highlighted the importance of resources. I want particularly to correct Mary Fee on Police Scotland’s budget. There is no cut to Police Scotland’s budget; in fact, Police Scotland’s budget is increasing, and will continue to do so for the rest of this session of Parliament. Further, in this year alone, we have increased the police reform budget to enable Police Scotland to continue to take forward its transformational work.

It is also important that agencies work collaboratively. Police Scotland cannot resolve the issue on its own, and we cannot expect local authorities or third sector organisations to deal with it on their own, either. We must also recognise that education, health and many other parts of our public sector have an important part to play in helping to make Scotland a hostile place for those who want to peddle the misery of human trafficking and exploitation.

The legislation that Parliament has put in place will ensure that we have the right powers to prosecute and take robust measures against those who perpetrate human trafficking and exploitation. The strategy will help us to build on that legislation by supporting victims and ensuring that all our public agencies work collectively to tackle human trafficking.

As a Government, we are determined to ensure that Scotland is a hostile place for human trafficking, and I welcome the support from members across the chamber this afternoon for the strategy that we now have in place.

Decision Time

17:00

The Presiding Officer (Ken Macintosh): There are two questions to be put as a result of today's business. The first question is, that amendment S5M-06031.1, in the name of Claire Baker, which seeks to amend motion S5M-06031, in the name of Michael Matheson, on human trafficking and exploitation, be agreed to.

Amendment agreed to.

The Presiding Officer: The second and final question is, that motion S5M-06031, in the name of Michael Matheson, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament recognises that the abhorrent crimes of human trafficking and exploitation are an abuse of human rights and dignity, which can cause lasting physical and psychological damage to victims, both adults and children; recognises the cross-party support that exists to make Scotland a hostile place for those who traffic and exploit other human beings; welcomes the publication of Scotland's first Trafficking and Exploitation Strategy on 30 May 2017; further welcomes the vision set out in the strategy to eliminate human trafficking and exploitation by identifying victims and supporting them to safety and recovery, identifying perpetrators and disrupting their activity, and addressing the issues that foster trafficking and exploitation; welcomes the contribution made by external stakeholders to the development of the strategy, including those who have directly experienced trafficking; recognises the contribution that will continue to be made by stakeholders in its implementation; notes the role to be played by local authorities in tackling human trafficking, and believes that they, along with Police Scotland, must be properly resourced and funded to tackle trafficking and exploitation in communities.

Freedom of Information (Scotland) Act 2002

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-05946, in the name of Neil Findlay, on leading journalists criticising the Scottish Government over freedom of information requests.

Motion debated,

That the Parliament notes with great concern the letter from whom it understands are 23 prominent Scottish journalists to the selection panel for the appointment of the Scottish Information Commissioner, which was published on 1 June 2017 by *The Ferret* and *Common Space* and details what they argue are the failures of the Scottish Government and its agencies in relation to the Freedom of Information (Scotland) Act 2002 (FOISA); understands that it suggests that the application of FOISA by ministers and officials is questionable at best and, at worst, implies a culture and practice of secrecy and cover up, including, it believes, through routinely avoiding sharing information, often through not recording or taking minutes of meetings that are attended by ministers or senior civil servants; considers that this flies in the face of what it sees as the Scottish Government's much-vaunted assessment of itself as open and transparent, including through the Open Government Partnership Scottish National Action Plan and its role as one of 15 pioneer members of the Open Government Partnership's inaugural International Subnational Government Programme and legislation such as the Public Records (Scotland) Act 2011; understands that the Scottish Government introduced its Record Management Plan to comply with the 2011 Act; notes the view that the journalists' criticism of FOISA shows that it is time to have a review of whether the legislation remains robust or has been diminished, whether it should be extended and strengthened and whether elements of it are still appropriate, such as the level set for the cost exemption, whereby the Scottish Government may refuse to provide information if the cost of doing so exceeds £600, a figure that hasn't been updated since FOISA came into force, and further notes the view that, by doing so, this would ensure that people in Lothian and across the country who use their freedom of information rights could be confident that FOISA would be improved and applied in a way that was consistent with the spirit intended when the law was established.

17:02

Neil Findlay (Lothian) (Lab): I thank members of my own party, Greens, Liberal Democrats and members of the Tory party for signing the motion. Sadly, no member of the Scottish National Party managed to sign it.

The Freedom of Information (Scotland) Act 2002, which was introduced by a Labour Government, aimed to provide the public with the right to access information that is held by the state about what is being done in their name. An Ipsos MORI poll from 2017 showed that 94 per cent of people agreed that it is important for the public to be able to access such information.

The right to access information has three distinct elements. The legislation empowers people to make an information request and receive the information quickly; it permits people to see what has been disclosed and when; and, importantly, it provides the ability to enforce that right.

When I came to the Scottish Parliament, I naively expected parliamentary questions to be the vehicle that I would use to find out information. How wrong I was. I can describe the quality of replies that we often get back only as dross. They demean the Parliament. Many of them, at a processing cost to the public purse of £12 each, would be as well going in the shredder.

For many of us, the remedy is the Freedom of Information (Scotland) Act 2002. It provides for a process that costs yet more public money, time and a not insignificant amount of effort. As with the answers to parliamentary questions, we increasingly find that FOI requests elicit little or no information.

Of course, it is not just members of the Parliament or the public who use FOI as means to try and break through the secrecy of Government and public bodies. Journalists use it, too.

Just two weeks ago, 23 prominent journalists signed an open letter to the Parliament in which they raised very serious concerns about how FOI is being mishandled—in my view, deliberately mishandled. They highlighted delays beyond the 20-day period for answers as well as

“emails asking for an update on ... requests in cases of delays ... being routinely ignored by officials; ... officials delaying responses for so long that the initial requests only get answered under internal review, making it impossible for journalists to ask for incomplete replies to be internally reviewed again”—

resulting in longer delays as they have to go to the Scottish Information Commissioner—

“government officials taking control of requests to other government agencies without the consent of the applicant; ... requests being blocked or refused for tenuous reasons”

and

“requests being screened for potential political damage by special advisers and ... responses to individual journalists being routinely handled by special advisers.

Those complaints have been made by respected journalists including Rob Edwards, Severin Carrell, Dan Sanderson, Andrew Picken, Bernard Ponsonby, David Clegg, Michael Blackley, Paul Hutcheon, Tom Gordon, Kieran Andrews, Simon Johnson and others. It is incredible that such a diverse list of experienced journalists felt that they had no option but to make them. I particularly thank *The Ferret* and *CommonSpace* for their excellent work on the issue.

The curtailing of a free press, the refusal to release information and the maintenance of a culture of secrecy are tactics deployed by despots and dictators, not a Government that boasts that it is one of the 15 pioneer members of the open government partnership’s international subnational Government programme.

My office uses FOI regularly to try to hold those who are in power to account. Time and again, the Government routinely blocks the release of information or redacts it. We are regularly told that meetings listed in ministerial diaries have no agenda and no minutes, and that no notes were taken because no substantive Government business was discussed. Let me give members a few examples.

On 21 January 2016, the First Minister and senior civil servant Lisa Bird met financier Peter de Vink at Edinburgh’s New Club, which describes itself as

“Scotland’s Oldest ... and pre-eminent private Members’ Club, featuring fine dining, entertainment and a socially vibrant atmosphere”.

I could not comment—I have never been. There was no agenda and no minutes were taken.

On 26 September 2016, again at the New Club—it is a popular place, apparently—John Swinney and Fiona Robertson, director of learning at the Scottish Government, met businessman Angus Tulloch. There was no agenda and no minutes were taken. On 2 November 2016, Derek Mackay and a senior civil servant met Barry White and Peter Reekie of the Scottish Futures Trust. There was no agenda and no minutes were taken. On 9 November 2016, Humza Yousaf met Phil Verster, who was then at ScotRail. There was no agenda and no minutes were taken—members know the routine.

On 29 October 2016, John Swinney met Sally Loudon, the chief executive of the Convention of Scottish Local Authorities. There was no agenda and no minutes were taken. On 25 February 2016, John Swinney met senior INEOS officials. There was no agenda and no minutes were taken. On 7 September 2016, Nicola Sturgeon met Alan Muir, editor of *The Scottish Sun*. There was no agenda and no minutes were taken. On 15 June 2015, Nicola Sturgeon met Andrew Wilson of Charlotte Street Partners. Members have guessed it—there was no agenda and no minutes were taken.

Are we seriously supposed to believe that ministers met the chief executive of ScotRail, INEOS, which wants to frack half of Scotland, COSLA, directors of the Scottish Futures Trust, the editor of one of the country’s biggest-selling newspapers and a senior lobbyist and chair of the SNP’s growth commission, and that no substantive Government business was discussed?

The Government seems to think that we all zip up the back.

Only yesterday, I received a very late response in relation to the transvaginal mesh review. The reply is remarkable. At the Public Petitions Committee meeting on mesh, the Cabinet Secretary for Health and Sport said:

“there were a great number of FOI requests that involved a lot of information. I reassure Mr Findlay that we will respond to his FOI request as quickly as possible. His office has requested a great deal of information, which it will take time to gather. However, the response will be issued as quickly as possible.”—[*Official Report, Public Petitions Committee*, 18 May 2017; c 37.]

Yesterday, only nine emails or letters were released. Is that the “lot of information” that the cabinet secretary promised? However, it gets worse. We were denied all other information because the Scottish Government claims that the review that it set up was independent and, as such, does not fall under FOI, even though the Government provided the secretariat to the group and has admitted that it holds all the minutes and correspondence. What a farce.

There are a few more meetings that I have received information about just today. On 14 May, there was a meeting between John Swinney and Educational Institute of Scotland Further Education Lecturers Association regarding the colleges dispute. There was no agenda and no minutes were taken. On 16 September 2016, Keith Brown met businessmen to discuss Chinese investment in Scotland. There was no agenda and no minutes were taken. That is farcical, but it is not just the Scottish Government that is at fault. We find that other public bodies are using similar tactics.

I call on the Parliament to take these matters very seriously indeed. Scotland is not a pioneer in open government; it is a country in which there is systematic avoidance of scrutiny and accountability from the highest level down. I call on the Standards, Procedures and Public Appointments Committee to hold an inquiry into the claims that were made by the 23 journalists. There must be a wholesale review of the way in which the Government operates FOI. We cannot allow the current practice to continue.

17:11

Graham Simpson (Central Scotland) (Con): I thank Neil Findlay—not something that I am in the habit of doing—for bringing the matter to Parliament and for his excellent speech. I also thank the 23 journalists who wrote the open letter to highlight their concerns about the handling of FOI requests. I note that their employers range from the BBC and STV to the *Daily Record*, the *Daily Mail* and even the *Sunday Herald*, which is

not known for criticising the Scottish Government. However, I was disappointed not to see a signatory from the Scottish *Sun*, my former employers. I hope that their omission is because they were not asked and not because they refused.

Serious issues have been raised by the journalists. In a democracy, it is essential that authorities are open and transparent, and the purpose of the Freedom of Information (Scotland) Act 2002 is to ensure that they are. However, when the people who run the Government or councils are centralising and mistrustful of the public, they will try to find ways around the law. That is what has been going on, and the journalists have shone a light on the practice. The former Scottish Information Commissioner Rosemary Agnew said as much when she described the behaviour of ministers as “totally unacceptable” and “rude” with regard to freedom of information.

The Scottish Government says that it is “outward looking” and

“more open and accessible to Scotland’s people than ever before”.

It promises to be a “beacon of transparency”. Those words are easy to say but less easy to back up, as the evidence shows the opposite.

I cannot help thinking that the Government’s response to tricky questions is not to tell people what they want to know but to ask, “What shall we tell them?” If the instinct is to keep things hidden, the response to potentially embarrassing requests could be to say that records have not been kept or that minutes were not taken. Failing that, stalling tactics are employed, which I presume are to frustrate the person who requested the information in the hope that they will give up and go away.

The journalists’ letter makes allegations of information requests being delayed beyond the deadline; emails to ask for updates being ignored; endless delays leading to complaints to the commissioner;

“requests being blocked or refused for tenuous reasons”;

and

“requests being screened for ... political damage by special advisers”.

We have had quite enough of special advisers.

Neil Findlay: Will the member take an intervention?

Graham Simpson: I will, if I am allowed time for it.

The Deputy Presiding Officer: No.

Graham Simpson: There is no extra time, so I cannot take an intervention.

I have heard Joe FitzPatrick's meandering and vague answers in Parliament on the matter, which do not wash. I hope that we will get more sense today.

As I said, I used to be a journalist. The press has its faults, but a free press and open government are essential to our democracy. There should always be a tension between the press and the Government, because Governments always have things that they do not want people to know about and it is the job of journalists to find out those things. We should remember the farce that we had when the SNP said that it had taken legal advice on an independent Scotland's place in the European Union. It spent thousands of pounds of taxpayers' money to stop us discovering that it had no such advice.

No wonder Rosemary Agnew formed the view that she did. The Scottish Government needs to change its ways. Yes, there are times for private discussions in which people can talk about things openly—try telling that to the First Minister—but freedom of information provisions are not there to be got round. That is what has been happening.

17:15

Monica Lennon (Central Scotland) (Lab): I pay tribute to my colleague Neil Findlay for bringing this important matter to Parliament. Freedom of information legislation is based on the simple democratic principle that the public have a right to know about the decisions and actions that are taken in their name by the people they elect and pay the salaries of.

Journalists have used FOI to great effect, sometimes with devastating consequences for Governments or individual politicians. Individuals and community groups also use FOI legislation every day to find out important information on issues that matter to them.

We are told that requesting information from a Scottish public authority is simple; all that we have to do is ask. We do not even have to live in Scotland and we do not have to mention FOI. Likewise, we do not have to give any reasons for why we want the information. That comes from the Scottish Information Commissioner's booklet "Your Right to Know", which includes tips on how to ask for information. It says:

"You can ask for any recorded information the authority holds at the time of your request."

Types of information that the authority might hold that are of interest to the public include internal correspondence, reports and minutes of meetings. The booklet also says:

"It may be helpful to add your phone number or other contact information if you are happy for the authority to contact you this way."

That might help to speed the inquiry up. If it is so simple to ask the questions, why is it so difficult to get the answers?

The Scottish Government is under attack tonight, so I am not surprised that no SNP members signed the motion. However, given the list of appalling sins that Neil Findlay read out, it is in the interests of all members, on behalf of all our constituents, to take the matter seriously. Many ministers, including the First Minister, were named in the list that Neil Findlay read out. I saw Fergus Ewing sitting at the back of the chamber. Maybe he was checking that he did not get a mention; I see that he is no longer with us.

When 23 prominent Scottish journalists feel the need to clearly outline what they see as the shortcomings of how FOISA is being interpreted and implemented by the Scottish Government and officials, it is clear that something has gone far wrong. The principles of open and transparent government, which are much flaunted by the current Administration, are in stark contrast to the vast majority of the experience of those who use FOI legislation to obtain information.

Graham Simpson alluded to some of the problems that Rosemary Agnew, a former Scottish Information Commissioner, outlined when she described the behaviour of Scottish ministers as "rude", "totally unacceptable" and "unnecessarily pedantic". That does not read well.

Ahead of tonight's debate, Severin Carrell from *The Guardian* outlined that the Scottish Government abruptly stopped publishing FOI request responses on its disclosure log on the Government's website. That only makes it harder for the public and professionals to keep track of the responses. The introduction to the disclosure log states:

"The Government's policy is that where we release information in response to a FOI request we recognise that it will usually be of interest to the wider public in addition to the original applicant."

Why take all the information away?

Earlier this year, I asked the Scottish Government for a record of any meetings that officials or ministers have had with organisations to discuss the provision of sanitary products, which relates to my campaign work on period poverty. As a new member, I thought that asking a straightforward parliamentary question would be the right route to get information. I got an answer that had been cleared by spads and to which exemptions had been applied, and I am none the wiser. Likewise, on colleges, I asked for information about John Sturrock QC, who has been appointed as a mediator to the disastrous negotiations on national bargaining, and I got a ridiculous response to a parliamentary question. I

hope that, when I get some FOI replies in the next couple of weeks, I will get further information.

There is huge concern among the public about the prevalence of fake news, so it is critical that the public have information that we can trust and of which we know the provenance. My 10-year-old daughter and her classmates recently had a lesson on how to spot fake news. It would be interesting to give them a list of FOI responses and ask what they made of those.

17:20

Andy Wightman (Lothian) (Green): I thank Neil Findlay for securing the debate. I also thank the journalists who wrote the letter of 1 June that highlighted concerns about the operation of freedom of information legislation, particularly with respect to requests made of the Scottish Government. That letter came on the back of the criticisms of the Scottish Government that were made by the outgoing information commissioner and which have already been quoted, in which she talked about the Government being “unnecessarily pedantic” and about its “poor” approach to freedom of information law.

On the face of it, journalists appear to be being treated differently, and yet they play a vital role in holding power to account. Beyond this debate, I ask the minister whether he will be providing a full response to the journalists who wrote that letter to the Cabinet Secretary for Finance and the Constitution, Derek Mackay.

It is clear to me that we need proper post-legislative scrutiny of the 2002 act, if for no other reason than that an important part of the regime—the Environmental Information (Scotland) Regulations 2004—is a European Union directive that will be affected by the United Kingdom leaving the EU.

I want to use my three minutes to highlight three suggested improvements to FOI legislation. The first is the question of an internal review, to which Neil Findlay alluded. The failure to respond to requests on time has led to the internal review process being used to address that failure and then being unavailable to be used to challenge an unsatisfactory response, leaving a full appeal to the commissioner as the only option for that. The law could be tightened by the provision of two distinct internal review procedures: one for failure to respond timeously or for other administrative errors, and one on the substantive question of whether the information requested has in fact been released.

The second improvement concerns logs, which Monica Lennon mentioned. It strikes me as odd that public authorities can, in response to freedom of information requests, release voluminous

material to those seeking it, but that there is no statutory obligation on the authorities to tell anybody else that such information has been released. The means to do that is through a log of requests and responses published by the public authority. The Scottish Government and other authorities have done that in the past, particularly in high-profile cases such as the release of Megrahi, the decision to approve planning consent for Mr Trump’s golf course and, in the case of the City of Edinburgh Council, information relating to the tenement repairs scandal.

If freedom of information is to realise its full potential, all releases of information should be published in a log as a matter of course. It was something of a shock to read Severin Carrell’s testimony that the Scottish Government has published no log since December 2015. It would be useful if the minister would address that point in his closing remarks.

The final improvement is on the question of copyright. Five years ago I sought information about a Swiss banker called Henry Angest, who was the chairman and chief executive of Arbutnott Banking Group and a former Master of the Worshipful Company of International Bankers. Mr Angest provided almost £7 million to the Conservative Party and was a funder of Atlantic Bridge, the charity that funded Adam Werrity’s excursions around the world with Liam Fox. Mr Angest has also provided substantial funds to the Conservative Party in Scotland, including for Murdo Fraser’s failed campaign for the Tory leadership, and he owns an estate in Perthshire through a company in Jersey.

In 2005 Mr Angest began providing funding to Perth College to finance research on private land ownership in Scotland. I asked Perth College about that money and about Mr Angest’s relationship with the college. In the response that I received, it was clear that Mr Angest was, among other things, angling for an honorary degree in return for his financial support. Perth College told me that copyright in the information that it had released belonged to Perth College and that its consent was required for me to publish the information. I asked for that consent, but it was refused. To this day, I cannot publish the information that I received five years ago for others to examine. Anyone wanting that information is, of course, perfectly free to make a separate request to Perth College. If information is released under FOI there should be a statutory right for people to distribute that information to anyone else.

The FOI regime needs serious scrutiny. It has performed well, as have the two commissioners to date, but the performance of some public authorities leaves much to be desired. The

Scottish Government, in particular, has questions to answer. The public are entitled to answers to the questions that were raised by the journalists, and I hope that ministers will provide them soon.

17:24

Tavish Scott (Shetland Islands) (LD): Neil Findlay is quite right that the Parliament should do no less than initiate a full inquiry into the effectiveness of the freedom of information regime, the culture and institutional behaviour of government at all levels and, in particular, the behaviour of ministers, special advisers and civil servants. Among the litany of worries that the journalists expressed in the much-cited letter, the one that strikes me as most important is when they write:

“This raises the question of whether Scottish ministers and civil servants now have a practice of not recording information that would previously have been recorded.”

Neil Findlay *rose*—

Tavish Scott: I will give way to Neil Findlay.

Neil Findlay: Is it not the ultimate irony that, in the application—

The Deputy Presiding Officer: Excuse me, but could you wait until I say your name? It is for the *Official Report*—I would not like the official reporters to think that somebody else is speaking.

I call Neil Findlay.

Neil Findlay: Thank you.

Is it not the ultimate irony that, in the Scottish Government’s application to the Open Government Partnership strategy group, which was written by John Swinney, he says at the very end:

“At the end of the pilot programme we would be happy to mentor another government?”

Tavish Scott: “Irony” is one way of putting it; some unparliamentary language would be another way.

I am most concerned about the kind of institutional behaviour that has been much cited. That was never the intention when the legislation was passed in 2002. As some of us do from time to time, I dug out the *Official Reports* of some old debates from all those years back. You will remember those well, Presiding Officer, because you were there and you voted on that matter. Members from across the chamber have mentioned the independence of the commissioner. On that issue, the then Deputy First Minister, Jim Wallace, who introduced the proposed legislation, said in the stage 1 debate:

“The commissioner’s independence will ensure the integrity and credibility of the regime.”

He went on:

“It should not be a case of their saying, ‘How can we withhold this—do any of the exemptions apply?’ Instead, the commissioner will ensure that the default setting is disclosure.”—[*Official Report*, 17 January 2002; c 5458.]

Now we find in repeated examples—some are cited in the letter and more can be found in many other places—that that is exactly what has been going on. The behaviour has become institutional. Members cited the example of a previous commissioner describing the current Government as “rude” and “totally unacceptable”. When that happens, ministers should have the integrity to recognise that for what it is, which is a damning indictment of what is going on, and they should recognise the need for fundamental change. That is why Neil Findlay is right to argue for a full independent inquiry into what is going on and why the system is not working, as it assuredly is not.

My final point is on culture, because the issue comes down to the culture of behaviour and the fact that it is now not as it should be. Two very good points were made in the stage 1 debate. My good friend Bruce Crawford said:

“There is no doubt that without changing the culture of secrecy, there will be no change.”—[*Official Report*, 17 January 2002; c 5486.]

He went on, but that was a striking and correct observation about the principle of cultural change. Christine Grahame, who was very outspoken on the matter, as she used to be when she was in opposition, said:

“I want to address the culture of openness, which is at the heart of the bill. Those of us who are in Parliament have found it hard to detect the fresh breeze of openness blowing through the Parliament’s corridors.”—[*Official Report*, 17 January 2002; c 5477.]

She went on to make a point about parliamentary questions, but I will not bore the chamber with that.

There is a lot to be done in this regard. The culture needs to change. In that context, I can do no better than to quote Michael Matheson, who is a minister in the current Government and who made a very fair observation in the stage 3 debate in 2002. He said:

“The Information Commissioner of Canada said only last year”—

so that was 2001—

“that it has taken some 10 to 15 years to start to break down the culture of secrecy that exists in many of Canada’s public services. I believe that such a culture is probably even more deep-rooted in Scotland.”—[*Official Report*, 24 April 2002; c 8216.]

Well, indeed it is. Fifteen years on, we see what is happening, and it is time that things changed.

17:28

Edward Mountain (Highlands and Islands) (Con): I thank Neil Findlay for securing this important members' business debate. It is always interesting to share a platform with Mr Findlay, even if it rarely happens. It is even more rare that we agree, but in this situation we do.

The freedom of information laws and procedures in Scotland, such as the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, were introduced to improve Government transparency and to set strong standards. It is disappointing that we have heard from journalists across the political spectrum their serious concerns about the way in which the Scottish Government is interpreting and implementing the legislation. We have heard about concerns regarding information requests being delayed

"beyond the 20 working day deadline";

emails requesting an update on cases "being routinely ignored";

"officials delaying responses for so long that"

initial requests are answered only "under internal review"; and

"Scottish government officials taking control of requests to other government agencies without the consent of the applicant".

I could go on.

In the open letter, the journalists explain that their experiences raise concerns about whether information requests by journalists are being "treated and managed differently". When I, as a member of the Parliament, raise questions, they are usually met with a barrage of smokescreen, mirrors, diffusion and, in some cases, complaints to the Commissioner for Ethical Standards in Public Life in Scotland, which have all been ignored and rejected. I find that the journalists, with whom I have huge sympathy, are being treated differently, but so are members of the Parliament.

Delays and withholding information are not acceptable and it is no surprise that former Scottish Information Commissioner, Rosemary Agnew, ordered ministers to improve their performance. As parliamentarians, the question that we must ask ourselves is: does the SNP-led Scottish Government have a transparency problem or a code of secrecy? To be frank, I believe that it does. It must now take responsibility for its actions and address the concerns that are raised in the open letter.

Only last week, my colleague Jamie Greene pressed the Scottish Government on the matter during topical questions. He asked the Scottish Government what action it took to comply with

freedom of information requests. Instead of giving him a direct answer—God forbid—the Minister for Parliamentary Business provided a long list of statistics. In fact, Joe Fitzpatrick argued that

"the number of FOI requests has spiked dramatically",—
[*Official Report*, 6 June 2017; c 7.]

as the Government has received more requests in 2017 than in the whole of 2007. That is probably because the level of secrecy means that it is the only way that people feel that they can get information.

Joe FitzPatrick also stated that in recent years the Government's performance had been

"consistently better than the 61 per cent that was achieved under the last full year of the previous Administration."—
[*Official Report*, 6 June 2017; c 6.]

Not really. The Government is failing to answer the requests and it is not surprising that its members look uncomfortable on their benches.

The Scottish Government must accept responsibility for the situation and take action on the serious concerns that have been raised. It is unacceptable that it uses the legislation to undermine openness and accountability. That simply cannot continue in a mature democracy and I urge the Scottish Government to admit its failings, request a review and get on with the day job, which is answering the questions and dealing with the problems in Scotland.

17:32

Richard Leonard (Central Scotland) (Lab): I thank Neil Findlay for lodging the motion and securing time for this important debate on how the Scottish Government is dealing with requests under the Freedom of Information (Scotland) Act 2002.

The virtues of openness that lie at the heart of that legislation have been exchanged in practice for vices of secrecy so that we are witnessing conscious and deliberate acts of political concealment—supported tonight by the total silence of SNP MSPs. I say to the Scottish Government and those members that it is no good talking of freedom of information and open and accessible government and that it is no good the Government saying that it adheres to the principles of the freedom of information legislation if its actions prove otherwise. Clearly, it is Parliament's job to scrutinise and to hold to account the Government and it is the Government's job to defend its record, but we face a Government whose first instinct is to tell members of this Parliament as little as possible. It is that first instinct to which journalists are objecting.

Straightforward parliamentary questions are met with evasion and a lack of detail. Members are sent off on wild goose chases or forced to submit FOI requests. Only last month, I asked the Government a legitimate constituency question. I asked what consideration it had given in the past five years to taking the operations of the Grangemouth refinery into public ownership. The answer that I got from the Minister for Business, Innovation and Energy told me that there were 20 billion barrels of oil in the North Sea, which supports 125,000 jobs in Scotland, and that the Government was supportive of investment that is consistent with its economic strategy. There was no direct answer to a straightforward and legitimate direct question in the public interest.

Any Administration committed to open and transparent government and at ease with itself would routinely publish agendas and minutes of meetings as a matter of course. Any information that should not be in the public domain for whatever reason would be redacted and the reason for the redaction would be published, again as a matter of course. We may not expect *Official Report*-standard records of Government internal and external meetings with, for example, outside commercial interests. We simply expect minutes that are, in the words of Dick Crossman,

“impersonal, dry, flat and precise.”

It is entirely right, however, that for the accountability of the Executive to Parliament and so to the people, we should have access to sufficient information so that the people can form and make reasoned judgments. It is wrong that ministers hold meetings with civil servants present in which no minutes are taken. Ministers cannot govern properly and democratically by unminuted fireside chats in the gentlemen’s clubs of Edinburgh. If we want to lead the way and to be open and transparent, the Scottish Government must cease the practice of ministers holding meetings for which there are no notes or minutes.

It stands, in conclusion, that tonight has revealed that we have the Scottish Government, the First Minister, the cabinet secretaries and now SNP back-bench MSPs on one side, and the sovereign Parliament, the press and the people on the other. I ask the SNP Government in all sincerity: is that where it wants to be, or is it time for it to square its conscience and its conduct with its words?

17:36

The Minister for Parliamentary Business (Joe FitzPatrick): I am pleased to speak in the debate and thank Neil Findlay for bringing it to the chamber. It allows me to address points in the motion and to highlight the Government’s

achievements in its effort to build a culture of openness and transparency across Scotland.

I will cover most of the points that have been raised, but I did not intend to cover the point that Monica Lennon and Andy Wightman made about disclosure logs. I do not think that we have taken anything off our website or removed any information. I know that we are not talking about a statutory requirement, but I will consider the issue, because I can see the advantages of that even though it is not in my notes to cover the issue.

As a country, we can be proud of our record on freedom of information. In her special report, which was published in April, the former Scottish Information Commissioner stated that,

“since Scotland introduced the Freedom of Information (Scotland) Act 2002, it has put itself ahead of the international field.”

Tavish Scott: The minister mentions the previous Scottish Information Commissioner. Why did she describe the Government ministers as “rude”?

Joe FitzPatrick: I will come on to some of the circumstances around her intervention. That will be covered later.

Our public records legislation demands the highest standards of authorities in responsible records management and, internationally, the Open Government Partnership has recognised our commitment to openness, transparency and citizen participation. I recognise that our performance in responding to freedom of information requests on time is not good enough, but I assure members that we are engaging with the office of the Scottish Information Commissioner to meet the high standards that are rightly expected of us.

Neil Findlay: On the failures to respond, the commissioner’s report said that she had received 10 failure-to-respond appeals although ministers reported that there were none. How did that happen?

Joe FitzPatrick: I would need to look at the specifics of the numbers.

I will talk a bit about why we have perhaps not performed quite as well as we would hope to. I hope that colleagues recognise my acknowledgement that we are not where we want to be.

Over the years, the volume of requests has increased substantially. More than 2,000 information requests are now received annually. Even so, we managed 1,674 responses on time in 2015 and 1,557 in 2016. Those figures compare to only 684 responses having been issued on time in 2006—the last full year of the previous

Administration. In recent months, there has been a significant spike in the number of requests made to the Scottish Government. As Mr Mountain said, by April we had received more requests in 2017 than we received throughout 2007. With the best will in the world, that workload will inevitably put strain on resources.

In spite of the increase in workload, in 2016, 76 per cent of responses were issued on time compared to the figure of 61 per cent that was achieved during the last full year of the previous Administration. We received more requests, and more were responded to on time. To clarify: although our performance is better, it is not good enough, which is why, as I have said, we are working to improve it.

Neil Findlay: Does the minister not understand that, if parliamentary questions were answered properly, the number of FOI requests would go down? The reason that there is a spike is that we get absolute dross back in parliamentary answers.

Joe FitzPatrick: Okay. Thank you. I am quite short of time.

I will turn to the policy framework. The Government's aim is to keep our FOI legislation up to date to ensure that it operates effectively for applicants and public authorities. The latest major addition, the Freedom of Information (Amendment) (Scotland) Act 2013, improved and strengthened the legislation and paved the way for the lifespan of key exemptions to be reduced from 30 years to 15 years—the shortest in the United Kingdom. It gives journalists in Scotland access to information such as Cabinet minutes much earlier than their London-based counterparts.

This Government has also extended coverage of the 2013 act to numerous organisations that deliver public services, including local authority arm's-length trusts and private prisons—a power that was never used by the previous Administration. In addition, the act ensures that new public bodies such as the Scottish Fiscal Commission are subject to FOISA from day 1.

I will quickly compare the legislation in Scotland with UK legislation. It is widely recognised that our legislation is much stronger. For instance, the UK act contains far more wide-ranging veto powers than our act contains. Such powers have never been used here but have repeatedly been used by Westminster Governments. A prime example of that, which is relevant to this Parliament, is the fact that the minutes of the Cabinet sub-committee on devolution prior to this Parliament being set up were withheld on the basis of that veto.

Tavish Scott: Does the minister not want to address the six separate points in the letter rather than talk about Westminster, please?

Joe FitzPatrick: I will come to the letter.

The motion refers to the cost limit of £600, which is also referred to in the letter. It is important to point out that the limit of £600 has remained the same since 2005, as has the hourly rate of £15. It means that the cost limit has much the same effect now as it had back in 2005, and a request can be refused only if it requires more than 40 hours' work. Again, in that respect, the Scottish legislation compares very favourably with the legislation in the rest of the UK, where, although the cost limit is also £600, the work is calculated at £25 an hour, which means that the UK Government routinely rejects requests on cost after only 24 hours' work.

Edward Mountain: Will the minister take an intervention?

Joe FitzPatrick: I do not think that I have time. I am sorry.

There is a major difference in the workload that is possible before the cost cap is reached.

Claudia Beamish (South Scotland) (Lab): Will the minister take an intervention?

Joe FitzPatrick: I am over my time and I have other points to make. Mr Scott asked me to cover the journalists' points, which I want to do.

Finally, in comparing Scottish FOI practice and UK practice—this is important because it is about getting information at all—the statistics for the UK, which are published by the Cabinet Office, show that the UK Government responds to only 63 per cent of requests when it holds relevant information. That figure compares to a figure of 85 per cent in Scotland.

One of the important things that we are doing—which, I hope, will help journalists—is proactive release of information. We are committed to proactively publishing information whenever possible, which means that journalists, members of the Scottish Parliament and the public can access that information without even making an FOI request. Whether it relates to engagements, travel or gifts, information on a raft of Government spending is automatically available and is proactively released. That is an important part of our open data strategy, which is helping to ensure that Scotland meets internationally high standards of publication.

Turning directly to the journalists' letter, I note the concerns that were raised by the journalists who are referred to in the motion. Journalists play a central role in an open and accountable democratic society, and all information requests are handled in accordance with our guidance, which is in the public domain. If journalists are dissatisfied with any aspect of request or review handling, like any other requester they have a

clear route of appeal to the Scottish Information Commissioner. The Scottish Information Commissioner's intervention concerning our performance on timeliness demonstrates the strength of our legislation in that respect.

I will respond to Andy Wightman's point. The letter went to the members of the selection panel rather than to the Government directly. We would obviously rather address the concerns without the need for anyone's intervention, and my office has contacted Paul Holleran of the National Union of Journalists to that end. I do not want to have to defend us because the Scottish Information Commissioner has said that our timeliness is not good enough. As I have said, we are working on that. I will engage with the NUJ to try to understand its particular concerns, because, as I have said, the role that journalists play in a democracy is important and I need to recognise that.

The Deputy Presiding Officer: You must bring your remarks to a close, minister.

Joe FitzPatrick: The motion and the journalists' letter refer to the minuting and recording of ministerial meetings. I assure members that the Scottish Government complies fully with all records management practices and policies, including those that are set out in the ministerial code. The code is clear that formal meetings should be recorded in a way that sets out the reasons for the meeting, the names of those attending and the interests represented. A monthly list of engagements that are carried out by all ministers is already published proactively, which never happened before. People did not know what was there.

Moving on quickly, yesterday I signed the first commencement order of the Lobbying (Scotland) Act 2016, paving the way for preparations for the lobbying register to go live in January. That is important for freedom of information. The purpose of the 2016 act is to increase public transparency by establishing a register to contain details relating to lobbying by paid consultants and in-house lobbyists of ministers and members. A lot of that data is already in the public domain in relation to ministers—

The Deputy Presiding Officer: You must bring your remarks to a close, please.

Joe FitzPatrick: Given that we are a Parliament of minorities, it is important that such transparency is extended to other members of the Parliament.

I had hoped to talk about the Open Government Partnership. Our aim is to use these tools to increase public participation and transparency and move towards the aim of being an open and accessible Government.

The Deputy Presiding Officer: I must insist, minister. We are out of time.

Joe FitzPatrick: Through our legislation, best practice and our wider civil engagement, we will continue to drive that ambition to be a more open and transparent Government.

Edward Mountain: On a point of order, Presiding Officer. One of the problems that we have had tonight is the fact that, yet again, no answers have been given to the questions. The point of asking questions is to get answers. Surely, the minister accepts that, if we got specific answers to freedom of information requests, there would not be quite so many of them.

The Deputy Presiding Officer: That was not a point of order but a matter for the ministerial code. I suggest that you write to the Government once you have looked again at what has been said in the debate.

Meeting closed at 17:48.

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.

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

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba