



# The Scottish Parliament Pàrlamaid na h-Alba

## MINUTES OF PROCEEDINGS

Parliamentary Year 2, No. 54, Session 6

Meeting of the Parliament

Thursday 8 December 2022

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 11.40 am.

- 1. General Questions:** Questions were answered by a Cabinet Secretary and Ministers.
- 2. First Minister's Questions:** Questions were answered by the First Minister (Nicola Sturgeon).
- 3. How Will We Survive: Steps to Preventing Destitution in the Asylum System:** The Parliament debated S6M-05880 in the name of Bob Doris—That the Parliament notes the impact of the cost of living crisis on people seeking asylum in the Glasgow Maryhill and Springburn constituency, and across Scotland; further notes the research published by the British Red Cross and Refugee Survival Trust, *How Will We Survive? Steps to preventing destitution in the asylum system*; understands that the report was written by peer researchers with lived experience of the asylum system, through the Destitute Asylum Seeker Service; further understands that it outlines seven overarching recommendations, covering both the Home Office and Scottish Government, including that the Scottish Government should pilot a peer support system to ensure new arrivals through the asylum system can access support, guidance and friendship from people who have shared experiences of navigating the asylum system, that people with no recourse to public funds should have access to adequate support and increased access to health services, including mental health support, and that the Home Office should automatically grant people the right to work if they have been waiting for longer than six months for a decision on their initial asylum claim, or following the submission of further evidence, and that such a right should not be restricted to jobs on the

shortage occupation list, and notes the view in the report that the Home Office should also offer an initial grant to asylum seekers to help them set up life in the UK, which it considers would lessen the likelihood of destitution.

**4. Portfolio Questions:** Questions on Education and Skills were answered by a Cabinet Secretary and Ministers.

**5. Ministerial Statement:** The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville) made a statement and answered questions on Scottish Attainment Challenge – Local Authority Stretch Aims for Recovery and Accelerating Progress in 2022-23.

**6. International Human Rights Days:** The Minister for Equalities and Older People (Christina McKelvie) moved S6M-07133—That the Parliament recognises the significance of Human Rights Day and International Human Rights Defenders Day; reaffirms its own commitment to the universal and inalienable rights and freedoms originally set out in the Universal Declaration of Human Rights; commends the work of human rights defenders in all nations and territories, and the importance of their work to ensure that human rights are fully respected, protected and fulfilled; recognises the Scottish Government's commitment to giving full domestic effect to international human rights obligations through future human rights legislation within the limits of devolved competence; agrees that the Convention rights established by the Human Rights Act 1998, and embedded in the Scotland Act 1998, are fundamental to the Scottish Parliament and to Scotland's devolution settlement, and reiterates its unequivocal opposition to the UK Government's proposals to undermine and weaken the Human Rights Act 1998 through its flawed and misconceived Bill of Rights Bill.

Rachael Hamilton moved amendment S6M-07133.2—

As an amendment to motion S6M-07133 in the name of Christina McKelvie (International Human Rights Days), leave out from "agrees" to end and insert "expresses concern for the abuse of human rights across the world, particularly in Ukraine, the Islamic Republic of Iran and the People's Republic of China; welcomes the UK Government's commitment of £2.3 billion in military aid towards Ukraine; recognises that the UK Government has been at the forefront of developing human rights laws and norms and expresses disappointment that the Scottish Government has politicised human rights, particularly when it comes to the rights of children, and, to this end, regrets that the Parliament has still not been provided with a timescale for the return of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, over one year after the Supreme Court declared that the Bill had been drafted in terms that 'deliberately exceed the legislative competence of the Scottish Parliament', and calls on the Scottish Government to make the necessary amendments to the Bill as a matter of urgency."

After debate, the amendment was disagreed to ((DT) by division: For 29, Against 88, Abstentions 0).

Pam Duncan-Glancy moved amendment S6M-07133.1—

As an amendment to motion S6M-07133 in the name of Christina McKelvie (International Human Rights Days), leave out from "recognises the Scottish Government's" to end and insert "notes the Scottish Government's commitment to giving full domestic effect to international human rights obligations through future human rights legislation within the limits of devolved competence; agrees that the Convention rights established by the Human Rights Act 1998, and embedded in the Scotland Act 1998, are fundamental to the Scottish Parliament and to Scotland's devolution settlement, and reiterates its unequivocal opposition to the UK Government's proposals to undermine and weaken the Human Rights Act 1998 through its flawed and misconceived Bill of Rights Bill, and calls on the Scottish Government to publish its timetable for reintroducing its United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill in order to ensure children and young people's rights are protected in domestic legislation."

After debate, the amendment was disagreed to ((DT) by division: For 23, Against 94, Abstentions 0).

The motion was agreed to ((DT) by division: For 86, Against 31, Abstentions 0).

**7. Decision Time:** The Parliament took a decision on item 6 as noted above.

The meeting closed at 5.08 pm.

**David McGill**  
Clerk of the Parliament  
8 December 2022

**Appendix**  
**(Note: this Appendix does not form part of the Minutes)**

**Committee Reports**

The following report was published on 8 December 2022—

Net Zero, Energy and Transport Committee, 13th Report, 2022 (Session 6):  
Net Zero, Energy and Transport Committee report on The Public Water  
Supplies (Scotland) Amendment Regulations 2022 [draft] (SP Paper 277)

**Subordinate Legislation**

**Negative Instruments**

The following instruments were laid before the Parliament on 8 December 2022 and are subject to the negative procedure—

Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022 (SSI 2022/361) laid under section 23(3) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 and paragraphs 1(3) and 8F(6) of schedule 7 of the European Union (Withdrawal) Act 2018

Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2022 (SSI 2022/362) laid under section 133 of the Education (Scotland) Act 1980

**Other Documents**

The following documents were laid before the Parliament on 8 December 2022 and are not subject to parliamentary procedure—

**The 2021/2022 audit of the Crofting Commission (SG/2022/177)** under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

**Crofting Commission Annual Report & Accounts 2021/22 (SG/2022/143)** laid under Section 2B and Schedule 1, paragraph 19 of the Crofters (Scotland) Act 1993

**NHS 24 Annual Report and Accounts for the year ended 31 March 2022 (SG/2022/284)** laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

**NHS Education for Scotland Annual Report and Accounts for the year ended 31 March 2022 (SG/2022/285)** laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

**Healthcare Improvement Scotland Annual Report and Accounts for year ended 31 March 2022 (SG/2022/286)** laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

**Mental Welfare Commission for Scotland Annual Report and Accounts for year ended 31 March 2022 (SG/2022/287)** laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

**Scottish Ambulance Service Annual Report and Accounts for year ended 31 March 2022 (SG/2022/288)** laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

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