



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Meeting of the Parliament

Wednesday 28 January 2026

Business until 15:04

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

Wednesday 28 January 2026

CONTENTS

	Col.
BUSINESS MOTION	1
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
Russell Findlay (West Scotland) (Con).....	1
The Minister for Parliamentary Business and Veterans (Graeme Dey)	2
PORTFOLIO QUESTION TIME	6
CONSTITUTION, EXTERNAL AFFAIRS AND CULTURE, AND PARLIAMENTARY BUSINESS	6
Outdoor Arts, Circus and Spectacle Sector (Support).....	6
Constitution, External Affairs and Culture Portfolio Funding (Value for Money)	7
Summer of Sport 2026 (Cultural Legacy Benefits).....	8
National Performing Companies.....	9
Scottish Prison Service Policy for Management of Transgender People in Custody (Judicial Review)	12
National Performing Companies (Audiences)	14
Arctic Circle Assembly	14
United States Consul General (Meetings).....	15
JUSTICE AND HOME AFFAIRS	16
Budget 2026-27 (Community Justice Services)	16
Justice Services (Rural Areas)	18
Women's Custody Unit Estate (Occupancy and Operational Capacity)	19
For Women Scotland (Meetings).....	20
Cameron Barracks (Police Scotland Resources)	22
Prison Estate (Sex Segregation)	23
Budget 2026-27 (Gender-based violence)	25

Scottish Parliament

Wednesday 28 January 2026

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

Business Motion

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The first item of business is consideration of business motion S6M-20599, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on changes to business. I invite Graeme Dey to move the motion.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for Wednesday 28 January 2026—

after

followed by Scottish Labour Party Debate: The Role of Political Decision Making in NHS Scandals

insert

followed by First Minister's Statement: Update on the MV Bella-1

delete

9.30 pm Decision Time

and insert

10.00 pm Decision Time—[Graeme Dey.]

The Deputy Presiding Officer: I call Russell Findlay.

14:00

Russell Findlay (West Scotland) (Con): We strongly oppose the Scottish National Party's attempt to change today's business motion. This Parliament has a wide range of powers and responsibilities, covering hospitals and general practitioners, schools and universities, police and prisons, roads and public transport. That is what Holyrood should be talking about, and it is what MSPs are paid to do. Those are the issues that people care about. However, John Swinney has spotted an opportunity for grievance and grandstanding—two of his favourite things—and a chance to cosplay as a world statesman while meddling in matters that are not his domain.

I welcome the United Kingdom-US military operation to stop a sanction-busting oil tanker. Such vessels flout sanctions that have been imposed against evil regimes. Oil that is transported by that global ghost fleet literally fuels Putin's slaughter of innocent Ukrainians. Their

illicit cargo bankrolls the Ayatollahs, who are murdering brave Iranians in the streets.

I do not know the exact details of the court action in question. I do not need to. Let due process play out. If the sanction-busting Russian skipper of a ghost fleet ship has some kind of legal grievance, that is his business. We should be focused on what we are paid to do—not least addressing the vast backlog of legislation that is being rushed through Parliament, with weeks until dissolution. Just last night, some MSPs said that they were unable to speak fully to certain amendments due to a lack of time. That is a recipe for yet more bad legislation from the Government.

Parliament's time is precious and finite. The SNP Government frequently resists attempts to speak about serious issues for which it is responsible. We saw that recently with the scandal of the Cabinet Secretary for Justice and Home Affairs misrepresenting an expert on grooming gangs. We are seeing it again right now with the SNP's bizarre court case in which it is fighting to keep men in women's prisons.

The SNP has failed Scotland. Our public services are getting worse and taxes are going up, but John Swinney wants to waste Parliament's time to score political points on behalf of a seized Russian oil tanker. We say, "No, John Swinney—get on with the bloody day job."

The Deputy Presiding Officer: Mr Findlay, I ask you to reflect on the use of the adjective that you just used. It is not really what we would expect from such an august person as yourself. You might wish to reflect on that.

I call Graeme Dey to respond on behalf of the Parliamentary Bureau.

14:03

The Minister for Parliamentary Business and Veterans (Graeme Dey): It is clear that self-awareness is not a gift that has been bestowed on Russell Findlay when he accuses anyone of grandstanding.

The purpose of the amended business motion is to provide time for a statement by the First Minister to update the Scottish Parliament on the Bella 1. There has been, and there continues to be, significant public interest in the MV Bella 1, which is currently in the Moray Firth, in the wellbeing of the crew and in communications and information sharing between the Scottish and UK Governments.

Over the past few days, there has been considerable activity in relation to the Bella 1, and it is therefore right that time is taken to update Parliament and to set out the timeline of that engagement. The First Minister intends to update

Parliament on the position of the crew, on communications with the UK Government and on the legal proceedings that have been heard in the Scottish courts this week—and, of course, to answer questions from members. I anticipate that those questions would engage subjects such as how the Scottish legal system was involved, the fact that the vessel was sitting in Scottish waters and the fact that 26 of the crew were taken ashore in Scotland.

An element of those legal proceedings is still live, which will limit a part of what the First Minister is able to say. However, given the rapid pace of developments, our view is that the Parliament should be updated today. *[Interruption.]*

The Deputy Presiding Officer: Members, let us hear the minister. *[Interruption.]* Mr Ross, let us hear the minister. We have a lot—*[Interruption.]* We have an awful lot of business to conduct this afternoon, including portfolio questions. The more time that we spend on this bit, the less time we will have on selecting supplementary questions.

I call the minister.

Graeme Dey: I had concluded, Presiding Officer.

The Deputy Presiding Officer: The question is, that motion S6M-20599, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on changes to business, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

14:05

Meeting suspended.

14:12

On resuming—

The Deputy Presiding Officer: We come to the vote on motion S6M-20599, in the name of Graeme Dey, on behalf of the Parliamentary Bureau. Members should cast their votes now.

The vote is closed.

Tess White (North East Scotland) (Con): On a point of order, Deputy Presiding Officer. I would have voted no.

The Deputy Presiding Officer: Your vote will be recorded.

The Cabinet Secretary for Housing (Màiri McAllan): On a point of order, Deputy Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: Your vote will be recorded.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Leonard, Richard (Central Scotland) (Lab)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)

Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Ind)
 Briggs, Miles (Lothian) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 78, Against 25, Abstentions 0.

Motion agreed to,

That the Parliament agrees to the following revisions to the programme of business for Wednesday 28 January 2026—

after

followed by Scottish Labour Party Debate: The Role of Political Decision Making in NHS Scandals

insert

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delete

9.30 pm Decision Time

and insert

10.00 pm Decision Time

Portfolio Question Time

Constitution, External Affairs and Culture, and Parliamentary Business

14:14

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is portfolio questions. The first portfolio this afternoon is constitution, external affairs and culture, and parliamentary business.

I ask those members who are leaving the chamber to do so quietly.

Outdoor Arts, Circus and Spectacle Sector (Support)

1. Fulton MacGregor (Coatbridge and Chryston) (SNP): To ask the Scottish Government what support it provides to the outdoor arts, circus and spectacle sector. (S6O-05419)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): Creative Scotland supports nine organisations with an outdoor arts, circus and spectacle background through its multiyear funding programme, with funding that will total almost £4 million over the three-year period of the awards. Six of those organisations had not received core funding from Creative Scotland previously. That result has been made possible by record levels of funding being provided by the Scottish Government for multiyear funding. The Scottish Government support increased the multiyear funding budget by £20 million in 2025-26, and a further £20 million increase is planned in the draft budget for 2026-27, taking the total to £74 million.

Fulton MacGregor: Earlier this month, I sponsored an event at the Parliament alongside Articulation to mark the publication of "Beyond the Stage: Understanding the Benefits of Outdoor Arts, Circus and Spectacle in Scotland", which is Scotland's first-ever report on outdoor arts, circus and spectacle. Among other things, the report notes that, as Creative Scotland does not recognise outdoor arts, circus and spectacle as distinct art forms, artists are often forced to apply under generic categories, resulting in misaligned support and making it difficult to track or understand investment in the sector.

Does the cabinet secretary agree that formal recognition of outdoor arts, circus and spectacle in Scotland would greatly support artists and cultural events, as well as helping to deliver on the culture

and international culture strategies for 2024 to 2030?

Angus Robertson: I welcome the contributions that outdoor arts, circus and spectacle make to Scotland's culture sector and I recognise the challenges and opportunities that those distinct art forms face. Our culture strategy celebrates the diversity and excellence of cultures in Scotland, and the Scottish Government will continue to work with Creative Scotland and stakeholders to ensure that we can best support our mutual goals for the culture sector. If Fulton MacGregor would like to follow up after this question session on the specifics that he raised in his supplementary question, I would be happy to enter correspondence with him.

Constitution, External Affairs and Culture Portfolio Funding (Value for Money)

2. Tess White (North East Scotland) (Con): To ask the Scottish Government how it ensures value for money when allocating funding within the Constitution, External Affairs and Culture portfolio. (S6O-05420)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): The constitution, external affairs and culture portfolio received £415.8 million in the Scottish Government draft budget for 2026-27. That represents a £36.1 million increase in funding compared with the current financial year. Funding is allocated based on principles of best value and is allocated to existing, recurring and new projects. Decisions on draft budget allocations are made by the Scottish ministers, based on advice provided by policy officials and in discussion with special advisers.

Tess White: The Government's tax and spending plans show that funding for international and European relations will rise by 29.3 per cent. Two years ago, it rose by 12 per cent. During that time, in the north-east, Angus has lost its award-winning Gateway to the Glens museum, Dundee Rep has been reeling after the council cut its funding and Gardyne Theatre recently made its staff redundant. Aberdeen has closed six libraries with, doubtless, more to come. Why is the culture secretary wasting so much money on his jet-set Walter Mitty lifestyle when the core of his job—the one that is expected by taxpayers—is being eroded after years of Scottish National Party cuts?

Angus Robertson: I am genuinely surprised that Tess White is not aware that the increase in the external affairs advice and policy budget reflects the inward transfer of budgets from areas outwith the portfolio for teams working on population and migration and international climate change.

Scotland's international network does a lot of work to promote Scotland's culture internationally. I am sorry that there is an ever-growing number of voices among Tess White's party that seek to reduce that work. Her predecessor on the front bench used to call for an increase in Scotland's international network. It is a sad day when the Conservative Party, which set up Scotland's first international office, chooses to downgrade that network.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): It is grimly amusing to hear a Tory use the words "value for money", "funding" and "external affairs" in the same sentence. Scotland still awaits from the Tories some contrition for the travesty of Brexit. Will the Scottish Government say what funding Scotland has lost out on since Brexit was forced on us?

Angus Robertson: Brexit has been an unmitigated economic and social disaster. Its red tape has increased costs to businesses and hit Scotland's trade with our largest international export market, which is the European Union. Recent research estimates that, in 2023, the United Kingdom suffered a 2.5 per cent hit to gross domestic product as a result of Brexit, which is forecast to increase to 5.7 per cent by 2035. In Scotland, it equates to a cut in public revenues of around £2.3 billion in 2023 alone. I will take no lessons from the Tories on external affairs.

Summer of Sport 2026 (Cultural Legacy Benefits)

3. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what discussions the Cabinet Secretary for Constitution, External Affairs and Culture has had with ministerial colleagues regarding how to ensure that Scotland maximises the cultural legacy benefits of the 2026 summer of sport. (S6O-05421)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): The Scottish Government is drawing on the successful cultural legacy of the 2014 Commonwealth games to inform its approach to Glasgow 2026. In 2014, culture was embedded as a core part of the games, helping to widen participation, showcase Scotland internationally and strengthen the cultural sector.

For 2026, the Government will seek to ensure that that governance and planning are in place from an early stage in order to maximise long-term public benefit. I have already had meetings with ministerial colleagues to discuss maximising the impact of, and the legacy from, the Commonwealth games, and I look forward to those discussions continuing over the coming months.

Brian Whittle: I think that the cabinet secretary agrees with me that sport is culture. In 2014, the Commonwealth games showed Scotland and Glasgow in the very best light, but when that caravan packed up and left, the 2014 legacy—contrary to what the cabinet secretary seems to think—left a lot to be desired. For example, this time round, the Scotstoun stadium venue is the jewel in the crown, but right next door to it, the hockey centre that was developed for 2014 is crumbling and is no longer being used properly. Hockey around Scotland is now becoming simply islands of hockey.

How will we learn from that? How will we ensure that the same mistakes are not made again and that the cultural legacy of the 2026 games is a success?

Angus Robertson: First, I acknowledge Brian Whittle's expertise and commitment to sport and culture in this context.

I assure him that a lot of effort was put into making sure that the legacy benefits, not only from 2014 but from events such as the UCI cycling world championships, endure into the years ahead. He said that the legacy has been less than what was desired. I make a genuine offer to him that, leading up to the forthcoming Commonwealth games in Glasgow, he might share with me and my colleagues, in discussions in the months ahead, some areas on which he thinks that we should focus in order to ensure that we have the best possible games. I make that offer to members of all parties, because we want to ensure that we do it right.

Paul McLennan (East Lothian) (SNP): I welcome the Scottish Government's £40 million investment in the summer of sport, which will provide thousands of young people with the opportunity to get involved in sports and learn to swim this summer. Can the cabinet secretary say any more about the Scottish Government's work to commemorate this year of national events?

Angus Robertson: Sport and physical activity are among the most powerful ways to support physical, mental and social wellbeing. Our summer of sport programme in 2026 will provide opportunities for every child and young person in Scotland to take part in free, accessible sporting activity. The programme aims to inspire lifelong participation and help Scotland to become a healthier, more connected nation.

National Performing Companies

4. Liam Kerr (North East Scotland) (Con): To ask the Scottish Government what its position is on whether the five national performing companies are essential infrastructure investment and

whether the funding that it provides to them is sufficient. (S6O-05422)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): I recognise the important role that the national performing companies play in the cultural infrastructure of Scotland. We will continue to fund the internationally acclaimed work of our national performing companies in 2026-27, with a view to providing them with additional funding in future financial years as part of the commitment towards an additional £100 million. That funding builds on the uplift of £1 million in funding across our five national performing companies in 2025-26, and an additional £700,000 of funding in 2024-25. That investment takes their core funding to the highest level since 2011-12.

Liam Kerr: I am grateful for that answer, but independent analysis shows that, for every £1 that the Scottish Government invests in the Royal Scottish National Orchestra, it returns more than £4 to the economy and nearly £3 in wellbeing benefits. An additional £3 million would provide almost £14 million of economic impact. However, the RSNO has a salary bill of more than £5 million, which is more than the Government provides, and it was forced to make redundancies last year. Does the cabinet secretary accept that the proposed cut to the RSNO's budget does not make economic sense and risks severe damage to one of Scotland's leading cultural institutions?

Angus Robertson: I do not accept Mr Kerr's characterisation. I am a great supporter of the RSNO and I acknowledge the benefit of the investment and the return on it for Scotland's cultural sector and the economy more generally.

Mr Kerr would be standing on firmer ground in his support for cultural organisations in Scotland if he had voted for the biggest single increase in culture funding since devolution and Covid. I recall that Mr Kerr voted against that, so he is not on very strong ground now calling—[*Interruption.*] I invite Mr Kerr to vote for this year's budget, which sees a further increase for culture funding.

Kenneth Gibson (Cunninghame North) (SNP): Can the cabinet secretary advise why, at a time of steady, above-inflation growth in Scotland's cultural budget, the five national performing companies are still expected to operate on more or less a flat cash settlement that is similar to that of 15 years ago? What impact does he believe that that has on the staff of those companies, who are expected to survive and perform to an excellent standard, often peripatetically, on modest salaries?

Angus Robertson: The budget that is before the Parliament sets out that there will be further increases to our national performing companies

over the period of the spending review. Last year, they shared an uplift of £1 million, which followed an uplift of £700,000 in the previous year. That is a 9.4 per cent uplift since 2023-24. That takes their funding to almost £25 million, which is shared across the five national performing companies. Scottish Opera will receive £8.65 million in this year's budget, Scottish Ballet will receive £4.7 million, and the National Theatre of Scotland will receive £4.5 million.

For context, Creative Scotland's multiyear funding for 2026-27 is £74 million, which is shared among 263 organisations. The largest amount of the funding that goes to performing arts companies through that route is allocated to Dundee Rep and Scottish Dance Theatre, which receive £2.86 million, while the Royal Lyceum Theatre receives £1.7 million and the Citizens Theatre receives £1.6 million.

Neil Bibby (West Scotland) (Lab): The national performing companies are one of our most important cultural exports, performing in the other United Kingdom nations and internationally in some of the world's most renowned concert halls. The real-terms cuts to four of the five organisations in the draft budget will limit their ability to do that. Surely it is the cabinet secretary's role to help to promote Scotland's culture abroad. Is it that he does not realise the immense value of the companies to Scotland's international reputation, or is he happy to blame Shona Robison for jeopardising our status as a major player on the world stage?

Angus Robertson: We are 70 per cent of the way towards delivering our record uplift in post-Covid funding for the arts, which was opposed and voted against by the Conservatives and on which Neil Bibby abstained. I look forward to delivering the £100 million increase in Scotland's culture budget, and the national performing companies are at the forefront of my mind in that. I would have thought that Neil Bibby would understand that the increase in this year's budget is contributing to the delivery of multiyear funding, which the Government is proud to deliver.

I look forward to continuing to support the national performing companies and I have them at the forefront of my thoughts for the remainder of the uplift for the culture and arts budget. I invite Neil Bibby to vote for that, rather than abstaining.

Patrick Harvie (Glasgow) (Green): It is not just that the companies are expected to operate on budgets that are equivalent to what they received 15 years ago; it is also the fact that they are not being given clarity by the Scottish Government. It is simply too vague to say that they might expect something in future years. Does the cabinet secretary understand that the vagueness will force those companies to make urgent decisions that

will see Scotland lose some of its cultural infrastructure? Will he please offer them some concrete clarity about the funding trajectory that they can rely on in the immediate term?

Angus Robertson: I can give Mr Harvie that assurance. Those conversations have already been had with the national performing companies. We are in the process of delivering the biggest uplift in culture and arts funding in the history of devolution, outwith the Covid period. I am trying to do that as quickly as possible, and we are 70 per cent of the way there. The national performing companies understand that my thinking in terms of the last 30 per cent is very much focused on them in the years ahead. I agree that they would wish to have as much clarity about that as possible, and that is what I want to give them.

The Deputy Presiding Officer: I call Rachael Hamilton for question 5.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government—

Is my microphone on?

The Deputy Presiding Officer: It is now. Could you start again from the beginning of the question?

Rachael Hamilton: Presiding Officer, I would just draw your attention to the fact that the microphones have been working inconsistently at the start of every question.

The Deputy Presiding Officer: We will look into that. Please ask your question.

Scottish Prison Service Policy for Management of Transgender People in Custody (Judicial Review)

5. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government whether it will propose the scheduling of time for a ministerial statement on the written case for the Scottish ministers and Lord Advocate in the judicial review of the Scottish Prison Service policy for the management of transgender people in custody, including how many times women's rights are mentioned. (S6O-05423)

The Minister for Parliamentary Business and Veterans (Graeme Dey): It is the Scottish Government's long-held position that it is inappropriate for Scottish ministers to comment or engage in comments in respect of live litigation. That is the case in the chamber and in the media. The Scottish Government has an obligation to uphold the independence of the judiciary. We do not ever want the Government to be seen as interfering in the work of our independent courts. The court is the appropriate forum for such

discussions, which ensures that proper respect is afforded to the judiciary and to litigants.

Rachael Hamilton: The public deserve answers, not the Scottish National Party's defensive drivel yet again. We have already had an answer from the Supreme Court on the definition of biological sex. Does the minister not know that the Scottish ministers set the policy for the Scottish Prison Service, which delivers it?

Female prisoners who are already victims of male violence and abuse are being retraumatised, silenced and gaslighted by this Government. Is the Government stalling on bringing forward a statement because the First Minister does not know what a woman is or because the Government is still working out the distinction between a mother taking her young son into a changing room and a violent rapist being housed with vulnerable female prisoners?

Graeme Dey: I have laid out very clearly what is motivating the position that the Government has taken and I have explained the reasons for it. I do not think that there is anything further to add to that. I am certainly not going to be dragged into an argument as articulated by Rachael Hamilton in those terms. These are serious matters.

Douglas Ross (Highlands and Islands) (Con): The minister is on another planet. He says that he cannot discuss the issue because of an on-going legal case. The question is about information that the SNP put into the public domain, because the First Minister wanted the public to be better informed. Given that the SNP is going to court to continue to be allowed to house dangerous male prisoners in the female prison estate, I ask the minister this very simple question: did every cabinet secretary and Government minister agree with the written arguments that were presented in court, including the fact that they made absolutely no mention at all of women's safety?

Graeme Dey: I have already laid out the Scottish Government's position on the matter, but, harking back to yesterday, I am struck by the Conservatives' position—

Douglas Ross: Just answer the question.

The Deputy Presiding Officer: Mr Ross.

Graeme Dey: I am old enough—perhaps depressingly old enough—to remember when the Tories presented themselves as the party of law and order, yet, yesterday, I faced calls from members on those benches to not give due regard to the risk of the Government committing contempt of court, and, today, I am being challenged to disrespect a set of live legal proceedings by facilitating a parliamentary statement on the matter in parallel to those proceedings.

National Performing Companies (Audiences)

6. John Mason (Glasgow Shettleston) (Ind): To ask the Scottish Government what information it holds on the diversity and socioeconomic background of audiences attending performances by the national performing companies. (S6O-05424)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): Scotland's five national performing companies are required to develop a broad and diverse audience base as part of their grant conditions. The national performing companies published a joint social impact report in 2023. I would be happy to send the member a copy of that report.

One in 10 of all tickets sold to national performing company events were issued to those living in the most deprived areas of Scotland, and 43 per cent of the national performing companies' audiences live outside large urban areas, including rural communities and those in the Highlands and Islands communities.

John Mason: I accept that all of the companies go out into communities, but I am more interested in who is coming to the main events. I asked about that at the Finance and Public Administration Committee. Scottish Ballet could not really answer, and Scottish Opera has since sent me a helpful map that shows that, predominantly, its audiences come from the west end of Glasgow and up into Bearsden and from the south side of Glasgow out into East Renfrewshire. Is the cabinet secretary satisfied that we are reaching as wide an audience as we should be?

Angus Robertson: We should always strive to widen that audience—I am at one with John Mason on that. From the conversations that I have had with the national performing companies, I know that they are committed to that as well.

I am interested in the range of information that Mr Mason has. Perhaps he does not have all the information, but I have given a commitment to share the information that I have. If, as a result of seeing that, he identifies areas where we might be able to pursue a better understanding and get better statistics in order to pursue our shared objective, I would be happy to take the matter forward with him.

Arctic Circle Assembly

7. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government what recent engagement it has had with the Arctic Circle assembly. (S6O-05425)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus

Robertson): The Scottish Government was represented by officials from the Nordic international office at the Arctic Circle assembly in October 2025, who engaged with international stakeholders on a number of issues, including climate change, science and innovation, and rural economic development. That has enabled the Scottish Government to strengthen existing collaborations and gain valuable new insights into a region that has a rapidly changing geopolitical environment.

The Scottish Government has had ministerial or official representation at every Arctic Circle assembly since 2016.

Gordon MacDonald: Given that Scotland is the world's most northerly non-Arctic nation, what steps is the Scottish Government taking to place Scotland as a link between the Arctic region and the wider world, particularly as a European gateway to the Arctic?

Angus Robertson: "Arctic Connections: Scotland's Arctic Policy Framework", which was launched in 2019, strengthens our co-operation with Arctic and sub-Arctic nations by promoting knowledge exchange on shared challenges such as climate change, community resilience and sustainable economic development. The framework highlights areas where Scottish expertise aligns with Arctic priorities. It is currently under evaluation, with the recommendations due in February.

To enhance Scotland's role as a European gateway to the Arctic, the Scottish Government works closely with Arctic, Nordic and Baltic partners and ensures Scottish participation in key Arctic conferences.

We also seek to attract Arctic events to Scotland to broaden civic engagement. That work is supported by the Scottish Arctic Network, which is a network of researchers, and by the Scottish Government offices in Copenhagen, Ottawa and Washington DC, which help to maintain and deepen Scotland's Arctic relationships.

United States Consul General (Meetings)

8. Richard Leonard (Central Scotland) (Lab): To ask the Scottish Government when it last met the United States consul general in Edinburgh to discuss Scotland's international strategy. (S6O-05426)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): Scottish Government ministers and officials have regular meetings with the US consul general and US consulate staff as part of our on-going bilateral engagement with the United States. I most recently spoke with Kathryn Porter at a parliamentary event to mark the US

semiquincentennial. We have not had any specific meetings to discuss the Scottish Government's international strategy, which was published in January 2024; however, ministerial and senior official-level engagements with United States partners often include discussions on Scotland's approach to international issues.

Richard Leonard: The siege of Venezuela, the seizure of its President and the recolonisation of its oil fields; the continuing siege of Cuba and the threat to its sovereignty; and the threat to Greenland and the robbery of its mineral wealth—is this not naked aggression? Is this not raw imperialism? Are they not illegal actions of Donald Trump—actions that all democratic Governments should unequivocally and unconditionally condemn?

Angus Robertson: Mr Leonard knows that the First Minister has put the position of the Scottish Government on a number of those questions on the record.

I add that it is important at the present time to appreciate the sanctions regime that is supported by the international community against Vladimir Putin's Russia, which is using trade in oil to fuel its conflict against Ukraine. We support the United Kingdom Government's position and the international position in supporting Ukraine and in supporting sanctions.

On some of Mr Leonard's other questions, he will be aware that the First Minister is giving a statement later today, and I encourage Mr Leonard to be present in the chamber to hear what the First Minister has to say.

The Deputy Presiding Officer: That concludes portfolio question time on constitution, external affairs and culture, and parliamentary business. Of the eight members who sought to ask a supplementary question, I apologise to the two whom I was unable to call as I needed to protect the rest of the afternoon's business. There will be a short pause before we move on to the next item of business.

Justice and Home Affairs

The Deputy Presiding Officer (Liam McArthur): The next portfolio is justice and home affairs. I remind members that, due to the amount of business that we need to get through this afternoon and evening, I would appreciate brevity in questions and responses.

Budget 2026-27 (Community Justice Services)

1. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government how its draft budget 2026-27 will support community justice services. (S6O-05427)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The draft budget for 2026-27 includes a £10 million increase for community justice services. That will take total funding to a record £169 million, building on the £25 million of additional investment that has been made over the past two years. That uplift reflects the Scottish Government's commitment to strengthening community justice, reinforcing front-line capacity and ensuring that services across Scotland are well supported.

The increased resources will help to expand effective alternatives to custody, including diversion and community sentences, which can help to reduce reoffending. The sustained investment highlights the central role of community justice in rehabilitation, prevention and the delivery of justice in Scotland.

Willie Coffey: I am pleased to note the additional funding that will support those services. Can the cabinet secretary outline how the investment is reducing reoffending, particularly in my constituency?

Angela Constance: Community payback orders are robust community sentences that not only make people pay back to the community but take a tailored approach by targeting the needs of individuals and addressing the underlying causes of their offending behaviour. The latest statistics show another increase in the use of CPOs, with a successful completion rate of 71 per cent. The evidence demonstrates that community services are more effective in reducing reoffending than short-term prison sentences. I hope that that reassures Mr Coffey and his constituents.

Liam Kerr (North East Scotland) (Con): Although the increase to the community justice budget is welcome, the reoffending rate remains stubbornly high at 27 per cent. What assessment can the cabinet secretary point to that examines where the shortfalls in historical funding were most missed? When are the increased sums projected to show an improvement in the reoffending rate?

Angela Constance: I am pleased that Mr Kerr recognises the increased investment. This is the third year in a row under my tenure in which there has been increased investment, which totals £35 million. I am pleased that the bulk of the £169 million of funding—£148 million—will be invested in justice social work. There is a plethora of information that speaks to the importance of justice social work in supervising community payback orders, which leads to their success.

Katy Clark (West Scotland) (Lab): Only 2 per cent of the total funding that has been allocated for justice and home affairs has been assigned to community justice. Out of that, only 10 per cent has been allocated to third-sector organisations

that deliver front-line services. Local authorities provide a significant proportion of community justice. However, their budgets have been cut by about 50 per cent in real terms since 2010, and they say that they are not able to provide the range of services that are needed. Does the cabinet secretary believe that such levels of funding can deliver the shift to community justice that is needed across Scotland to reduce reoffending and tackle the root causes of crime?

The Deputy Presiding Officer: I will need quick questions and answers.

Angela Constance: Katy Clark makes a good point about the importance of sustained funding in community justice. That is what I have focused on and delivered. She may be interested to know that £95 million was invested in justice social work in 2016-17 and, as I have said, that figure has now increased to £148 million. That is an increase of more than 55 per cent.

Justice Services (Rural Areas)

2. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government what assessment it has made of access to justice services in rural areas. (S6O-05428)

The Minister for Victims and Community Safety (Siobhian Brown): The Scottish Government is committed to ensuring access to justice in rural areas. The Scottish Legal Aid Board has recently undertaken a comprehensive analysis to collect evidence at a geographical level of the degree of civil legal aid activity that is taking place in order to find out where the gaps are. In saying that, we recognise that there are some challenges in relation to certain locations.

Through our on-going reform programme, we are considering targeted interventions, including grant funding and capacity building initiatives, to strengthen access to legal aid where it is most needed. The Regulation of Legal Services (Scotland) Act 2025 will also remove restrictions that prevent charities, law centres and citizens advice bodies from directly employing solicitors to provide certain legal services.

Finlay Carson: Even before Covid, Rape Crisis Scotland warned that survivors in Wigtownshire were waiting more than two years for justice. In Stranraer, things are only getting worse, with just one sheriff and no local jury trials. Victims and witnesses are having to travel 75 miles to Dumfries, often alone, just to give evidence.

The latest figures from the Scottish Courts and Tribunals Service confirm that the average wait for a sheriff summary evidence-led trial is now increasing further. Will the minister, as a matter of urgency, examine whether reinstating jury trials in the town could help survivors in rural areas such

as my constituency by speeding up matters and preventing that intolerable wait for justice?

Siobhian Brown: It would be for the Scottish Courts and Tribunals Service to make that decision.

Funding is provided through the Scottish Legal Aid Board to 16 projects in areas including Dumfries and Galloway to provide assistance and representation.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): Will the minister set out how improvements can be made to access to the legal aid system in rural Scotland through the uplift in funding to the justice portfolio, as proposed in the Scottish Government's budget?

Siobhian Brown: The Scottish Government is committed to improving the legal aid system across Scotland. The draft budget maintains the substantial increases in legal aid over recent years. I am pleased to advise Parliament that, today, regulations have been laid that will, if approved, provide a 13 per cent fee increase for legal aid solicitors' fees and fixed payments.

To further secure the future sustainability of the legal aid system, the independent fee review mechanism group that I committed to has been established. It has met, and I will update Parliament once the independent chair has been appointed.

The Scottish budget has also made provision to double the number of places for the legal aid traineeship fund from 20 to 40, to improve the sustainability and capacity of the legal profession.

Women's Custody Unit Estate (Occupancy and Operational Capacity)

3. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government whether it will provide an update on the current occupancy levels and total operational capacity across the women's community custody unit estate. (S6O-05429)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): As of 22 January, 335 women are in custody, which represents 89 per cent of the total capacity of the Scottish Prison Service women's estate.

The Bella community custody unit is accommodating 13 women, which is 81 per cent of its design capacity, and the Lilius community custody unit is accommodating 16 women, which is 67 per cent of its design capacity.

The women who live in the community custody units have undergone robust risk and needs assessments and have been approved by a multidisciplinary team as part of the process to

ensure their compatibility with such a unique living environment.

The CCUs, which are the first of their kind in the United Kingdom, drew on international best practice to deliver evidence-based and trauma-informed interventions for all women who live there.

Rona Mackay: Does the cabinet secretary agree that, for the majority of women, traditional incarceration is not the answer, and that those units spearhead a vital holistic approach to reintegration while mitigating the damaging and generational effects that prison can have on families and children?

Angela Constance: I agree that the success of the community custody units represents a bold and progressive change to how we support women and better prepare them for their return to the community. That success forms part of a holistic approach to caring for women and builds on the positive foundations laid by the bespoke women's national facility at His Majesty's Prison and Young Offenders Institution Stirling. Both are underpinned by the SPS strategy for women in custody, which promotes the recognition of the damaging impact of imprisonment of women on their families and children.

For Women Scotland (Meetings)

4. Annabelle Ewing (Cowdenbeath) (SNP): To ask the Scottish Government when the Cabinet Secretary for Justice and Home Affairs last met with For Women Scotland to discuss the protection of women's sex-based rights. (S6O-05430)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The Cabinet Secretary for Social Justice has responsibility for equality and rights. Ms Somerville and the Minister for Equalities met For Women Scotland on 22 May 2025, following the United Kingdom Supreme Court judgment, which the Scottish Government has accepted. Officials have also met For Women Scotland to discuss the impact of the judgment.

I have not met For Women Scotland. As it is engaged in live litigation with the Scottish Government, a meeting at this time would not be appropriate.

Annabelle Ewing: I commend listening to all sides of a debate, as that would be the mark of an open and transparent Government, I would have thought.

On 25 June 2025, I asked the cabinet secretary when the UK Supreme Court ruling would be reflected in the protection of women in the prison estate. Some seven months later, that still has not

happened, notwithstanding that the April 2025 ruling was, and remains, of immediate legal effect.

Given those further delays to the protection of women in the prison estate and the recent manoeuvrings to kick the can down the road in the case of Ash Regan's bill on the criminalisation of the purchase of sex, it grieves me to ask this, but why are those women's rights now so far down the pecking order of this Government?

Angela Constance: I consider Ms Ewing a colleague and, indeed, a friend. I hope that she knows that, both personally and professionally, I always take great care to listen to different views with respect and to carry that forward in my working and professional life.

As the member will be aware, the regulations to put biological sex into the hate crime framework were laid this morning. Of course, I dispute vigorously the suggestion that women's rights have fallen down the agenda for the Government. I accept that there is no monopoly of concern over the safety of women. My duties include the safety and security of all prisoners and of prison staff, and I have had to make a number of decisions to uphold the safety and wellbeing of prisoners and staff.

In terms of other matters—

The Deputy Presiding Officer: Very briefly, cabinet secretary.

Angela Constance: Yes, Presiding Officer—I appreciate that.

I cannot go into detail on the live litigation matters but, as the First Minister said, people can take from the fact that we have not changed prison guidance that we have concluded that it does not need to be changed in light of the Supreme Court judgment. The Government has to comply with all our legal requirements, but this is now a matter for the courts to opine on. As always, we follow the rule of law.

The Deputy Presiding Officer: I need briefer responses.

Douglas Ross (Highlands and Islands) (Con): Given the answers this afternoon, I can see why the Scottish National Party does not want to be questioned on this issue.

In testimony, a female prisoner said that she had concerns about being housed with a biological male in the female prison estate. When that was raised, the Government shared it with the police without consulting the individual or the court. That has been described as an attempt to “silence” and “intimidate”. Aidan O'Neill, who represents For Women Scotland, said that the SNP's actions amounted to an attempt to

“discipline and punish a woman for speaking out”

on gender issues. He is right, isn't he?

Angela Constance: I always think that it is a matter of great regret when one member has spoken of the need for a balanced and fair debate, yet we hear another member, who is entitled to his views and whom I respect, picking one side of an argument. It is of course—[*Interruption.*]

The Deputy Presiding Officer: Resume your seat, cabinet secretary.

I have allowed supplementaries on the issue. I ask Stephen Kerr, in particular, to refrain from shouting from a sedentary position.

Cabinet secretary, please be brief.

Angela Constance: It is important that the courts are enabled to proceed with their deliberations on the matter. The Government respects the opinions of every court decision and, as always, we seek to comply with all our legal duties.

The Deputy Presiding Officer: I call Emma Roddick for question 5. [*Interruption.*]

We do not have an online connection with Ms Roddick. I will investigate that and advise members appropriately.

Cameron Barracks (Police Scotland Resources)

6. Edward Mountain (Highlands and Islands) (Con): To ask the Scottish Government what additional resources are being provided to Police Scotland in relation to asylum seekers being housed at Cameron barracks in Inverness. (S6O-05432)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Police Scotland is engaged in a multi-agency planning group that is led by the Home Office. Any additional resources required for the proposed use of Cameron barracks are for the Home Office to determine, in collaboration with Police Scotland and other public service partners, to identify what further support might be needed.

Despite repeated Scottish Government requests, there remains a total lack of information from the Home Office. We have yet to be given any timeline for adopting the site, and I understand that the Home Office is still to confirm its final decision on whether Cameron barracks will be used.

Edward Mountain: My problem is not only that the Home Office is not talking to the cabinet secretary; it is not talking to Police Scotland. Recently, I went on a visit to Inverness on a Friday evening and I saw at first hand how pushed officers there were. Three mobile patrols

comprising six officers were in place to cover a huge area with a population of 82,000 people. Does the cabinet secretary really believe that Police Scotland has sufficient resources, considering that, to take a recent example, the extra time and cost to house asylum seekers in Crowborough is taxing the resources not only of local forces there but of people across the whole of England?

Angela Constance: I appreciate the member's frustration about the lack of communication from the Home Office. Each and every police officer in this country works hard, which is why, in our draft budget, the Government will invest more than £1.7 billion in policing.

It is a matter of regret that, if burdens are put on Police Scotland by Governments elsewhere, those are not accompanied by the necessary resources. It is also a matter of regret that Police Scotland has to deal with other decisions made by the United Kingdom Government, including its failure to pay for the recent visits of American VIPs, which means that we have been short-changed by more than £22 million.

The Deputy Presiding Officer: I will take a brief supplementary question from Bill Kidd, but it must be in relation to Cameron barracks in Inverness.

Bill Kidd (Glasgow Anniesland) (SNP): The answer to my question has just been covered in the cabinet secretary's response.

Prison Estate (Sex Segregation)

7. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government for what reason the prison estate is segregated by sex. (S6O-05433)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The Scottish Prison Service is required to comply with relevant legislation and work towards international standards and norms to uphold the rights of all individuals while they are in custody. The prison rules, which are based on international standards, generally provide for the separation of men and women and are applied in such a way as to better support their individual needs while they are in custody.

Ruth Maguire: The legal submission published by the Scottish Government states:

"There is no general requirement in law that the sexes be segregated."

Does the Scottish Government still support single-sex spaces? If so, what assessment has the Scottish Government made of the risk that the legal arguments that it is advancing in court could ultimately result in a breakdown of the established

conventions for providing female-only spaces for reasons of safety and dignity, and could require a fundamental reassessment of the Equality Act 2010?

Angela Constance: Prison rules in relation to establishments are set out in the Prisons and Young Offenders Institutions (Scotland) Rules 2011, which are rooted in the Prisons (Scotland) Act 1989. The member's question touches on rule 126, which relates to the separation of male and female prisoners. The interpretation and operation of rule 126 are matters that, in relation to the placement of trans prisoners, are key issues that are being debated and disputed as a result of the live litigation, which I cannot comment on further.

However, the reason that the Scottish Government published its note of argument and answers is that we recognise and appreciate the general public interest in the issue, particularly the circumstances of the case, and the interest in open justice. The documents are there to enable people who have an interest to follow the case. However, the case must be decided in the courts—that is the appropriate place for these debates.

The Deputy Presiding Officer: I will take a couple of supplementaries. They will need to be brief, but the responses will need to be even briefer.

Sharon Dowey (South Scotland) (Con): I recently received a letter from Angela Constance, the justice secretary, in which she said two things: that the Scottish Government accepts the Supreme Court ruling and that the guidance for prisons

"does not need to be changed."

I will clarify that. The Scottish Government accepts the Supreme Court ruling on sex, but it also thinks that it is perfectly fine for male prisoners to be housed alongside vulnerable women. How can the Scottish Government justify holding that ludicrous position?

Angela Constance: To be brief, as Ms Dowey is a member of the Criminal Justice Committee, she will be well aware that the policy on which evidence was provided to the committee is, at its heart, all about the assessment of risk and needs of transgender prisoners and, indeed, of all prisoners, because there are particular requirements for the Scottish Prison Service and, therefore, for ministers to ensure the safety and wellbeing of all prisoners.

Pauline McNeill (Glasgow) (Lab): A study by the University of Glasgow showed that around a third of women who are serving prison sentences have had head injuries and that the vast majority have been subjected to domestic violence. Will the

cabinet secretary outline why the Scottish Government, through its challenge, is subjecting vulnerable women to a very public court case, throwing open the arguments and essentially saying that it will no longer continue supporting the segregation of the prison estate by sex?

Angela Constance: Although I acknowledge and respect the research referenced by Ms McNeill, her characterisation of the Scottish Government's position is not one that I would adhere to.

Budget 2026-27 (Gender-based violence)

8. **Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government how its draft budget 2026-27 supports the prevention of gender-based violence. (S6O-05434)

The Minister for Victims and Community Safety (Siobhian Brown): We remain steadfast in our commitment to preventing and eradicating violence against women and girls and have allocated more than £30 million in 2026-27 to this vital work through the Scottish budget.

The funding will enable the delivering equally safe fund, the victim-centred approach fund and Scotland's domestic abuse and forced marriages helpline to continue to support vital work to prevent violence and support survivors of gender-based violence.

We will also allocate £2 million from our ending homelessness together fund to the national fund to leave, which supports women and children to leave abusive relationships and remain safe.

Evelyn Tweed: Rural gender-based violence services face different challenges. How does the draft budget support services that work in rural areas?

Siobhian Brown: Our equally safe strategy recognises that women in rural and island communities, and the specialist organisations that support them, can face particular challenges, and that abuse can be even more hidden there than in urban areas. We fund vital specialist support services in every local authority area across Scotland, including, and importantly, in our rural and island communities, through our delivering equally safe fund. From the £21.6 million that we have allocated for 2026-27, more than £5.4 million will go to projects that support women and girls in our most rural and island communities.

The Deputy Presiding Officer: That concludes portfolio question time on justice and home affairs.

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