

Hate Crime and Public Order (Scotland) Bill Meeting with Equality Network and Scottish Trans Alliance

29 January 2021

Attendees:

Humza Yousaf MSP, Cabinet Secretary for Justice
Christina McKelvie MSP, Minister for Older People and Equalities
[redacted], Equality Network
[redacted], Scottish Trans Alliance
[redacted], Scottish Government
[redacted], Scottish Government
[redacted], Scottish Government
[redacted], Scottish Government

Summary

During discussion, the following points were aired:

- The reaction to Government and non-Government amendments lodged on freedom of expression protections for the characteristic of transgender identity was acknowledged.
- It was noted that in light of this reaction, SG amendments on freedom of expression (apart from on religion) would not be moved.
- Discussion would be had with opposition MSPs about withdrawing their freedom of expression amendments and asking them to work with the SG to develop something that had broader consensus for Stage Three.
- There was general agreement that there is a need to have freedom of expression provisions in the Bill, however concerns were expressed about transgender identity being 'singled out' through the amendments lodged and the message that this sends to both the trans community and wider communities.
- It was indicated there was a strong preference for a general 'catch all' provision for freedom of expression to cover all characteristics, with an acknowledgment that the reasons for additional protections in respect of religion.
- A catch-all provision would be explored.
- There was discussion about the legal and policy challenges of a freedom of expression protection referring to ECHR articles.
- It was agreed to continue to engage as a provision is developed for Stage Three.
- All present were happy to be involved in discussions as the freedom of expression amendments are developed for Stage Three.