

Note of Meeting:

Cabinet Secretary for Social Justice, Housing and Local Government meeting with LGBTI Stakeholders

18 November 2021

Attendees:

Shona Robison, Cabinet Secretary for Social Justice, Housing and Local Government
Shona Robison

Stakeholder Attendees:

██████████, Director, Equality Network
██████████, Manager, Scottish Trans
██████████, Director, Stonewall Scotland
██████████, Policy & Campaigns Manager, Stonewall Scotland
██████████, Chief Executive, LGBT Youth Scotland
██████████, Policy & Research Manager, LGBT Youth Scotland
██████████, Chief Executive, LGBT Health and Wellbeing

Scottish Government Officials:

██████████, LGBTI Equality Policy Team Leader
██████████, LGBTI Equality Policy Team

Agenda Item One: Reform of the Gender Recognition Act 2004

1. The Gender Recognition Reform (Scotland) Bill will be introduced in this parliamentary year. Ms Robison was hopeful for a more respectful debate and atmosphere.
2. ██████████ acknowledged that trans people have felt less safe over the last four years while reform has been discussed, and that it was important to highlight that the Bill allowed people to access rights they already had. ██████ said that they were disappointed about aspects of the Bill, such as the exclusion of non-binary people.
3. Ms Robison said the purpose of reform was about making existing processes easier and fairer for a small number of people for whom the current process was difficult and unfair.
4. The issue of the current tone of the media was raised and stakeholders asked how the Government could frame the debate more positively.
5. Ms Robison stated media enquiries would be handled in a factual manner and would continue to encourage everyone to be respectful.
6. ██████████ noted that the question of age was contentious but was the most important issue for LGBT youth. Trans young people struggled to access

services as they were not able to apply for a Gender Recognition Certificate (GRC).

7. Ms Robison agreed to invitation meet with the organisation's young person's group.
8. Stakeholders urged Ms Robison to consider international best practice around lowering the age to 16 years for applying for a GRC.

Agenda Item Two: Conversion Practices

9. Ms Robison mentioned that the Equality, Human Rights and Civil Justice Committee had been gathering written and oral evidence for their consideration of the petition on banning conversion therapy. She noted that research had been published alongside the UK Government's consultation on banning conversion therapy. She acknowledged that some of the issues associated with banning conversion practices were not devolved matters and that the Scottish Government wanted to pursue both legislative and non-legislative measures.
10. Ms Robison said that the Scottish Government was establishing an Expert Advisory Group on Banning Conversion Practices which would be asked to agree a definition. The Group would include legal professionals, those with relevant expertise, and those with lived experience.
11. ██████████ stated it was vital that the remit of the Advisory Group be about how to end conversion therapy and not whether or not it should be banned. He also emphasised that it was vital to have at least one trans survivor on the Expert Advisory Group to give a perspective on trans conversion therapy.
12. Ms Robison said the remit of the Expert Advisory Group would be about how to ban conversion therapy and she agreed lived experience important.
13. ██████████ welcomed a letter from MPs sent to Liz Truss MP on the UK plans to ban so-called conversion therapy. He said he considered the best international example of banning conversion practices came from Victoria, Australia. ██████████ agreed and stated it was important to cover the loopholes in the UK Government's proposals such as the issue of consent.

Agenda Item Three: Health

14. ██████████ brought forward concerns that the mental health of LGBT people had worsened during the pandemic with many support services seeing significant increases in demand and that this was a significant area of inequality for LGBT people. Social media discourse stirred up by the GRA reform process was said to have had a particularly negative effect on the mental health of LGBTI people. Stakeholders were waiting to hear back about a meeting with the Minister for Mental Health.

15. Ms Robison acknowledged that the pandemic had exacerbated mental health issues and public discourse would not help and also understood that reform of GRA would heighten public discourse. Ms Robison stated that the Scottish Government's Mental Health Transition and Recovery Plan set out a number of actions.

Follow Up Actions

1. Ms Robison agreed to reflect on how to challenge misinformation surrounding the Gender Recognition Reform (Scotland) Bill.
2. Ms Robison agreed to attend a meeting proposed by LGBT Youth Scotland with their young person's group.
3. SG officials will be clear that legislation to ban conversion practices will be introduced by the end of 2023.
4. SG officials will confirm arrangements for the meeting between the Minister for Mental Wellbeing and LGBTI stakeholders.
5. SG officials will provide an update on the progress of the Equality and Human Rights Forum for Mental Health.

Note of Meeting:

Cabinet Secretary for Social Justice, Housing and Local Government meeting with LGBT Youth Scotland

13 December 2021

Attendees:

Shona Robison, Cabinet Secretary for Social Justice, Housing and Local Government

LGBT Youth Scotland Attendees:

[REDACTED], Policy and Research Manager
[REDACTED], Chief Executive
[REDACTED], Policy and Participation Officer
Youth Commission Members

Scottish Government Officials:

[REDACTED], Gender Recognition Unit
[REDACTED], LGBTI Equality Policy Team
[REDACTED], LGBTI Equality Policy Team

Agenda Item One: Gender Recognition Reform (Scotland) Bill

1. Ms Robison stated that the timeframe for the introduction of the Bill was first parliamentary year.
2. Youth Commission members asked that the Gender Recognition Reform Bill be taken forward with the age limit of sixteen rather than eighteen and discussed their difficult experiences related to this. Reducing this age limit would send a message to society that trans people understood their identity and could make this decision. It was felt the current process of requesting a GRC was unnecessarily bureaucratic and intimidating. Trans people may end up having their deaths recorded with the wrong name and details given the difficult process of obtaining a GRC. Trans young people faced particularly high rates of homelessness and mismatched documents made them more vulnerable. They noted that the atmosphere surrounding the Bill was becoming more difficult for young trans people.
3. Ms Robison appreciated the difficult atmosphere around these issues and understood the difficulties trans people faced when accessing gender services and that the process medicalised trans people.

Note of meeting:

Cabinet Secretary for Social Justice, Housing and Local Government meeting with Scottish Trans Alliance

Details of meeting: 1 December 2021, 11:45-12:30, Microsoft Teams

Present:

- Shona Robison (SR), Cabinet Secretary for Social Justice, Housing and Local Government
- [REDACTED] ([REDACTED]), Manager, Scottish Trans Alliance (STA)
- [REDACTED], Gender Recognition Unit, Scottish Government

Discussion:

- [REDACTED] set out issues with the current process for obtaining gender recognition, describing it as complicated and pedantic, and that the requirements for medical evidence can feel disconnected, stigmatising and retraumatising for applicants. They highlighted the additional work and hidden costs involved in collecting medical evidence – it wouldn't be uncommon for applicants to spend hundreds or up to a thousand pounds on this. The time taken to gather the evidence can vary between a day and a half to several months.
- SR mentioned that it could be helpful for STA to set out the issues with the current process to help raise the understanding of MSPs. [REDACTED] agreed that STA will continue to work to raise awareness and understanding, including through providing secretariat to the LGBTI Cross Party Group, which is due to meet in January, as well as one-to-one discussions with relevant MSPs.
- [REDACTED] stated that STA is overall very pleased with the Bill's proposed reforms and supportive of the provisions in the draft Bill. There are some aspects that are not ideal and seem like they are already concessions to critics of reform, for example the two 3-month periods. STA would not want to see these periods extended, and are hoping that minimum age in the Bill at introduction will be 16.
- STA are calling for legal recognition for non-binary people, but accept that it is not happening in this Bill.
- SR set out that the key aim of the Bill is to simplify a process which is currently complex and costly, and that we should focus on that.