

Fol 202200308319

Alliance Defending Freedom

No engagement with Gender Recognition Unit (GRU) and no responses to either consultation

The Acton Institute for the Study of Religion and Liberty

No engagement with GRU and no responses to either consultation

The Christian Institute

No engagement with GRU, they responded to both consultations

Christian Action, Research and Education

No engagement with GRU, They responded only on the first consultation

Evangelical Alliance, Scotland

Evangelical Alliance Scotland responded to both consultations

Minutes of meeting

Faith and Belief Representatives Meeting – Wednesday 19 January 2022 – 3-4pm

Attendees

[Redacted]
[Redacted], Church of Scotland
[Redacted], Muslim Council of Scotland
[Redacted] (C of Scot)
[Redacted], Edinburgh Interfaith
[Redacted], SCOJEC
[Redacted], Scottish Group of Mosques
[Redacted], Catholic Church
[Redacted], Evangelical Alliance
[Redacted], Methodist Church
[Redacted], Humanist Society Scotland
[Redacted], Interfaith Scotland
[Redacted]

Apologies

[Redacted], Scottish Ahlul Bayt Society
[Redacted], Scottish Episcopal Church

1. [Redacted] welcomed everyone, introduced the Gender Recognition Unit - Reform Bill team and flagged up that there would be a meeting with the Cab Sec and f & b stakeholders next week on this subject.
2. [Redacted] gave a presentation on the Gender Recognition Reform (Scotland) Bill. A draft Bill had been published in December 2019, the SG was now engaging

with stakeholders on the detail of the proposals ahead of finalising a Bill for introduction. Peter set out the prior consultations, key proposed reforms in the draft Bill and the rationale behind these.

- Medical evidence will not be required to obtain a Gender Recognition Certificate.
- Reduction of time period for living in the acquired gender from 2 years to 3 months, with an additional 3 months reflection period after application.
- There was no requirement previously for surgery and that will not change.
- Important that the process remains solemn and serious.
- We are legally required to have a system of Gender recognition in place.
- Current system can have an adverse impact – intrusive and lengthy.
- It won't change the rights and responsibilities once gender recognition has been confirmed.
- It won't make changes to the Equality Act, which sets out exceptions that allow for trans people to be treated differently where this is a proportionate aim and in certain circumstances, e.g. single sex spaces.
- Bill not finalised but we have committed to introduce the Bill this parliamentary year.

A discussion followed on various questions in relation to the Bill:

3. It was queried whether the Bill would cover other gender identities for example non-binary or genderqueer. It was confirmed the Bill would be limited to people who want their legal sex to be recorded as different to what it was at birth, and does not include provision for legal recognition of non-binary people. There is a non-binary working group and they are working on a set of recommendations for SG. One stakeholder commented that 'you have to start somewhere, so this is a good place to start.'

4. It was queried what definitions of Gender SG was using and where this could be found, and whether this was related to recent census guidance? It was explained that this team is not involved in the census work and that is part of an ongoing judicial review, so cannot comment on that. Also we're not attempting to set out wider definitions as our focus is on the Bill, which makes specific changes to an existing process.

5. It was asked whether the main barrier to abuse of the system is the statutory declaration and could more detail be offered? It was confirmed that the requirement to make a statutory declaration remains. A new offence of making a false application for gender recognition will incur serious penalties. It's still a serious six month process and requires making a commitment that you intend to make the change permanently.

6. It was asked is providing medical evidence the main thing that was causing undue harm? In what way? It was explained that Trans people find the current process dehumanising. The WHO in 2019 re-categorised gender dysphoria from mental health disorders, but the current process doesn't reflect this change. People applying feel they are being asked to go to a tribunal and convince a panel they are in poor mental health.

7. It was asked if you are wanting to simplify the process, does that leave it open to abuse? And how often can someone change their gender? It was confirmed that there is no specific provision for someone with a GRC who wanted to revert to their birth gender – they would go through the same process again. The statutory declaration does state their intention to live the rest of their life in their acquired gender, but we recognise in some instances people might later change their minds.

8. It was pointed out that describing the proposals as “self-identification” is not completely accurate or helpful – the Bill sets out a specific and serious process. Media coverage is not always accurate.

9. Clarification was sought on the period of time in the new proposals. It was clarified that there will be 3 month period of living in acquired gender prior to application. An additional 3 month reflection period (similar to the Danish system) is being introduced and at the end people need to affirm that they still want to take the decision.

10. It was queried without the medical evidence, will there be a more robust requirement for evidence of living in acquired gender? And related to that, how do you determine a false application without such evidence?

It was confirmed there will be no standard requirement for evidence around living in acquired gender – the basis is the statutory declaration. The proposal is to remove the requirement for both medical evidence and evidence of living in acquired gender – it can be difficult and expensive for applicants to provide evidence of this.

11. It was asked whether if surgery no longer required is it totally uncoupling medical treatment from this process? It was clarified that element will not change. Under current scheme, you do not need to have had any medical intervention at all – simply a diagnosis of gender dysphoria.

12. It was asked what is the minimum age that someone could apply? Currently, application is 18+. (but the two years of living in the acquired gender could have started from 16). The draft Bill proposes lowering the minimum application age to 16, and we are looking at additional support and guidance for 16 and 17 year olds considering applying.

13. One stakeholder suggested SG could be underestimating the numbers of people who may use this legislation and therefore resource needs to be in place to support those individuals. It was clarified that current applications in Scotland number around 20 - 30 applications per year and we anticipate approx. 250 applications a year.

14. ACTION: Due to time constraints it was agreed that stakeholders could send further comments direct to GRunit@gov.scot
Stakeholders thanked [Redacted] for his presentation and answers.

15. [Redacted] provided a brief update about the Assisted Dying Bill and it was agreed that discussion on this would be deferred until further in the process.

ACTION: Stakeholders requested that the team monitor this closely and update them at significant points.

16. An update was given on removal of Covid restrictions and the overall move towards baseline measures, which will still include face coverings as mandatory. It was raised that the turnaround for input to the framework was not sufficient. It was confirmed our engagement around strategic framework will continue beyond this week.

17. Clarity was sought on the baseline measures and the need to make this clear in guidance. It was highlighted by stakeholders that face coverings likely to be an issue again and the difference between the sectors.

18. [Redacted] updated the group on the potential voluntary distancing scheme by the Bevan Commission which SG is signing up to. A toolkit will launch on 26th.

19. Clarity was sought on the regulations on exemptions for f/c and physical distancing at weddings. It was confirmed a review has started on PD and should be able to update on that next week. **ACTION: refer F/C and PD exemption in relation to weddings etc. back to Covid co-ordination, to clarify if 2m will revert to 1m (as pre-Omicron).**

20. [Redacted] thanked group for all their work and the incredible compliance of POW. Confirmed there will be a meeting next week – on Child Protection Guidance

21. [Redacted] updated the group on LFD testing – he is working with Testing on a suggestion that POW could get a stock from a regional hub.

The meeting closed at 16.15.

For Women Scotland

For Women Scotland responded on the second consultation only

Correspondence

Case Reference: 202200283423

[Redacted]

info@forwomen.scot

Our Reference: 202200283423

Your Reference: Gender Recognition Act

1 March 2022

Dear [Redacted],

Further to our meeting we undertook to respond to any further questions you had and we will do so now.

You asked us to respond on the following issues;

Prisoners

We recognise the importance of protecting women in prison. Decisions taken by the Scottish Prison Service as to the most appropriate location to accommodate transgender people are made on an individualised basis after careful consideration of all relevant factors, including risk. Such decisions seek to protect both the wellbeing and rights of the individual as well as the welfare and rights of others around them, including staff, in order to achieve an outcome that balances risks and promotes the safety of all. Possession of a GRC does not guarantee access to specific accommodation.

As discussed, the Scottish Prison Service is currently undertaking a review of its gender reassignment policy.

If you wish to, you can raise any concerns directly with SPS using this email address: gaolinfo@sps.pnn.gov.uk or you can write to the address below:

Scottish Prison Service Headquarters,
Communications Branch
Room G20
Calton House
5 Redheughs Rigg
Edinburgh
EH12 9HW

Sport at school and beyond

In August 2021, the Scottish Government published [Supporting transgender young people in schools: guidance for Scottish schools](#). This contains clear guidance on school sports.

More generally, the UK's Sports Councils (including sportscotland) published new guidance for transgender inclusion in domestic sport in September 2021. This guidance can be accessed at: <https://equalityinsport.org/>

The UK Sports Councils make clear that sport is for everyone. We should all feel included, and able to take part in and access the benefits of sport. Transgender people, who already face significant challenges in their everyday lives, are no different. The purpose of the guidance is to open up, rather than close down opportunities for transgender people to play sport by encouraging sports to be flexible, creative and accommodating.

The guidance notes that sports are incredibly diverse and there can be no one-size fits all approach with inclusion. There may need to be different solutions for different sports, which is why the Guidance encourages sports to consider three options. These are: prioritising transgender inclusion within existing sex categories; prioritising competitive fairness (and safety where relevant) by offering a protected female category alongside an open category for all competitors, as well as

considering establishing new formats to promote inclusion by adapting rules - such as creating non-contact versions of team sports. This form of competition would not require declaration of sex or gender and should be as inclusive as possible for all.

The guidance notes that "In accordance with the Equality Act 2010: A gender-affected activity is a sport, game, or other activity of a competitive nature in circumstances in which the physical strength, stamina, or physique of average persons of one sex would put them at a disadvantage compared with average persons of the other sex as competitors in events involving the activity."

Thank you for your continued interest in this matter.

Yours sincerely

Gender Recognition Unit

CLLS : Gender Recognition

Case Reference: 202200269349

Mon 03/01/2022 09:50

Request for meeting / contribute to GRA work

Dear Ms Robison,

Several MSPs have recently advised constituents that a bill to reform the Gender Recognition Act will be published shortly. We are concerned that this jumps ahead of the SNP manifesto pledge to work with women's groups (amongst others) to identify the best way forward, prior to proposing any changes to the GRA.

As a group that campaigns for the protection of women's rights we would very much like to be involved in this programme of work. We would be grateful if you could advise what steps the Government is taking and how we can best contribute. We would also appreciate a meeting, at your earliest convenience, to discuss the concerns held by a growing number of women across Scotland.

Kind regards,

[Redacted], [Redacted] and [Redacted]
Directors, For Women Scotland

[Redacted]

X

Our Reference: 202200269349

12 January 2022

Dear [Redacted],

Thank you for your email to request a meeting with the Cabinet Secretary for Social Justice, Housing and Local Government to discuss the Gender Recognition Reform (Scotland) Bill.

Ms Robison has expressed her willingness to meet with For Women Scotland and hear your concerns on the subject.

Please contact her Diary Secretary, [Redacted], at CabSecSJHLG@gov.scot to make the necessary arrangements.

Yours sincerely,
[Redacted] Private Secretary

From: Info forwomen.scot <info@forwomen.scot>
Sent: 04 March 2022 15:21
To: Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>
Cc: [Redacted]@parliament.uk; scotland@equalityhumanrights.com
Subject: Statement to Parliament - Equality Act inaccuracies

Dear Ms Robison,

Please find attached a letter which details several points from your statement to Parliament that we feel are inaccurate regarding the Equality Act, along with a request to correct the public record.

Baroness Falkner and the EHRC Scotland are copied into this correspondence.

Kind regards,

[Redacted]

Co-director, For Women Scotland.

04 March 2022

By email from: info@forwomen.scot to: cabsecsjhlhg@gov.scot
cc: scotland@equalityhumanrights.com, [Redacted]@parliament.uk

Dear Ms Robison,

We note that in your statement to Parliament on 03 March 2022 you made the following comments:

“the 2010 act does not apply exceptions specifically to toilets and changing rooms. Trans people can and do use those now, whether they have a GRC or not, and they have been using them for many years.”

“trans people do not need to have legal gender recognition or a certificate in order to access facilities that align with their gender.”

“On what Ruth Maguire outlined could be said of the current process—which trans people have used for years, with no evidence of widespread harm—although we may refer to facilities such as toilets and changing rooms as single-sex spaces, they are not legally defined as such under the Equality Act 2010 and, of course, GRCs are not necessary to access them.”

Contrary to your statements, the Equality Act does define and apply single-sex exceptions at [Schedule 3, Part 7, Para 27\(6\)](#) which encompasses the provision of toilets and changing rooms where they are used by more than one person at the same time and where people might reasonably object to the presence of members of the opposite sex. This section of the Act is applied as an everyday norm and such provision of single-sex toilets has been commonplace for over a hundred years. Service providers opting to use these exceptions provide two separate facilities, with distinct signage for male and female service users. Para 29 confirms this is not discrimination on grounds of gender reassignment.

Furthermore, the [Building Standards Handbook](#) recommends separate male and female sanitary accommodation in non-domestic buildings, and both the [Workplace \(Health, Safety and Welfare\) Regulations 1992](#) and the legislation covering toilet provision in schools [School Premises \(General Requirements and Standards\) \(Scotland\) Regulations 1967](#) mandate separate single-sex provision.

It is quite clear that single-sex toilet provision is covered by numerous laws and is the standard throughout schools, workplaces and public buildings. These are provided on the basis of the protected characteristic of “sex” in the Equality Act which the recent court ruling in [For Women Scotland v The Scottish Ministers](#) has clarified that where provisions are made for women they, by definition, exclude those who are biologically male.

It is unclear why you would confusingly state that although we may refer to toilets and changing rooms as single-sex spaces, trans people can access the facilities that align with their gender - as this would clearly mean the spaces are no longer single-sex. There is no legal basis to provide facilities for “gender”, however that may be defined. Gender has no place in the Equality Act and where the single-sex exceptions are justifiably used they are on the basis of sex: those of the opposite sex, including those with the additional protected characteristic of gender reassignment, are legally excluded. The vast majority of trans people respect the application of this law.

The societal change we discussed in our meeting of 18 January referred to the erosion and undermining of women’s and girls’ services as exemplified by your statement, whereby providers follow the messages from the Scottish Government that perhaps single-sex services can be based on self-identification of sex or “gender”. This has led to worrying policy changes by public bodies and even signs appearing in women’s toilets and changing rooms with instructions not to challenge anyone who looks like they do not belong there. This inevitably leads to women feeling unable to speak up or seek support in challenging the presence of somebody who is very obviously male, and ultimately results in women and children self-excluding from these spaces.

By way of contrast we were pleased that some single-sex services are supported by the Government, namely those around intimate and trauma related care. You quite rightly pointed out that the Equality Act Explanatory Notes give an example of a group counselling session for female victims of sexual assault whereby trans people can be legally excluded. However, [para 738](#) of the Explanatory Notes also specifies the example of “separate male and female changing rooms to be provided in a department store” which makes your statement that trans people can use these spaces in line with their gender erroneous.

With regard to the misinformation given to Parliament on the use of the single-sex exceptions for toilets and changing rooms, we would be grateful if the public record is corrected accordingly. It is important to women that the Government indicates it is fully supportive of all our rights in the Equality Act.

A further comment made to Parliament has astounded many women with it’s absurdity, namely: “There is no evidence that predatory and abusive men have ever had to pretend to be anything else to carry out abusive and predatory behaviour.”

We would hope it is self-explanatory that this is clearly false; all predatory men pretend to be trustworthy members of society in order to gain access to victims. Predatory men will do absolutely anything, including train to be priests, teachers or charity workers, etc, just to be in a position to abuse women and girls.

In their evidence to a Westminster committee the [British Association of Gender Identity Specialists](#) said “It has been rather naïvely suggested that nobody would seek to pretend transsexual status in prison” and cited “a plethora of prison intelligence information suggesting that the driving force was a desire to make subsequent sexual offending very much easier, females being generally perceived as low risk in this regard”. Indeed, it was very recently [reported](#) in The Times that trans inmates in Scottish prisons “reverted back” to male after serving sentences in female prisons.

When you made the identical comment at our meeting in January we suggested it was an incredibly naive view. We pointed out that when the UK Government are proposing to limit the ability of sex offenders to change their name it is extraordinary that Scotland is moving in the opposite direction by providing such men with birth certificates recording a new name and sex, and with additional privacy protections to prevent disclosure of previous identity.

Once again, we note that women’s well-evidenced concerns have not been listened to, and we request that the inaccuracy in the official record be corrected on this point.

A copy of this letter has also been sent to Baroness Falkner and EHRC Scotland.

Kind regards,

[Redacted]

Co-director, For Women Scotland

[Redacted]

info@forwomen.scot

Our Reference: 202200285578

23 March 2022

Dear [Redacted],

Thank you for your email of 04 March about the Gender Recognition Reform (Scotland) Bill. I am replying on behalf of Scottish Ministers.

The Equality Act 2010 Act is generally reserved to the UK Parliament and therefore it would be a matter for the UK Government or the Equality and Human Rights Commission in the first instance to comment on its effect.

The Equality and Human Rights Commission have [published guidance](#) for individuals, organisations and the public sector. In 2011, they also published a statutory [Code of Practice](#), which assists service providers with understanding the relevant issues. They have also published guidance on gender [reassignment discrimination and the interaction between the two Acts here: Gender](#)

[reassignment discrimination | Equality and Human Rights Commission \(equalityhumanrights.com\)](#).

As set out in the EHRC's guidance, a trans person with or without a gender recognition certificate could be excluded from a single sex service, or provided with an alternative service, where in the particular circumstances of that case, it is proportionate to do so. Whether an individual has a GRC may be a factor in the decision taken by a service provider, but it would not be the only factor nor the determining factor. In this regard, you may wish to be aware of the [response from the EHRC](#) to the consultation on the Bill.

On the impact of gender recognition reform on how the single sex exceptions in the 2010 Act can be applied, then as noted above the 2010 Act provides for a service provider to exclude trans people from single sex services where this is a proportionate means of achieving a legitimate aim, including where a trans person has legal gender recognition. The proposed reforms do not change this.

We recognise the need for more guidance on the use of the exceptions and I note that the House of Commons Women and Equalities Committee, in its report on Reform of the Gender Recognition Act, reiterated its call for better guidance on single-sex and separate-sex exceptions. As noted above, the EHRC have set out their intention to publish updated guidance in due course.

As the Cabinet Secretary said in her statement to Parliament, trans people can and do use toilets and changing rooms in line with their lived gender, whether they have a GRC or not, and they have been using them for many years. The EHRC recently strongly denied that it was intending to publish guidance [that would bar trans people without a GRC from accessing these spaces: Response to misinformation about single-sex spaces guidance | Equality and Human Rights Commission \(equalityhumanrights.com\)](#)

You state that women's concerns have not been listened to. We have now consulted twice on the Bill – first on the principles of reform and then on a draft Bill and impact assessments. These have been two of the largest consultations ever undertaken by the Scottish Government.

The concerns you have raised can be addressed in the published Explanatory Note and relevant Impact Assessment. I will include the links here for ease;

The Explanatory Note - [Overview | Scottish Parliament Website](#)

[The Equality Impact Assessment - Equality Impact Assessment Record - Gender Recognition Reform \(Scotland\) Bill: equality impact assessment - gov.scot \(www.gov.scot\)](#)

Thank you for your continued interest in the matter.

Yours sincerely

Gender Recognition Unit

CLLS : Gender Recognition

Case Reference: 202200297235

Mon 11/04/2022 14:24

Complaint under Ministerial Code regarding comments made by Lorna Slater

Dear Ms Johnstone,

Following comments made in the press by Lorna Slater, we wish to raise a complaint under the Ministerial Code General Principle 1.1 which states that Scottish Ministers are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety and 1.2 which states Ministers should be professional in all their dealings and treat all those with whom they come into contact with consideration and respect...Harassing, bullying or other inappropriate or discriminating behaviour, wherever it takes place, is not consistent with the Ministerial Code and will not be tolerated.

We further contend that Ms Slater's behaviour is not in accordance with the Nolan principles, in particular those concerning Objectivity and Honesty.

On 3rd March, Ms Slater's cabinet colleague, Shona Robison, in a speech to introduce the Gender Recognition Reform Bill, made a welcome call for everyone to be "respectful" and to "discuss the proposals and our views in a civilised manner". She stressed that people should not be "automatically labelled as transphobic" for disagreeing with the Government.

As a Minister, Ms Slater had a duty to support her colleague, however, ten days later she and Patrick Harvie were interviewed in Scotland on Sunday claiming that JK Rowling, a woman who has been subject to vile abuse and death threats, was "putting trans lives at risk" by supporting women's rights to single-sex services under the Equality Act exceptions.

On Sunday 10th April, in an interview in the Sunday Herald with Neil Mackay, Ms Slater went further and made a series of inflammatory and offensive remarks about women opposed to Government plans to reform the Gender Recognition Act. Wholly without evidence, she recycled the lie that volunteer-run grassroots women's groups are funded by nefarious sources, saying: "My understanding is that there's money in this from certain right-wing American groups that's been flooding into organisations in the UK." The Telegraph requested proof of this assertion from the

Scottish Government and received a generic reply about the reform. It is shocking that the Government did not take immediate action to state there was no evidence of such funding.

She went on to claim that it was “disgusting” that the media allowed opponents of the Government’s plans a platform. Undermining Ms Robison’s previous statement, she insisted that opponents of the Government’s plans were “anti-trans” and analogous to racists or antisemites. Opponents of the Scottish Government plans to expand the GRA include members of all political parties, charities, women’s sector organisations, sportsmen and women, scientists, medics, and the Equality and Human Rights Commission. All are due an apology.

We do not believe that it is possible to ensure a “respectful” debate if Ministers are allowed to lie and slander with impunity. Ms Slater’s actions will inflame an already hostile situation (contrary to her assertions, the only recorded incidents of threats of assault have been directed at women’s rights activists, including some which have come from Scottish Green Party officers and candidates). We are deeply concerned that this is also calculated to bully and cower Parliamentary colleagues who might be made fearful of speaking out. If Ms Slater cannot behave with honesty and integrity, she is unfit to hold office in this or any other Government.

Many women in Scotland are already distrustful of the Government on this issue. We trust you will act to reassure them that they can have confidence in the integrity of Government and Parliament going forward.

Yours,

[Redacted], [Redacted] & [Redacted]

Directors, For Women Scotland

cc Shona Robison, Nicola Sturgeon, Annabelle Ewing and Liam McArthur

<https://www.heraldscotland.com/politics/20057987.neil-mackays-big-read-independence-trans-rights-record-government-scottish-greens-minister-lorna-slater-comes-fighting/>

<https://www.scotsman.com/news/politics/jk-rowling-not-helping-trans-debate-say-greens-3608469>

[Redacted]

info@forwomen.scot

Our Reference: 202200297235

5 May 2022

Dear [Redacted],

Thank you for your letter of 11 April about the comments made by Lorna Slater in a recent newspaper article. You have suggested that these may be in breach of the Ministerial Code. I am responding on behalf of Scottish Ministers.

The First Minister has reviewed the comments made by Ms Slater both in the article and subsequently. It is clear that it was her firm intention to make it absolutely plain that there can be no place for transphobic bigotry in Scotland, in just the same way as we excoriate any other form of bigotry. The Minister has also been at pains to stress that she respects those who have legitimate concerns about these issues and

that she and the Government are willing to enter into a respectful dialogue about such concerns. However, what is not acceptable is for the legitimate rights of the trans community to be trampled on as part of that wider debate. That, I would hope, is a view we can all share.

The First Minister is of the view that Ms Slater's comments are entirely consistent with Government policy and fully comply with her obligations as a Minister. On that basis, it is considered that there has been no breach of the Ministerial Code.

I hope you find this explanation helpful.

Yours sincerely

Gender Recognition Unit
CLLS : Gender Recognition

Minutes from meetings

NOTE OF MEETING BETWEEN THE CABINET SECRETARY FOR SOCIAL JUSTICE, HOUSING AND LOCAL GOVERNMENT AND FOR WOMEN SCOTLAND, 18 JANUARY 2022

Present:

Shona Robison, CS

[Redacted], FWS

[Redacted], FWS

[Redacted], FWS

[Redacted], Civil Law

[Redacted], Special Adviser

[Redacted], Gender Recognition

[Redacted], Gender Recognition

Introduction

1. **The CS** thanked FWS for their engagement with the proposals for a Gender Recognition Reform (Scotland) Bill. It was noted that SG has committed to introducing a Bill this parliamentary year but that the Bill has not been finalised for introduction.

Key points of discussion

2. **FWS** said they were opposed to reducing the minimum age of applicants and removing the requirement for a medical diagnosis. They asked why anyone who does not have gender dysphoria would want to legally change their sex and whether health professionals had fed into the Bill.

3. **FWS** set out their view that SG's policy that trans women are women undermines the protections women have under the Equality Act 2010. They said that clear guidance on the use of the single-sex exceptions was needed at the same time as the Bill and that the system

will be open to abuse from predatory men. They said the proposed system does a disservice to both the protected characteristics of sex and gender reassignment.

4. **The CS** noted that SG had set out the view in the consultation that removing the requirement for a medical diagnosis was central to how best to improve the system. The CS referred to hearing the views of trans people on the current system and said that applicants would still be required to make a statutory declaration and live in their acquired gender for a period of time before applying. It was noted that a range of people had responded to the consultation including health professionals.

5. **The CS** noted that nothing in the proposals would change the single-sex exceptions under the 2010 Act which is generally reserved and would welcome the guidance from the UK Government or the Equality and Human Rights Commission on this matter.

6. **The CS** referred to the review being undertaken by the Scottish Prison Service on their gender reassignment policy and **FWS** noted that they were involved in this work.

7. **FWS** asked about living in your acquired gender. **The CS** noted that this refers to the gender in which a person is living when an application in Scotland is made. It is not defined in the Gender Recognition Act 2004 Act or the draft Bill. The guidance issued by the Gender Recognition Panel under the current system refers to changes to your passport, driving license or other official documentation.

8. **FWS** said the intention of the 2004 Act had been a balance of rights to accommodate a small identifiable group of people. They said the Bill would bring about societal change and make the problems which exist much worse. They went on to say that there is no strong support for these proposals and that people will continue to take action against this.

9. **FWS** asked about women's sport. **The CS** noted the 2010 Act contains provision allowing restrictions on trans people participating in sport if necessary and that sports governing bodies can decide the best options for their sport.

10. **The CS** noted that available information from other jurisdictions do not demonstrate a significant increase in number of applications. The CS added that obtaining a GRC will remain a serious commitment and applicants will still be subject to criminal proceedings for making a false statutory declaration and application.

11. **The CS** concluded by thanking FWS for the discussion.

Actions

(a) A follow up will be provided in writing to FWS.

Gender Recognition Unit
January 2022

The LGB Alliance

The LGB Alliance responded on the second consultation only

Correspondence

Case Reference: 202200283412

[Redacted]

[Redacted]@lgballiance.org.uk

Our Reference: 202200283412 Your Reference: GRA reforms

1 March 2022

Dear [Redacted],

Further to our meeting we undertook to respond to any further questions you had and we will do so now. You asked us to respond on the following issues;

Equality Act Exceptions

The Bill does not make any changes to the Equality Act 2010, which is generally reserved to the UK Parliament. The Scottish Government supports the single sex exceptions in the 2010 Act which can allow for a trans person to be excluded from those services, where this is a proportionate means of achieving a legitimate aim. This means that single sex services are protected as are single sex employment rights and health services.

EHRC statement

The Cabinet Secretary, Shona Robison has written to Baroness Falkner, in her role as Chairwoman of the EHRC, to request she set out clearly the reasoning behind the change in position on the subject.

EQIA

The Equality Impact Assessment includes consideration of human rights issues. The draft Equality Impact Assessment can be [found here](#). The Draft Assessment states in section3, "When the Gender Recognition Reform (Scotland) Bill is introduced into Parliament, the Scottish Government will publish final versions of the Impact Assessments at the same time, including a final version of the EQIA".

Thank you for your continued interest in this matter

Yours sincerely

Gender Recognition Unit

CLLS : Gender Recognition

Case Reference: 202200272568

Thu 13/01/2022 09:41

FAO Shona Robison MSP - GRA Reform Meeting Request

Dear Shona Robison MSP,

Please find attached a letter from [Redacted] and [Redacted] of LGB Alliance Scotland.

Kind regards,

[Redacted]

Administrative Assistant

On behalf of [Redacted] and [Redacted]

LGB Alliance Scotland

<https://lgballiance.org.uk/scotland/>

13th January 2022

Dear Shona Robison MSP,

We are delighted that you are meeting a range of groups in relation to the proposed GRA reforms.

As you may know we are the only LGB organisation in Scotland that focuses exclusively on the rights and needs of LGB people as defined in the Equality Act; i.e. based on attraction to the same sex (in the case of homosexuality) or both sexes (in the case of bisexuals). We have deep concerns about how Self-ID might impact on LGB rights, particularly on how we believe it will exacerbate real problems faced by lesbians. We hear from many young lesbians who feel pressure to include male-bodied people in their dating pool. No lesbian has a penis. Self-ID will encourage some men in their delusion that they can become a lesbian.

We'd like to request a meeting to discuss these issues with you - and others relating to the proposed reforms - at the earliest opportunity.

Kind regards,

[Redacted] and [Redacted]
LGB Alliance Scotland

Minutes from meetings

**NOTE OF MEETING BETWEEN THE CABINET SECRETARY FOR SOCIAL JUSTICE, HOUSING
AND LOCAL GOVERNMENT AND LGB ALLIANCE, 18 JANUARY 2022**

Present:

Shona Robison, CS

[Redacted], LGBA

[Redacted], LGBA

[Redacted], LGBA

[Redacted], Special Adviser

[Redacted], Gender Recognition

[Redacted], Gender Recognition

Introduction

1. **The CS** thanked LGBA for their engagement with the proposals for a Gender Recognition Reform (Scotland) Bill. It was noted that SG has committed to introducing the Bill this parliamentary year but the Bill has not been finalised for introduction.

Key points of discussion

2. **LGBA** set out their view that SG has not given proper consideration to the impact on LGB people and the risk the Bill poses to those who are same-sex attracted by undermining the protected characteristics of sex and sexual orientation in the Equality Act 2010.

3. **LGBA** went on to comment on the impact for gay and lesbian children and young people with a suggestion that they were not able to live as gay and lesbian but instead lead to legally change their sex and access gender identity healthcare.

4. **LGBA** commented that the proposals are poorly evidenced and that consensus has not been sought. LGBA said that no proper assessment of the impact of similar reforms had been carried out in other countries therefore SG cannot consider these to be examples of international best practice.

5. **LGBA** went on to state that without the requirement for a medical diagnosis then the system will be open to abuse and noted that they will continue to take action if the Bill progresses.

6. **The CS** noted that nothing in what in the proposals for the Bill will change the protections people have under the 2010 Act which is generally reserved. The CS noted that a trans person does not need to have legal gender recognition in order to access single-sex services and that the Bill would not impact on current arrangements. The CS recognised the need for more guidance on the use of the single-sex exceptions which would be for the UK Government and the Equality and Human Rights Commission. **The CS** also referred to hearing the views of trans people on the current system and the requirement for a medical diagnosis.

7. **The CS** highlighted that the problem is with predatory men, not trans people and that predatory men do not need a Gender Recognition Certificate in order to attack women. It was agreed that it is important not to conflate the two in the public discourse. **The CS** went on to

say that it will remain a criminal offence to knowingly make a false statutory declaration and the draft Bill would create a new criminal offence of knowingly making a false application.

8. **LGBA** discussed the experience of people who come to regret medical treatment they have undergone. It was recommended that the CS meets with people to hear these experiences and **the CS** noted that she would welcome that opportunity. **The CS** also noted that people do not need to have had any medical treatment in order to obtain legal gender recognition under the current system or the Bill and legal gender recognition and gender identity healthcare are separate issues.

9. **The CS** concluded by thanking **LGBA** for the discussion.

Actions

(a) A follow up in writing will be provided to **LGBA**.

Gender Recognition Unit
January 2022