European and External Relations Committee

The EU referendum and its implications for Scotland

Written submission from Stonewall Scotland

Overview

Stonewall Scotland welcomes the opportunity to respond to this important consultation by the European and External Relations Committee. We are responding with the specific purpose of highlighting some of the potential risks faced by LGBT communities as Scotland negotiates its future relationship with the European Union. Stonewall Scotland has remained neutral with regard to the UK’s future relationship with the EU, but we recognise that the result of the EU referendum has led to a period of uncertainty and has highlighted worrying divisions within our diverse communities. We are also concerned about a potential knock on impact that financial uncertainty may have on investment in equality and diversity initiatives and the importance placed on protecting staff and consumers from discrimination and harassment.

Potential risks to community cohesion in Scotland

The result of the EU referendum has led to tensions in community cohesion, and Stonewall is concerned by evidence suggesting that in different parts of the United Kingdom there has been a marked increase in reported incidents of hate crime, with individuals from ethnic minority backgrounds being particularly vulnerable to attacks. So far there is little evidence of similar trends in Scotland. However, we are concerned about the potential impact on the confidence and sense of public safety among minority groups in Scotland, and we would urge the Scottish Government and Police Scotland not to be complacent.

More than a third of LGBT people in Scotland say they would not feel confident to report a hate crime to the police. It is therefore imperative that at a time when hate crime is rising in other parts of the UK, we take steps to ensure that the relationship between police and communities is strengthened, and that minority groups feel confident that Police Scotland takes all prejudiced based incidents seriously.

Stonewall Scotland believes that it is vital that we don’t allow the narrative on immigration in the referendum campaign to create divisions and strengthen prejudice against difference in Scotland or the rest of the UK. It is therefore important that the Scottish Government continues to makes space in the next months and years to signal its commitment to LGBT equality and inclusion in its policy actions.

Scotland’s future relationship with the EU

Among the key interests listed by First Minister Nicola Sturgeon in negotiating Scotland’s future relationship with the EU, we are particularly concerned about the need to ensure the continued protection of workers and human rights. Whilst existing UK equalities legislation goes further than EU requirements, it is underpinned by this framework, and it is important that these protections are not weakened after a withdrawal from the EU. Whilst the UK will continue to have a strong equality and
human rights framework through the Human Rights Act and Equality Act, the EU Charter of Fundamental Rights will no longer apply, which includes specific provisions for civil, political, economic, social and cultural rights. It is therefore vital that we maintain and continue to strengthen legal protections for minority groups, including extending the Equality Act to provide better protection for trans people.

The withdrawal process

We believe it is important that the additional resource required for negotiating Scotland’s future relationship with the EU should not prevent the Scottish Government from continuing to pursue commitments made in the 2016 Scottish Parliament election campaign, including a reform of the laws affecting trans people, and work to tackle homophobic, biphobic and transphobic bullying in schools. We recognise that the process of withdrawal from the EU is likely to be long and complex. Clearly, with many issues to be negotiated falling under devolved areas of legislative competence, the Scottish Government will play a role in these negotiations. However, this should not come at the expense of progressing equality for LGBT people in our country.

Advancing equality through business, services and the third sector

The long term consequences of the vote to leave the EU are still unknown. We are concerned that in ensuring that Britain remains an attractive business hub after leaving the EU, vital legislation and protection for LGBT workers and consumers should not be weakened. We are also concerned that at a time when both businesses and the public sector may be seeking to save costs, investment in equality and diversity initiatives should not be seen as optional.

The third sector is also an important partner for many businesses and service providers, as well as the Scottish Government, and it is important that as a sector, it is able to strengthen its equality and diversity credentials. It is also an important partner in the delivery of equality and diversity initiatives, such as Stonewall Scotland’s Diversity Champions Programme, which works with major employers across all sectors to embed equality and diversity in workplace cultures. It is vital that such initiatives continue to be prioritised to ensure that Scotland’s economy is reflective of its diverse society.

Protecting EU citizens in Scotland

Stonewall Scotland recognises the important contribution that EU citizens living in Scotland make towards our economy, public services, communities and culture. We also recognise that LGBT people from across Europe may have come to Scotland as a place which is internationally recognised as being a safe and inclusive society where LGBT people benefit from legal protections and rights. We believe that these citizens should have the right to remain in Scotland after the United Kingdom has left the EU, and are concerned that requiring them to return to their country of origin could put some LGBT people at risk.