

Meeting of LGBTI+ Cross-Party Group
6pm – 7:30pm, 29th September 2022
AGM – MINUTES – approved via email

Location: Online platform

Agenda

1. Welcome and apologies

Emma Roddick MSP introduced this meeting of the LGBTI+ CPG. Emma noted that the minutes from the last meeting had already been approved.

Members present:

Emma Roddick, MSP
Jamie Greene, MSP
Joe Fitzpatrick, MSP
Karen Adam, MSP
Equality Network; Rebecca Crowther, Eleanor Sanders White
Scottish Trans; Vic Valentine, Florence Oulds, Oceana Maund
EHRC, John Wilkes
TIE; Jordan Daly and Liam Stevenson
Stonewall Scotland; Colin MacFarlane
LEAP Sports; Hugh Torrance
Support in Mind Scotland; Kira McDiarmid
Terrence Higgins Trust; Alan Eagles and Stuart Smith
LGBT Youth Scotland; Mhairi Crawford
LGBT Health and Wellbeing; Rebecca Hoffman
Scottish Bi+ Network; Robin Goodwin
ECHC; Alice Mallinson
HIV Scotland; Alistair Hudson
OutBritain; Matt Dabrowski
Kevin Guyan
Stevie Maybanks

Rebecca Crowther, Equality Network stated apologies from:

- Tim Hopkins, Equality Network
- Paul O’Kane MSP

- Paul McLellan MSP
- Katy Clark, MSP
- Pam Duncan Glancy, MSP
- Patrick Harvie, MSP
- Heather Herbert
- Iain Campbell, Dumfries and Galloway LGBT Plus

Also not present:

Feminist Gender Equality Network

Our Story Scotland

End Conversion Therapy Scotland

S-X

NASUWT

Fiona Donaldson Grounds

Heather Herbert

James Banner-Rall

Ciorstaidh Reichle

Paul Behrens

Sarah Masson

Paul Cockburn

Ruth Ann McCalla

2. 2022 AGM business

Emma Roddick then introduced the first agenda item: 2022 AGM business, explaining that nominations must be made for the roles of office bearers and secretariat.

Emma Roddick MSP and Jamie Greene MSP were nominated to continue in their roles as co-conveners. Both MSPs stated that they were happy to do so.

Equality Network was also re-nominated for the role of Secretariat. This was agreed by Rebecca Crowther.

3. Update on the Ending Conversion Practices Bill

- Expert Advisory Group findings
- Report developments
- Next steps on Bill progression

This agenda item was introduced by Rebecca Crowther. Rebecca provided a brief outline of the current progress on legislation to ban conversion practices in Scotland. This began with the lodging of Petition PE1817: End Conversion Therapy, which called on the Scottish Parliament “*to urge the Scottish Government to ban the provision or promotion of LGBT+ conversion therapy in Scotland*”.

From this original petition, substantial work was then carried out by the Equalities, Human Rights and Civil Justice Committee who gathered evidence from a diverse array of experts and viewpoints. This included several members of the CPG. The Committee published a report and recommendations on 25th January 2022 based on the evidence given.

The Expert Advisory Group (EAG) was set up as a result of this work, with the aim of developing a report for the Scottish Government on how this work should be carried out: The Group was asked to provide recommendations on necessary measures, both under criminal law and outside criminal law, to end conversion practices in Scotland.

<https://www.gov.scot/groups/ending-conversion-practices-expert-advisory-group/>

The EAG was made up of representatives from the LGBTI+ sector, legal and human rights experts, medical experts, faith leaders who have supported those within the community and/or have lived experiences of conversion practices, as well as survivors of conversion practices. There were eight meetings in total to finalise the principles of the EAG report.

Two subgroups were set up. One consisted of survivors to ensure these voices were heard in the development of the report. The other looked specifically at the experiences of people of colour and those from minority ethnic faith communities in relation to diverse conversion practices and cultural perceptions and experiences. A report from this work was developed separately and has informed the guiding principles within the main report.

[UPDATE: the report of the EAG has subsequently been published and can be found here:

<https://www.gov.scot/publications/expert-advisory-group-ending-conversion-practices-report-recommendations/>

The report contains:

- a set of 32 guiding principles, providing context, and explaining the background and reasoning behind each principle.
- an annex of prescriptive recommendations for this work, which set out how the group would imagine that this work be done.
- a definition of conversion practices which is clear and inclusive, consistent across sexual orientation and gender identity, and wide enough to cover all practices. The definition covers any aim to change, inhibit and suppress. It explicitly states that consent cannot be given, and it encourages consideration of coercion.]

Rebecca Crowther then explained the next steps emerging from this work, explaining that it was hoped that this report from the EAG would inform the Scottish Government's consultation on the Bill to end conversion practices, which would hopefully go live this winter. She noted that if this was to occur, then the Bill should still be on track to be delivered within the scheduled timeline.

Colin MacFarlane, Stonewall Scotland, then thanked Rebecca for the huge amount of work she had done behind the scenes, as well as Paul Behrens, in pulling together the structure of the report, and in laying the groundwork for it, particularly considering the intersectionality of the issues, which Colin felt came across in the report.

Jamie Greene MSP then asked if anyone knew whether there had been progress on UK government legislation to ban conversion practices in a similar manner. He stated that he was aware that there had been a consultation, but he was unclear what had happened since then. He followed this with a second question, asking 'what is the situation around consent? Is it possible for someone to ask for help, and would this be legal, and would a practitioner be breaking the law if the end result was, for example, that an individual decided not to transition?'

Rebecca Crowther answered Jamie's questions. She first addressed what was going on in terms of the UK Government and legislating against conversion practices. Rebecca explained that in her role as part of the Ban Conversion Therapy coalition that 'things were hard down South' there as nothing appeared to be set or clear. She noted that

overall, there seemed to be little progress or movement in England and Wales on banning conversion practices comprehensively.

Rebecca then moved on to addressing Jamie's second question. She highlighted the importance of understanding what affirmative care was, and that this was not a conversion practice, as it enabled someone to explore their sexual orientation and/or gender identity with no pre-determined direction. Rebecca explained that the difference with conversion practices was that there was a set direction and agenda at the outset. She noted that it would not be criminal to provide affirmative care that did not seek to steer someone in any direction.

Colin MacFarlane also addressed Jamie Greene's first question, describing how the UK Government (when this had been led by Boris Johnson) had u-turned on being trans inclusive in their conversion practices Bill and that there was less hope now that a Bill would be brought forward at all for England and Wales. Colin noted that colleagues at Stonewall would be meeting with the new Equalities Minister in the future, but that currently everything seemed 'up in the air' and he would not be surprised if there was no movement on this down South. Colin stated that there was a sense that UK legislation around conversion practices was 'being kicked into the long grass'.

Rebecca Crowther made a final point responding to Jamie's second question around consent. She explained that as conversion practices were considered torture, and you could not consent to torture, then consent could not be used as a defence. She further explained that conversion practices often involved coercive control, so people may consent through social pressure, self-preservation etc.

Jamie Greene MSP made a final remark, stating that there may be some difficulties around this (consent) as he felt this was a grey area legally. Following up on Rebecca and Colin's responses around a lack of progress of the UK government on banning conversion practices, Jamie stated that he would write a letter to the new UK Equalities Minister asking about this.

4. Update on the Gender Recognition Reform Bill

Vic Valentine, Scottish Trans, introduced this agenda item. Vic updated the CPG on progress on the Gender Recognition Reform Bill. Vic noted that it had just been published in the Scottish Parliament Business Bulletin that the Stage 1 vote would be taking place on 27th October 2022. Vic announced that Scottish Trans would be putting on an event that day, and that they would start inviting people to that within the next two weeks. Vic highlighted that Scottish Trans would be grateful if people from organisations in the CPG were able to encourage people to attend that event.

Vic then explained the Stage 1 vote, noting that this is about the chamber voting as to whether they agree with the principles of the Bill. Vic hoped that the case had successfully been made that it was important to reform the Gender Recognition Act, and that the Bill would therefore pass Stage 1. Vic stated there would also be a report from the EHRCJC about this, and that this would be published before the Stage 1 vote on 27th October. Vic finally highlighted that if anyone wanted to know more about the Bill's progress, or how to help, they could get in touch with Scottish Trans.

Joe Fitzpatrick MSP responded to Vic, stating that the EHRCJC could not yet say when the report on reforming the Gender Recognition Act would be published.

Karen Adam MSP noted that it was important that everyone got the tone right when discussing this Bill, and that it was crucial to 'stick to the facts' in the Stage 1 vote. Emma Roddick MSP agreed. Emma also pointed out that for those listening in the gallery there could be things said that were difficult to hear and that it was important to make sure anyone attending was prepared for this, and able to support others who may be struggling.

Vic, Emma, and Jamie discussed how some people feel tentative in talking about the Gender Recognition Reform Bill, and that people may be coming from very different places on this topic. Jamie noted that he had had good conversations with some MSPs talking through their concerns, for example, about certain details of the legislation and the knock-on effects of that. Jamie did note that there were people not willing to engage around this subject, and who had made their mind up already, but that conversations had been 'generally positive' with colleagues who were looking at it from a different point of view.

Jamie Greene also highlighted the importance of lived experience and stories from community members about Gender Recognition Reform. He noted that this was a powerful tool in helping people to understand the issues and encouraged people to get in touch with their MSPs. Jamie sought to widen this call out to other areas such as mental health and waiting times, noting that he could then also raise these issues in Parliament.

Jamie highlighted the importance of unity in discussing Gender Recognition Reform, and of having conversations in a respectful way. Jamie stated that it was worth bearing in mind that Stage 1 was only the first of many stages, for example, Stage 3 can look very different with amendments to Stage 1. He explained that it was vital to have 'lots of constructive conversations' about the content of the Bill, and that all ideas should be welcomed. Jamie finished by saying that this should be seen as an opportunity, rather than a moment of conflict.

Rebecca Crowther responded to Jamie's comments, noting that it would be welcomed if he was able to state these views in Parliament. Rebecca explained that there might need to be more consideration given to comments made throughout debates when it came to issues outside of the Bill e.g., waiting times and healthcare, as this may not be helpful at this time. She explained that this could become unhelpful for people in understanding the scope of the Bill and what it would actually change and do.

Jamie agreed but stated that it was important to pre-empt that these sorts of conversations would happen and be a part of the debate. Jamie stated that he thought this could be done respectfully, and that it was often outside of the debate that things became 'unpleasant'.

Emma responded, noting that right now the scope of the debate was still to be confirmed, and MSPs did not yet know what the content of the debate would be, or who would be able to speak.

Jamie commented that all MSPs would be happy to talk to individuals and organisations, and highlighted the importance of communicating with different MSPs, not just those who are known to be allies. Jamie explained that it was powerful when an MSP had an inbox filled with stories, and he encouraged such lobbying.

5. Mental Health Strategy

- Consultation response from sector

- Next steps

Rebecca Hoffman, LGBT Health and Wellbeing, provided a brief update on the new Scottish Government Mental Health Strategy. Rebecca noted that LGBT Health and Equality Network had been working on three main strategies as part of this. These were the Suicide Prevention Strategy, the main Mental Health Strategy, and the Self-Harm Strategy.

Rebecca noted that LGBT Health and Equality Network had submitted a consultation response for the Suicide Prevention Strategy. This consultation response highlighted:

- the specific risks of suicide within the LGBTI+ community, including minority stress
- the need for the principles to be intersectional and inclusive
- the importance of engagement with minority groups to shape this strategy (while acknowledging the reality that LGBTI+ people are often living these experiences, and the fatigue that comes with being consulted on this)
- the inequality of experience in statutory services for LGBTI+ people.

Rebecca Hoffman explained that LGBT Health and Equality Network would be continuing to work with the Scottish Government Suicide Prevention Team around the Suicide Prevention Strategy.

Rebecca Hoffman then outlined the sector-wide response to the Mental Health and Wellbeing Strategy consultation. Rebecca noted that to inform this Equality Network, Scottish Trans, and LGBT Health had hosted an in-person meeting on 8th September with 20 members of community, and Kevin Stewart MSP, Minister for Mental Wellbeing and Social Care. This meeting aimed to provide an opportunity to hear from people from the most marginalised parts of the LGBTI+ community.

The cross-sector response to the Mental Health and Wellbeing consultation had highlighted:

- inequalities in access to mental health support for LGBTI+ people and for different groups within this community, including trans and non-binary people, older and younger people, LGBTI+ people of colour, asylum seekers and refugees, and disabled people.

- a lack of affirmative mental health support and equalities-competent care across the board
- the importance of recognising that the LGBTI+ community is not a homogenous group, but instead that there are nuances in terms of experiences within this umbrella, and interactions with other protected characteristics.

Rebecca Hoffman then discussed the most recent of the three mental health strategies; the Self-Harm Strategy. Rebecca noted that this was not as far along in development as the other two strategies. She described how LGBT Health and Equality Network were working with the Mental Health Directorate on this, encouraging early engagement with LGBTI+ people and doing this in a way that would not create further stress or harm.

Emma Roddick commented that she had asked to talk with the Scottish Government about the Suicide Prevention Strategy as there were some concerns about the actions arising from that strategy. Emma stated that she had asked for a debate around this in Parliament.

6. Requests to join this CPG

There were five new requests to become part of the LGBTI+ CPG.

These were:

- Age Scotland (organisation)
- Kaylee Nichol
- Dr Roz Hamilton
- Russ Wolf
- Skara Bowie

7. Updates on other matters / AOB

Jamie Greene stated that he had asked Parliament why CPGs were still online rather than being in-person, noting that everything else was now back in-person. Jamie acknowledged that it would be hard to make meetings hybrid, as the technology was not good enough for this, but that it would be good to find a way to make this possible for those who cannot attend in-person. Jamie felt it would be good to have socials too to get to meet everyone.

Emma explained that she had spoken to Rebecca Crowther about retaining the online element of the CPG as this was important for some people, and that it would be good to trial hybrid meetings.

Rebecca Crowther commented that it would be good to put this to the CPG as she had got a sense from organisations and individuals, particularly those living rurally, that online meetings were better in terms of access.

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