Official Report
Aithisg Oifigeil

Equalities, Human Rights and Civil Justice Committee

Comataidh nan Co-ionannachdan, Còraichean Daonna agus Ceartas Catharra

Thursday 10 September 2026

Session 7

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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
3rd Meeting 2026, Session 7

CONVENER

*Katie Hagmann (Carrick, Cumnock and Doon Valley) (SNP)

DEPUTY CONVENER

*Meghan Gallacher (Central Scotland and Lothians West) (Con)

COMMITTEE MEMBERS

*Holly Bruce (Glasgow Southside) (Green)
*Amanda Lindsay (Central Scotland and Lothians West) (Reform)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
*Carol Mochan (South Scotland) (Lab)
*Collette Stevenson (East Kilbride) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Heather Fisken (Inclusion Scotland)
John Kirkpatrick (Equality and Human Rights Commission)
Jennifer Laughland (Equality and Human Rights Commission)
Susan McKellar (Scottish Women's Convention)
Kate Nevens (Edinburgh and Lothians East) (Green)
Susan Smith (For Women Scotland)
Adam Stachura (Age Scotland)
Vic Valentine (Equality Network)
Carol Young (Coalition for Racial Equality and Rights)

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Thursday 10 September 2026

[The Convener opened the meeting at 09:32]

Decision on Taking Business in Private

The Convener (Katie Hagmann): Good morning, everyone, and welcome to the third meeting of the Equalities, Human Rights and Civil Justice Committee. I also welcome the members of the public who are joining us.

We have received no apologies, but Meghan Gallacher will join us later. She has indicated that she is due to be at the Public Petitions Committee at some point this morning, but the timings are a little bit unsure.

Under agenda item 1, do members agree to take in private item 3, which is a review of this morning's evidence, and item 4, which is consideration of our approach to pre-budget scrutiny?

Members *indicated agreement*.

Equalities (Overview)

09:33

The Convener: Our next agenda item is the second of three round-table evidence sessions to explore key issues in the committee's remit. Today, we will focus on issues related to equalities.

I make everyone aware that there will be text-to-speech reporting during the meeting for accessibility reasons, so I ask everyone to speak clearly and slowly and not to interrupt or talk over one other.

Before we move to questions, I think it is really important that we all introduce ourselves so that we know who we are talking to. I will begin, and we will then go round the table, starting on my right. I am the MSP for Carrick, Cumnock and Doon Valley and convener of the committee.

Jennifer Laughland (Equality and Human Rights Commission): I am head of the Scotland legal team at the Equality and Human Rights Commission.

John Kirkpatrick (Equality and Human Rights Commission): Good morning. I am chief executive of the Equality and Human Rights Commission.

Holly Bruce (Glasgow Southside) (Green): Good morning, everyone. I am the MSP for Glasgow Southside and the Green group spokesperson on social justice.

Susan McKellar (Scottish Women's Convention): I am the manager at the Scottish Women's Convention. We are a charity that goes around Scotland talking to women to gather their views to feed into policy and legislation.

Vic Valentine (Equality Network): Good morning, everyone. I am the manager at Scottish Trans. Scottish Trans is the trans-specific project of the Equality Network, which is a lesbian, gay, bi, trans and intersex equality and human rights charity.

Kate Nevens (Edinburgh and Lothians East) (Green): I am the MSP for Edinburgh and Lothians East and the Green group spokesperson on equalities.

Carol Young (Coalition for Racial Equality and Rights): I am deputy director of the Coalition for Racial Equality and Rights. We are a strategic anti-racism organisation that has a focus on evidence-based policy.

Carol Mochan (South Scotland) (Lab): I am one of the South Scotland MSPs for the Scottish Labour Party.

Heather Fisken (Inclusion Scotland): Good morning, everyone. I am chief executive of Inclusion Scotland, which is a disabled people's organisation that is run by and for disabled people.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning, everyone. I am the MSP for Coatbridge and Chryston.

Amanda Lindsay (Central Scotland and Lothians West) (Reform): Good morning. I am an MSP for the Central Scotland and Lothians West region and Reform UK's women and equalities spokesperson.

Adam Stachura (Age Scotland): Good morning. I am the policy and communications director at Age Scotland, which is the Scottish charity for older people.

Collette Stevenson (East Kilbride) (SNP): Good morning. I am the MSP for East Kilbride.

Susan Smith (For Women Scotland): I am a director of For Women Scotland, which is a women's rights organisation. I am also a director of Beira's Place, which is a rape crisis charity.

The Convener: Thank you, everyone. As I said, you are all very welcome. It is really important that we are able to have these round-table discussions and hear from experts in your fields.

We want to cover a range of issues and topics. The committee's remit is vast, which is why we are focusing on one area today, which is equality. The themes that we will try to cover include the operation of the public sector equality duty, the EHRC code of practice on services and public functions, conversion practices legislation, human rights legislation, asylum seekers, racism, neurodivergence and violence against women and girls.

I will open with a general question as a bit of scene setting. As a new committee, we will be pulling together our work plan, which will be informed by the conversation that we have today. It would be really helpful for us to hear the key areas that you would like the committee to take forward in its work plan.

John Kirkpatrick: The committee's business is a matter for the committee and we have relatively few observations to make. We will be willing and able to support the committee in its deliberations on whatever it chooses to focus on. However, I will mention a couple of things that we think it might be worth keeping in your minds.

As you know, one thing that we do as a commission is to provide periodic updates on the state of equality and human rights across Great Britain. The most recent editions of the publications are called "Equality and Human Rights Monitor", "Is Scotland Fairer?" and "Is Wales Fairer?" One of the key things that all those documents identify is the challenge of sufficient data, and data of sufficient quality, being available to public bodies to enable them to fulfil their obligations and advance equality. The gaps in the data available on bullying in schools and elsewhere, for example, were an issue that cropped up right across Great Britain, and the fact that such gaps make it very difficult to understand the underlying causes and origins of discrimination and harassment is one of those issues that we think is worth pursuing.

I will highlight a couple of others. We have given, as I know you and your predecessor committees have, serious thought to the operation of the public sector equality duty in Scotland. We are the regulator of that duty, and I am happy to talk in greater detail about some of the work that we do, if that would be helpful to you. A continuing overview of how that duty operates, how it might be reformed and what difference the Scotland-specific duties make to the thinking and work of public sector bodies in Scotland has been, and could continue to be, a very useful area of focus for the committee. I can provide more details, if you like, but I will just leave it there and give others an opportunity to add some remarks.

The Convener: Thank you for getting us started. On your final point, the question is how those duties can be embedded in the public sector, and I think that that is an area of exploration that the committee should be mindful of.

Holly, your hand went up, so I will bring you in now.

Holly Bruce: The public sector equality duty is certainly something that the committee has discussed looking at over the session, and I know that many organisations—Engender being one that could not make it today—are calling for it to be overhauled.

At this point, I should also declare an interest as a councillor on Glasgow City Council, as well as being the MSP for Glasgow Southside. In my role as councillor, I have seen at first hand how the public sector equality duty does not work in practice. It can often be a tick-box exercise, and there is no meaningful data to back up changes to policy. Therefore, I completely agree on the issue of data: we need to get better at collecting good-quality intersectional data, and we also need to look at how we make it more meaningful in practice. My question is this: how do we do that?

John Kirkpatrick: If that is a question to me, I think that the best answer that I can give is that we, like you, concern ourselves with how the PSED is operated. I think that you described it as occasionally being a little more than a tick-box

exercise; that is emphatically not its intention, and it is also not what we seek.

We are able, through our scrutiny of public bodies, to hold them to account, in particular, for the process elements of the duty and for making them actually do the things that they want to do. In a variety of situations with United Kingdom Government departments, among others, we have tried through our enforcement powers to press them to do better and to follow through on looking at their policy making and their strategic approaches through an equalities lens. After all, when they do so, we see improvements and outcomes.

Far be it from me to suggest to you how you do your business, but it seems to me that there are parts of national and local government in Scotland that you, too, might want to hold to account when it comes to the practical reality and the impact of fulfilling the PSED, instead of just observing whether they are following the right processes. Where I think we are in agreement is that we believe that having data of sufficient quality to help people to understand what is happening on the ground, and what difference changes to policy or adjustments to process have made, are absolutely central to that. It seems to me that driving that first is an area where you might be able to bring pressure to bear.

The Convener: I am conscious of how easy it is for us to get really caught up in making general points, and we do want to get into our discussions, but are there any other areas that other organisations would like to highlight?

Heather, your hand is up.

Heather Fisken: In response to the question about how we do this, I would say that one of the things that we are working on with regard to the disability equality plan that Scottish Government has brought out is the issue of competence, by which we mean the competence of public bodies and their officials to understand, relate to and deliver for disabled people, in our case, and to understand the difficulties that disabled people face in every part of their lives. That goes back to the issue of intersectionality and the data gaps on that, which are immense.

09:45

To slightly go off on to another subject, one issue with the public sector equality duty is that it uses the phrase “due regard”, and we know that that phrase is intended to be used in the human rights incorporation bill, which will be introduced in this session, in a year’s time. We do not think that the phrase “due regard”, which will be applied only to what are known as group protection treaties, including the United Nations Convention on the Rights of Persons with Disabilities, goes nearly far enough. It sounds good when it is laid out in a code or piece of legislation, but it is actually not applicable on its own and will not make the difference. It will not incorporate disabled people’s human rights into Scots law or into everyday life.

There is an element about competence and whether people are able to do an equality impact assessment. Do they really understand? I have seen examples that have been cut and pasted from another local authority or public body, which just goes to show that thought has not been put into that.

Also, people are consulting disabled people and, I am sure, other communities, and they keep consulting. We are sick of being consulted. We actually want to see a difference in everyday life.

Those are a few issues.

The Convener: There absolutely is a duty on us to look at outcomes. We need to look at what we are taking forward, and why. What outcomes are we looking to achieve, or what issues are we looking to shine a light on? I appreciate that point.

To go back to my general question at the start, is there any particular areas of focus that Inclusion Scotland would like us to consider?

Heather Fisken: I would like you to consider, request and help to develop intersectional data, because that is where the real problems lie. Also, I would like the committee to help to build competence across the Parliament in all committees and all MSPs, so that they can look into inequalities accurately. I would like you to lead the way on that.

Parliament is always under the microscope in the media, so it is really important, given the world that we live in at the moment, for you to help to set the scene with regards to the way in which rhetoric is emboldened throughout the country. I would like you to lead the way on stopping much of that. For example, we currently have discussions at UK level about who is deserving of benefits or public money, and who is undeserving. People are making sweeping assertions about who deserves to have public money and who does not, without really understanding the issues at all. I would say that we need leadership.

The Convener: Thank you.

Susan Smith, you indicated that you want to come in.

Susan Smith: We agree about the issues around data gaps and the need to collect data, especially in relation to violence against women. I think that we all feel instinctively that violence against women disproportionately affects women with disabilities, for example. However, we do not

necessarily have all the right evidence on who the perpetrators and victims are. That is not helped by certain approaches. For example, we wrote to the chief statistician a long time ago—he finally wrote back in February—because there was a recommendation not to collect data by sex across the public sector. If you are not doing that, you cannot look at some of the inequalities that women face. We must have robust data in place so that we know which communities and groups are at risk.

Generally, the committee has an opportunity to get back in to examine legislation that has already been passed. The Domestic Abuse (Scotland) Act 2018 was touted as gold standard, but it has not been properly implemented, and there is an issue with how all of this is operating. What we have seen is an unfortunate tendency to pass more and more legislation instead of going back to existing legislation and seeing where it can be improved or, indeed, looking at where statutory instruments might be needed. Such an approach would be more effective, I think, than going back to primary legislation, and it would be really helpful if the committee were able to do that.

More generally, I would say that we need to join the dots on women's issues. We were very disappointed in the previous session that the Prostitution (Offences and Support) (Scotland) Bill—which came before not your predecessor committee but the Criminal Justice Committee—unfortunately did not go through. Violence against women is affected by how society views them, and something that needs to be very clear when you are examining any such measures is that public perception is affected by, for example, whether people are consuming pornography.

I suppose that those are the headline issues that we would really like you to look at, but you could also look at income streams and auditing. You could get Inspiring Scotland in and see where it gets its information from in order to fund organisations, and you could look at where there is overlap and where there are gaps and needs. I think that we sometimes see a little bit of distance from Parliament and Government, when they say that funding is out of their hands and belongs to someone else. That should not be the case, because this is public money; this is our Parliament; and we need to know about any decisions and concerns in that respect.

The other day, I heard something quite shocking about a lack of equipment for deaf children in schools. Now, that is not my remit, but why are such things not coming through? Why are we not hearing about them? Perhaps we need a more open and transparent conversation about how things are funded. I would just point out that Inspiring Scotland cannot be subject to a freedom of information request, and that would be something that I would like you to look at.

The Convener: Thank you. Colette, you had indicated that you wanted to come in, and then I will bring in Amanda Lindsay.

Collette Stevenson: Susan Smith has touched on the question that I wanted to ask, but I want to drill down further and hear from the other members at this round-table session. Where are you seeing the most serious equality data gaps? After all, most folk seem to be saying that there are such gaps. Moreover, are those gaps preventing ministers and the Scottish Government from knowing whether public spending is actually reducing or worsening inequality?

I do not know whether Susan McKellar wants to come in on that. I have put you on the spot there, Susan.

Susan McKellar: We go round Scotland, talking to women in their communities. In fact, I have just returned from Stornoway, and I have been to Caithness—I have been all over recently, talking to women in rural areas who are probably the furthest away from policy that you can get. They are not seen; the centralisation of services, and indeed of government, has made it more difficult for them to get access, so we do not hear their voices. That is a huge data gap.

We also have a huge data gap with regard to age. Women have told us that, since Covid, elder women have been dismissed and are not to be seen in their communities. They are invisible, but they are subject to violence like everybody else—and it is just not measured. Certain measurements and statistics are not done after a certain age, because apparently, after that age, there is no violence against women and girls. Therefore, we would call for that to be looked at, so that we can get the real data that is out there. This is happening in communities; it is happening to these women; and we are just not hearing about it.

We are not hearing about it, because women are so disillusioned with what has been happening in Parliament. We have just done a women's priorities report based on all the work that we have done over the past year, and women have been telling us that the Parliament did not work for them in the previous session. They said that so much was promised after Covid with regard to legislation and transformational change, with phrases such as "Build back better" being used and so on, and women were expecting to be treated better. After all, most of them were caring during Covid and, like everybody else, were getting pots and pans out in the street. We thought that that would change some of the perceptions around care, but it did not.

We have seen a vilification of disabled people. Women are telling us that they do not want to go into their communities, especially if they are disabled, because they get harassed at bus stops and so on. They find it difficult to access their communities. Since Covid, a lot of transport has been turned off, which stops women getting to the places where they need to be. We can see that most clearly in our rural communities. I was up in Wick, where women have to travel to Raigmore in Inverness for most of their health appointments. That is a journey of more than two hours on the A9, which is a dangerous road that is often closed because of accidents. They are not receiving the healthcare that they need in order to have a good quality of life.

Women also say that they are upset because they were promised a misogyny bill, a human rights bill, a national care service and a learning disabilities, autism and neurodiversity bill. Obviously, there was the prostitution bill, which we had a look at, but even though ending violence against women and girls is part of the equally safe work, the debate on that bill went against it. There were lots of unfulfilled promises in the previous parliamentary session, and bills that ran out of time. Women are so disillusioned that they think, "What's the point?"

In April, we held a blether on voting, in an attempt to get women—young women in particular—to talk about why voting is important, how we got the vote and how important it is for their voices to be heard. They said that it does not matter, because what they say is not taken on. As Heather Fisken said, there are lots of consultations. We are always going into communities to ask for information. We have the information; it is just that there is not the will or the accountability to ensure that what is proposed is implemented. I think that that is what lets us down. Our metrics are based on the legislation that we have rather than measured outcomes, and that needs to be looked at.

The women we talk to have to retell the most traumatic, horrific and brutal experiences, and they are asked to do that time and time again for committee after committee. That is unfair, because we are creating a sense of trauma without offering the services to facilitate the counselling and support that they need afterwards to help them with that.

The funding and resources have to be looked at. We know that there are services out there, such as Scottish Women's Aid and Rape Crisis Scotland, that do fantastic work for women who have been brutalised and who have tried to escape. When I was up in Wick, I spoke to Women's Aid up there, which was looking for a refuge for a woman who was trying to flee abuse. None was available. The staff phoned every refuge in the whole of Scotland, and none of them could take her. In effect, we are telling that woman that she has to stay in that relationship, which is unacceptable. We should have enough resources to ensure that such women are able to flee abusive situations. By keeping her there, we are putting her at risk. That is a huge concern across Scottish Women's Aid, as is the accessibility of the refuges that we have, which we know are not adaptable for disabled women, who are more likely to be the victims of male violence against women and girls.

We know that there is a lot more to do, and scrutiny is required. Women have told us that one of their main priorities is women's health, which has seemingly fallen off the agenda. We no longer have a women's health minister. That issue is now part of a portfolio that includes drugs and alcohol, which are huge issues for communities in Scotland, so how can we do it justice? Women say that not enough research is being done on women's health, that not enough money is being put into it and that it has been undervalued for too long. A lot of neurodiverse women are coming forward and saying that it is not acceptable that they do not have access to the help and support that they need.

Women are telling us that there is no accountability. The issue gets passed back from local authority level to the Scottish Government. There are great policies out there that could work for women if we implemented them properly. If we collected the right data, we would be able to put the resources in the right places.

Women's other main concerns are male violence against women and girls and the cost of living crisis. There are also concerns about education, social care and housing. We have issued a report, which I will send to the committee. Those are the main things that they are saying. We are not collecting the right data from the people who need help the most, so we need to get out there. We know that there are communities that are not being heard. That is where we need to look.

10:00

The Convener: Thank you—there was a lot in there. I am keen to hear from everybody, and there are hands popping up. I know that Amanda Lindsay and Holly Bruce are looking to come in but, so that we hear from our witnesses, and as there was mention of older adults, perhaps Adam Stachura wants to speak to that point.

Adam Stachura: Thank you. I actually want to follow up on the data point and Collette Stevenson's question. An expansion on the issue of data gaps is the issue of the need for data

coherence rather than silos. A lot of data is gathered, but it is gathered all over the place and is not used effectively or shared. Even some consistency in base levels of data would be good. We have heard examples of people who are consulted and consulted but are never really heard and no action is taken. One big challenge that the Government, the Parliament and public services have is how to use the data that exists to inform decision making and target policy interventions at the right place.

A great example, although it is not for this committee as such, is targeting social security or financial support to people who are living in fuel poverty. Going into last winter, half of the pensioners in Scotland were living in fuel poverty, and a quarter were in extreme fuel poverty. However, we cannot go and find the people who are on pension credit, who have homes with the lowest energy ratings and who are in the coldest parts of the country, even though they are probably most in need of that pot of money, so instead we spread the resources incredibly thinly.

There is a point about coherence and the ability to use even basic data well and across different services. I have heard from Government and other places about a frustration because of inability to access other data. By the time that can be accessed, it is either out of date or incoherent.

On the broader age piece, I agree with everything that Susan McKellar said. One of our calls for the committee is to look at many things through the lens of older age. That is not about being exclusive. There are a lot of people in society and people with different characteristics who face extraordinary inequalities, which is a huge challenge for the country.

We will soon publish the third edition of "The Big Survey", which is the biggest single survey of older people in Scotland. The latest one involved 4,400 over-50s, so it is the biggest one yet. The figures are really poor and show that things are getting worse. The survey is staggered over every couple of years. Only 3 per cent of over-50s believe that it is easy to have their voices heard by politicians, almost 60 per cent find it really difficult to be heard by politicians and almost 70 per cent do not feel valued by society. That last figure has been increasing since we first did the survey, which was just after the second national lockdown for Covid. That was not a particularly good time, but the figure has massively grown since then. We think that there is a need to look through that lens of older age and particular characteristics, which can be determined and which I am sure will come out in this committee and other places.

We also look at how ageism impacts people. Our research shows that a quarter of over-50s experience ageism in the workplace or in healthcare settings. That is a huge number of people—half a million-plus people are experiencing it. That is holding back the economy, having huge impacts on public and individual health and contributing massively to financial insecurity and poverty. Within that number, there will be people who are particularly affected, whether they are women or people from ethnic minorities, who feel that they do not get the services that they need.

I will end with a quick rant. If there is another opportunity to consider the public sector equality duty, the committee should try to establish the outcomes. You talked about that, convener. You could also consider how public services demonstrate that equality data and considerations are changing decisions, which is incredibly important. The last part of that is about accountability to the public and even to elected officials about decisions on public services. We are seeing challenges in councils and other elected arenas relating to decisions that are made that affect everyone. Those decisions are almost impossible to scrutinise but, once you get to that point, the die has been cast and the decision has been made. That is a big problem in the delivery of social care across Scotland.

The Convener: A couple of other witnesses are looking to come in, and I will then bring in committee members.

Vic Valentine: On your introductory question about priorities that the committee might want to take an interest in, an important priority for us is the ending of conversion practices, which are any harmful attempts to change or suppress someone's sexual orientation or gender identity based on the false belief that there is something wrong with being LGBT+. We are broadly disappointed that the Scottish Government seems to be indicating that it wants to go along with the UK Government's proposed bill for England and Wales, because we think that the proposals that the previous Scottish Government developed would much more effectively end conversion practices. I can talk about that in more detail if committee members are interested.

I imagine that the committee will scrutinise the human rights bill that has been promised for next year. In the context of the public sector equality duty, it is important that the bill really makes a difference to people's lives. That is key. There is a lot of potential for the bill to improve people's human rights, but we need to think about how it will make a difference on the ground in people's day-to-day lives and what difference it will make to decision making by authorities.

It is important that we also consider community cohesion and social attitudes. Over the summer, we have seen a rise in hate crime based on sexual orientation—the highest numbers of such incidents ever recorded. Attitudes towards trans people continue to deteriorate. Recently published social attitudes data shows that one person in every four people in Scotland—a pretty chunky minority—thinks that a trans person is not suitable to be a primary school teacher, so there is work to be done on changing attitudes.

Scottish Trans in particular is concerned about how trans and non-binary people can participate in public life and access services that we need following the UK Supreme Court's ruling on the meaning of "sex". It is our understanding that the Equality and Human Rights Commission's guidance means that we are never able to access any services or spaces that are separately provided for women or men in line with our gender identity. In our view, that will result in widespread harm to trans people, so we are desperately concerned about that.

The Convener: You have raised a number of issues, and I have quite a few questions that will dig down into them. In keeping with the theme of hearing from everybody, we will move on, but we will come back to some of those issues, as I am sure that members will have questions on them.

Carol Young: I am tempted to wade in on the points about the public sector equality duty and about data, because we do so much work in those areas. We sit on the Scottish Government's public sector equality duty improvement stakeholder reference group, which we have found to be really useful. A lot of work is going on, but it might well be useful to scrutinise how effectively that work is being taken forward. Likewise, the points about data resonate strongly with us. In the third sector, we are probably one of the biggest users of Scottish Government data, because we rely on it extensively. We have received an invitation to engage on the next iteration of the equality evidence improvement plan.

All those issues are close to our heart, but I will raise our own priority. As some members might be aware, CRER is one of a collective of anti-racism organisations that have supported a call, initially made by BEMIS, for the committee to hold an inquiry into the increasingly strategic use of racist misinformation, which is not only damaging social cohesion but causing active harm to people. I have no doubt that the police would be able to report to the committee what they have to deal with on the streets daily as a result of bad actors, who are, to be frank, being whipped up by some seriously sinister people.

Just this week, there was an incidence of wilful fire raising that, as has been indicated in the media, might have been triggered by false rumours that asylum seekers were to be housed in that block—not asylum seekers who had been accused of anything, just asylum seekers in general. We can tell from the attacks that have happened that the people who are pushing that violent ideology are not actually looking at where someone came from or how recently they arrived, but are looking at the colour of their skin, primarily. We are talking about something that is an actively dangerous thing that is threatening our society today and is causing absolute terror to people from minority ethnic groups. Therefore, we would be keen to see the inquiry move swiftly, if you choose to go ahead with it.

I want to bring your attention to the issue of child poverty, which the First Minister has been very strong on and which features prominently in the programme for government. Black and minority ethnic children are more than 2.5 times as likely to experience poverty, and they are one of the Scottish Government's priority groups for action under its child poverty policy area.

However, we have seen a lack of targeted action, which has actively widened inequalities for black and minority ethnic children. Last year, guidance for policy makers was published that advised that such priority groups should not necessarily be used for targeting policy. I am not sure how we get out of that situation, which is extremely grave, without doing so. More of those children than is the case in other priority groups are in working households, so we have labour market inequalities to thank for a lot of the situation. We can also thank housing inequalities, as more than 20 per cent of the income of black and minority ethnic families is spent on housing costs, in comparison with 9 per cent for the population in general. There are a lot of deeply ingrained issues, and we feel that that area has not received due attention from Government over the period in which it has aimed to eradicate child poverty.

Obviously, I have not set out all of our priorities. In the election period, we published a manifesto that set out a range of priority areas that we work on, which some of you may have seen at that time. We will continue to engage with you and the civil service, because there are many ingrained areas in which black and minority ethnic people face severe inequalities that simply do not budge. Over the past 20 years, our research on behalf of the Scottish Government has shown clearly that we are not making the headway that we should be on these inequalities.

That is just a round-up of our priorities. I am happy to answer any questions, or to provide

briefings after the meeting, if members would appreciate it.

The Convener: Thank you all for outlining where you are at. On the comments about inquiries and the points that Vic Valentine made about the trans community and Susan Smith made about women coming to give evidence, it is important to make it clear that, as convener, I want to ensure that our committee is as inclusive as possible, that we can reach every aspect of society and that everybody can feel that they can have their voices heard, and that that happens in a way that is safe and assures people that their voices matter and that we are looking to the appropriate outcomes. It is fair to say that, across a range of organisations, people have said, "We have given up our time and energy, and have put ourselves in vulnerable positions, but for what purpose?" I want to put on the record that, as a committee, we are mindful of that.

I also want to put on the record the fact that I agree with the points that Carol Young raised about the deliberate fire raising. It is completely unacceptable. It is fair to say that members across the chamber, and many who are in the room today, have spoken about that. Yesterday, we had a debate on community cohesion, and Carol Mochan summed up that discussion very eloquently. We have to have those important conversations, and we have to raise those points at the highest level.

Many members are looking to come in. I will come to them, and I hope that we can dive into some of the areas a little bit more deeply.

Amanda Lindsay: My question relates to Collette Stevenson's point about a data gap. Even this early in our discussions, that is surfacing as a key theme. I acknowledge Adam Stachura's point about data often existing but being kept in inaccessible silos that are all over the place.

However, I want to drill down into a particular area. This is a question for Susan Smith, I think. It relates to which official Scottish statistics are still mixing sex with gender—and the operative word here is "mixing". We would probably all agree that the two things should be recorded, but separately, so my question is about the mixing or the conflation of those things, and how that misleading data is having an impact.

10:15

Susan Smith: The problem is that there is no consistency. As I said, we wrote to the chief statistician because he said that you should not collect data on sex unless it was necessary—well, data on sex is often necessary. I think that the Office for National Statistics once said that it was the critical piece of data and, of course, it intersects with a lot of other issues, so, if you are not collecting that data, you are never going to be able to analyse what is happening in women's lives. To get around that issue of conflation, some people said, "Just don't collect the data," and that is not acceptable. It is a protected characteristic. It is a point in law that we should be able to look at this.

I think that a lot of public bodies are doing their own thing, and they are doing different things, so clear guidance would be appreciated. I understand that some people have sensitivities around answering, but these things are there to help people. They are there to help them make decisions and to see where issues arise. If you cannot collect that data accurately, you probably cannot collect data accurately on anything associated with gender reassignment, either, because you will not know, when you are talking about people, which particular area of that spectrum they fit into. That means that you will not know if violence, disability or disadvantage affects one group of a particular sex within a cohort who might have different gender identities, so I do not think that it helps anyone. It certainly does not help women not to have that data, and I do not think that it helps anybody who does not identify with their biological sex, either.

Amanda Lindsay: Okay, thank you.

The Convener: I will bring in John Kirkpatrick from the commission, in relation to that guidance and the points that were raised.

John Kirkpatrick: I do not have much to add to what has been said. Our general position—and I am at risk of getting boring about this—is that it is important to collect data on protected characteristics. As people around the table have already said this morning, there are a large number of areas in Scotland, as there are across Great Britain, where the collection of data is not great; it needs to be better for PSED obligations to be fulfilled. That absolutely applies to the question of sex. As Susan Smith and Amanda Lindsay have said, that is often important for the purpose for which it is collected. As Susan said, it is also important to make sure that we have proper data on gender identity, but particularly on the protected characteristic of gender reassignment, because if we do not have that proper data, how easy is it to know what services need to be provided and what particular needs or issues exist in a way that enables public bodies to do something about it? Therefore, the clarity of data point and the quality of data point are the same point, I think.

Holly Bruce: There has been a lot of conversation since I last came in; I will try to reduce it down slightly.

Earlier, Susan Smith referred to the Domestic Abuse (Scotland) Act 2018, and I agree that implementation of part 1 of that act needs to happen as soon as possible. We know that the vast majority of violence against women and girls happens in their own home, from their own family, friends, boyfriends, or whoever it is that is committing that violence, and I agree that implementation should be a priority within this session of Parliament.

On Susan McKellar's points about the misogyny bill, I agree, 100 per cent. We know that it is planned for the first year of this session. I would like the committee to have eyes on that, as it represents an important part of prevention of violence against women and girls. I would be interested to hear more about that from you.

On the points that Vic Valentine from the Equality Network made about conversion practices, I understand that the previous committee committed to support a bill on that, and I believe that this committee is also supportive of a bill being introduced. With the programme for government, we had an announcement that the Scottish Government will not be introducing its own bill. On Tuesday, I asked the First Minister what the Scottish Government's red lines would be to introduce its own bill if it did not think that what existed on the UK Government's side was competent enough. I would be interested to hear more from the Equality Network about what that could look like.

My last point is for Carol Young from CRER. I reiterate that everyone on the committee is white, I believe, and we need to address that privilege from the outset. Racial inequality and racial tension are at their highest due to far-right misinformation being spread in our society. In my Glasgow Southside constituency, where a vast majority of people of colour live, more than 88 languages are spoken. I am keen for those topics to be part of our inquiries, because the increase in hate crime has been substantial. In my constituency, a window at a bookshop has also been smashed because of its trans solidarity. People are living in fear and in danger due to their protected characteristics. I am interested in racial equality and the protection of trans people being parts of our work.

The Convener: Vic, I will bring you in next as you had indicated that you wanted to come in anyway. Holly Bruce made a number of points, and I am happy to bring in any other witnesses who want to respond.

Vic Valentine: I will directly answer the question on conversion practices. We heard the First Minister's answer this week. He said that a ban needs to be "effective and comprehensive", but there was no certainty on what he thinks that means. We see three key problems with the proposals in the draft UK bill that mean that it will not create an effective ban on conversion practices.

First, it does not include suppression. It includes only an intent to change someone's sexual orientation or gender identity. That is a problem for two main reasons. One is that trying to get someone to suppress their sexual orientation or gender identity can be just as harmful to them as trying to get them to change it. The other thing is that the person cannot change it. Because the vast majority of targeted services that purport to provide conversion practices are very focused on suppression, we think that what is proposed would leave a majority of the conversion practices that happen outside the legislation.

Secondly, the draft bill contains a very high threshold for harm and it combines that with the framing of "abusive conversion practices". That is the language that is used in the draft bill. We are really concerned that the combination of the very high threshold for harm and the use of the phrase "abusive conversion practices" essentially means that there is a de facto consent loophole in the draft bill that the UK Government is sending for pre-legislative scrutiny.

Thirdly—this is the biggest reason—the proposals contain a very large exception for both regulated and unregulated healthcare, and we think that the carve-out for unregulated healthcare is a huge problem. The pseudo-therapeutic, pseudo-medicalised services that repeatedly advertise that people can go and see them and have their sexual orientation or gender identity changed are clear examples of unregulated services. I cannot remember the exact language the draft bill uses, but I think that it refers to services that purport to be medical services or are akin to medical services. We think that such services will sit squarely within the exception. We worry that that means that conversion practices would be entrenched by the bill rather than tackled by it, because the ways in which they occur most frequently will be squarely outside what is targeted. That is potentially really dangerous.

To come back to the question of data, even though I was not directly asked about it, we as trans people do not believe that requiring us to answer questions about our biological sex at birth provides public bodies and services with the information that they need to make informed decisions about how to treat us effectively. We also think that, frequently, it means that the data that you collect does not really describe the problem as it applies to how people live their lives and how it works in society. For example, if it is insisted that I be recorded as female, when

employers are looking at whether they have sexist hiring practices, they will not capture whether there is misogyny in their recruitment processes when assessing how they treat women.

Although the collection of sex data is hugely important, we need to acknowledge that, for trans people, the way that we live and what our sex means in the world is a little more complicated and we should actually collect the data that tells people the things that they need to know.

The Convener: Thank you for that. I will bring in Susan McKellar, because she wanted to respond to a couple of Holly Bruce's points. I appreciate that other members might want to come back in.

Susan McKellar: We held a conference about the misogyny bill and asked women whether they wanted one, and they overwhelmingly said yes. We need to change the culture of Scotland in order to eradicate misogyny, which is built into everything because of the patriarchy. We see it everywhere: in healthcare, where women are gaslighted and told they do not have conditions that they in fact have; and in the workplace, where employers pass over women for promotion because they are of childbearing age. We see those things every day, but they are not overt. Unless we tackle that issue, we will not be able to tackle the level of violence against women and girls that is committed predominantly by males. We need to call that out as well. We will not be able to shift the dial until we change that culture.

The proposed misogyny bill included so many of Baroness Kennedy's recommendations, which most women agreed with. They have shared their feelings about how important the bill is to them and have felt really let down that we ran out of time and that it was not introduced in the previous session of Parliament. Women are concerned that the misogyny bill in this session will not be what they expected it to be. The data is already there to be looked at, so we should be able to move on.

There was talk about tacking it on to what became the Hate Crime and Public Order (Scotland) Act 2021, but the whole point of why the misogyny bill came about was that the hate crime bill would not have targeted the interventions that we needed for women at that time. The misogyny bill needs to be passed, and we are glad that the Scottish Government has included it as a commitment in the programme for government.

We do not want to demonise men. We need to do this in an educational way so that men realise that women are not a threat. We are not taking their jobs or taking things from them; we are trying to get what should have been ours from the start. Without education, and without the misogyny bill to help put it in place, we will be stuck in a loop of violence against women and girls. We have years of data, but as has been said, it is all in silos. We need to bring the data together and work to eradicate violence against women and girls, which requires action at the highest levels of policy.

In the Parliament, you see MSPs bickering with one another and using language that should not be used, so how are we expecting that not to filter into society? That has a lot to do with what has happened. Brexit was the start of increased racial tensions because we saw people saying that others were out there to take their jobs. We saw men saying that women were trying to take their jobs and that they wanted equal pay. They said, "They should not be getting equal pay," but if we are doing the same job, we really should. There is all this misinformation, and the language that is used has conflated the issues and made the situation hateful for women.

Women are scared. Regarding the accommodation for asylum seekers, what worries women and communities—we held a community conference on this only a few weeks ago—is that they are predominantly men. The issue is not that they are people of colour; the issue is 50 men being placed in accommodation settings, such as hotels, without integration into the community.

10:30

The community has been stripped back. Let us be honest: local authorities cannot afford to keep open the community spaces where that cohesion would take place naturally. Without such places, we will always have these issues and problems.

Women do not care about these men's colour, religion or anything like that; they care more about the fact that these are men and that they are a potential threat. Until we tackle misogyny, that will continue to be a huge problem.

We need to consider the issue of misogyny, and we need to look at our community spaces where we can encourage cohesion. We know that there are communities who do not have much but are doing a lot with little, because of volunteers—mostly women, I would say—who are working to bring people together in their communities. We need to look at what they are doing at the grass-roots level. In communities such as Drumchapel, we are not seeing the same sort of racial tensions, because they have good integration through G15 Thriving Places, which is an example of the sort of organisation that deserves funding in order to keep that cohesion going and keep the community safe.

We should be looking at those issues. Women do not feel safe, and that is because the policies that are enacted in the community are not keeping them safe. There is a lot of misinformation out there, too, and we also need to look at that.

The Convener: A number of points have been raised about people not feeling safe—we have heard that women, members of the trans community and people of colour do not feel safe.

I will let Carol Mochan back in to make a few points on what we have heard, then we will take a break for five minutes, as it is half past 10.

Carol Mochan: A lot has been discussed, so I will pick out just a few points. Given Susan McKellar's last points, and Carol Young's direct pitch to us about racial tensions, it is important to say that, in yesterday's debate in the chamber, we started on the necessary journey, and there was a real commitment to work on a cross-party basis to make sure that we can address these issues. Susan McKellar's points about delivery were really well made, and I think that we recognised yesterday that we need to deliver on things such as community spaces and funding, and how we ensure that we build people up through their education and through community policing and health services. We can do it—it can be done—so there has to be a commitment on the part of this committee to look at that and support the cross-party work on that.

I want to mention data—I have written down what people have said about it. It seems to me that we can get good briefings and reports from the organisations that are represented here today if you are able to analyse the data. It is the responsibility of the Government, local authorities and public bodies to gather data better, so we need to find out what the problem is in that regard. Is it to do with the extraction or collection of the data? Is the data not generic enough? Is the collection of data discouraged? We need to be honest with ourselves about why we cannot get the data, given that organisations that probably have very little funding can pull data together. That is a really important point.

On the Domestic Abuse (Scotland) Act 2018, we had discussions in our last committee meeting about post-legislative scrutiny and how we pull legislation back in for consideration. There is no point in having legislation on a shelf. Everybody can say that it is wonderful and world leading, but it is not world leading for women if it is not being delivered on the ground, and we need to think about that.

Lastly, on the misogyny bill, there have been a lot of U-turns and changes in that area, and the issue of hate crime has come into it. It is important for stakeholders to give us information on what they think that we need to do with that, so that we can get that in place if it is going to make a difference for women in their day-to-day lives.

The Convener: Just before we have the break that I indicated that we would have, John Kirkpatrick has indicated that he wants to add something.

John Kirkpatrick: I have one very quick observation, just to draw together some of the things that have just been said.

I was struck by Susan McKellar's observations about what everybody around this table is trying to do by way of changing culture. To go back to your first question, one of the things that this committee might address itself to is the question of what actually works in that regard. Susan McKellar cited some examples of what can be done. In this building, we talk primarily about legislation, but laws are not the whole story, are they? There is more that can be done outside the framework of law, where parliamentarians and others can provide leadership, and where the way in which we conduct our own business and the way we express ourselves matter. There is a range of ways in which culture can be moved and in which authorities can seek to "foster good relations", in the wording of the public sector equality duty.

We try to do a certain amount of work on evaluating our interventions and those of others with regard to the way in which they move the world. I encourage the committee to think about the notion of evaluation and about what else, besides legislation, actually makes a difference.

The Convener: Thank you for that.

It is 10:35. Last week, I said that we should have a five-minute break and it ended up being about 10. Today, let us aim to start back at 10:40.

10:35

Meeting suspended.

10:43

On resuming—

The Convener: We have not yet heard from a couple of members so, to kick-start the second half, I will go to Fulton MacGregor and then Meghan Gallacher.

Fulton MacGregor: My line of questioning goes back to what Carol Young spoke about. First, I have to say that there have been so many points in a range of areas. We were talking in the break about just how much stuff there is.

I want to focus on what Carol Young talked about, because that is a real concern. This is my third parliamentary session, and I feel that the discrimination, hate and polarisation that we are seeing in Scottish society just now could be the defining issue of this session. Obviously, it will be a big issue for the Parliament as a whole, but particularly for the committee, given its title. This is

a bit of an open question, but can you suggest anything that the committee could do to be part of the solution in bringing more harmony to our country and to the debate on race and immigration, whatever form that might take?

Before you come in, I should say that I am well aware that the issue is not unique to Scotland. We are seeing it across the UK, Europe and, indeed, the world, so we need to be part of a bigger solution.

10:45

Carol Young: Thanks very much for asking that question. Whether in the context of holding an inquiry or not, the committee as a whole and members could do a lot of things to support us to dig our way out of the unfortunate hole that we find ourselves in. Part of the danger of where we are now is that there are a lot of good people out there who are increasingly becoming seduced by ideas that are being deliberately manipulated and put to them. That could potentially cause further societal breakdown, if it is allowed to continue. The work of the committee has the potential to bring to the fore the truth about what is really going on.

People might read snippets of news that correct misinformation or highlight the nature of some of the dangerous and disingenuous people who are behind it. However, I do not think that many people will have the full picture of how organised and pernicious that is and how it is affecting people's lives. The aspect of lived experience must be absolutely core to the approach.

There are a lot of solutions that you can look at. The call for an inquiry that we are supporting suggests two stages: one to engage with people who are affected and another to hear from organisations in, for example, criminal justice about their positions and how they are attempting to quell the issue. There could also be a role for legal and human resources experts to give their view on what could be done. There are also some great investigative journalists who have worked for many years to try to bring the issues to the fore. Unfortunately, their warnings have not been heeded until now, but I believe that they could give good insights into where we need to look for the source of the issue.

Of course, there is also the issue of what works to create change, which is something that we are passionate about. We have had a 14-year programme of work on fostering good relations, which has looked at how to practically embed that duty and improve social cohesion. We have also done work for the Equality and Human Rights Commission to identify standards for the evaluation of anti-prejudice interventions to give us better evidence on what works. I should say that, a few years ago, the commission did really great work in establishing that type of thing, and it funded some valuable research on that.

All those issues have not been gathered together before in a meaningful way, so a committee inquiry on the issue could be invaluable at this time.

The Convener: That has certainly been raised a number of times by various organisations. It is important to put on the record that, although the UK Immigration and Asylum Bill is not devolved to Scotland, the committee has been appointed the lead committee to look at that. We do not yet have the details of that, but I just put that on the record.

Heather Fisken wants to come in on that point, and then I will go to Meghan Gallacher.

Heather Fisken: To build on that briefly, I think that it is well recognised that the way that society is going is absolutely shocking, but I would like to highlight that the issue also applies to disabled people. Hate crime against disabled people is rising sharply. I talked earlier about some of the rhetoric around who deserves and does not deserve benefits. I also flag that disabled people have different race, sexuality and gender, which goes back to the intersectionality point. However, for some reason, disability hate crime has never quite grasped the interest of the population as a whole or the mainstream media in the way that other types of hate crime have. That is possibly because of size, or possibly because it is kind of expected for disabled people. That is why the "Coming Home Implementation" report and the loss of the LDAN bill are so important—we must implement the coming home report.

Again, I really wanted to make the point about disability hate crime, which is rising steeply.

The Convener: Thank you for that. We might want to come back to the LDAN bill as part of our discussions today. For now, I will bring in Meghan Gallacher.

Meghan Gallacher (Central Scotland and Lothians West) (Con): Thank you, convener and committee colleagues, for your understanding this morning while I have been dipping in and out to speak at the Public Petitions Committee.

I have a couple of questions for Adam Stachura of Age Scotland in relation to the statistic that he spoke about earlier, because it was quite striking to hear about the number of over-50s who feel unheard by politicians and disengaged from politics, when they should absolutely have a voice, be heard and have their views fed through to the Parliament as much as anyone else. This is a broad question to start with: how do we better engage, and are we doing something wrong?

Adam Stachura: Thank you for the question, which is a tough one. You could look at this in a grown-up manner and recognise that not all older people will feel disenfranchised; as with any age group, there are a lot of older people who are quite able and who feel that there is not much wrong with their life. However, a challenge that comes out consistently is the invisibility at different stages of older age; Susan McKellar mentioned that with regard to older women. Over my time at Age Scotland—almost nine years—that has been a consistent theme and commonly mentioned in the tens of thousands of calls to our helpline each year and at the hundreds of groups across the country that we support.

It is often about the policies and decisions that are made—or the lack of them. I have said this to different Scottish Parliament committees over the years: different Scottish Government ministers have felt that the tool that they had to fix something was just through, say, social security or pension credit, and, if Scotland did not have power over it, they could not do anything, or perhaps certain measures would have been expensive to do because there are a lot of older people. We have a rapidly ageing population—it is ageing quicker than the population of the rest of the UK—but there are not many policy interventions to support their lives. We were close to reforming social care but that fell away massively. Will it come back? Perhaps, but that took a long time.

There are huge challenges in access to healthcare. From all the research and what older people tell us—this will not be news to you—the biggest issues are health, social care, loneliness, financial insecurity and value to society. We have heard contributions today about Covid, when there were moments that people clapped for carers and others, but then those sentiments disappeared.

There is invisibility, and there is no legislative programme to support older people. That does not have to be about just older people but about the things that they really rely on, including access to health, access to care and being valued and considered. That is a challenge.

Intersectionality—to use the lingo of this committee—is really important in considering which older people are particularly disenfranchised. I think that I mentioned that half of Scottish pensioners have incomes too low for them to pay income tax. The pensioner poverty level in Scotland is at 15 per cent, yet there is no mention by the Scottish Government or in the Scottish Parliament about actions to reduce that. Older people are the biggest group of people in the country to be affected by fuel poverty, yet the last time that we talked about Scottish Government fuel poverty figures, we had to go digging to find the stats, because it was not even mentioned. It is almost a case of "We're not sure what to do. Therefore, we won't do anything." People feel disenfranchised, and there will be some people—whether that is older ethnic minority women or older LGBTQ+ people—who feel even more invisible.

I am sorry—that is a bit broad. However, as an MSP, you could probably count on one hand how many times you have been in the chamber scrutinising bills or other things that would improve the lives of older people.

Sorry, convener, I will stop in a second because I know that there are other questions.

What is really important to us is not just the older people of today but the older people of the future. That is where conversations about things such as the triple lock are really important, because, if you turned off the triple lock tomorrow, that might not make the biggest difference to older people's lives today, although it would be significant; however, doing that would make a wild difference to people who are now 20, 30 or 40, because of the overreliance on the state pension in the future. These issues are younger people's issues.

When we were campaigning for a commissioner for older people and we did polling on the issue, we found that seven in 10 people in their early 20s said that they believed that a commissioner for older people was important. That is reassuring.

Apologies—that answer was a bit all over the place.

Meghan Gallacher: Not at all. Do you think that, when it comes to age, we talk too frequently about age brackets? As you have said, decisions that are taken now for older people could have unintended consequences down the line for future generations. I do not think that there is sufficient fluidity in the discussions that we have in Parliament with regard to what might happen down the line and how a change that is brought in now might impact future generations. We should treat the issue as an intergenerational issue, rather than taking a siloed approach and looking at it only as one that impacts older people or, say, 18 to 25-year-olds.

Adam Stachura: Yes, the protected characteristic is age, not older age. It is often the case that what is older or younger is subjective to the person. I am 42, so, to me, 43 is older and 41 is younger. There is a spectrum. It is important for the Parliament to consider how decisions that are made, legislation that is brought in or things such as the programme for government will affect people in the future as those measures become embedded. That is why reform of social care is vital. Unless we do it, the whole system will fall over. People who are now in their 20s, 30s, 40s or

50s will need it later, but it might not exist. There is no quick fix on such issues.

You make a really good point. We need to think about how the decisions that are taken now will impact people in the future. That is why it is important that the committee looks at things through an older-age lens when it does its equalities work. When I mentioned the triple lock, I was not trying to look at the issue exclusively from the point of view of older people; selfishly, I was wondering whether we could have a quadruple lock. That would be pretty good.

Meghan Gallacher: You raised the issues of health, social care, loneliness, isolation and technology. Tech will be a huge topic that will crop up in the work of many committees in this session of Parliament; I am thinking in particular of the rise in our digital technology age of issues such as artificial intelligence, scams and fraud, all of which could have an impact. How will that impact your members and people whom you engage with through Age Scotland? Are they embracing parts of the digital technology age, or are they worried and concerned because there is more chance of their being the victims of scams or fraud through those channels?

Adam Stachura: There are hundreds of thousands of older people in Scotland who are not digitally connected, so, by default, they are excluded from many services, from knowledge of how to access services and from the future delivery of services.

There is also an issue relating to those people who are digitally connected. Let us look at the over-60s. According to figures from the Lloyds Banking Foundation, about a third of the over-60s who are connected to the internet are, by all measures, demonstrably unsafe and insecure online. Just having access to the internet does not equate to an ability to use it well.

A good thing that we saw during the Covid pandemic was more older people adopting digital technology to communicate with family and friends, whether by FaceTime, Skype calls or whatever, because they were isolated for a long time. They also found themselves having no choice but to bank digitally, sometimes unsafely. There are some challenges for people who are not secure with their digital capabilities handing over the keys to such things to other people, which is open to abuse. That is a big challenge.

Again, this is not just an issue for older people today. The reason why lots of older people do not have access to the same technology that many of us have on our phones—AI agents and so on—is that they have not grown up with it, have not used it at work and have not used it in their daily lives, or nobody has been there to show them how it could improve their life or help them to address the challenges that they face.

To some degree, it is important that people can choose whether they are willing to adopt digital technology. I have talked about high levels of poverty and low income for older people. That is a barrier to digital connection and to people staying up to date with what they need. When the people around this table are all in their 70s or 80s, the technology that is used might look very different from the technology that they are comfortable with. That is where future proofing comes in.

We would like there to be—I should probably express this more strongly—at least some kind of legislative exploration of how to safeguard and protect people who are not digitally connected or who struggle to access public services that way. I am not talking only about older people. There might be a digital front door to a service, but there needs to be a door next to it that is just as accessible. If the accessibility to a service is behind a digital platform, it is not accessible at all.

We are talking about hundreds of thousands of people. Two years ago, it was half a million over-50s in Scotland who did not use the internet—that is the size of the population of Edinburgh, although it will be smaller now. Disability, income and age are the primary drivers of that kind of exclusion. Another issue is that people can have a device in their pocket but be excluded because they do not know how to use it, or do not feel safe or confident.

11:00

In the previous session of Parliament, I attended the Criminal Justice Committee to talk about scams along with an assistant chief constable, the director of the National Crime Agency and others. We heard that artificial intelligence and scams are becoming a challenge for them. NatWest was represented at that meeting—you might remember the headlines about how there are a billion attempts on its network every year. Huge numbers of older people are subject to financial scams through which they lose a little money, although proportionally it is huge to them, or a lot. There is a loss of confidence and the ability to engage.

There is a huge challenge for older people now and perhaps in the future because of the way in which technology is overtaking them and they are being left behind and becoming, by every measure, socially excluded. They are not necessarily socially isolated, but they are socially excluded from accessing their rights.

We do not do enough in this country to ensure that everybody has access to what they need. Rather than just follow on the tail of a huge digital push, we need to realise that hundreds of thousands of people are being left behind. They

are the people who we should ensure have the best access, because they are the most vulnerable, in whatever way, to exclusion.

Meghan Gallacher: Finally, I have a really brief—

The Convener: A couple of other witnesses want to come in to answer your points.

Meghan Gallacher: My final, brief question is on financial security for older people.

We are now seeing a lot of banking deserts because of the closure of various banks across all our communities. How is that making older people feel? Adam Stachura said that people do not feel safe to go online, and that we have 500,000 people who are not on the internet at all. How do we deal with that issue? It is real and is happening now. As we move forward, we will probably see more closures.

Adam Stachura: Again, that is not just a problem for older people. Financial insecurity is a challenge for lots of folks, especially those who are living on low incomes and who are cash dependent and just want to ensure that they have access to financial advice and independence in doing so. Face-to-face services might work best for them. On Friday, I was at the opening of the Bathgate banking hub, which is fantastic. We have been calling for those for 10 years—since before they were a thing. Banks would tell us that they could not open such a thing or have a shared branch because the server room would be bigger than the branch. Well, now, all that is in the cloud.

This week, I met the chair of the access to banking review and talked about what people need, the protection of face-to-face services and how banking hubs could be enhanced. As well as needing more of them, they need to be enhanced so that they have the full services of banks and do not just do the bare minimum. It is not just about access to cash; it is about access to financial services.

Our research shows that about 70 per cent of over-50s believe that a bank branch is essential and important to their community. That includes the huge number of people who are already banking online, because they know that banking online is not the only avenue if they have challenges, whether those involve scams, issues with their account or dealing with joint accounts or power of attorney arrangements. At some point, Parliament needs to ensure that that issue is resolved much more quickly for customers through a face-to-face service.

Last summer, I was in Moffat, where the last bank in the town, the Bank of Scotland, was closing. With my political brain on, I did something that I called run the gauntlet. The Bank of Scotland had said that the nearest branch was in Dumfries, so a colleague and I went down there to get the pre-9 o'clock bus to Dumfries and to meet older people and other people, as if we had to get to an appointment in Dumfries at 10 o'clock. We had a public meeting with nearly 100 people from the local community. Craig Hoy was part of that, along with representatives from the Bank of Scotland. The strength of feeling was not just among older people. The meeting included businesses and people who had just moved into the area. The issue was linked to the state of our high streets and different anchors in our communities.

Those are important issues for not just older people but Scotland in general.

Meghan Gallacher: Thank you, convener—sorry about that.

The Convener: There was a lot in there.

Susan McKellar was looking to come in. It would be helpful if people framed their responses by talking about how public sector reform can potentially address some of the issues. What areas of public sector reform should we be pushing the Government to make a priority?

Susan McKellar: To come back to what Adam Stachura said, we hear quite a lot of women talking about exclusion from digital access, especially in rural communities. That geographical context has huge implications for whether you can get online or not, or whether you can access some of the technology that is out there.

We are seeing banks disappear from rural areas and women having to travel. Most women travel on public transport that does not match up with their needs. That is a huge issue for them when it comes to living their lives. When I was up in Caithness, there were no accessible buses. If you are disabled, you have no way to access banks, which are miles away, unless you do your banking digitally. If you do not have access, your needs are pretty much left at the whim of others. You can understand why those women feel they are becoming invisible.

We also rely on technology for appointments in hospitals and such things. Although that has benefits, some women just want to speak to somebody. They want to see a person, because as human beings we crave that social connection. That might be the only social connection that a person gets on a given day. One woman told us that she went to her local health centre just so that she could speak to somebody, because that was the only personal contact she had on that day. You can understand why social isolation and loneliness are such huge issues.

We also rely on AI quite a lot. Older women tell us that they talk to chatbots—they feed all this

information to them and get things back. That is happening with the younger generation as well. The algorithms and what they are putting in determine what they will receive back.

There are also dangerous consequences such as fraud and people being duped into relationships that are not really relationships. It comes back to violence against women and girls, and men using online technology for that. We see more older women falling victim to love bombing, requests for money and things like that, because they feel so disconnected.

Part of the reason for that is that we have taken quite a lot of that stuff out of communities. We have taken away libraries, where they could make connections using the internet and have somebody actually show them how to use it, develop those skills and use the technology that is up and coming. We are losing community spaces, which makes it very difficult for people to become social and causes the levels of isolation and loneliness to increase.

The Convener: Thank you. I ask Amanda Lindsay and Collette Stevenson to ask their questions, and the witnesses can respond to both of them.

Amanda Lindsay: One thing that has come up in our discussion is the ending of conversion practices. Vic Valentine said that it was a priority. I want to explore that a little bit. I want to understand what you understand to be conversion therapy.

Just to provide a little context for my question, my understanding of conversion therapy was that it was what used to happen to lesbian and gay people: the use of torture, electrocution, forced ingestion of poison, corrective rape for lesbians and so on. I think that we all agree that those actions are criminal and despicable. However, my understanding is that there have not been any such cases in Scotland for many years, if at all. Such criminal behaviour is already covered by existing legislation, such as rape legislation. Why are we legislating for something that, to my understanding, is not really an issue?

I have looked at the draft Conversion Practices Bill, which I acknowledge is UK Parliament legislation. The danger is that we are at risk of criminalising normal conversations between parents and teenagers, which could have a very chilling effect on free speech.

Let me give you an example, and I speak as a mother as well as a politician. Parents of a teenage girl who seeks testosterone that will harm her and potentially kill her, and who seeks a double mastectomy, might be too afraid to explore the reasons why she feels that she needs it. I ask that question because the bill ought to terrify parents, especially given that a lot of contested ideology is being taught in Scottish schools.

The Convener: I appreciate that I said that I would bring in both Amanda Lindsay and Collette Stevenson, but I think that that question requires a specific response. Before I bring in Vic Valentine to respond, I note that we need to be mindful that a bill covering England and Wales is already going through the UK Parliament and the First Minister has given a commitment to legislate in Scotland as part of the programme for government. I also appreciate that the minister has engaged with various organisations on the issue. Although the work has not been delegated to the committee yet, I expect that it will come to us, so we will be able to go into detail on it.

Amanda Lindsay made various points there, but I just wanted to set the scene in relation to our role as a committee. We will have an opportunity to delve into these questions, but I note that England and Wales are already going through the process, rather than there being debate about whether they should go through it.

Vic Valentine: I will try to answer all the points that were made, but if I miss any, please come back to me on them.

Some of the things that you mentioned are definitely already criminal. Something that we thought was better about the proposals that the previous Scottish Government made was that it suggested having an aggravator for something that was motivated by conversion practices. That would mean that if somebody experienced, for example, corrective rape on the basis of their sexual orientation, that could properly be recorded as something that was motivated by an intent to attempt to change or suppress their sexual orientation.

You are right: those kinds of offences are already criminalised, as they rightly should be, but we believe that there is scope to have them properly recognised and responded to as being motivated by an attempt to change or suppress someone's sexual orientation or gender identity.

It is hard to collect good prevalence data on how common conversion practices are. The more common kinds that tend to happen now are courses of coercive behaviour that are similar to what is legislated against in the Domestic Abuse (Scotland) Act 2018, whereby people repeatedly restrict how someone is able to behave, who they can associate with, how they are allowed to dress or how they are allowed to spend their money, in a way that is specifically targeted at changing or suppressing their sexual orientation or gender identity.

Sometimes it can happen in pseudo-medical settings where a service repeatedly advertises that it is able to change people's sexual orientation or gender identity—that someone can come and receive counselling and they will change. All the evidence tells us that you cannot change someone's sexual orientation or gender identity. Of course people have a choice about what they want to do and how they want to live their lives regardless of their sexual orientation or gender identity, but it cannot be changed, and it is really harmful to try to change it, because it sends a message that being lesbian, gay, bi or trans is wrong, that the person is broken and that they need to be fixed, when they absolutely do not need to be.

On the point about criminalising normal conversations with parents, I am not aware of any bill anywhere in the world that sets a threshold for criminalisation that would mean that parents having normal conversations with their children would face any kind of criminal penalty—and, to be clear, I would not support a bill that contained that sort of threshold. When I came out and I talked to my mum about my choices about transition, she had lots of questions about what that would mean for me and whether it was the right thing to do. I am really pleased she asked me those questions. I wanted her to ask me them. I definitely did not think that she should go to prison for asking me them, but that is not what the UK Government is suggesting or what the previous Scottish Government proposals suggested.

Amanda Lindsay: Thank you for that answer. I think that the key point here is that I fear that we are conflating sexual orientation with gender identity, and the risk of doing that is that the bill will try to get gender identity into law. This is not a protected characteristic. It is a contested ideological belief, and I think we have to be very wary of that.

The Convener: We need to be mindful of our language and ensure that we are within our remit, because we are not here to talk about ideologies as such. We are talking about fundamental rights, and we need to be really respectful in that space.

11:15

Amanda Lindsay: Okay. My other point is that we have to look at this in the context of the Cass review, too. I understand your point about pseudo-therapy, but that review said that we should use watchful waiting and explore counselling and therapies with children who suffer gender dysphoria and question their gender. There is a risk that the UK bill will shut down those conversations.

As for your point about where else in the world such a bill has been brought in, the state of Victoria in Australia did so, and it has had a chilling effect on free speech. They are finding that therapists are too afraid to see children who are experiencing gender dysphoria, because they are afraid of being prosecuted. Schools will be more concerned about legal risks, and parents will be afraid of prosecution. I would therefore refer you to Victoria in Australia in that respect. Thank you for your comments.

The Convener: Thank you for the questions. Vic, do you want to respond to that? If not, I will go to Collette Stevenson.

Vic Valentine: I have just a brief comment. Our organisation supports people having explorative conversations about their gender identity, because we think that it is really important that trans people—or, indeed, people who are questioning their gender but who do not go on to identify as trans—have access to conversations on the issue and have the means and support that enable them to explore the issue.

What we think needs to be banned are coercive harmful attempts to change or suppress who someone is in a way that causes them harm. There is widespread evidence of the psychological and physical harm that is caused not just to lesbian, gay and bi people but to trans people if they are subjected to practices that attempt to change or suppress their gender identity or sexual orientation. I am all for explorative conversations, but not ones that are harmful or targeted or that try to change who somebody is when there is nothing wrong with them.

The Convener: I said that I wanted to come back on this point, too. The minister has given assurances that she is going to engage extensively with stakeholders. Has there been any reach-out from the minister to your organisation on this issue?

Vic Valentine: There has, but I should also point out that we have had extensive engagement on this issue over the past number of years. Indeed, as Holly Bruce mentioned earlier, the previous committee recommended a Scotland-specific bill. Our main concern is that, actually, a huge wealth of work has already been done in Scotland on what would work and what would be in such a bill.

Another thing that we should understand about ending conversion practices is that it is not all about criminalisation or a criminal ban; it is also about wraparound education and awareness raising and ensuring that people know that it is absolutely okay to be LGBT and that they know where they can seek help and support immediately if they are being subjected to something that is harming them.

That is why we are kind of disappointed with the indication that Scotland could simply go in on the UK proposals. We really think that they are much less comprehensive than what had previously been proposed in Scotland.

The Convener: Thank you. Collette, you were looking to come in.

Collette Stevenson: We have touched on how public service reform could change the culture, the way in which data is gathered and so on. I would like to contextualise that, and to hear your thoughts on what I am about to say.

It has been proposed that the regional NHS boards be turned into two NHS areas. I know from my own constituency work in East Kilbride, and from having worked in a prison setting, that trying to share information between NHS regions is very difficult. Therefore, one of the things that I would like to see from public service reform, which I am quite excited about, is data being shared. I guess that the hint is in the name—it is called the national health service—so there should be data sharing, particularly on disabilities and older people. After all, we have a lot of frailty among our older people in East Kilbride.

Equally, we need to think about how our local authorities can be smarter and more efficient. As Susan McKellar and Carol Young have spoken about, women are heavily affected by council tax, local charges, childcare, social care, transport and community services. Would public service reform help to reduce the data gap and help with a lot of the topics that we have been talking about in this meeting?

Susan McKellar: We have spoken to women about public sector reform. They are worried about the number of NHS boards going from 14 to two, because the NHS is already not working where they are. For example, it does not work for rural women in Caithness in the way that it should. To access child and adolescent mental health services for autism, it takes them at least two or three hours to travel down with their child to an appointment in Inverness, which could be at 9 o'clock. Obviously, if they want to be there at that time, they will need to stay the night before. They are not exempt from the tourist tax that Scotland has introduced and allowed local authorities to apply, so they will also need to pay that. They could be paying £200-odd to access a room with their child, and they will only get a certain amount of that cost back. That does not meet their human right to access healthcare.

We know that there are issues with how health boards work just now. It has been said that moving to two health boards will result in some great things because they will not be in competition with one another, as they sometimes are just now. For example, they sometimes say, "You can get medicine in this health board, but if you are down in that health board, you can't get it." If the health boards are split into just two, will people be entitled to medication that they might not have been able to get before?

Public sector reform will also affect women's jobs. Women are in the lowest-paid jobs as it is, and they have limited flexibility with regard to work, so public sector reform will probably hit them hardest. There is also a lack of childcare. When I was up in Caithness—I will bring it up again, because I was there last week and it is still so heavily in my head—there were 30 children aged three who could not access nursery because there was no space for them. That causes them to miss out on valuable education and health interventions, such as Childsmile for their teeth.

What is happening in dentistry is privatisation by stealth. There are dentists on the NHS who take public money as well as private money to keep people on lists.

Women are disproportionately affected by poverty, and public sector reform will do more damage if it means that women need to travel further to access services. Women keep telling us that the centralisation of services has been detrimental to their communities and that they do not have access to what they had before. We need to think about that, because it can exacerbate poverty. For example, there are women flying over from Barra for treatment in the Beatson in Glasgow.

There are different things all over the country that need to be looked into. For a start, there is not enough information on public sector reform for women to get their teeth into. There are worries about jobs, especially in rural communities, where the NHS and the public sector are often the biggest employers. That is because hospitality businesses are not really there anymore; there is not enough migration to enable people to run those businesses.

There are lots of positives and negatives to public sector reform, but there are worries, especially regarding how social care will be affected and how that will affect women. We always call for all women to get free childcare, because we cannot think about child poverty without also considering women's poverty and tying the two together: women's poverty creates children's poverty. We need to consider how we as a society allow women to live, whether that is in relation to the benefits system and Social Security Scotland or to being able to retrain, access jobs and have opportunities to progress and move themselves out of poverty.

Most women on benefits do not want to be on benefits; they want to have the education to climb out of their situations themselves, because they have the ability to do so. However, the way in which our system works—including the resources and the services—means that they do not have the ladder to get out of that hole.

Collette Stevenson: Thanks, Susan. On your point about childcare, if we are looking at the issue of childcare, we should consider it as part of our anti-poverty infrastructure. We have the Scottish child payment, but it is not a panacea. Childcare is really important in allowing women to get back into meaningful work.

The Convener: Heather, I think that you were looking to come in on this point as well.

Heather Fisken: On public sector reform, I will start by talking about the announcement in the programme for government about health boards. We were taken aback by that. We have been working on social care support for a number of years. I cannot tell you how essential social care support is to many disabled people. However, it has been quite a political football, to be honest with you.

To go back to the data point, we are not measuring unmet need. We are forcing people into eligibility criteria—it is the same with benefits—rather than looking at what needs are actually not met. It is a one-size-fits-all kind of thing—if you do not fit, you ain't getting it. There is an impact with regard to the issues that have been raised this morning, including social isolation and poverty.

On the health board announcement, we have been working on social care support for a number of years now. We have a people-led policy panel, which we worked with to enable it to co-produce the national care service bill with the Scottish Government. The announcement just threw us; it came from nowhere. Normally in this kind of work, you maybe get a little whisper somewhere. With this one, there was nothing. That is fine—it is the prerogative of the Government to do that—however, we need more time to look into it.

I cannot find the EQIA for that decision. There is scant detail anywhere about why the decision was made and what it will look like in practice. Therefore, it is incredibly difficult for us to see what the issues are, apart from the issue of increasing centralisation. We swing from localisation to centralisation and back again over the decades, but what does that mean for people who live in rural areas where transport provision is poor? We must also recognise and address the issue of rural poverty. Poverty is an urban issue, but it is also a rural issue.

What really struck us was the framing by the First Minister. On the day after the announcement, he was on "Radio Scotland Breakfast", and he framed adult social care as being in the service of health. Social care is not about health; it is about independent living and being part of society and part of your family and your community. Many disabled people do not have ill health, but a lot of people do not see that. However, that is not to say that that applies to everybody—we are not a homogeneous group.

On public sector reform, I remember when the Christie report came out in 2011. What has happened since then, and why do we need to look at public sector reform? There are all kinds of reasons for that, but we are going back to approaches such as co-production, which has been probably one of the most used words in the English vocabulary since 2011. I have yet to see it done properly, with power sharing, and that goes back to the part of the agenda about accountability. How can you change co-production and separate it from consultation if you are not prepared to share the power?

The Convener: Thank you for that. A couple of other members want to come in—Holly Bruce and then Meghan Gallacher. I say to the witnesses, if there are any areas that have not been touched on that you would desperately like us to come on to, we can do so.

Kate Nevens, I appreciate that you would like to ask questions, so I will see how we get on time-wise.

I started by going round to the right, so I warn you that when we go around the witnesses, I will go to the left first.

11:30

Holly Bruce: I have three separate questions for three separate experts—

The Convener: If they can be brief, please.

Holly Bruce: They are on three different areas, and the first is for Adam Stachura from Age Scotland.

Adam, you mentioned that Scotland is an ageing country, and that we are ageing more than other UK counterparts. I think that that is a really astute observation, because the funding that we get from the UK Government under the Barnett formula is based on population. Scotland has a unique population with different demographics, and I can certainly say that we on this equalities committee are all dealing with intersecting issues that affect our day-to-day lives. Do you have any insight into whether we should be changing the funding formula from a per-head-of-population basis to

something based more on demographics, especially from an ageing perspective?

Adam Stachura: That is an excellent question, and it is way beyond my ability to answer it. I should say that what I think personally might be the opposite of what my organisation thinks.

Perhaps I can turn it slightly the other way. We have Barnett consequentials, taxation money and all these other ways of fuelling Government and public service spending. Where that money is spent is a choice made by Government, subject to scrutiny by Parliament. That, to some degree, is the whole set-up. Devolution makes things a bit more tricky at times, but when the UK Government makes policy decisions that result in Barnett consequentials, it is not bolted on that that money has to be spent in a certain way. Decisions can be made about how it is spent.

As for changing Barnett or how that might work, you are speaking to the wrong people—I apologise, but I would not be able to give you a coherent answer to that. However, there are really important decisions that Scotland can make about how it does this sort of thing.

I apologise, convener, but I want to make another very quick point. Our ageing population is not a problem—it is what it is. The issue is that we do not think about it, or deliver services to address it. There are interventions that can be made—increasing the number of children born, for instance, will have an impact in future—but we need to recognise that we have an ageing population and look at ways of supporting it instead of seeing it as a burden or, indeed, calling it a burden. If we were to do that, it would be positive for older people both today and in the future.

I must apologise, though, because I would give you a terrible answer to your question about changing Barnett.

Holly Bruce: Do not worry—we can follow it up in due course.

My second question—

The Convener: Can you give us your other two questions together?

Holly Bruce: No problem.

My second question was for Susan McKellar. We have talked a lot about women's poverty, and I think that that issue is pertinent not only to the prevention space with regard to violence against women and girls but to alleviating child poverty. After all, child poverty is women's poverty.

Something that I am very keen on—and an issue that I have raised a number of times in the chamber—is the need to look at poverty through a women's lens. I am keen to bring that approach to this committee, so I would like to hear your thoughts on it and what it could look like in practice.

As for my third question, we have mentioned the LDAN bill a few times, but we have not really got into the nitty-gritty of it and I want to hear your opinions on what role the committee could play in that respect. The bill is not going to be introduced this session, and I am aware that a lot of organisations—Scottish Autism, for one, and ADHD organisations—feel that there is a big gap between policy commitments and lived experience and that, therefore, it would be good to have a bill. More insight into LDAN would be useful for me.

The Convener: Susan, please summarise your comments.

Susan McKellar: I think that we need to look at the issue from a gender-budgeting perspective and, indeed, examine everything that we are doing through a women's lens. If we do not, we are going to miss what we should be looking at.

If we look at this from a gender-budgeting perspective, we are going to save money. Sometimes we are scared to spend the money at the start, but the fact is that doing so will have major implications at the end. When I see what is happening with women's health in NHS Highland and how women have to travel, stay overnight and then be recompensed, I think that that sort of thing could be done in the community, if community facilities were available. When I look at what the NHS is spending money on at the moment, I would argue that that spend could be used in different ways in the community to put in preventative measures. I just do not think that we look enough at what we can do to prevent things from happening.

I also wanted to comment on LDAN, because we get a lot of young women coming to us who are neurodiverse and who feel totally let down. The education system does not fit them, and that also affects their parents—and usually the women, who are often their carers. They are getting called into schools, because those girls are not settling.

We know that it is difficult to diagnose girls on the spectrum, because the whole autism system is based on boys—autism was diagnosed using a group of boys—who behave differently from girls in relation to social mimicking and so on. More of those girls, from the age of 14, are now hitting social points and peer group points and are experiencing hormonal changes, so the situation is becoming more apparent.

Conversion practices are also taking place among that community regarding disability. Such views are coming from places that we would not

expect—the Kennedy in the White House has talked about kicking the autism out of people. Such language from the most powerful leaders in the world creates divisiveness relating to disability and those with protected characteristics, so we must do more for that community.

Neurodiverse women tell us that, after submitting an EQIA saying, “I have a disability. I’m autistic. I have a sensory processing disorder, so I cannot be in a room where there is lots of noise, because that really triggers me and I feel upset and anxious,” they are put in waiting rooms with lots of people. Something is not working in our use of data on disability. That feeds into how we deal with those in refuges who have experienced violence, rape and so on. We need to think about how they process that and how it feels to have external and internal examinations, because we do not understand that. More needs to be done.

I have a son who is autistic and, if I were to get tested, I would probably find that I am on the spectrum, too, based on my life. We need to think about that. More parents are saying that the current education system is not fit for them, and teachers are telling us that it is not fit for them, because they cannot teach in the way that they want to teach. That is having a huge impact on our next generation, so we should think about preventative measures.

The Convener: Heather Fisken, do you want to add to that? You raised some of those points initially, so I thank Holly Bruce for bringing us back to them.

Heather Fisken: Inclusion Scotland is a disabled people’s organisation, but we do not have different departments that consider different categories of impairments. We consider and address the environmental, social, communication and legal barriers that disabled people face. All disabled people experience those barriers differently, depending not just on their impairment but on their social, economic and family situation. Let us face it: we are all complex human beings.

I say that because, although Inclusion Scotland does not focus on impairment-specific legislation, our members and disabled people’s organisations across Scotland, including those involving people with ADHD or learning disabilities, do. We very much work as a collective in that regard.

On the announcement that the legislation that Holly Bruce mentioned will not be introduced this session, the Government’s legislative programme is only a couple of days old, but the organisations that I mentioned are coming together in coalition to write to the Minister for Equalities and International Development about the matter. They have already responded to the framing of the decision and how it was put across. The minister said that the Government would use policy and public sector reform to improve the services that are already provided, rather than rely on a slow legislative approach. However, we should remember that that means that disabled people have no rights to redress and cannot progress any claims.

Of course, nobody wants to go down the legal route—we get that—because it is cumbersome, incredibly inaccessible and expensive, but having such provision means that there is always that lever. That possibility has been taken away through the lack of legislation, which means that people have to rely on complaint mechanisms and so on.

The proposed human rights incorporation bill includes a big piece of work on complaint mechanisms and the role of scrutiny and accountability bodies. However, the complaint mechanisms are not all accessible and the organisations do not all have the competence to recognise disabled people’s needs. Therefore, we are at a dead end. I advise the committee to engage with organisations representing people who the LDAN bill would have applied to and to listen to what they are saying about its disappearance. I know that the minister has said that the Government may come back to the bill, but I would urge the committee and the Government to listen to the organisations that represent people with lived experience. If we hear anything, we will be happy to come back to the committee with it.

Meghan Gallacher: We have spoken a lot about policies that we would like to see being implemented and bills that the committee will be focusing on in its scrutiny work, but we should also emphasise the importance of good legislation. I do not think that we want to end up looking at flawed legislation that ends up being dropped, going nowhere and, as we have seen in previous sessions, unfortunately, in the courts. I will focus on the proposed human rights incorporation bill. There is concern that there could be legal challenges, because the bill could stray into areas of reserved matters and touch on other legislation throughout the UK. John Kirkpatrick, is there a risk of legal challenge if the Government does not get it right?

John Kirkpatrick: I would not go beyond the generality that there is always the possibility of a legal challenge if the Government does not get it right. Our observations on that are coloured by two things. First, as I am sure the committee is well aware, we share the responsibility for human rights in Scotland with the Scottish Human Rights Commission and we have a relationship with it, which I am sure the committee will want to have. Our biggest concern—“concern” may be too strong a word—or interest in that respect is the same as the view that you have just expressed.

We want to ensure that there is clarity about what the bill will do, what our responsibilities are, and who is responsible for what, so that the responsibilities do not overlap or get in the way of one another and we can administer the bill.

To an extent, we would be open to advising the Parliament, the committee and the Government as the legislation finds its way through the process. The tone of our advice to the Scottish Government and the Parliament is likely to be as I have set out. Rather than saying that something is right or wrong, it is much more likely that we will note the issues that the Government needs to ensure that it gets right in the bill's structure in order to head off exactly the risk that you have identified.

Meghan Gallacher: That is helpful. I will broaden it slightly, because I know that a lot of organisations are represented in the meeting. It would be helpful to put on record what each organisation feels would be the benefits of a human rights bill and what additionality they think there would be if a bill was introduced.

The Convener: Before we do that, I said that I would go around the panel from left to right. I am conscious of time. If it is acceptable, I ask witnesses to set out what they would like us to discuss in one word and also to answer Meghan Gallacher's question with one word. That would mean that we can hear from everyone on the panel.

Kate Nevens has indicated that she wishes to speak and we will answer her question. Are there any other questions from members before I give Kate the opportunity to come in?

Amanda Lindsay wants to come in. Please keep your question brief.

Amanda Lindsay: It is not going to be brief. I want to ask about funding. I suppose that it is a question for the clerks. Our notes set out what each organisation receives from various grants and the Scottish Government. I want to explore and have on record the percentage of total income the grants represent. I do not know whether that would be part of the record or whether we should discuss it quickly.

The Convener: The briefing is primarily for members. Discussions with the clerks can be taken offline. A range of organisations are here, but they make up only a tiny proportion of the organisations that are working across Scotland. I do not think that it would be appropriate to delve into funding for the organisations that are at the meeting without having a wider conversation about it. We can take that offline and reflect on it in our discussions when the meeting moves into private session.

Kate Nevens, I appreciate that you are not a member of the committee but, as a member of the Parliament, you are entitled to come to the meetings. Please come in, if you have a brief question.

11:45

Kate Nevens: I have two really quick questions—perhaps you would like me to pick one of them. I was interested in what Heather Fisken said about building the competence of all the Parliament's committees in relation to equalities, and I would like to hear from everyone at the table about how we might be able to do that. In addition, the Scottish Government has promised a review of the new Scots strategy, and I would like to hear whether there is anything that anyone would like to be included in that, especially in relation to intersectionality—I am thinking about LGBTQIA new Scots, women refugees, disabled migrants and older migrants.

The Convener: We will take your second question. Does anyone have anything to say about the refresh of the new Scots strategy? It has just been announced, so we do not have much detail on that.

Kate Nevens: The updated strategy has not yet been produced.

The Convener: That is right—it has been announced that a refresh of the strategy is to be undertaken. We will see whether anyone has any comments to make about that. The other question was about competence.

There are three issues for our witnesses to pick up on. The first is which areas you would like us to look at in relation to the human rights bill. The second is which areas of competence you would like us to cover. Have I got that right?

Kate Nevens: No. My question was not about the Equalities, Human Rights and Civil Justice Committee; it was a follow-up to what Heather Fisken said about increasing the competence of all our committees in relation to equalities. For example, we could increase the competence of the Transport Committee in relation to women's access to transport—

The Convener: That might be an issue that it would be more appropriate to raise with the Conveners Group. I appreciate the question, but I am not sure that we will have time to get into that at the moment. I am conscious that the session has gone on for slightly longer than we had intended it to.

Let us start with Susan Smith. Could you make a couple of succinct points about the opportunities

of the human rights bill and any areas that we have not discussed that you would like us to take away?

Susan Smith: There has been talk of a human rights bill and a misogyny bill. I come back to the point that there is an issue with how legislation is made. We have taken the Scottish Government to court several times. I think that committees need to be aware that they are working in the interests of the people of Scotland. They need to future proof legislation, rather than following what their political party or their ideology tells them. They need to make sure that what is in front of them is legally robust, that it can be implemented and that it will benefit everybody in the country.

We do not yet have the detail of either of those bills, but if anything comes before the committee that is not legally sound, I ask you to send it back, please. You should gather the evidence and make sure that all the evidence is there. The areas that we are talking about are difficult areas, and human rights will come into conflict with other areas. Ultimately, convention rights are at the apex. The committee should always work within the context of wider human rights. If a bill is not acceptable, please just send it back.

More widely, I would say that there are issues—

The Convener: Could you summarise, because we are over time, and I want to get through all the witnesses?

Susan Smith: Okay. You asked about things that have not been mentioned. In the committee papers, reference is made to the proposal for a gender equality centre. Susan McKellar and I briefly spoke about that earlier. There is a concern about replication. We should not fund things that replicate work that is already done. Susan goes around the country speaking to people. She gathers consensus views and helps working communities, which is important. If that work is already being done, it should not be redone.

When it comes to prevention, we need to work out what helps to support women who have experienced domestic violence, what is being done to prevent it and how we can look more widely at community-wide issues instead of just making it a women's issue. It is not just a women's issue. People have talked about how people behave. People behave in a terrible fashion. I know that. I have been on the receiving end of it. I have gone into a feminist conference where there have been men shouting abuse at survivors of the Iranian and Afghanistan regimes. Sometimes such behaviour is supported and encouraged by people in politics, and that must stop.

The Convener: Thank you. I turn to Adam Stachura.

Adam Stachura: It would be good if Scotland engaged with the progress that the UN is making on the convention on the rights of older people; it would be good to consider where the human rights bill could adopt some of that early. We would like to see that.

More broadly—I said this quite a lot earlier, and I apologise for that—it is certainly about making sure that an ageism lens is brought to the work of this committee.

It is also about digital exclusion, irrespective of age. There should be proper equalities protections for people accessing public services. That legislative route should be explored and examined for now and for future.

Heather Fisken: One thing that I want to emphasise is that disabled people are disproportionately affected by poverty. If you look at the stats across all the intersectional areas, you see that disabled people are much more likely to live in poverty. Although the child poverty target is entirely commendable, we need to look at how many of those children living in poverty are living in what we call a disabled household. I also want to emphasise the competence, accountability, scrutiny and leadership of this committee, not just in relation to other committees but in relation to the processes of Parliament and wherever else possible.

I also want to raise something that is close to home. As some of you may know, Inclusion Scotland runs the access to elected office fund Scotland, which supports disabled candidates into politics, and we will be moving that to the local elections fund shortly. Disability Equality Scotland did some research on the back of this year's Scottish Parliament elections, and it found that disabled people say that they still had trouble voting, and that goes right to the core of our democracy.

Otherwise, it is about future proofing. Adam Stachura talked widely about digital exclusion, and that also applies, so I will use that as an example. In among the climate and AI and everything else, for disabled people, even where there are courses or kit, those are not accessible, so they need to buy other software. Bear in mind that disabled people face an additional cost per month of more than £1,000, which explains the poverty.

The Convener: Thank you. I hate to stop you but, just for the record, my entry in the register of members' interests shows that I used the access to elected office fund during my election campaign, so I can speak to that one.

Carol Young: We have concerns about what benefit the human rights bill would bring for minority ethnic communities, particularly if it ends

up creating a due regard duty that would be set against, or perhaps not be complementary to, the existing public sector equality duty, which we think has far greater scope to change people's lives. We would not want to see the waters muddied by bringing in something that could damage that.

For us, it is much more important that the Scottish Government implements the observations of UN committees. We organise the shadow reporting for Scotland to the UN Committee for the Elimination of Racial Discrimination, and time after time the observations come out without Scottish Government implementing them. That is a bigger worry for us.

Funding is one area that has not been discussed. Many of us, as you have seen from your papers, are funded through the equality and human rights fund, and you will see that we are at the bottom end of that. We have had five-year standstill funding in the middle of a cost of living crisis in which businesses are regularly going down. None of us has the resources left to deliver the work that we committed to do five years ago, and those pressures, as much as our funding monitoring officers try to support us, are leading many of us into an extremely precarious situation.

There needs to be a big conversation about where we go from here. We have only been given an extension up to 2027. What will happen to the equality advocacy sector in Scotland if there is not meaningful change at that point?

Vic Valentine: We are broadly very hopeful that the human rights bill will create more access to justice for people when their rights are not upheld, but we share some of the same reservations that other people have about what it will look like in practice and whether it will make a meaningful difference.

I will also flag that we support the proposals to incorporate the group protection treaties. However, there is no international treaty on LGBT people's human rights, nor is there a treaty for older people's human rights. There needs to be consideration of how that will interact with thinking about protected characteristics under the Equality Act 2010 and the different groups that public authorities must consider.

With regard to the new Scots strategy, the Scottish Government often refers to the fact that immigration is reserved and not devolved. However, it is important that Scotland maximises its power to consider how it treats asylum seekers and refugees, especially LGBT asylum seekers and refugees, when it comes to accommodation. Some of those refugees will have fled persecution in their country of origin because of their sexual orientation or gender identity but will then face the exact same kind of discrimination in the detention or accommodation that they are held in on arrival here, which is totally unacceptable. Therefore, it is important that decisions about accommodation are made sensibly.

The Convener: Thank you. I am failing miserably with my time keeping. Susan McKellar, please be very brief if you can.

Susan McKellar: I will keep it brief. Just because there is conflict between devolved and reserved matters does not mean that we should not try to do things, because it is about accountability. Other countries in the United Kingdom have done things. For example, Wales has a city that is part of cities for the Convention on the Elimination of All Forms of Discrimination against Women, which is a scheme that tries to eliminate discrimination against women. We can do small things here that would not require changing major legislation but could change how we tackle violence against women and girls going forward.

On the point about building competence, we need to ensure that we have lived experience as part of conversations and that we recompense people for their time. If you ask people from disabled people's organisations to come and give evidence and they need carers or people to come with them, that cost should not come out of their own budgets; the funds should be provided by the Government. If you want those voices, you should put your money where your mouth is.

Regarding wider community issues and representation, Elect Her and Engender have worked on the discrimination that is happening in local authorities and the Parliament. Unless you get your own house in order, how can you expect things to filter out more widely into society? We need to lead by example. Representation matters, and so does having the right people in the right jobs with the right competence, because of their lived experience.

The Convener: Thank you. Finally, I come to John Kirkpatrick.

John Kirkpatrick: You have already heard enough from me about human rights. I will just draw together one thing that a lot of the contributions have raised, which is the notion of access to the things that enable people to live their lives in the ways that they want, whether that is women's access to justice, disabled people's access to transport services, LGBT people's access to healthcare and so on. The theme of access has come right the way through.

The theme that comes with access—I make no apology for reiterating this—is the potential and power of the public sector equality duty to enable public bodies to address those things, if it is

properly used to allow people to live their lives free from discrimination and harassment. The power is there and can be used.

The Convener: Thank you very much. I thank all the witnesses who came to the meeting today; your time is really appreciated. As the committee goes forward, we want to ensure that, when people give up their time, it is meaningful for them and they can see the purpose and outcomes of doing so.

That concludes our formal business in public session. The remaining items of the agenda will be taken in private, as we agreed at the start of the meeting.

11:58

Meeting continued in private until 12:31.

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