

Equalities, Human Rights and Civil Justice Committee

19th Meeting, 2022 (Session 6), Tuesday 21 June 2022

Gender Recognition Reform (Scotland) Bill

Note by the Clerk

Introduction

1. [The Gender Recognition Reform \(Scotland\) Bill](#) was introduced in the Parliament by the Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison MSP on 2 March 2022 and referred to the Equalities, Human Rights and Civil Justice Committee.
2. The Bill and accompanying documents can be accessed [here](#).
3. The Bill amends the [Gender Recognition Act 2004](#) to reform the grounds and procedure for obtaining legal gender recognition. The process under the GRA has been in place since 2005. Applicants must either have been born in Scotland or be ordinarily resident here.
4. The key differences between the current procedure and those provided in the Bill are:
 - The removal of the requirement for applicants to have a diagnosis of gender dysphoria and the removal of the requirement for medical reports;
 - A reduction in the period for which an applicant must live in their acquired gender before submitting an application from two years to three months;
 - The introduction of a mandatory three-month reflection period;
 - The removal of the Gender Recognition Panel (GRP). Applications will be made instead to the Registrar General for Scotland; and
 - A reduction in the minimum age for applicants from 18 to 16.
5. The Bill also creates a specific offence of knowingly making a false statutory declaration in an application for a GRC and creates an offence of knowingly including information which is false.
6. According to the Scottish Government's [policy memorandum](#), the Bill will simplify and improve the process in Scotland for those applying for legal gender recognition. It believes the current system can have an adverse impact on applicants due to the requirement for a medical diagnosis and supporting evidence.

Background

7. The Scottish Government undertook two separate consultations. The first ran from 9 November 2017 to 1 March 2018. It sought views on areas including reducing the minimum age of applicants and removing medical requirements.
8. The second consultation on the draft bill ran from 17 December 2019 to 17 March 2020. It sought views on areas including the requirement for applicants to live in their acquired gender for three months and on the three-month reflection period.

Approach to Stage 1 consideration

9. At its meeting on 15 March 2022, the Committee agreed its approach to Stage 1 scrutiny of the Bill. It began taking oral evidence on 17 May 2022 and will continue taking evidence throughout May and June.

Oral evidence

10. At its meeting on [Tuesday 17 May](#), the Committee heard from

- Vic Valentine, Scottish Trans Alliance & Equality Network, Dr Mhairi Crawford, LGBT Youth Scotland, Colin Macfarlane, Stonewall Scotland and then from Alasdair MacDonald and Melanie Field, Equality and Human Rights Commission (EHRC).

11. At its meeting on [Tuesday 24 May](#), the Committee heard from organisations representing children and young people and sports organisations.

- Bruce Adamson, Children and Young People's Commissioner Scotland, Ellie Gomersall, President-Elect of NUS Scotland and then from Hugh Torrance, LEAP Sports Scotland and Malcolm Dingwall-Smith, sportscotland.

12. At its meeting on [Tuesday 31 May](#), the Committee heard from

- Susan Smith, For Women Scotland, Lucy Hunter Blackburn, Murray Blackburn Mackenzie, Malcolm Clark, LGB Alliance, Dr Kate Coleman, Keep Prisons Single Sex and then from Catherine Murphy, Engender, Sandy Brindley, Rape Crisis Scotland, Naomi McAuliffe, Amnesty International UK and Jen Ang, Justright Scotland.

13. At its meeting on [Tuesday 7 June](#), the Committee heard evidence focussing on the Bill's roll out in practice and on faith and secular groups:

- Paul Lowe, Registrar General for Scotland, James Kerr, Deputy Chief Executive and Robert Strachan, Head of Strategy and Improvement, both of Scottish Prison Service, Dr Kevin Guyan, University of Glasgow and then from Anthony Horan, Director, Catholic Parliamentary Office of the Bishops' Conference Scotland, Rev

Karen Hendry, Vice Convener of the Faith Impact Forum, Minister of Yoker Parish Church, Church of Scotland, Chris Ringland, Public Policy Officer, Evangelical Alliance and Fraser Sutherland, Chief Executive Officer, the Humanist Society Scotland.

14. At its meeting on [Tuesday 14 June](#), the Committee heard from academics and legal experts and then from health organisations.

- Professor Sharon Cowan, Professor of Feminist and Queer Legal Studies, University of Edinburgh School of Law, Naomi Cunningham, Barrister, Outer Temple Chambers and Chair, Sex Matters, Karon Monaghan QC, Barrister, Matrix Chambers, and then from David Parker, Lead Clinician, the National Gender Identity Clinical Network Scotland.

15. At its meeting today, the Committee will hear from three panels. Firstly, it will hear from a panel of academic experts, secondly from human rights organisations and thereafter from a panel of academics who can speak to gender reform legislation from an international perspective.

- Professor Alice Sullivan, Head of Research, UCL Social Research Institute and Robin White, Barrister, Old Square Chambers then from Victor Madrigal-Borloz, United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Office of the United Nations High Commissioner for Human Rights (OHCHR), Ian Duddy, Chair, Barbara Bolton, Head of Legal and Policy and Cathy Asante, Legal Officer, Scottish Human Rights Commission and then from Dr Sandra Duffy, Lecturer in Law, University of Bristol School of Law, Dr Peter Dunne, Senior Lecturer, University of Bristol School of Law and Dr Chris Dietz, Lecturer in Law & Social Justice, University of Leeds.

16. The Committee has also agreed to hold an additional meeting to hear from Senator Regina Doherty, Leader of the Irish Senate on gender reform legislation in Ireland. Details of the meeting will be published shortly.

17. Written submissions received from relevant witnesses at today's evidence session are linked at [Annexe A](#).

18. The meeting will be held in hybrid form. Members of the public can watch the evidence session live on the Scottish Parliament TV website from 09.30am on Tuesday 21 June.

<https://www.scottishparliament.tv/>

19. Following this evidence session, the Committee will consider the evidence received as part of the Stage 1 scrutiny of the Bill.

Written evidence

20. The Committee issued two [call for views](#) on the Bill. The first in the form of a survey for individual respondents and the second, where individuals or organisations could provide

a more detailed response. The Calls for Views closed on 16 May 2022. Written submissions are published on the Committee's [webpage](#).

21.A [SPICe briefing](#) setting out further detail on the Bill was published on 10 March 2022.

Next steps

22. The Committee is due to report to the Parliament on the general principles of the Bill later this year.

Clerks to the Committee
June 2022

EHRCJ/S6/22/19/1

The following documents are included for this meeting:-

- Annexe A: written submissions from today's witnesses

Annexe A

Gender Recognition Reform (Scotland) Bill

Written submissions received from:

Panel 1 witnesses

1. [Professor Alice Sullivan, Head of Research, UCL Social Research Institute](#)
2. [Robin White, Barrister, Old Square Chambers](#)

Panel 2 witnesses

1. [Scottish Human Rights Commission](#)