

24 April 2025

By email from: info@forwomen.scot
To: ehrcj.committee@parliament.scot

Dear Ms Adam,

Thank you for your letter of 17th April. It is, indeed, very short notice, especially for a volunteer group which has just secured a landmark legal judgment. We note you omitted to extend to us the courtesy of understanding that we might not be in a position to offer a full response. The best, most detailed information can be found in the ruling: It is comprehensible, a model of clarity, and should provide all the detail you require.

If you have read the judgment, may we ask what, specifically, you are struggling to understand? You will be aware that, during the hearing, the Scottish Government's lawyers conceded that self-identification was not lawful and those without a Gender Recognition Certificate (GRC) would be counted as their sex for all purposes under the Equality Act. This ruling has cleared up that this also applies to those with a GRC.

If you have detailed questions to ask, it might be more productive to invite us in person. Unfortunately, while Ms Chapman remains a member of the committee, this will be impossible. We noted with concern that your deputy spent the weekend making inflammatory remarks about the Supreme Court. It shouldn't fall to us to remind you that under the Judiciary and Courts (Scotland) Act 2008 members of the Scottish Parliament must uphold the continued independence of the judiciary. As members of the legal profession and journalists pointed out, such language is reminiscent of remarks about "enemies of the people" from 2016 and comments we heard on 6th January 2021. I hope you will insist upon an apology to the court for this false characterisation of their ruling and for the resignation of Ms Chapman.

Until and unless this occurs, we fear that the committee will be unfit to oversee the development of human rights legislation in our Parliament and you, as convener, will send a clear message that you are unconcerned with such egregious smears on the judiciary. We imagine that we will not be the only organisation with a respect for the rule of law who will find it impossible to engage in such circumstances.

Yours,

Trina Budge, Marion Calder, Susan Smith
Directors For Women Scotland