

# **Cross-Party Group on LGBTI+**

21 May 2024, 18:15 – 19:45

Meeting held online via Zoom

## **Minute**

### **Present**

#### **MSPs**

Maggie Chapman MSP, Jamie Greene MSP

#### **Invited guests**

n/a

### **Non-MSP Group Members**

Erin Lux, Equality Network  
Rebecca Don Kennedy, Equality Network  
Vic Valentine, Scottish Trans  
Alan Eagleson, Terrence Higgins Trust  
Denisha Killoh, Stonewall Scotland  
Jordan Daly, TIE Campaign  
Ciorstaidh Reichle, GMB  
Nik James, NASUWT  
Liam Stevenson, TIE Campaign  
Iain Campbell, D&G LGBT  
Heidi Vistisen, LEAP Sports

Micah Daigeun  
Kaylee Nichol  
Ewan Carmichael  
Paul Behrens  
Mackenzie Da Assunção

## **1. Welcome and Apologies**

Apologies:

Roz Hamilton, Nicola McIntosh, Patrick Harvie MSP, Rebecca Hoffman, Stevie Maybanks, Julia Shacklock, Hugh Torrance, Carrie Bates

## **2. LGBT Rights: A Legal Perspective at University of Edinburgh (Paul Behrens)**

Paul Behrens gave a presentation about his new LLM course at the University of Edinburgh titled 'LGBT Rights: A Legal Perspective'. This course focuses on the legal aspects of LGBT rights and equality. It conveys the perspective of international law on matters such as same-sex marriage, transgender rights and conversion practices, but also brings in selected developments from domestic laws. He noted that there have been very few courses on this topic in UK universities – the Edinburgh course appears to be the first of its kind in Scotland. Among his reasons for establishing this course was the fact that student had indicated a strong interest in the topic, as reflected by those who wanted to write dissertations on subjects dealing with LGBT rights.

He was asked if students from any part of the university could take this course or only law students, and responded that while any student could take it, there was a co-requisite to take human rights law or fundamental issues in international law.

He was also asked about the process of creating a textbook for this subject as he had mentioned that there was no single textbook that could guide students through the entire course, and outlined the difficulties of creating such a book – the range of topics in particular would be one of the challenges and would ideally be reflected in the joint effort of several authors with specific expertise in the relevant fields.

There was also a suggestion that his students might be interested in joining the CPG, and that some organisations represented at the CPG might like to give a guest lecture.

## **3. Trans healthcare update: young people's services and Scottish Government's NHS gender identity services strategic action framework (Vic Valentine)**

Vic Valentine from Scottish Trans gave an update on the status of the young persons' gender identity service at the Sandyford. They noted that

in pausing all prescriptions of puberty blockers, as well as all endocrine treatment for 16 and 17 year olds, NHSGGC and Lothian have gone further than NHS England in stopping care for trans youth, but that these are clinical decisions for NHSGGC and Lothian which the Scottish Government cannot overrule. They also noted that the CMO's office has announced a clinical review of the Cass Review recommendation to see whether they apply to Scotland, which is to be ready before the summer recess.

As for next steps, Vic noted that there is still a commitment to develop a national services framework for young people's gender services, and that part of the problem right now is that there is no national standard. There is no way of knowing whether the Sandyford's position will be replicated in the service specification, and there's no way of knowing whether the Sandyford will be the location of the young people's service going forward.

They noted the sector is concerned about this decision and want young people to get the care that is right for them at the time that is right, and that they don't think a blanket approach to banning will allow that to happen. There is a wide range of strongly held views on the Cass report as to whether people agree or disagree or find it well evidenced but wherever you stand on it, the position of the report is that medical pathways are the right thing for some young people, but we just need more research. The position of many countries is that a medical pathway is right for some young people and that we do have enough research. Somehow, we have ended up in a position in Scotland where this care is available to no young people.

Vic was asked if there were any exceptions for young people with severe dysphoria, and replied that it is a blanket pause for all children and young people.

A member shared her story of having been a young trans person who did not receive puberty blockers, and that most of the issues she now faces with dysphoria stem from the changes that she was forced to undergo through puberty. She made the case for humanising these issues so people understand how long a year can be in the life of a young trans person.

Another member asked if there were any discussions taking into account WPATH's comments regarding the review, or the WPATH guidelines. Vic responded that we are not party to the discussions in the clinical review.

A member asked if the NHS has a plan for providing mental health support for the issues that this pause will cause? Vic responded that Scottish Trans has made clear to the Sandyford that support will be needed for those who were close to getting a prescription. They also noted that there needs to be better support for young people who are trans or questioning their gender in general, as many are sent to the gender service and excluded from CAMHS when they could benefit from mental health support.

Another member noted the importance of real participation from trans young people in any review, rather than simple tokenism.

Vic then read out a question that was sent by email from a CPG member, asking how MSPs can support Scottish trans people who have received poor care when in England for surgery. Maggie Chapman and Jamie Greene both responded that it is best to get in touch with your MSP right away if you need help as they can be of the most use in helping navigate the complaints system if they are involved from the beginning.

#### **4. Conversion Practices Bill Update (Erin Lux)**

Erin Lux gave an update on the progress of the Ending Conversion Practices bill. She explained the contents of the bill, as well as Equality Network's work on preparing a consultation, engaging with the community, and working with faith groups to reduce tensions and increase understanding around the proposed Bill.

She then suggested that MSPs who support the principles of the Bill need to be vocal – not about supporting a government bill but about supporting the principles behind it, about why conversion practices need to be ended and the harms that they cause. She also suggested that MSPs could ask questions in parliament and push the government to

ensure they are enacting the non-legislative measures necessary to support ending conversion practices.

Jamie Greene suggested a cross-party chat with survivors and MSPs.

Paul Behrens noted in the chat that the draft bill in its current form gave room for criticism. He mentioned in particular the extensive defence of 'reasonableness' and the fact that victims of conversion practices still had to turn to the court system in order to obtain relief.

## **5. Hate Crime Implementation Update (Rebecca Don Kennedy)**

Rebecca Don Kennedy gave an update on what has happened since the Hate Crime Act came into force on the 1<sup>st</sup> of April.

She noted that it is unusual to give an update on an Act that was given royal assent three years ago, but there was a significant sensationalised response around it when it came into force – in this case around free speech and what the act did or did not do.

She flagged that those first few weeks were very difficult as so few of the people involved in shaping the Act chose to speak out in defence of it, or in defence of the principle of ending hate crime and the worth of third party reporting centres. The lack of clarity from voices in positions of authority led to the media turning to other sources. Third party reporting centres had a particularly difficult time after being targeted by the media. There were also some parliamentarians who spoke about the Act in unhelpful ways or with lack of understanding about its contents.

She requested that, in terms of action, MSPs could speak up about why third party reporting centres exist and why it is important to support them, and hold the Scottish Government to account around the issue of third party reporting centres.

She also raised the issue of non-crime related hate incidents to flag that police Scotland have now released interim guidance on these. The new guidance seems to reflect what happens in England – that data will be recorded about the incident to monitor patterns, but names will not be recorded.

## **6. Requests to Join This CPG**

There were no requests to join the CPG.

## **7. Updates to other matters/AOB**

Erin Lux noted that the Housing Bill consultation closes on the 24<sup>th</sup> of May, and that there are significant issues for LGBTQIA+ people in the Bill, such as provisions on domestic abuse and homelessness. She encouraged CPG members to fill in the consultation.

Denisha Killoh provided an update about her new role as head of Stonewall Scotland.

## **8. Consideration of Items for Upcoming Meetings**

There were no items agreed for upcoming meetings.