

MBM activity report: December 2020 – May 2021

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31 May 2021

Hate crime

A substantial proportion of our time was spent scrutinising the Scottish Government's controversial Hate Crime and Public Order Bill, as it passed through the Scottish Parliament. Our primary concerns were the non-inclusion of sex as a protected characteristic as well as the potential impact of the new stirring up offences on women's freedom of expression rights. We provided [written](#) and [oral](#) evidence during the Stage 1 proceedings, as well as a [number](#) of [briefings](#) for MSPs. We also participated in the Justice Committee [roundtable](#) discussion on amendments relating to freedom of expression. In addition, we wrote in the press, and gave comment to the [media](#) throughout the passage of the bill. Our work in this area can be accessed [here](#). We continue to [pursue](#) a promise of involvement from Scottish Government during the Bill process in the preparation of the explanatory notes to the Act, although we have yet to hear more about that work. Lisa recently participated in a [webinar](#) run by the Irish Women's Lobby, reflecting on our experience of scrutinising the legislation.

We also submitted a [response](#) to the consultation conducted by the Law Commission into reform of hate crime legislation in England and Wales.

GRA reform

The Scottish Government has yet to [publish](#) the responses it received to the consultation on its draft Gender Recognition Reform Bill which closed in March 2020. In its manifesto for the recent Holyrood election, the SNP indicated their commitment to gender recognition reform. The final report of the analysis undertaken by an external research agency was due to have been completed in mid-March, and we remain keen to review the [responses](#) as and when they are published. We have kept in touch with civil servants about plans for publication and were recently told that they expect to start the process for publication soon.

In November 2020, we submitted [evidence](#) to the inquiry into GRA reform being undertaken by the Women and Equalities Select Committee in the UK Parliament. Our response focused in particular on the Committee's question 'Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004?'.

Sex disaggregated data

We continued to research and write about the importance of collecting sex-disaggregated [data](#). We supported Fair Play For Women's recent [judicial review](#) of the [decision](#) by the Office for National Statistics to introduce guidance for the sex question which advised respondents to answer based on their self-identified gender. As well as producing a number of briefings, we also provided a witness statement for the FPFW legal team.

We responded to the [consultation](#) on the Scottish Government Chief Statistician's draft guidance for public bodies on the collection of data on sex and gender. We also published the [submission](#) produced by independent researcher Cathy Devine about the importance of sex-disaggregated data to SportScotland's strategy to increase female participation in sports.

Policy capture

We published another [article](#) in the February 2021 edition of Scottish Affairs. The article was a response to a rejoinder to our original piece in the August 2019 edition. (A longer annotated version of the paper is available [here](#)).

Other work

During the Holyrood election campaign, we [reviewed](#) the manifesto commitments on GRA reform and women's sex-based rights, and undertook a [factcheck](#) of claims made by candidates from different parties during hustings events and media interviews.

We have also written about: the [Forensic Medical Services Bill](#), which was passed by the Scottish Parliament in December 2020; the [judicial review](#) of the Gender Representation on Public Boards Act undertaken by campaign group ForWomenScotland; existing [research](#) on offending patterns (and how this is sometimes misunderstood); the Scottish Green Party commitment to enshrining the [Yogyakarta principles](#) in law; and the [reporting](#) of court cases in the media, and the questions this raises.

We continue to be among the small number of people in Scotland willing to write in the press on issues relating to sex and gender identity, and to be quoted and named in the media.