

MBM meeting with Scottish Government officials – Monday 17 January 2022

- MBM commented that news of our meeting had attracted positive responses from women with concerns about GRA reform but that they had also expressed disappointment that it was not possible to find any reference to the Gender Recognition Unit on the Scottish Government website which set out its remit etc. Officials agreed this was not ideal and that they would take that comment on board, although they noted their concern about junior civil servants being identifiable, given the divisive nature of the debate.
- Officials noted that they had seen our response to the 2019 consultation, and had received our alternative GRA reform options paper. They also noted that they had not responded to the detailed letter we had sent to the Director General (Justice) following a meeting with him on 9 March 2020. They noted that we had requested an update in December 2021 and that they were intending to respond and had a draft response prepared which they hoped to send to us soon.
- Officials noted that the Cabinet Secretary Shona Robison had indicated she would be happy to meet with us. We said we would like to meet her and would write formally to request a meeting.
- MBM asked officials whether they could confirm that the draft legislation would seek to remove the requirement for a diagnosis of gender dysphoria for those seeking a Gender Recognition Certificate (GRC). Officials replied saying that, whilst the bill had not yet been finalised, Government had made a commitment in the Programme for Government and that removal of the requirement for evidence of a diagnosis of gender dysphoria is fundamental to those proposals.
- MBM asked officials about the timetable for introducing the bill and officials responded that it was not possible to give any detail about that as it was subject to Cabinet clearance process and parliamentary protocol.
- MBM explained that knowing whether a decision had been made about the removal of the requirement for a diagnosis of gender dysphoria was critical to the framing of our discussion, given it is our primary concern regarding the proposed legislation. We stressed that we were unusual amongst groups expressing concern about reform in that we had sourced some funding to support our work via crowdfunding but that most of the other groups with concern were run by volunteers, doing this work squeezed around full-time jobs, caring and other responsibilities.
- MBM asked it to be placed on record our concern and disappointment that there had been no wider process of engagement as promised in the SNP 2021 manifesto. Officials responded saying that there had been two government consultations, the last of which attracted over 17k responses, and this was a conversation that's been happening for quite a few years. They also stressed that Covid had delayed the analysis of those responses.
- MBM responded saying that asking people to submit responses to a consultation did not feel like a 'conversation', nor did sending a lengthy letter to which there had been no reply for 22 months.
- MBM stressed the levels of cynicism felt by grassroots groups expressing concerns about GRA reform and the fact that it is not a level playing field, given that the funded equality organisations often have paid, full-time policy and public affairs officers. We stressed the amount of work undertaken by many ordinary women and

the sense of frustration they felt that those submissions would not be published or properly analysed.

- MBM asked whether the 17k responses had only been read by the consultants commissioned to undertake the analysis work. Officials confirmed that every submission had been read by the consultants and that they had seen some samples of the individual responses.
- MBM asked whether at some point officials would make those responses available to be read, perhaps placing hard copies in St Andrew's House. Officials replied saying that GDPR requirements may make this difficult but that they would look into this and get back to us.
- MBM noted that those with concerns about GRA reform had been placed at a disadvantage given that no summary data about the individual responses in the 2019 consultation were available, which contrasted with data that existed about the individual responses to the 2017 consultation. Officials responded saying that the reason for posing questions that elicited qualitative information from respondents (as opposed to straightforward yes/no answers) was because they wanted to extract more rich and subtle detail in the responses.
- MBM challenged the Scottish Government's position which maintains that reform of the GRA will have no impact on the operation of single sex spaces and services. We stressed our view that cementing the principle of self-ID in law will leak into social conventions and make it harder to challenge the presence of any male in a woman only space.
- Officials responded saying that the recent culture shift is something that many people would see as a good thing for trans people accessing their rights.
- MBM explained that our GRA reform options paper was an alternative to reforms based on self-ID.
- Officials stressed that, despite the removal of a requirement for a gender dysphoria diagnosis, individuals would still need to live in their acquired gender for six months and that a false declaration could lead to prosecution, given that individuals would be permanently altering their birth certificate.