



Joe FitzPatrick MSP

Convener

Equalities, Human Rights and Civil Justice Committee

Scottish Parliament

By email

8 June 2022

Dear Convener,

GENDER RECOGNITION REFORM (SCOTLAND) BILL: FURTHER POTENTIAL WITNESSES

We will write separately to pick up on the substantive issues raised in last week's evidence session and points that could not be discussed in the available time. We wanted to write quickly now, however, to pass on the details of potential witnesses as referenced during the session, and to add further suggestions.

The relationship between legal reform and medical treatment/Young people

We would strongly urge you to take evidence from clinicians who are concerned that legal reform is being pursued with too little attention to its potential impact in clinical settings. To this end we suggest you contact [CAN-SG](#), a newly formed interdisciplinary network of clinicians, with members in Scotland. It describes itself as "a coalition of clinicians to campaign for clearer dialogue, better data collection, rigorous science and improved treatment options for gender dysphoria."

[Genspect](#), which describes itself as "an international alliance of professional groups, parents, trans people, detransitioners, and others who advocate for a better model of care than the current "affirmative" approach", has membership in the UK, including Scotland, and would also be worth approaching.

We would suggest specifically that the Committee takes evidence from detransitioners. As well as asking for assistance on that from Genspect, you may have written submissions which could be used as the basis for approaching individuals.

Lucy also suggested that you contact the [Bayswater Group](#), which brings together parents of children who suffer from gender dysphoria.

Spouses and partners

We note that across the eight panels to date there has been no discussion of the large proportion of the Bill which deals with GRC applicants who are married or in a civil partnership. We would have raised this with the Committee, had there been time to do so last week. The Bill engages with the rights of those married to or in civil partnerships with a person applying for a GRC. We do not believe that the Scottish Government has engaged with any group representing spouses/civil partners over the past five years. We believe this is an error of process which should be addressed, and that the Committee's inquiry will be deficient without hearing directly from this group.

We believe [Transwidows](#) was offered the opportunity to address the most recent inquiry on this issue at Westminster, but their request to do so in private was refused. We also understand that this group faces substantial constraints on their time and resource. We would hope the Committee could find a way to engage with them directly, in a way which is manageable for them.

Services for women who have experienced male violence and abuse

Susan Smith suggested Isabelle Kerr as witness able to speak publicly on this issue without concern of repercussions in her professional life. Ms Kerr retired last year after 15 years running Glasgow Rape Crisis, the largest rape crisis service in Scotland, and has been closely involved in VAWG services in Scotland and elsewhere for 40 years. She provides advice on this topic internationally, and has been honoured for her work in this field. More background on Ms Kerr is available here. <https://www.asb-scotland.org/members-showcase/isabelle-kerr-women-of-inspiration-2017>

Following comments made by Reverend Karen Hendry representing the Church of Scotland on Tuesday, we have been made aware of a number of women who would appreciate the opportunity to meet the Committee in private to discuss their interest in the Bill. The conditions under which they could safely appear will be an issue: we will email further separately on that point.

Data

The Committee has taken evidence from a government official and from Dr Kevin Guyan, a campaigner and advocate of replacing data on sex at birth with data on self-declared gender identity. We strongly urge you to take evidence also from a witness who has substantial, senior quantitative expertise in working with population data. Professor Alice Sullivan has submitted written evidence on this topic and we know would be willing to meet the Committee.

There was some discussion in Committee of whether Dr Guyan's views represented professional quantitative social scientists working with population data. As background to making decisions about witnesses on this topic, we would refer the Committee to an analysis of previous correspondence with the Parliament which we published here <https://murrayblackburnmackenzie.org/2020/02/24/a-tale-of-two-letters-whose-views-count/> and to our analysis of a further letter referred to during

the session here <https://murrayblackburnmackenzie.org/2021/04/07/a-tale-of-two-letters-revisited/>.

Prisons

Having listened to the responses provided to you by the SPS, we remain very concerned about the potential impact on prisons, the SPS's exposure to future legal proceedings and its apparent lack of preparedness for that. We would urge the Committee to take evidence from Rhona Hotchkiss, a former prison governor in Scotland, who has direct experience of operating the current SPS policy. We understand she would be willing to assist the Committee.

Sport

We are aware that the Committee has been approached by organisations and individuals concerned about the balance and completeness of its oral evidence session on sport. We share those concerns.

Cross-Border effects

We are concerned that there has so far been no specific detailed discussion of potential cross-border effects, beyond some brief references in the course of a couple of sessions. This is another substantial area that we would have raised, had there been adequate time. We are aware that organisations including Fair Play For Women and Woman's Place UK have submitted evidence relevant to this, as others may also have done.

Faith Groups

We note that, in contrast to the proceedings on the Hate Crime and Public Order (Scotland) Bill, the Committee's session with faith groups was limited to representatives of Christian organisations and humanists. The membership of the panel for the hate crime bill is available here, for reference:
[https://archive2021.parliament.scot/S5_JusticeCommittee/Minutes/20201110_Minutes\(1\).pdf](https://archive2021.parliament.scot/S5_JusticeCommittee/Minutes/20201110_Minutes(1).pdf)

Operation of current system

The Committee has had presented to it a variety of evidence about how the current system works in practice. We would strongly urge the Committee to take evidence from the Gender Recognition Panel (GRP), to establish the accuracy of all the evidence before it on this point, and to understand what if any value the Panel feels it adds to the process. We think it is particularly important for the Parliament to be properly briefed on why some applications are declined at present.

We were advised in March 2020 that the Scottish Government had had no contact with the GRP in the course of developing its proposals. We have seen nothing since to suggest that this error of process has been addressed.

We are also aware that the Committee will have received representations from those currently entitled to a GRC who have used, or decided not to use, the system who

are not supportive of reform as proposed. We understand the Scottish Government has had no engagement with that group over the past five years. Again we believe this is an error of process which should be addressed.

As we and others who appeared with us stated publicly after the session on 31 May, we would of course be willing to return and meet the Committee again in relation to topics on which we submitted evidence, but did not have the opportunity to discuss.

We are happy to assist the Committee in identifying contact details for any individual or organisation suggested above, if needed.

Yours,

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Lisa Mackenzie

Dr Kath Murray

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