

## **Gender Recognition Reform Bill, BBC Scotland 'The Nine', 29 November 2022, 9pm**

### **Reem Alsalem:**

The concern here is that it makes it easier for violent males to take advantage of the process and therefore also have access to spaces that are really designed for women in all their diversity, but also single sex spaces, and including shelters, prisons, and so on and so forth. There are groups of women that have not been sufficiently consulted, for example, women that were victims of male violence, but also I understand detransitioners. So it would be good also to make that process more inclusive.

### **BBC presenter:**

The Scottish Government argue that it's abusive, manipulative men who are a threat to women's safety, not this law. They insist that that is not the case. How do you respond to that?

### **Reem Alsalem:**

So Laura, if we think of any public policy that grants access to certain rights and privileges, and where also access is there to, let's say, vulnerable groups, children, victims, etc., these processes always have safeguards.

### **BBC presenter:**

What would those safeguards be then Reem? What would you suggest?

### **Reem Alsalem:**

So what I've said is I'm not against simplifying the process, however, to say then that you simplify it so much that there is no other pieces attached to is not reasonable, even if you look at the gender recognition act in other countries in Europe for example.

### **BBC presenter:**

How does this compare...are there better systems?

### **Reem Alsalem:**

For example, in Belgium also, you can be denied the request based on, you know, concerns about public order. It spells out the issue of revocation, you know, when somebody's acquired gender certificate can be revoked. In France and Greece, there is a requirement for a judicial evaluation. In Ireland, which has had it for a few years, you know, it says that the request to the Minister of Social Protection can also be refused, right. So that it goes beyond just saying you know, you self-identify you live in your, you know, acquired gender for three months, without actually also saying what that means. And then you know, you can change your gender or and your sex on your birth certificate. So, so clearly that other pieces of the puzzle need to be there.

### **BBC presenter:**

Do you have genuine fears then that there could be consequences to this legislation as it stands?

**Reem Alsalem:**

I engage on an issue and I engage the government when also a stakeholder has brought an issue to my attention. And I deem it sufficiently let's say serious to require an engagement from my side. So I would say yes, I was concerned. I, of course, looked at all the evidence that has been presented by all sides and the documentation that was available.

**BBC presenter:**

This law is due to pass in around two weeks' time in the Scottish Parliament. It does have the support to pass. It's been through consultation. It's been scrutinised by a committee as well. What do you think should happen? Would you like to see this process pause?

**Reem Alsalem:**

I've made a certain recommendation, echoing the recommendation of others, which is that perhaps we pause this for the time being, that the government and the public may wish to hold further consultations.

**BBC presenter:**

Just finally, Reem. Do you believe women and girls in Scotland will be safer or less safe as a result of this legislation?

**Reem Alsalem:**

The legislation is not a done deal yet it will pass through now. A final stage there is still room for adjustment and to build in the safeguards.

**BBC presenter:**

But if it does pass as it is?

**Reem Alsalem:**

I would like you to ask that question really to the hundreds of Scottish women that have also spoken out on this issue, because really, there are fundamental issues at stake, that have to do with their protection with their dignity with their safety. And by that I mean, again, women in all their diversity.

**BBC presenter:**

Reem Alsalem, thank you very much for joining us tonight on the name. We're really grateful for your time. Thank you.

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**BBC presenter:**

Well, what does the Cabinet Secretary for social justice responsible for the reforms make up that? Well, here's Shona Robison.

**Shona Robison:**

Let me first of all say that I have just signed off a very detailed response to Ms Alsalem about the issues raised in her letter and that will be going to her plus an offer of a meeting to discuss any further concerns that she has. I think when you look at the evidence of the 10 countries plus that have reformed their gender recognition process, what is certainly there's no evidence of the concerns being expressed coming to fruition.

**BBC presenter:**

When she talks about those other countries, she talks about safeguards in place that may not be in place in Scotland, revocation requirements in other countries, for instance. She has a real concern that without those safeguards here men intent on violence may try to gain access to women only spaces.

**Shona Robison:**

So in my very detailed back to her, I detail some of the safeguards that are already in the process. So there's a two stage process first of all and then there are safeguards so the Registrar General can apply to the sheriff to revoke gender recognition certificate if, for example, they believe it to be fraudulent, and indeed the registrar general can themselves stop a GRC being issued. We've also put in place protections under the sex offenders protection notifications that requires for example, anyone on a sex offender register has to go to a police station, if they would seek to use this process. And of course, we're looking at whether any further safeguards are required as we go into Stage Three of the process.

**BBC presenter:**

The rapporteur says that not everyone has been consulted here. she makes the point that she believes that not all groups have been sufficiently consulted, including victims of male violence. Is it time to pause this and allow everyone to have their say?

**Shona Robison:**

We've been discussing this now for six years. I don't think it would be right to pause. But what we will do is continue to discuss in this Parliament which of course the bill had huge support at stage one. There have been significant amendments at stage two taking on some of the concerns that have been expressed. And of course as we go into stage three, we will continue to have those discussions.

**BBC presenter:**

So no pause as the rapporteur calls for? No pause as far as you're concerned.

**Shona Robison:**

I don't think there are grounds to pause.

**BBC presenter:**

So you're 100% confident that this bill this legislation will not allow men to with violent intent to enter women only spaces?

**Shona Robison:**

Well, this bill is about making the life easier of a very small group of people to be able to live their lives in the gender that they have been living in for many, many years and to be able to align their paperwork like their birth certificate and indeed their death certificate as they have been living their lives in. The issue of violent abusive men is about violent, abusive men.

**BBC presenter:**

But might this make this make it easier for them to access women only spaces because that's the issue at the heart of this: whether women will be safer or less safe as a result of the legislation.

**Shona Robison:**

There's no evidence from any of the countries that have gone down this route that that has been the case and of course the protections that are under the Equality Act for those services like rape counselling services, for example, can already exclude trans women even with a gender recognition certificate and that's right and proper for those discrete services that you know are very, very personal. And that is something we support that's on the face of the bill. It was put on at stage two, that this bill will not change any of those Equality Act protections.

**BBC presenter:**

The rapporteur suggests that those who are against this will continue to oppose it. Do you accept that even if this legislation passes, you may end up fighting in the courts over it?

**Shona Robison:**

Well, I'm not going to predict whether the bill ends up being challenged in the courts. That's obviously for others to decide if they go down that route.

**BBC presenter:**

There is a huge constituency of women that you have not been able to bring along with you on this isn't there?

**Shona Robison:**

I accept that there are views for and against this bill. I've met with people who hold very differing views, both for and against. We've tried to listen and we've put in some amendments and further safeguards into the bill and I think what we will see is that Scotland is no different from any of the other many and growing countries that have reformed the process of obtaining gender recognition.

**BBC presenter:**

Shona Robison, the Social Justice Secretary, thank you for your time tonight.