



NOVEMBER 2023 NEWSLETTER

GRA reform

It is almost a year since MSPs passed the Gender Recognition Reform (Scotland) Bill. However, the UK Government's decision to invoke Section 35 of the Scotland Act 1998 means that it has not received Royal Assent. After the Bill passed, we [wrote](#) to the Secretary of State for Scotland setting out our concerns about reform. We subsequently [met](#) with Mr Jack and his officials on 9 January to discuss these further.

The Scottish Government sought a judicial review of the decision to invoke Section 35. The hearing took place in the Outer House of the Court of Session on 19-20 September and a ruling is expected imminently. The [ruling](#) from the Inner House in the case of For Women Scotland vs the Scottish Ministers seems likely to strengthen the case of the UK Government. We have continued to [document](#) the Scottish Government policy-making process on GRA reform and the Bill's passage through Parliament. Our latest blog can be accessed [here](#).

Prisons policy

Earlier in the year, we wrote to the Scottish Human Rights Commission (SHRC) to request a meeting to discuss the Scottish Prison Service's (SPS) policy on transgender prisoners and its impact on women. We were particularly concerned by a [submission](#) the SHRC had made to the trans prisoner policy review which overlooked women's Article 3 rights. We met with the director and commissioners in June. You can read the letter we sent to the SHRC following the meeting [here](#).

Earlier this year, we also wrote to the President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the SPS policy. You can read the letter [here](#).

It is almost five years since the SPS first [confirmed](#) that it intended to review its trans prisoner policy. This means the [policy](#) has now been 'under review' for longer than it has been in place, prior to review. At the time of writing the review is ongoing, with no clear end date. We understand that a number of trans-identified male prisoners remain housed in the female estate.

Policing

Following the assault of a feminist campaigner at a women's rights rally in Aberdeen in July, we [wrote](#) about Police Scotland's use of Recorded Police Warnings (RPWs), and a lack of accountability and transparency. Guidelines for the use of RPWs are produced by the Lord Advocate, but these are not made publicly available. Our work in this area was covered by the [Herald](#).

We have also [written](#) about the LGBT Allies Toolkit developed by Police Scotland, which suggests that officers and civilian employees should 'evangelise' their allyship. We shared our analysis with the Chief Constable, the Scottish Police Authority Chair, and HM Inspector of Constabulary.

We remain concerned about the Hate Crime and Public Order (Scotland) Act, which is due to come into effect in 2024. Our latest analysis of this issue was published in [Holyrood Magazine](#) and can also be accessed on our [own website](#).

On 6 December, we will give evidence to the Scottish Parliament's Citizen Participation and Public Petitions Committee on the petition we lodged in June 2021 calling for Police Scotland to accurately record the sex of those charged and convicted of rape. The [petition](#) has gathered over 13k signatures and remains open to new signatures.

Opinion polling

In June we commissioned [opinion polling](#) to establish what members of the public understood by the terms 'trans woman' and 'transgender woman'. The results revealed considerable confusion about these terms, with significant implications for policymakers, legislators, and the media. We shared our findings with the British Polling Council, Ofcom, the BBC, Ipsos, the Society of Editors, the Royal Statistical Society and the Economic and Social Research Council. The poll was picked up by [The Daily Telegraph](#) and [The Daily Mail](#).

Other work

We [responded](#) to the Scottish Government's consultation on its draft Human Rights Bill. In October, Lisa spoke at a [fringe meeting](#) at the Labour party conference and Lucy spoke at the [Filia](#) conference in Glasgow. Our work continues to be picked up regularly in the [media](#).

We remain grateful to everyone who has seen fit to support our work in any way over the past year. Thank you.

Kath, Lucy and Lisa

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