

Cross-Party Group on LGBTI+

26 September 2024, 18:15 – 19:45

Meeting held online via Zoom

Minute

Present

MSPs

Jamie Greene MSP, Scottish Conservative Party

Maggie Chapman MSP, Scottish Green Party

Karen Adam MSP, SNP

Invited guests

n/a

Non-MSP Group Members

Rebecca Don Kennedy, Equality Network (Secretariat)

Eleanor Sanders White, Equality Network

Ruth McGill, Equality Network

Vic Valentine, Scottish Trans

Paul Daly, LGBT Youth Scotland

Mark Kelvin, LGBT Health and Wellbeing

Jordan Daly, TIE Campaign

Liam Stevenson, TIE Campaign

Heidi Vistisen, LEAP Sport

Iain Campbell, D&G LGBT Plus

Alan Eagleson, Terrence Higgins Trust

Tristan Grayford

Carrie Bates

Roz Hamilton

Micah Daigeaun

Nicola McIntosh

Nik James

1. Welcome and Apologies

Apologies:

Pam Duncan-Glancy MSP, Tess White MSP, Kevin Guyan, Julia Shacklock, Paul Cockburn, Carrie Bates, Paul Behrens, Liam Stevenson, Erin Lux, Florence Oulds, Vic Valentine

A warm welcome from Jamie Greene and Maggie Chapman to all. There were several apologies as above.

2. AGM Business

Maggie Chapman MSP introduced the first agenda item and handed over to Rebecca Don Kenedy for nominations of the new office bearers. Maggie Chapman was put forward to continue on in her role as co-convenor of the CPG. She expressed that she was happy to fulfil this role, and proposed that Jamie Greene continue as co-convenor.

Jamie stated that he would also like to continue. Karen Adam seconded both these office bearers. No concerns were raised by members of the CPG regarding these appointments.

Equality Network was proposed as the CPG Secretariat (current Secretariat). This appointment was seconded by Maggie Chapman and no objections were raised for this organisation continuing on in this role.

As this CPG was the Annual General Meeting, there was a general introduction of all members present in turn, a short summary of what each member does, and why they are interested in being part of the CPG.

3. Programme for Government

The first topic discussed was the End Conversion Practices Bill. Rebecca gave an update on progress toward a Bill and on the contents of the Programme for Government (PfG). It was noted that the Scottish Government's statements around continuing to develop the Bill lacked clarity and that there had been communications failures.

It was explained that the Scottish Government had since clarified that there was commitment to developing the ECP Bill, but there is no firm timeline and this was dependent on the Scottish Government's work with the UK Government. Rebecca noted that a public statement had been released by Out for Independence (the SNP's LGBTI+ affiliate) after a meeting with Shirley-Anne Somerville MSP. The statement said that

there had been assurances that, should talks with the UK Labour Government look unlikely to produce a four-nation Ending Conversion Practices Bill by the end of the Scottish Parliament's term in 2026, work would be ongoing to ensure that the Scottish Government could introduce its own Bill in this Parliament. Rebecca also noted that the Scottish Government has met with survivors and there were fruitful conversations.

Rebecca further stated that the Minister for Equalities had sent a letter to the Expert Advisory Group on 23rd September, which said the Scottish government was “committed to ending harmful conversion practices in Scotland and that our work is continuing” and “continuing in our preparations to introduce legislation to the Scottish Parliament should a legislative solution in the UK parliament not be possible.”

It was noted that further clarification was needed following this letter, especially around the EAG proposals being a ‘touchstone’ as this did not sound like a guarantee, and that more clarification is needed around the Scottish Government's red lines which would trigger them to introduce their own Bill – e.g. issues of consent, inclusion of trans people, inclusion of suppression and understanding around coercion, etc. – and more detail on the timeline, as well as non-legislative measures.

Rebecca then introduced the next item related to the Programme for Government, noting that the PfG stated that “work will also continue to develop proposals for Human Rights and Ending Conversion Practices”.

Rebecca explained that the Human Rights Incorporation Bill has been stalled by the Scottish Government and that the human rights and third sector are extremely disappointed. There have been numerous calls asking for the Scottish Government to reconsider. She noted that the bill was limited as to what it could achieve for LGBTI+ people as LGBTI+ people are not explicitly mentioned in any Treaty, and much that they might have impact on was reserved to Westminster.

Rebecca described how Shirley-Anne Somerville had stated at the HRCS Conference that the Scottish Government was “unequivocally committed” to the Bill, but that there were constraints due to devolution. She advised that the Scottish Government was working with the UK Government to alleviate this. With the new Labour government, there was genuine opportunity to engage constructively on some of the sticking points. There was a sense that the SNP felt more confident working with a Labour UK Government.

Shirley-Anne Somerville had further noted that the right to a healthy environment had been difficult and required greater exploration as it was not being directly incorporated (unlike the other treaties/rights). Rebecca's final points around Human Rights Incorporation were that the HRCS had coordinated a joint letter from the third sector to the First Minister John Swinney, which over 100 organisations had signed (17th September 2024). The HRCS had also been invited to give evidence in Parliament to the EHRCJ Committee alongside other organisations (1st October, 10:00 – 11:15am).

Rebecca briefly touched on the Misogyny Bill being part of the PfG and that this could present further challenges for the LGBTI+ community, dependent on whether the Bill was inclusive of trans women. Rebecca hoped that it would be an inclusive Bill, highlighting that Equality Network and Scottish Trans had presented evidence during the consultation period around the necessity of including trans women and the diversity of LGBTI+ women in general.

The floor was then opened to questions and comments on both Ending Conversion Practices and Human Rights Incorporation.

Jamie Greene asked: In relation to CP, if the UK government puts forward a Bill that is comprehensive, would that require a bespoke Bill in Scotland? Did you get the impression that a Bill would be squeezed in before 2026, not just from a time point of view, but in terms of scrutiny of the Bill? We have been losing a lot of members' Bills because we are being told that there is not enough time, how realistic would it be to see a Bill?

Rebecca replied stating that it would be helpful if an MSP could ask these questions in Parliament. She explained that if a Bill was brought forward by the UK Government then this would need to be up to the standard of the current Scottish Government proposals for a bill. She expressed concerns that if the UK Government did put forward an inferior Bill, it was unclear when and why the Scottish Government would decide to introduce their own. Rebecca explained that while the hope in this context was that the Scottish Government would work collaboratively with the Labour Government, and that a UK-wide Bill would be well thought-out and include survivors, realistically this would mean that the UK Government was already developing and advancing work on this, and making a decision on the Bill by early next year/spring the progress is not known. Whether this would happen was felt to be unclear.

Tristan Grayford responded to this, noting that he had had a similar meeting with the Scottish Government to Rebecca, and had asked similar questions around red lines, when early progress on the Bill would be seen, and at what point would the Scottish Government say 'we need our own Bill', and what the timeframe would then be for this. He explained that the main concern was that the UK Government had said it would only bring forward a draft Bill by next year, but that again clarity was missing on this. Tristan emphasised that there needed to be fixed dates and red lines, and that these needed to be communicated publicly in order that the community felt there was a backstop as a safeguard. He concluded by stating that there were serious concerns from ECP about the Bill and progress on this, and asked: what was the reassurance felt by Equality Network?

Rebecca responded, explaining that there had been some reassurance felt by survivors due to the commitment that appeared to be there from the Scottish Government and as a result of the non-legislative measures that were evidently continuing to be developed. Rebecca noted that it had been the very honest, frank and open conversation, as well as keeping survivors in the loop, that had brought some comfort.

Paul Daly from LGBTYS then commented, stating that he did not feel terribly optimistic about the Bill and that it was hard to bring constructive thoughts to the discussion. He explained that he held fears around it being indicative of a de-prioritisation of such legislation by new leadership in government. He noted that at the HRCS conference there had been palpable frustration in the room, which the Cabinet Secretary had dealt with well, but that to him it seemed like both with Human Rights Incorporation and with ECP there was not something meaningful to work towards. He ended by saying that it felt like the Scottish Government were waiting to say 'we tried to work with the UK Government' closer to election time and that they would use this to avoid actually bringing any legislation to fruition.

Karen Adam noted that there are ongoing conversations around the ECP Bill.

Maggie Chapman then made a comment concerning Rebecca's first question, agreeing that it would be good to write a letter about the lack of clarity around the ECP Bill to the Cabinet Secretary.

Jordan Daly then came in, explaining that while the PfG did not include a specific mention of LGBT-inclusive education there had been progress on non-legislative measures around this. He described how over the summer there had been the insertion of a module as part of inclusive education that included conversion practices, what these are, and that signposted teachers to the CP helpline, as well as information from YoungScot. He explained that this had all been packaged, and provided for teachers, and that this was one of the quickest and most straightforward non-legislative measures to implement, as teachers now had access to this all. He concluded by saying that TIE was liaising with the Equality Unit of the Scottish Government to continue progress around this.

Mark Kelvin then spoke. He went on to flag that there was real fear amongst the trans community that the SNP were rolling back on their support for trans rights. He urged the group to look back at gender healthcare and what had happened with the GRR Bill and the fallout from that, and then apply this to the ECP Bill. He stated that the UK Government were not committing to a trans-inclusive bill and that had nothing to do with capacity. He explained that this was why understanding the Scottish Government's red lines was so crucial – that it would be reassuring to hear that if Westminster did not put forward a trans-inclusive Bill then Scotland would move forward with their own. Maggie commented that she had had a meeting with Shirley-Ann Somerville before the PfG had been published and had heard rumours about a lack of meaningful inclusion. Maggie stated that she thought this had been a real mistake of the Scottish Government, and that she had voiced this publicly. She also felt that the Scottish Government did not have clear timelines themselves. She noted that there were broad concerns around human rights in general, and the absence of any statements regarding this. Maggie then reiterated that she felt that one of the actions from this CPG may be drafting a letter to Shirley-Ann around timescales and red lines. She then asked Rebecca if Equality Network would be happy to pull this together.

Rebecca responded that she would be happy to lead on this, and that the LGBTI+ sector would develop this together, to be approved and sent on behalf of the CPG.

Maggie asked if there was anything that the CPG wanted to do regarding the Human Rights Incorporation Bill.

Rebecca responded that the Bill team were currently trying to appease the human rights sector but that she would provide updates when more was known, but that there was not much to do while the wrangling continued.

Eleanor explained that there had been wider concerns around the complexity of the Human Rights Bill and the shape it was in, even before it was dropped.

Maggie Chapman agreed, noting the previous issues with the UN CRC Bill and that it was complex. She mentioned that there was some non-legislative work going on, for example, around the Public Sector Equality Duty (PSED). She stated that this had been the 'forgotten cousin' of other equalities work, but that there should be work around this happening and that the Equalities Committee would be taking an interest in this.

Jamie Greene then suggested inviting the Cabinet Secretary to a CPG meeting. He noted that there was interest from members in the chat about this and that it would be a useful way to gain some greater clarity on the issues raised so far.

Maggie Chapman expressed that she appreciated that there was a lot of anger and frustration around all of this, but that it had been good to have productive conversation this evening and to channel this into actions.

Jordan Daly wrote in the chat that the Scottish Government had said that they were: "Continuing to develop and embed social justice, rights, and equalities across education, through implementation of both our Learning for Sustainability Action Plan to 2030 and the recommendations of the Anti-Racism in Education Programme." He explained that the LGBT Inclusive Education policy framework would fall within the scope of this, and that this was included in the social justice, rights and equalities reform work meaning that it would continue to be implemented throughout this PfG.

4. Social Media and Anti-LGBTI Hate Speech

Rebecca introduced the fourth agenda item, highlighting that this had specifically been included at the request of a community member of the CPG. As they were not present at this meeting Rebecca started off the discussion by raising some of the points around this item.

She explained that the rise of anti-LGBTI+ rhetoric in the media, news and by politicians had spilled out over onto social media, and that this had been a horrific situation, with a detrimental effect on the community but equally on perceptions of the community.

Rebecca highlighted that this was a unique situation in which anti-LGBTI+ hate speech largely took place online, and that this could differ from in-person via dog whistles, memes, emojis, etc.

She explained that the GLAAD Guide to Anti-LGBTQ Online Hate and Discrimination highlighted that the “most prevalent and egregious terms, tropes, and concepts that are used to harass, attack, and spread malicious misinformation about LGBTQ people on social media”.

She went on to say that at the same time as this, social media companies had failed to moderate extreme anti-LGBTI+ hate speech, in particular anti-trans hate speech, which remained widespread across Instagram, Facebook, Threads and X. She stated that GLAAD had reported various social media posts for anti-trans hate content via Meta’s standard reporting systems, to which Meta had replied that the posts did not violate their terms, or simply did not take action on them.

Rebecca stated that, whilst freedom of expression was a human right, it could be limited in certain circumstances and could not be used to harm others or to discriminate. She explained that the right to freedom of speech could be used to protect ideas that shock, offend and disturb, but that discrimination, violence, and hate speech were not protected by this right. However, anti-LGBTI+ campaigners had become emboldened on social media, often citing their freedom of expression to justify indulging in hate speech.

Rebecca did note that freedom of expression had an important role to play in debate in any democratic society. However, she highlighted that not all conduct could, or should, be framed as a legitimate ‘debate’ when it caused harm to others. She expressed that this was particularly true for the trans community, due to this group repeatedly having their identity called into question in the news, media, and online by the use of phrases like “transgenderism” and “gender ideology”, which pathologised the trans community without recognition that being trans was an intrinsic identity. Rebecca argued that this could not be seen as a ‘debate’, but rather as the targeted harassment of a marginalised community, whose human rights were already more at risk.

Karen Adam responded that this was a difficult topic and that she would be happy to work with other parliamentarians to do something about this, and noted that it would also be good if members of the public could raise it when they see it, for example by writing in.

Heidi then responded and referenced a debate that was happening next week about the LGBT community participating in sport. She explained that the motion in question was being posed as celebratory of women and girls, but that in reality it was about blaming trans people, and that the tone was very wrong. Heidi mentioned that she had questions around both why that motion had been submitted, but also around what the Parliament was going to do to protect against this sort of motion being accepted. For reference, the debate on this motion can be found here: <https://www.parliament.scot/chamber-and-committees/votes-and-motions/S6M-14496>)

Maggie commented that there were things that should not have been allowed to happen or to go ahead in the chamber. She highlighted that it was possible for folk to write to the Presiding Officer about events / motions etc. but that she knew from her role on the corporate board that hardly any of these were acted upon by the Presiding Officer. She stated that it could feel that you could shout about it, but that it 'goes into the ether', referencing the 'lanyard debate' earlier in the year.

Micah then spoke, noting that the debate was going to get attention next week, and that with social media this would be the dominant thing that got reported or focussed on. Micah asked the MSPs present at the CPG to emphasise or reach out to colleagues to be positive and supportive and to try to take away 'negative heat'. Micah expressed that this was not happening 'anywhere near enough', and that this eroded the energy of the community to participate.

Maggie then asked the CPG members if they felt that they would like her and the other MSPs present to engage in the debate next week, or not to dignify it.

Heidi responded that she would appreciate sensible contributions to the debate, and especially contributions that called out the dog whistles and misinformation. She noted that LEAP Sports was currently working on a short briefing.

Paul Daly then spoke, stating that it was frustrating for those working in the sector to think about and deal with dog whistles, but even more

difficult when it spilt out and was reported in the media. Paul commented that the community needed MSPs to say: why are you asking these questions about things that happened 10-15 years ago, what is the motive, what are you really asking here? Paul explained that it came from not wanting young people to identify as queer and trans, and that we all could see this but that it does not get called out in that way. He concluded that there needed to be a far more responses in chamber.

Karen Adam noted that what was helpful for MSPs was if the sector could help with how they wanted MSPs to respond. She mentioned that there were fine lines between engaging and not engaging and what worked best, but that she would appreciate feedback on this and what the community felt.

Maggie agreed with Karen, asking: do we dignify it or not? Do we do something positive instead?

Jamie interjected, stating that he wanted to confess that his secretary had signed the motion but that he had requested that his name be taken off. He noted that he had been tempted when he first saw the motion to amend it, but thought that this would have drawn more attention to it, and that it could have given the opportunity for the proponent of the motion to think that they had sparked debate, and thus increase opposition. Jamie lamented that unfortunately it was a party colleague who was bringing forward the motion, but that he had to 'pick his battles' and decide when to engage, as it could be 'career limiting'. He explained that motions could be submitted on anything, but that to get them to the chamber they had to have a good deal of support, and that this particular motion did have four political parties supporting it. He suggested that sometimes the best strategy was not to give these things attention and to not engage, stating that people do not tend to pay attention to member's bills. He concluded by saying that there was also the other option to go in 'all guns blazing'.

Liam commented that something Jordan and he had been contending with was nonsense about what inclusive education was. He explained that historically TIE's approach to this had been not to engage, but that they had now decided they had to begin engaging because the myths could be so damaging to friends and loved ones. He described how when people got clips or air time with no response it was important to remember that there were real people at the sharp end of this, and he felt that this needed to be directly challenged. He then stated that he

thought the time of 'suffocating transphobia' had been and gone, that it could feel like the internet had been lost and that the far right had won, but that we had to make the choice and say: Are we going to fight and stand and try?

Mark agreed with Liam that courage and leadership was needed. He noted that LGBT Health had been getting messages from people in America telling them how much it meant to them to see legislators showing support for LGBTI people. He concluded that the time for allowing individuals both within and outwith Parliament to go unchallenged had gone.

Jordan reassured CPG members that this was not only in Scotland. He told the group that TIE had been engaging with counter-extremism experts in Germany and London and that they had been learning a lot more about how to proactively counter narratives. He stated that there seemed to be agreement people had to be met where they were and that not challenging things or meeting them head on allowed narratives to grow. He explained that from an organisational point of view, TIE was a third sector organisation with six individuals, and that could raise the question of: do we get involved? Do we risk inflaming the situation? He further explained that when someone with a million followers on Twitter starts a pile on, this could lead to one of their staff dealing with 100s of hateful comments. He highlighted that for TIE, speaking up and challenging things was not as simple as in 2017, that it was a completely different climate, and there were now far more concerns around safety.

Jordan explained the huge role that disinformation had had in bringing us to this point, stating that organisations could put out factsheets, that they could ensure that if people were googling information then factual information could rise to the top by hitting key words, but he acknowledged that social media platforms may be beyond reach. Jordan stated that TIE was aware of the role of more extreme online discourse, noting that online disinformation and harassment could affect wider democratic participation – for example, he would never previously have had concern about giving evidence to a parliamentary committee a young gay man, but that now, while he would still do it, he would have far more concerns about safety and backlash afterwards. He highlighted issues with Scotland not having an independent fact-checking service eg when someone was reporting that children were identifying in schools as

wolves, despite that not being true there was no one to regulate this or dismiss this as false, meanwhile it got shown to many people on TikTok.

Maggie came in stating that there was no mechanism to challenge or correct members in the chamber, other than other members by verbal challenge. She asked: Is there merit in a letter from this to Parliament about the impact of what happens in the chamber on communities and organisations/staff colleagues and volunteers when disinformation is left unchecked? She explained that the Presiding Officer was aware of some of this, but that it was not clear and systematically outlined in the way that has just been presented to us. Maggie stated that she was happy to draft a letter with Jamie, Karen and facilitated by Equality Network if the MSPs so wished.

Mark then commented in response to Jamie Greene that decisions that LGBT Health as an organisation made were not career limiting but potentially 'life limiting'. He stated that he could not say enough the impact that allowing these debates had on the LGBTI+ community. He expressed anger about the idea of engaging being 'career limiting', as it was the 'least of our community's concerns'. He noted that the number of calls that LGBT Health make to the police about safety were increasing exponentially, and noted that this would not be accepted in other groups, but that it was accepted in the trans community. Mark continued that LGBT Health was quite a small organisation but that they did not have the option to tune out, despite their staff team experiencing it all the time. He highlighted that it had an impact on how he worked with his staff, and that it could be good to get together as a sector and acknowledge that it could not be avoided. He mentioned having resources available and that perhaps organisations could support one another in this space.

Tristan commented that he was often asked on behalf of others to speak out as he did not have the same security issues as others in community had, but that it was limiting everyone with multiple marginalisation in speaking out or engaging. He mentioned that four years ago when ECP started their approach had been to get on with things when people were anti-trans but that now he had realised that it lets them control the space. He encouraged learning across the sector/groups in order to not make mistakes or learn what works.

Jamie Greene responded to Mark stating that he wanted to be clear that he was in no way diminishing the effect that the narrative has, that he

had never been afraid to challenge such language but that there was a dilemma: whether the best response was to fuel or fight the fire. He noted that there seemed to be a lot of support for fighting the fire amongst the CPG members, but that he had to be honest about internal wranglings, explaining that it could be easy to shout at the opposition but harder when it was your own party, and that added a level of difficulty.

Karen Adam commented positively on Jordan's ideas.

Maggie Chapman responded that it would be good to have a chat and see how this could be brought forward to the Committee, stating that she and Karen would have a think about what might be able to be done at the Equalities, Human Rights and Civil Justice Committee around disinformation.

Micah highlighted that when they looked at the representation of Parliament there was not a 'me' there, and thus it was important that members were willing to speak on behalf of communities that did not have physical representation in the bodies themselves. Micah ended by stating appreciation the people in the CPG.

Vic Valentine said that they were happy to share resources on effectively communicating about trans people, if those would be helpful to any members

Maggie Chapman then asked: Would the group like us to draft a letter about disinformation and the impact it has on community?

This could be crafted also around speech and language in the chamber. There was agreement from members about this action. This is to be facilitated in partnership with the Secretariat.

5. Requests to Join This CPG

Rebecca noted there were three requests from individuals to join the CPG: Cal Barnett, Dagny Gaskin, and David Weir. All three requests were approved by CPG members and no objections were raised.

6. Updates to other matters/AOB

Rebecca asked if there was any other business that needed to be discussed. Paul spoke, noting that he had been at the Mental Health

CPG earlier today and that due to lack of support from MSPs and no secretariat going forward, that CPG had now folded. Paul wanted to acknowledge the secretariat of this CPG and to the MSPs to attend as he knew there was a lot of work that goes into this and that he would like to thank all involved.

Maggie emphasised that the secretariat did all the work, which Jamie seconded and thanked Rebecca and Equality Network.

7. Consideration of Items for Upcoming Meetings

Maggie suggested that in a future meeting a letter to Shirley-Ann could be discussed as the first thing, and that this may determine the date of the CPG.

Jamie responded that he felt the best thing to do would be to write to her and get this signed by the MSPs that were here.

The final point of the CPG was raised by Jordan who asked whether the CPG could add in discussing strategies for addressing disinformation as a specific item to expand/build on tonight's discussion.