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Equalities, Human Rights and Civil Justice Committee

Annual Report of the Equalities, Human Rights and Civil Justice Committee for 2021-22



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Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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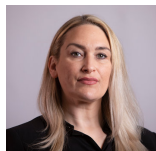
Committee Membership



Convener
Joe FitzPatrick
Scottish National Party



Deputy Convener
Maggie Chapman
Scottish Green Party



Karen Adam
Scottish National Party



Pam Duncan-Glancy
Scottish Labour



Pam Gosal
Scottish Conservative
and Unionist Party



Fulton MacGregor
Scottish National Party



Alexander Stewart
Scottish Conservative
and Unionist Party

Introduction

1. This annual report covers the work of the Equalities, Human Rights and Civil Justice Committee during the Parliamentary year from 13 May 2021 to 12 May 2022.

Membership Changes

2. There were no changes in Committee membership during the reporting year.

Meetings

3. The Committee met 25 times during the reporting period: 4 meetings were held entirely in private and 24 included items in private. The reasons for taking business in private included to consider the Committee's work programme, to consider draft reports or to consider evidence heard during meetings.
4. In addition, the Committee held a number of informal, private engagement sessions. These are reflected throughout this report and summarised in the Engagement and Innovation section.

Inquiries and Reports

Petition PE1817: End Conversion Therapy

5. [Petition PE1817: End Conversion Therapy](#) was lodged in July 2020. Our Session 5 predecessor committee agreed to keep the petition open and refer to its successor committee for this session.
6. At its first meeting on 23 June 2021, the Committee agreed to undertake an Inquiry on the Petition and launched a call for views which ran from 6 July to 13 August 2021. The majority of the 1400 responses to the call for views were from individuals in support of the petition; 76 were from organisations.
7. The Committee took evidence on the petition at its meetings on [7](#), [14](#) and [21](#) September and on [2](#) and [16](#) November 2021.
8. In addition, the Committee agreed it was important for its consideration of the petition to hear from individuals who had experienced conversion practices. It conducted two private, informal engagement sessions, in a secure setting on 26 October 2021 and viewed video testimonies from three other individuals in private on 23 November 2021. Notes of the engagement sessions and the video testimonies are published on the [petition webpage](#).
9. The Committee published its [report on the petition on 25 January 2022](#). In [correspondence to the Committee](#) (17 November 2021) and in [response](#) (10 March 2021) to the Committee's report and in the subsequent [committee debate on 15 March 2022](#), the Scottish Government committed to bring forward legislation as far as is practical within the powers available to it by the end of 2023, and the establishment of an Expert Advisory Group on Conversion Practice to inform the development of such legislation.

Women's unfair responsibility for unpaid care and domestic work

10. The Committee undertook work in this area following evidence it received as part of its pre-budget scrutiny. Members heard that the burden placed on women in relation to unpaid caring duties for elderly parents and children and an increase in domestic work during lockdown, and as the country emerges from the pandemic, is likely to have a long-term negative impact on their future rights and economic prospects.
11. The Committee took evidence at its meetings on [7](#) and [14](#) December 2021 and on [1](#) and [8](#) March 2022. It expects to further explore this issue in the next reporting period.

One-off evidence sessions re civil justice remit

12. With its added remit of civil justice matters the Committee held three evidence sessions. The first, on [30 November 2021](#), focused principally on the pros and cons of digital justice within the civil justice sector.
13. On [22 February 2022](#) the Committee held a roundtable session on family law, particularly as it applies to disputes between parents about the care of their children.
14. Following from that meeting the Committee held a further session on [19 April 2022](#), this time focusing on children's participation in the courts' decision-making processes.

One-off evidence session on gypsy/travellers in Scotland

15. At its meeting on [22 March 2022](#) the Committee held a one-off evidence session on Gypsy/Travellers in Scotland.
16. The lives of Gypsy/Travellers in Scotland have been a matter of longstanding interest to predecessor committees. The Committee used this meeting to hear about progress on implementation of the joint action plan published in 2019 by the Scottish Government and COSLA.
17. The Committee hopes to undertake further work in this area in the next reporting period.

Bills

Miners' Strike (Pardons) (Scotland) Bill

18. The [Miners' Strike \(Pardons\) \(Scotland\) Bill](#) along with accompanying documents was introduced in the Scottish Parliament by the Scottish Government on 27 October 2021.
19. The purpose of the Bill is to provide a pardon for miners who were convicted of certain offences - including breach of the peace, breach of bail conditions and obstructing police - during the 1984-1985 miners' strike. The offence must also have been committed while the miner was taking part in a picket line, demonstration or similar gathering in support of the strike or while travelling to or from a picket line, demonstration or similar gathering. If the Bill is enacted a pardon will apply automatically without an application needing to be made.
20. The Committee issued a call for views which ran from 3 December 2021 to 14 January 2022, with 48 responses received. In advance of its formal evidence sessions, the Committee heard in private from officials in the Scottish Government Bill Team on 23 November 2021, to understand the context to the Bill in advance of its formal evidence sessions.
21. Formal evidence sessions were held on [11 January 2022](#), at which the Committee heard from miners' representatives, academics and police representatives, and on [8 February 2022](#) when it heard from the Cabinet Secretary for Justice and Veterans.
22. In addition, the Committee held a private, informal engagement session on 1 February 2022, facilitated by the Participation and Communities Team, when it heard from miners and their families to hear first-hand about the impact the strike had on their communities and their views on the provisions of the Bill. [Notes from that session](#) are published on the Committee's web page.
23. The Committee published its [Stage 1 report](#) on 18 March 2022. The Stage 1 debate followed on [31 March 2022](#) with Stage 2 completed on [10 May 2022](#).

Gender Recognition Reform (Scotland) Bill

24. The Committee was designated lead committee for scrutiny of the [Gender Recognition Reform \(Scotland\) Bill](#), which was introduced on 2 March 2022
25. The introduction of the Bill was complemented by a [Ministerial Statement](#) from Shona Robison, Cabinet Secretary for Social Justice, Housing and Local Government on 3 March 2022.
26. The Bill amends the [Gender Recognition Act 2004](#) to reform the grounds and procedure for obtaining legal gender recognition. The process under the GRA has been in place since 2005. Applicants must either have been born in Scotland or be ordinarily resident here.

27. The Committee considered and agreed its approach to scrutiny of the Bill at its meeting on [15 March 2022](#).
28. The Committee opened two calls for views on 21 March 2022: one in a [short-form survey format](#); the other providing the opportunity for respondents to provide [detailed responses](#).
29. Both call for views close within the next reporting year. The Committee will begin its consideration of the responses and commence oral evidence sessions in the next reporting year.
30. In advance of the formal evidence sessions, the Committee held private, informal engagement sessions, in a secure and safe space facilitated by the Participation and Communities Team, with trans people with lived experience of the gender recognition process. [Notes of those meetings](#) have been published.
31. Also in advance of the formal evidence sessions the Committee received a briefing from the Scottish Government Bill Team, to understand the context to the Bill. A [note of that briefing](#) has been published.

Pre-Budget Scrutiny 2022-23

32. As part of its [pre-budget scrutiny 2022-23](#) the Committee launched a short Call for Views, which ran from 1 to 24 September 2021 and generated 20 responses.
33. The Committee took evidence at its meetings on [28 September 2021](#) and on [5 October 2021](#) when it heard from the Cabinet Secretary for Social Justice, Housing and Local Government.
34. The Committee wrote to the Cabinet Secretary on [5 November 2021](#), indicating how its focus has been on human rights budgeting. The Cabinet Secretary replied on [13 December 2021](#).
35. The Committee took further evidence on [25 January 2022](#) and agreed to a SPICe Fellowship to work on a case study to assist it in developing practical and meaningful ways of understanding and scrutinising the budget from a human rights perspective. Work on this will be taken forward in the next reporting period.

Subordinate Legislation

36. During the course of the reporting year, we considered—

- Seven SSIs subject to the affirmative procedure; and
- Six SSIs subject to the negative procedure.

Engagement and Innovation

37. The Committee held a number of private, formal and informal briefings and engagement sessions over the course of the reporting period.
38. It received private briefings from the respective Scottish Government Bill Teams on the Miners' Strike (Pardons) (Scotland) Bill (23 November 2021) and the Gender Recognition Reform (Scotland) Bill (15 March 2022). The purpose of these briefings was to help the Committee to better understand the provisions in the respective Bills before commencing formal evidence on them at Stage 1.
39. On 26 October 2021 it held two private, informal engagement sessions with people who had experienced conversion practices. The sessions were coordinated jointly between the Parliament's Participation and Communities Team and the Equality Network. Sessions were facilitated by members of the Equality Network, Stonewall Scotland, Scottish Trans Alliance and LGBT Youth Scotland, with Scottish Parliament staff taking notes.
40. On 1 February 2022 the Committee held an informal, private engagement session with individuals who had lived experience of the 1984-85 miners' strike.
41. On 26 April and 3 May 2022 the Committee held private, informal engagement sessions with trans people in advance of its formal Stage 1 scrutiny of the Gender Recognition Reform (Scotland) Bill.

42. Overview of committee statistics for the reporting year



98

Number of people who gave evidence representing 66 organisations



Bills scrutinised



25

Committee meetings



SSIs considered



Reports published

