

19 December 2022

Dear Clerk to the Committee,

33rd Meeting, Equalities, Human Rights and Civil Justice Committee, Gender Recognition Reform (Scotland) Bill, 19 December 2022: Supplementary information

During the Committee's [Session on 6 December 2022](#) (Scottish Human Rights Commission), information was sought by members as to the SHRC response to matters raised by the UN Special Rapporteur on Violence Against Women and Girls (UNSRVAW) in her letter concerning the Gender Recognition Reform (Scotland) Bill in her [letter to the UK government of 29 November 2022](#).

The Chair of SHRC gave evidence that the SHRC's stood by its [evidence on the Gender Recognition Reform \(Scotland\) Bill given to the Equality Human Rights and Civil Justice Committee in June 2022](#); and that the SHRC was still working on its response to the UNSRVAW's letter.

On 7 December, SHRC published a [Briefing on the Gender Recognition Reform \(Scotland\) Bill \(scottishhumanrights.com\)](#) in which the SHRC sought to address points raised by the UNSRVAW in her intervention.

As a Commissioner of the Scottish Human Rights Commission, my role and responsibilities are defined by the [Scottish Human Rights Commission Act 2006](#), the [UN Paris Principles](#) relating to the status of National Institutions, my terms of appointment by the Scottish Parliamentary Corporate Body, and the SHRC Commissioner's Handbook (2022), the latter incorporating the Nolan Principles.

In this context, to supplement and update the oral evidence provided by SHRC on 6 December 2022, I am writing to clarify for Committee members that neither the SHRC's [Briefing on the Gender Recognition Reform \(Scotland\) Bill \(scottishhumanrights.com\)](#) nor its response to the UNSRVAW's letter were subject to collective discussion or decision amongst Commissioners.

In addition, the Gender Recognition Reform (Scotland) Bill was discussed by SHRC at its formal Commissioners' meeting on 7 November 2022. Whereas one Commissioner tabled a paper addressing the legal analysis advanced by SHRC in its previous public positions on the Gender Recognition Reform (Scotland) Bill, and proposed that this should be reviewed. Following discussion, a vote was called, and the SHRC's position was sustained on the basis of a majority vote (3:1).

Though delayed by extraneous factors, the latter of these matters will be reflected in the Minutes of the SHRC's 7 November 2022 meeting when duly [published](#).

I hereby copy members of the Committee in light of its further evidence session relating to these matters to be held later today.

Sincerely,

Claire Methven O'Brien

Commissioner, Scottish Human Rights Commission