



The Scottish Parliament
Pàrlamaid na h-Alba

Equalities, Human Rights and Civil Justice Committee

Mara Yamauchi

Via email only

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Dear Ms Yamauchi

Gender Recognition Reform (Scotland) Bill

Thank you for your letter of 26 May, expressing your concerns about the potential impact of the Gender Recognition Reform (Scotland) Bill (“the GRR Bill”) on women’s elite sport.

The Committee agreed its timetable for its stage 1 scrutiny of the Bill initially in March and then again in May and, as part of that timetable, considered and agreed a set of witnesses who would be invited.

The Committee is listening to views expressed as it continues its scrutiny and this list has been revised on occasions as the work has progressed and as we explored the issues within the Bill. The decision as to who gives evidence and what to focus on are matters for the Committee as a whole. As part of its scrutiny process, the Committee did agree to focus on a number of important areas of which sport is just one.

The call for written views for the Committee’s scrutiny of the Bill was well publicised and open to any organisation or individual who wished to give evidence to the Committee including elite athletes and their representatives.

We are aware that the issue of sport has been raised as an area of concern by many of those opposed to the Bill. That is why the subject is part of our scrutiny work. As you note in your letter, Section 195 of the Equality Act 2010 makes provision for sporting bodies to restrict access to sporting competition for trans people. The scope of the GRR Bill does not affect the provisions under section 195 of the Equality Act. In addition, Gender Recognition Certificates are not required to be produced to sports bodies to prove eligibility.

I have noted the specific points that you raised in your letter. However, these relate to the much broader issue of trans inclusion in sport, how the restrictions under the Equality Act 2010 are applied, and specifically whether trans women athletes retain a biological advantage. Clearly, the desire to promote inclusion and fairness while attempting to balance the rights of trans communities and elite athletes is a complex and important issue, but one which goes beyond the Committee's scrutiny of the specific provisions in the GRR Bill.

With reference to the evidence session on sport which took place on Tuesday 24 May, the Committee did not make a decision to invite an all-male panel. It agreed to invite sportscotland, Scotland's national sports agency, and LEAP Sports who are a leading LGBTI charity active in sports. While the Parliament encourages all organisations to consider diversity when choosing witnesses, ultimately it is a decision for them as to who they put forward as representatives.

Following consideration of this issue, the Committee made a collective decision not to hold a further separate session with elite female athletes.

I would like to thank you for taking the time to write to me and for your interest in the Committee's work.

Yours sincerely,



Joe FitzPatrick
Convener
Equalities, Human Rights and Civil Justice Committee