

I do want to talk about the Scottish Hate Crime Act, but I also want to emphasise how important it is to see hate crime law within a wider context. Hate crime law cannot be the only thing that we are doing. We must inspire societal change, in addition to building in protections across the board for LGBTI people.

In Scotland, we have led the world with our equalities legislation.

We have made massive strides in the past few decades. We pursued equalities legislation at a time when Scotland had widespread socially conservative views, due to strong, strict religious beliefs in many communities.

We have made quite unbelievable strides. I feel like I grew up in a Scotland that was tipping in the right direction, did so earlier than many other countries... but we haven't moved quickly enough since.

In more recent times, the situation across the UK has been fairly toxic for those who are trans or non-binary. Strongly right-wing groups have influenced societal debate, and this means that the UK is not currently as open minded, accepting, or equal as it should be. Those who are Trans Exclusionary Feminists, a group who style themselves as "Gender Critical" are pushing the view that some "gender ideology" is trying to "erase women". Many of them regularly express transphobic views, including misgendering people and implying or even stating that trans identity is invalid.

Despite this vocal, intolerant minority, the Scottish Government has made progress.

Scotland has our own legal system, established before the Union of Scotland and England in 1707.

At Scotland's devolved parliament, Holyrood, our elections have a proportional representation element, which means we are far less likely to have one party with an overall majority. Our ability to act is hindered by the reservation of

powers to the less democratically elected Westminster, where England has 82% of the seats, compared to Scotland's 9%.

Since 2007 the Scottish National Party (SNP) have been the largest party in the Scottish parliament. We have governed as a minority government, a majority government, and now in a co-operation agreement with the Scottish Green party. The SNP is a left of centre, civic nationalist group. We support Scottish independence, but we are not ethnic nationalists. We believe that those who come to live in Scotland are welcome and we consider them just as Scottish as those of us who were born here.

Through the time we have governed, we have made a number of legislative changes enshrining equality for LGBTI people and groups.

The Scottish Hate Crime Act, passed by Holyrood earlier this year, consolidates, modernises and extends existing hate crime legislation – ensuring it is fit for today's Scotland.

Previous legislation had evolved over time in a fragmented manner. The 2021 Act brought Scotland's hate crime legislation into one statute, making the law easier to understand and more user-friendly. The extensive consultative and legislative processes were designed precisely to encourage and facilitate different views to help shape effective law reform.

Crimes motivated by prejudice should be treated more seriously and can not tolerated. The Act was created to make this clear to victims, those who commit hate crimes, and wider society in Scotland.

A statutory aggravation, in the hate crime context, is where the offender demonstrated, or was motivated by, malice and ill-will based on a listed characteristic (or characteristics). If the offender is found guilty, courts must take the aggravation into account when determining the sentence. Before this act was passed, this statutory aggravation provision applied only to racial discrimination. The Scottish Hate Crime Act widened this to include age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics.

The Scottish Government pushed back on amendments that were laid about sexual orientation. In our 2014 Equal Marriage Act, we used the terminology 'persons of different sexes or persons of the same sex'. We intended to use the same terminology in this bill. It recognises and validates the existence of non-binary and intersex people and those who do not fit comfortably within either a male or female box. Some of those in the Gender Critical lobby, moved that this should be changed to 'opposite sex'. The Scottish Government rejected this. We intend to move our legislation forward, not backwards.

The second, and knottier problem, was those in the Gender Critical lobby who wished to be allowed to continue to criticise transgender identity without fear of committing a hate crime.

As I have said already, there is a toxic, febrile atmosphere. Members of Gender Critical groups often misgender trans people. We have seen threats and expressions of physical violence towards trans people. Although women should be able to raise their concerns about rape, they cannot use this as a cover for transphobia. There is no evidence that trans people commit more sexual assault crimes. In fact, trans women are more likely to be victims of sexual assault than cis women. The arguments that Gender Critical groups are making are rooted in intolerance, and scientifically wrong.

Given the increase in recent times of transgender hate, there was no reason to exempt discussion or criticism of transgender identity from this bill.

The bill was, therefore, passed. Strengthening protections against hate for LGBTI people. But, this is not and cannot be the end of the story.

In Scotland we have opened up adoption and IVF for same-sex couples, reformed blood donation rules (previously we excluded men who have sex with men), and we have established a Working Group on Non-Binary Equality. We have established and funded organisations dedicated to stopping LGBTI-related bullying and embedded LGBT-inclusive education within our school curriculum.

We have also recognised that there is an urgent need to improve access to NHS Gender Identity Services. Healthcare in Scotland is free at the point of

use, and we recognise that Gender Identity Services are necessary healthcare – not just something extra. We are therefore funding three years of crisis intervention funding to improve care, support and services.

The current Gender Recognition Act – which allows transgender people to obtain legal recognition – involves an obstructive and traumatic process. We intend to simplify this process and will lay legislation to do so shortly.

Unless the UK Government acts quickly to ban conversion therapy (some of the powers related to this are reserved and it would be a lot cleaner and more comprehensive for them to take action for the entire UK) then we will pass legislation banning it by the end of 2023.

We must consider the impact on the LGBTI community of every piece of legislation we pass. Of every decision taken whether at Governmental level or by any public sector body. This is why we are bringing forward a strategy to ensure that equality and human rights are embedded within everything we do.

The Scottish Parliament and the Scottish Government are committed to change. To moving forward, reducing intolerance, creating equality and protecting minority groups. Unfortunately our parliament does not have the powers we need to make all the changes required. We have seen UK Government Ministers, just this month, pledge to rip up the Human Rights Act. The Istanbul Convention recently had its 10th anniversary, but the UK Government still refuses to ratify it, and has not made the required changes to UK law to protect women.

In September's Council of Europe report on Rising Hate, the UK was singled out for its "baseless and concerning" anti-trans rhetoric.

The UK has shackled Scotland and is holding us back from protecting minority groups and creating the societal change we need.

I am proud of how far we have come, of the changes we have made, particularly with our limited devolved powers, where we have been forced to act against an increasingly intransigent UK Government.

And particularly in the face, recently, of a vocal minority who wish to diminish protections, particularly for transgender people. But we still have a very long way to go before we can truly say that Scotland is an equal society.