

## **LGBTI equality and the Independence referendum:**

**Response to the Equality Network's questions from Ruth Davidson MSP,  
Leader of the Scottish Conservative and Unionist Party**

### **Equality Law**

- 1. If there is a vote to remain in the UK, will your party support further devolution of equal opportunities powers, as is already the case in Northern Ireland, so that Scotland can protect the progress that has been made in recent years and deal with the deficiencies of current equality law, including:**
  - That discrimination on grounds of gender identity and intersex status are not fully covered**
  - That unlike sex, gender reassignment, race and disability, there is no protection from harassment in the provision of goods, facilities and services for the sexual orientation protected characteristic**
  - That same-sex couples are not currently entitled to equal pension provisions under private sector pension schemes**

**Would you support complete or partial devolution of equal opportunities powers?**

Although equal opportunities remain a reserved matter, since its inception the Scottish Parliament has been able to encourage equal opportunities and their observance (in a non-legislative capacity) and can impose duties on public authorities in relation to their Scottish functions. The Equal Opportunities Committee has also been established.

While these powers have their limitations, it is fair to say that their scope could be better understood and this is an on-going challenge for the Scottish Parliament. Beyond that, when it comes to issues such as equal pension provisions, these are best dealt with at a UK level – as our social union underpins economic union and we believe it is important that the two are not detached from one another.

- 2. If there is a vote for independence, will your party support protecting equality in the written constitution of Scotland, including on grounds of sexual orientation, gender identity and intersex status?**

If Scotland does vote to leave the United Kingdom, then it is the policy of the Scottish Government to call a constitutional convention. If this were to transpire, then it will be up to the people of Scotland to decide what provisions are included in any future written constitution and I would not wish to pre-empt this.

**3. In your view, would a vote to remain in the UK or a vote for independence be better for the future of equality law in Scotland, and why?**

As the Equality Act 2010 demonstrated, at a UK level it is possible to strengthen and simplify existing legislation while introducing new laws that protect individuals from discrimination. As the economy is one of the Union's great strengths, we should aim to preserve the single-market in goods and services and the free movement of labour, which in turn necessitates an UK-wide approach to the advancement of equal opportunities.

**Leadership and Resources**

- 4. If there is a vote to remain in the UK, in what ways will your party ensure that Scotland commits adequate leadership and resources on efforts to secure LGBTI equality and human rights through public services?**
- 5. If there is a vote for independence, in what ways will your party ensure that Scotland commits adequate leadership and resources on efforts to secure LGBTI equality and human rights through public services (e.g. promoting equality in schools, tackling hate crime)?**
- 6. In your view, would a vote to remain in the UK or a vote for independence be better for the future of efforts to secure LGBTI equality and human rights through public services, and why?**

4/5/6: Regardless of how Scotland votes on 18<sup>th</sup> September, the Scottish Conservatives are committed to promoting LGBTI equality. Therefore, in a very real sense, issues such as tackling hate crime or ensuring equality in schools can be separated from the broader constitutional debate we are currently having.

To take just one example, both the UK and Scottish governments have taken action to tackle hate crime. In 2012 the UK Government published *Challenge it, Report it, Stop it* – the hate crime action plan, while the Scottish Government has invested significantly in its Equality Funding and Tackling Sectarianism Funds.

Of course, Justice and Education are both devolved matters and, as a consequence, the Scottish Government already possesses the necessary competencies to promote equality in schools and rid our streets of abusive behaviour.

This notwithstanding, there is still much to be done in terms of tackling prejudices, improving education and ensuring that victims have the confidence to come forward. No matter how the people of Scotland vote, the Scottish Conservatives are committed to taking this agenda forward.

## **Foreign Affairs and International Development**

- 7. If there is a vote to remain in the UK, how will your party ensure that Scotland is able to play its part in promoting LGBTI equality and human rights around the world?**
- 8. If there is a vote for independence, how will your party ensure that Scotland has a strong influence promoting LGBTI equality and human rights around the world, for instance through diplomatic efforts and the provision of aid?**
- 9. In your view, would a vote to remain in the UK or a vote for independence better enable Scotland to promote LGBTI equality and human rights around the world, and why?**

7/8/9/: While all political parties are committed to promoting LGBTI equality and human rights around the world, I strongly believe that by remaining as part of the United Kingdom, Scotland would be better placed to further this agenda.

I argue this because of the extensive diplomatic network that the UK currently enjoys. As the Scottish Government's White Paper makes clear, a separate Scotland would have a much lighter footprint on the international stage – both in terms of embassies and when it comes to wielding influence within international organisations.

In 2011, after a court in Malawi sentenced two gay men to 14 years hard labour, the Prime Minister announced a £19 million cut in aid to Lilongwe. Thanks to our large foreign aid budget – which the current UK Government has protected from cuts – Britain is able to apply diplomatic pressure when human rights are violated.

The Department for International Development, in accordance with the Foreign and Commonwealth Office and the Government Equalities Office, has worked hard to promote LGBTI rights. From Ric Todd in Poland to Jon Benjamin in Chile, many of our ambassadors have marched proudly in support of gay rights and, in 2011, Mark Gooding, who is openly gay, was appointed ambassador to Cambodia.

Moreover, across the world Britain has helped to fund various organisations dedicated to safeguarding LGBTI rights. From Aphrodite's Pride in Jamaica, to KAOS in Turkey, grassroots organisations have benefited from Britain's support.

With less diplomatic clout and a smaller international aid budget, an independent Scotland would be less likely to affect change. This is not to question the motives of any future Scottish Government, but it is to make the case that a separate Scotland would lack the necessary capacity to forward a comparable global human rights and equality agenda.

## Asylum

- 10. If there is a vote to remain in the UK, will your party support the improvement of the UK's asylum processes so that LGBTI people with a well-founded fear of persecution in their home country because of their sexual orientation, gender identity or intersex status, can find asylum in the UK?**
- 11. If there is a vote for independence, will your party ensure that Scotland welcomes LGBTI people seeking asylum from their home country because of a well-founded fear of persecution on grounds of their sexual orientation, gender identity or intersex status?**
- 12. In your view, would a vote to remain in the UK or a vote for independence be better for the future of asylum provision in Scotland, and why?**

10/11/12: The UK has a proud tradition of providing a place of safety for genuine refugees. Many of those who come to Britain seeking asylum have suffered terrifying experiences and made a huge effort to reach our borders, and it is important we treat them with dignity and respect.

In the wake of Stonewall's 2010 report *No Going Back: lesbian and gay people and the asylum system*, the Coalition Agreement pledged not to remove asylum seekers from the UK if they are at a proven risk of persecution due to their sexual orientation or gender identification.

While each case must be assessed on its merits, I welcome the changes to the asylum system enacted by the current UK Government and believe it represents a fair approach which balances the right to claim asylum with safeguarding UK border security

## Summary

- 13. In your view, why should LGBTI people in Scotland vote to remain in the UK or vote for independence, both in terms of LGBTI equality and also more generally?**

A No vote is not a vote for no change, it is a vote for a stronger Scottish Parliament with more powers, ensconced within the broader framework of the United Kingdom.

I firmly believe that this is the best approach to safeguard Scotland's future prosperity. The UK boasts the fastest growing economy in the G7, the most professional armed forces in the world and a seat at the top table in international affairs.

If we walk away from all that, then we are leaving behind not only over 300 hundred years of history, but part of our identity as well. I am proud, patriotic Scot, but I get to be British too and I would hate to see family and friends in England, Wales and Northern Ireland become foreigners.

Scotland benefits substantially from being part of the UK, not just economically, but socially and culturally too. I am confident that LGBTI people realise this and recognise the many questions surrounding independence that have yet to receive any satisfactory answers.

While the Scottish Conservatives are committed to advancing equality and human rights whatever the result on September 19<sup>th</sup>, I do believe that the strength and security of the United Kingdom, not to mention its broad diplomatic reach, will enable us to take further steps both here, and around the world, to ensure that all citizens – no matter their sexuality or gender – are able to go about their daily lives free from either harassment or discrimination.