

LGBTI equality and the Independence referendum:

**Response to the Equality Network's questions from Willie Rennie MSP,
Leader of the Scottish Liberal Democrats**

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?

The Scottish Liberal Democrats want to build a stronger economy and a fairer society. We are clear that we want a modern, tolerant Scotland free from discrimination because of race, religion, disability, gender or sexual orientation. We want to continue to make progress towards that Scotland within the UK based on freedom from ignorance, poverty and conformity - that is our vision.

We believe in home rule for Scotland as part of a federal United Kingdom. In the report *Federalism: The best future for Scotland*, the Campbell Commission set out our view of what a federal UK would look like and the way in which powers could be divided across the legislative bodies.

Alongside devolved and reserved powers, the report set out a third category of powers called partnership powers. Partnership powers would be areas in which either the Scottish or the UK government may have the policy lead, but the two governments would have a legal duty to consult the other on a partnership basis. Each government would also have the right to develop a proposal and ask the other government for support to implement it in the policy areas controlled by that government. There would then be a legal duty to consider such support.

In this case, powers over discrimination law could be given as a policy lead to the Scottish government, in addition to areas like anti-harassment law. The UK Government would likely take the lead on areas like pension schemes, as the report backs a single system of pensions across the UK because of things like the regulatory regime required.

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?

We would support protecting equality and basic human rights for all in an independent Scottish constitution. Liberal Democrats believe that everyone should be free to conduct their lives as they choose so long as it does not impinge on someone else's freedom.

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?

We believe that Scotland as a strong, vibrant part of the UK is best placed to tackle equalities and human rights issues. The UK has made real progress on equality in recent years both at home and abroad. As part of the UK Government, the Liberal Democrats have been strong defenders of the rights of women, ethnic minorities, LGBTI and disabled people.

At home we led the way on same-sex marriage and abroad we are contributing 0.7% of GDP to international development; tackling gender-based and sexual violence; fighting for religious and sexual freedom; and championing the rule of law overseas. As part of the UK we have one of the biggest networks of embassies and consulates in the world campaigning for progress on LGBTI issues and human rights in hundreds of countries every day.

We do of course recognise that there is still a great deal of work to be done, but changing the constitution is not a panacea for ending inequality in Scotland. The Equality Act 2010 has been an important piece of legislation in that regard, bringing together and extending discrimination law to protect people across society. Under the Equality Act 2010, for example, a business is not legally allowed to refuse to serve customers or to offer a poorer quality of service to customers because of a protected characteristic. These protected characteristics include sexual orientation, gender reassignment and religion or belief.

A report by the International Lesbian and Gay Association Europe concluded that the United Kingdom is the best place in Europe for gay, bisexual, transgender and intersex people in terms of legal rights. The report rated 49 European countries on over 40 different categories, including access to good and services, workplace rights and hate crime laws. The UK topped the league table with a score of 77%, followed by Belgium in second place and Norway in third. The report shows the progress we have made and continue to make as part of the United Kingdom, progress which is transforming people's lives.

As part of the UK Government and in opposition at the Scottish Parliament, Liberal Democrats have kept equalities issues on the agenda. Whatever the outcome of the independence referendum on 18th September we will continue to work to build a fairer Scotland and a fairer UK. But we do not believe that independence is the only path or the best path to achieving the more equal, open and tolerant society which we want to see in Scotland and around the world.

At home and abroad as part of the United Kingdom we are using our resources and our influence for good, standing up for our common beliefs and values. We want this work to continue and we believe that as part of the UK Scotland is best placed to see change and to lead change on issues of equality.

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?

We are committed to equal access and enjoyment of public services for all. Many of the public services we rely on each day, such as health and education, are already devolved which means that the Scottish Parliament is able to take the decisions which are best for Scotland.

Ensuring equal treatment in the healthcare system is a key concern for us, and we would champion that regardless of the result of the referendum. In particular we want to see parity between physical health treatment and mental health treatment introduced in Scotland as it has been by Liberal Democrats in England.

We want to lead the fight against mental ill health that often disproportionately affects young LGBTI people. At our most recent conference, the Scottish Liberal Democrats called for an end to gay conversion therapy in a motion led by Liberal Youth Scotland. Liberal Democrats want to lead the way in tackling the stigma and discrimination which too many people still face because of their sexual orientation. Across the UK, few things unite people like our belief in the NHS. Founded on the principles that it should meet the needs of everyone, that it should be free at the point of delivery, and that it should be based solely on clinical need, it remains a source of pride in which each and every one of us has a stake.

Despite the financial pressure of the global financial crisis, the NHS budget has been protected and NHS funding rises each year. The publicly-funded NHS was this year ranked best healthcare system across the 11 richest countries in the world and we are determined to keep it that way.

We also believe that we need to ensure that the use of homophobic and transphobic language in schools is taken seriously and that the police use the powers they already have to tackle hate crimes in wider society. We welcome measures like third party reporting which can help individuals who are concerned about going direct to the police to report crimes against them.

We are currently considering our equality policy for 2015, and as part of that we are examining how to tackle health inequalities among LGBTI people, improve protection from hate crimes, change the law to benefit transgender and intersex relationships, and continue to promote LGBTI equality at home and abroad.

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)?

Health, education and policing are already devolved, and the Scottish Parliament has a strong record of promoting equality in public services. A constitutional change is not necessary to continue to improve LGBTI equality in Scotland and, as previously stated, we believe that further progress is best facilitated by being part of something bigger.

We also believe that the risks to the Scottish economy which come with a Yes vote would put our public services under enormous pressure. The Institute for Fiscal Studies has shown that Scotland would need to raise taxes or cut public spending to the tune of £6 billion. This would not be good for our services or for the equality agenda.

Whilst we do not think that a Yes vote would be in the best interest of Scotland, in the event of independence we would of course continue our work to end discrimination and do all that we can to help to build a more inclusive and tolerant society.

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?

A vote for No on 18th September is not a vote for no change but a vote for further progress as part of the United Kingdom family of nations. We believe that together as the UK we are much more than the sum of our parts and that being part of something bigger allows us to tackle equality and human rights issues more effectively both at home and around the world.

Tackling global issues is sometimes the easy part: the inequalities are so stark; the prejudices so unimaginable; the injustices so horrific that they are plain to see. Carl Thomas Rowan was an American government official, journalist and author. Much of his time as a journalist was spent covering the news coming from the civil rights movement - he said "it is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home."

We have problems on our doorsteps which we need to face. Poverty; inequality in health and education; homelessness; addiction; the stigma associated with ill mental health; racism; sectarianism; gender discrimination; domestic violence; and sexual and religious discrimination.

We do not believe that those on either side of the referendum campaign want to see anything but progress on these things. But the fact is that to tackle them we do not need constitutional reform.

What we need is real and lasting political and social will, sound policy based on realistic costings and a determined pragmatism to build a fairer Scotland.

As part of that pragmatism we need to recognise the constantly changing nature of these problems and the knock on effects in other areas.

Children living in deprived areas are now much more likely to be obese than their affluent peers – 100 years ago they would have been malnourished. The effect on our health and social care services is overwhelming and long term. Mental ill health affects 1 in 4 of us each year but the stigma surrounding it is still a real challenge which we need to overcome. Solutions to these issues are not found in separation.

We fundamentally reject the argument which says that independence is the magic cure to all social ills.

Child poverty will not be eradicated because of a yes vote; good quality social housing will not suddenly be in abundant supply; discrimination will not magically be wiped away. The solutions are not that simple.

As part of the UK, we have resources to share and we are already making progress.

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?

Despite impressive progress many in the LGBTI community continue to suffer day to day discrimination in their workplaces, schools, families and on the street. The Liberal Democrats have often been at the vanguard of the movement for LGBTI equality from being the first party to call for decriminalisation of homosexuality to being the first major political party to embrace equal marriage.

We will continue our fight to secure equality for all and we are clear that in order to do that we need to work with governments around the world exercising our soft power to push for freedoms which we enjoy but which many of our global neighbours are denied.

With the promise of 0.7% of GDP spent on international aid we are helping to build fairer societies across the world and to tackle injustices which are almost unthinkable to us in the developed world. The Department for International Development (DFID) in East Kilbride helps to administer UK aid resources to help bring people around the world out of poverty and promote equality. Our brave armed forces are also involved in humanitarian missions day in and day out, securing a better future for those who have to face the unimaginable horrors of war and genocide.

As a strong part of the UK family of nations we want Scotland to continue to be a key part of the fight for equality and human rights; we want to continue to be part of a family which has the second highest aid budget in the world and which is seen overwhelmingly as a force for good.

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?

As an independent country Scotland would need to build a global network of diplomatic missions to ensure influence. At present the UK has hundreds of consulates and embassies; the white paper on independence states that Scotland would have just 50-90 globally. These would not be built overnight and would have to gain a trust and reputation which is already associated with UK missions.

The continued existence of DFID's base in East Kilbride allows Scotland and the UK to make a real difference to the world through administering aid to help promote equality and development. Without this partnership, Scotland could of course set up its own embassies and international aid department, but it is the influence of the UK and its extensive embassy network that allows it to be such a powerful voice on the world stage for equality and human rights.

As a member of the UN Security Council, the UK is respected and highly influential – separating from it entails an inescapable loss of influence. A smaller non-Security Council state such as an independent Scotland may have the same aims, but will not have the same power, resources, or clout to deliver them as it has within the United Kingdom.

In the event of a Yes vote and we would want to see a commitment to the provision of international aid so that we could continue the excellent work which we have contributed to as part of the UK to date. We would of course do all that we could to support the global reputation of Scotland, but we know that we already enjoy international respect and influence as part of the UK and we do not believe that it is in our best interests to change that.

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?

We believe that as part of the UK Scotland is best placed to continue to exert an influence which is much greater than that it would have as an independent country. The decision we take on 18th September will not just affect what happens within Scotland and the UK, but will also have a significant impact on how the rest of the world sees us. As the United Kingdom we have strength in numbers and a longstanding international reputation: we are the sixth biggest economy in the world. We can help others on the issues we care about.

As part of the UK we have one of the biggest networks of embassies and consulates in the world campaigning for progress on LGBTI issues and human rights in hundreds of countries every day. Our soft power and influence is almost unmatched and we are using that to fight for individual freedom free from the fear of persecution around the world.

Being involved when important decisions are made on the economy, security and human rights means we can defend our interests and get a good deal for everyone in the UK. We are a member of the most influential global organisations including the G7, G8, G20, NATO, the UN Security Council, and the EU. The UK is ranked second globally by Monocle as a 'soft power' (our ability to influence thanks to our culture, education, business environment and values) which is crucial to pursuing our equality and human rights agendas in other countries.

Liberal Democrat MP Lynne Featherstone has kept LGBTI rights on the DFID agenda as Minister for Africa, strongly focusing on finding a way forward for African LGBTI people. She has made every DFID country office in Africa strengthen their LGBTI rights strategies, and is working in partnership with local campaigners in each state to find the best way for DFID to help them.

We know that we still need to do more to protect individual freedoms and rights at home – from economic, social and cultural rights to equality and freedom of expression – as well as fighting for friends in other countries so that they too enjoy a future without fear of persecution and oppression.

But constitutional change won't achieve that; it would be detrimental to progress and progress on these matters is a continuous process, a journey, not a final destination.

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?

As part of the UK Government Liberal Democrats are stopping people from being deported to countries where there is a risk they will be persecuted for their sexuality.

Liberal Democrats passed Policy Paper 116 "Making Migration Work for Britain" at their Spring Conference in York in March 2014, setting out our approach to dealing with immigration.

"Making Migration Work for Britain" sets out some of our key intentions for the next UK Parliament to deal with immigration. We want to deliver a system that provides security and firm control of our borders; boosts the UK's growth and prosperity; and offers compassion and fairness for migrants and the communities hosting them.

For generations migrants have enriched Britain's culture, language and society, bringing innovation, economic growth and increased prosperity for the whole country. However, legitimate concerns do exist and we must have an immigration system in place that is fair, effective, trusted and can help to create a stronger economy and a fairer society for the whole of Britain.

But we also want a system based on compassion and we must continue our proud tradition of providing a safe haven to those fleeing war and terror. It takes too long to

reach a decision on many asylum cases, so we need to speed up this process so that individuals who have already faced huge distress and upheaval are able to get on with their lives secure in the knowledge that their future is in a safe country.

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?

Yes. As we have done as part of the UK Government we would want to create an immigration system which is based on compassion and which provides a safe haven to those fleeing war and persecution.

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?

We believe that staying within the UK family of nations provides the best future for asylum in Scotland. As with everything, the Nationalists say that independence is the only way to change things, a magic cure for immigration if you're not happy with the current arrangements. We reject that.

Liberal Democrats have a proud history of fighting for and achieving change. We want to create an immigration system which will be fairer to communities across the UK whilst providing a compassionate response to those who are forced to flee their homes. Our asylum system needs to ensure that individuals seeking safety from persecution feel welcomed and supported in communities across the UK. We believe that our reform proposals will achieve both of these aims.

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?

This is the biggest decision which Scotland has had to make in 300 years and it is essential that people are able to make an informed decision.

I simply do not accept that the only way we can achieve our potential as individuals and as a country is if we create a separate nation. Our United Kingdom family of nations has given Scots great opportunities to achieve our ambitions and meet our aspirations over three hundred years.

I believe that if we stay within the UK family of nations, we have the best things that come with being Scottish and the best things that come with being British too. The Nationalists say that my vision is unambitious and question my loyalty to Scotland simply because I do not agree with them. I think that wanting the best of both worlds – the benefits of being united with our neighbours as well as a strong Scottish Parliament able to take decisions on key issues like health, education, transport and justice - is incredibly ambitious.

With open markets across the UK and Europe we have generated jobs and economic growth and weathered the greatest financial storm of modern times. But we have also tackled inequality and discrimination; we have celebrated equal marriage and can continue to fight for freedom from persecution and oppression around the world. I'm not going to put that progress at risk by creating borders with our closest neighbours, friends and allies.

I admire the nationalists' passion for their cause of national independence. What I regret is that their passion drives them to rarely question the consequences of their plans. On currency for example I think it is unfair to ask people to vote on the future of our country when the question on something as fundamental as what currency we will use is still unanswered.

My questioning of the practical problems with creating a separate country is not symptomatic of a lack of belief in the ability of the Scottish people. We can achieve more and we should strive for that.

No-one in Scotland, including the SNP, has a monopoly on caring about people who need our compassion and support or on key issues like the future of Trident. Our disagreement is on how best to achieve that.

For me there is no doubt that being part of something bigger, with global reach, with an economic base with broad shoulders and with a compassionate outlook on life is the best possible platform from which we can fly.

I will be voting No because I believe that Scotland has the best of both worlds as part of the UK family of nations. We have a strong Scottish Parliament able to take decisions on matters like health and education as well as being part of something bigger which can fight for justice and fairness around the world. Being part of the UK means that we share the risks and rewards with our closest neighbours and that is a bond which I cherish.

I hope that this is helpful in setting out the Liberal Democrats' view for Scotland and that you will join me in voting 'No thanks' on 18th September. A no vote is not a vote for no change but a vote to bring more powers to Scotland whilst remaining part of the UK family of nations.