

**JUSTICE COMMITTEE
HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL**

**SUPPLEMENTARY SUBMISSION FROM FOR WOMEN SCOTLAND, WITH REGARD TO
INCLUSION OF SEX IN HATE CRIME**

We should like to draw the committee's attention to the Nottingham Police policy of including misogyny as a hate crime which began in 2016.

Overall, the evaluation report from Nottingham Women's Centre concluded that:

<https://www.nottinghamwomenscentre.com/wp-content/uploads/2018/07/Misogyny-Hate-Crime-Evaluation-Report-June-2018.pdf>

- The policy should be rolled out across the country.
- There was clear support from women and men in the general public as well as victims.
- Under-reporting remains an issue alongside normalisation - although victims felt that training and awareness had improved the police response.
- Misogyny as a term was poorly understood and felt to be too elitist/academic.
- Women from BME backgrounds often experienced attacks which were both sexist and racist.
- Broader education campaigns and multi-agency approaches need to run alongside the policy.

The implementation of the Nottingham policy nationwide in England and Wales is supported by Fawcett Society and Women's Aid. The Law Commission has launched a consultation and is recommending that sex or gender should be included in hate crime.

A report from the Fawcett society in January 2019 showed that a sex aggravator was present in 67,000 hate crimes - with 57,000 of those being targeted at women. This accounted as the motivating factor for over half of the crimes experienced by women. Again, minority women were more likely to experience hate crime.

<https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=a7c1f163-4995-4bb9-b00a-c596ad2d63ee>

Currently it is not possible to assess how often sex exists alongside race, religion or sexuality in the analysis of Scottish data. Including sex would help to address that.

A gender aggravator was first mooted in 2003 and in 2008 the possibility of including it in the Offences (Aggravation by Prejudice) (Scotland) Act was discussed. It was supported by organisations such as Victim Support, the Association of Chief Police Officers and CARE, although opposed by Engender, SWA and RCS (contrary to their previous support in the working group on hate crime on which the bill was based). At the Committee evidence meeting, MSPs, including Marlyn Glen, warned that an opportunity might be missed:

<https://archive.parliament.scot/s3/committees/equal/or-08/eo08-1502.htm#Col680>

Marlyn Glen MSP: I want to sound a note of caution: are you giving up a chance to make a difference?...domestic violence only one part yet you agree misogyny is

endemic in society. If you give up this chance, will you be able to address the issue in other legislation that might be on its way? I have heard nothing to suggest that that is the case. Why do you not want to push for the inclusion of gender in this bill, to ensure that the issue is at least discussed?

SWA: I do not think that the bill is a missed opportunity; it is a different opportunity. Given the wording of the bill, we have concerns about how it would work...Something needs to be done, but I do not think that this bill is the answer. We have all discussed that. We do not know what...we do not know when, but there is hope.

All conceded allowing a provision in the bill to add gender by statutory instrument at a later date. We fear there is a real danger that, once again, many years will elapse before any consideration is given to including sex in legislation. There are no guarantees or even a framework with regard to the deliberations of the working group. Hate crimes against women are perhaps even more of an issue in 2020 than 2008.

We note that Lord Bracadale does not consider that there are gaps in the law that require to be filled by an offence of misogynistic harassment. He also notes that the definitions of misogyny were sometimes inconsistent. We feel that including sex as defined in the Equality Act allows for consistency and clarity which will make raising awareness and training easier. It would also reinforce a commitment to implement and uphold CEDAW across legislation in Scotland.

For Women Scotland
20 November 2020

Link to our previous submission:

https://www.parliament.scot/S5_JusticeCommittee/Inquiries/JS520HC406_For_Women_Scotland.pdf