

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

We are a group of female survivors and parents of female survivors of male violence highlighting our exclusion from and the loss of female-only services. We founded HEAL to draw attention to the impact which including males in previously female-only spaces and services has on the lives of female survivors of male violence, in particular how the loss of a female-only therapeutic environment impacts on our ability to recover from male violence.

Like a number of other new grassroots women's rights organisations, we oppose the removal of all safeguarding and gatekeeping measures from the Gender Recognition Act 2004 as proposed by the Scottish Government's GRA Reform Bill and seek to uphold our existing rights under the Equality Act 2010. It is because of our experience of taking part in the ongoing debate about this proposed law change that we welcome the opportunity to the Committee's Call for Views on the Hate Crime and Public Order (Scotland) Bill.

PART 1 - AGGRAVATION OF OFFENCES BY PREJUDICE

In the foreword to its national strategy Equally Safe, the Scottish Government writes:

Equally Safe is our country's strategy to take action on all forms of violence against women and girls. By this we mean violent and abusive behaviour directed at women and girls precisely because they are women and girls. Behaviour which is carried out predominantly by men. Behaviour that stems from systemic, deep rooted women's inequality, and which includes domestic abuse, rape, sexual assault, commercial sexual exploitation (like prostitution), and so called 'honour based' violence like female genital mutilation and forced marriage.

Whatever form it takes, violence against women and girls can have both an immediate and long-lasting impact on the women, children and young people directly involved. It is quite simply unacceptable for modern day Scotland and does not reflect the country of equality we aspire to become.

It is disappointing therefore to see that SEX has not been included as one of the characteristics covered by this bill. If the Government seeks to send a message to the nation that hate directed at vulnerable groups is unacceptable through this new bill, the message it sends out by excluding sex is clear. Whatever the laudable aims behind Equally Safe stated above, when it comes to tackling the

crimes we are subjected to, the Government shies away from taking a decisive stand for the female residents of the country.

A promise of maybe including sex at a later date is worth as much as the deliberation to include an aggravation based on gender in the Draft Criminal Code for Scotland in 2003. 17 years later there is still nothing but another empty promise.

Are we worthy of less protection than any of the other groups covered in the Hate Crime Bill? Violence and misogyny directed against women and girls is not only endemic in our society but is also on the rise. Isn't the real reason for the exclusion of sex as a protected characteristic under this Bill that it would be simply unworkable to afford us the same protection in law that the government seeks to extend to other groups? And what message does that send to the world about modern day Scotland?

What fair and equal society ignores the hate directed at women and girls in a new Hate Crime Bill?

PART 2 - OFFENCES RELATED TO STIRRING UP HATRED

We oppose the introduction of these offences. In our view this will have a chilling effect on our work and the work of other women's rights campaigners as well as countless others exercising their freedoms of expression, belief (and disbelief) and assembly.

Our work in highlighting what the inclusion of males in female-only spaces means for female survivors of male violence has been called abusive and hateful. We have been accused of stirring up hatred, of weaponising our trauma. One need only look at the reactions to JK Rowling's thoughtful essay about her experience as a domestic violence survivor and the concerns she raised about the needs of other survivors to understand that the Scottish Government is about to create a law that will see the misogynist abuse meted out to us continue unabated while our advocacy for survivors will be labelled as unlawful hate speech. It already is, of course, but this Bill will give those opposed to women's rights a new and effective tool to silence us with.

Speaking out about the importance of female-only spaces and services has resulted in women being abused, threatened and attacked. It has resulted in women being deplatformed, losing work, employment, funding, memberships of parties and organisations and bans from social media.

When survivors engage in this debate, they face additional, serious consequences. On the one hand, we jeopardise our recovery from the effects of male violence. We risk losing access to the services we need, as has happened

across the UK, including Scotland. We risk being re-traumatised by having to explain just why female survivors need spaces free from all males, regardless of their identity, to recover. And on the other hand, we give up our right to anonymity as victims of violence, which can have a detrimental impact on our families, our relationships and every aspect of our lives.

Once you add the threat of a criminal prosecution to those burdens, they will become too heavy to carry for many of us. Even if in court we should be found innocent of the charges under this Hate Crime Bill – our experiences with the legal system as victims of male violence do not invite confidence that we will.

HEAL
24 July 2020