



Schedule of Documents

FOI reference number: 202000103652

Doc. No.	Description of information	Information withheld
1	<i>Table of meetings between the Scottish Government and Women's Organisations</i>	<i>None</i>
2	<i>Invitation sent to Women's Organisations for meeting held on 08 August 2018</i>	<i>Names and Email Addresses</i>
3	<i>Note of meeting held on 08 August 2018</i>	<i>Names and Email Addresses</i>
4	<i>Note of meeting held on 30 August 2018</i>	<i>Names</i>
5	<i>Note of meeting held on 12 March 2019</i>	<i>Names</i>
6	<i>Invitation sent to Women's Organisations for meeting held on 10 July 2019</i>	<i>Names and Email Addresses</i>
7	<i>Note of meeting held on 10 July 2019</i>	<i>Names</i>
8	<i>Invitation sent to Women's Organisations for meeting held on 24 October 2019</i>	<i>Names and Email Addresses</i>
9	<i>Invitation sent to Women's Organisations for meeting held on 19 December 2019</i>	<i>Names and Email Addresses</i>
10	<i>Note of meeting held on 19 December 2019</i>	<i>Out of scope</i>

11	<i>Letter from Ms Emma Ritch, Chief Executive of Engender, to the Cabinet Secretary for Justice</i>	<i>None</i>
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FOI: 202000103652

Scottish Government Meetings with Women's Organisations

Date	Scottish Government	Women's Organisations and Other Stakeholders	Invitation and/or Note
08 August 2018	<ul style="list-style-type: none">• Officials	<ul style="list-style-type: none">• ASSIST, Community Safety Glasgow• City of Edinburgh Council• Glasgow City Council• SACRO• Scottish Women's Convention	Yes – See Documents 2 and 3
30 August 2018	<ul style="list-style-type: none">• Officials	<ul style="list-style-type: none">• Engender• Scottish Women's Aid• Zero Tolerance	Yes – See Document 4
29 November 2018	<ul style="list-style-type: none">• Officials	<ul style="list-style-type: none">• Engender	No
12 March 2019	<ul style="list-style-type: none">• Cabinet Secretary for Justice• Officials	<ul style="list-style-type: none">• Engender• Rape Crisis Scotland• Scottish Women's Aid• Zero Tolerance	Yes – See Document 5

10 July 2019	<ul style="list-style-type: none"> • Cabinet Secretary for Justice • Minister for Older People and Equalities • Officials 	<ul style="list-style-type: none"> • Angus Violence Against Women Partnership (Angus Women's Aid) • Fife Centre for Equalities • Stirling Gender Based Violence Partnership • SACRO • Stirling Gender Based Violence Partnership • University of Stirling Law School • Wise Women 	Yes – See Documents 6 and 7
24 October 2019	<ul style="list-style-type: none"> • Officials 	<ul style="list-style-type: none"> • Engender • Rape Crisis Scotland • Scottish Women's Aid • Zero Tolerance 	Yes – See Documents 8
19 December 2019	<ul style="list-style-type: none"> • Cabinet Secretary for Justice • Minister for Older People and Equalities • Officials 	<ul style="list-style-type: none"> • Angus Violence Against Women Partnership • Crown Office and Procurator Fiscal Service (COPFS) • Engender • Fife Centre for Equalities • Glasgow Violence Against Women Partnership • Rape Crisis Scotland • SACRO • Scottish Women's Aid • University of Stirling Law School • Zero Tolerance 	Yes – See Documents 9 and 10

22 January 2020	<ul style="list-style-type: none">• Cabinet Secretary for Justice• Officials	<ul style="list-style-type: none">• Engender	No
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FOI reference number: 202000103652

Invitation for 08 August 2018 Meeting with Women's Organisations

From: [redacted]

Sent: 20 August 2018 11:39

To: [redacted]

Subject: FW: Bracadale Review - stakeholder meeting

Individual invitations sent to:

Engender	Emma Ritch
Edinburgh Women's Aid	Linda Rodgers
Falkirk Council	David Timpany
Scottish Women's Aid	Marsha Scott
The Caledonian Project	Lesley Simpson
Rape Crisis Scotland	Sandy Brindley
Scottish Women's Convention	Evelyn Fraser
Ayrshire Criminal Justice Partnership	Louise Shearer
Safe Lives	Anna Smith
RESPECT	Ippo Panteloudakis
SACRO	Aaron Slater
White Ribbon Scotland	Davy Thompson
ASSIST	Mhairi McGowan
Community Safety Glasgow, Violence Against Women	[redacted]
Women's Support Project	Linda Thompson
LGBT Youth Scotland	Brandi Lee
Improvement Service (The) /Multi Agency Partnership Network	Joanna McLaughlin
Dumfries and Galloway	Alex McCallum
City of Edinburgh Council	Viv Higham
Zero Tolerance	Amy Johnson

From: [redacted]

Sent: 19 July 2018 16:46

To: linda@womenssupportproject.org.uk

Subject: FW: Bracadale Review - stakeholder meeting

Dear Linda,

On 31 May Lord Bracadale published his review into hate crime legislation in Scotland<<http://www.gov.scot/About/Review/Hate-Crime-Legislation>>. The Scottish Government has accepted his recommendation to consolidate all Scottish hate crime legislation into one new hate crime statute and will use his report and recommendations as the basis for consulting on the detail of what should be included in a new hate crime bill, as well as how we might achieve the non-legislative aspects.

Before we launch a public consultation in autumn this year, we will host a series of events with key stakeholders to help us identify any issues or concerns and how these could be addressed through the consultation.

We will be holding an event for gender organisations on **Thursday 26 July in Rooms A and B, Victoria Quay from 9.30 am to 11.30 am** and we would be delighted if your organisation could attend.

Please can you confirm your attendance, along with any special requirements. (If you are unable to attend this event, but would be interested in attending another event, please let me know.)

Kind regards,

[redacted]

[redacted]

Cohesive Communities | Connected Communities Unit | Scottish Government
3H North | Victoria Quay | Edinburgh | EH6 6QQ

[redacted]



From: [redacted]

Sent: 20 August 2018 11:52

To: [redacted]

Subject: FW: Lord Bracadale - gender stakeholder event

Email below.

Individual invitations sent to:

Engender	Emma Ritch
Edinburgh Women's Aid	Linda Rodgers
Falkirk Council	David Timpany
Scottish Women's Aid	Marsha Scott
The Caledonian Project	Lesley Simpson
Rape Crisis Scotland	Sandy Brindley
Scottish Women's Convention	Evelyn Fraser
Ayrshire Criminal Justice Partnership	Louise Shearer
Safe Lives/One25	Anna Smith
RESPECT	Ippo Panteloudakis
SACRO	Aaron Slater
White Ribbon Scotland	Davy Thompson
ASSIST	Mhairi McGowan
Community Safety Glasgow, Violence Against Women	[redacted]
Women's Support Project	Linda Thompson
LGBT Youth Scotland	Brandi Lee
Improvement Service (The) /Multi Agency Partnership Network	Joanna McLaughlin
Dumfries and Galloway	Alex McCallum
City of Edinburgh Council	Viv Higham
Zero Tolerance	Amy Johnson

All,

I'm sorry for the inconvenience – we are cancelling and rearranging the stakeholder meeting scheduled for this Thursday 26 July.

This will now be held from **9.30 am to 11.30 am, on Wednesday 8 August**, in Conference Room 1, Victoria Quay, EH6 6QQ.

I would be grateful if you could confirm whether you can attend this new date.

Many thanks,

[Redacted]

[redacted]

Cohesive Communities | Connected Communities Unit | Scottish Government
3H North | Victoria Quay | Edinburgh | EH6 6QQ



[Redacted]



[Redacted]



MEETING NOTE
Lord Bracadale Engagement Meeting – Gender Organisations
8 August 2018
Victoria Quay

In attendance

Who	Organisation
Chair: [redacted]	Scottish Government
Shairi Bowes	Scottish Women's Convention
[redacted]	City of Glasgow Council
Viv Higham	City of Edinburgh Council
Mhairi McGowan	ASSIST, Community Safety Glasgow
Aaron Slater	SACRO
[redacted]	Scottish Government

Welcome and introductions

1. **[redacted]** welcomed the group. She began by explaining that the purpose of this meeting was to gather views on Lord Bracadale's report and recommendations. She went on to say that these meetings will help identify key issues/concerns and how these could be explored further through the public consultation.
2. **[redacted]** provided some background around Lord Bracadale's review and some of his key recommendations. **[redacted]** then provided an update around the work of the Tackling Prejudice and Building Connected Communities Action Group and the work they are doing to address and tackle hate crime.

Discussion

3. **[redacted]** asked the group to provide their thoughts on Lord Bracadale's review and recommendations. The following questions were provided as a guide:
 - What are your main reflections on Lord Bracadale's report and recommendations?
 - Is there anything missing from the recommendations/report?
 - What consideration needs to be given to human rights?
4. The following introductory points were covered by representatives:

SACRO

- Supportive of the recommendation to include a statutory aggravation for gender
- Noted that some organisations have called for a standalone office on misogyny would find it helpful to have further background as to why this might be justified
- In considering a statutory aggravation, it is important to consider the dynamics/drivers behind misogynistic hate crime
- Supportive of recommendations around the exploitation of vulnerable people
- Considers that vulnerable people are possibly at a greater risk of being victims of crime.

- For example women who work in prostitution would potentially be a key target group. Interested in how aggravations might be applied in this context.
- Online crime should be given further consideration – the online world is a community like a physical community

Edinburgh Council

- Also supportive of recommendation to include a statutory aggravation for gender and is keen for misogyny to be recognised.
- The proposals would potentially help to tackle crime which is currently unseen
- Note that adult support and protection measures are in place already and there is some potential interaction with these
- Agree with intersex being proposed as a separate aggravation

ASSIST

- Considered that a statutory aggravation relating to gender would be better and more workable in practice, than a standalone offence on misogyny
- Potential that going from a position where gender is not an aggravation to a whole separate offence would be too significant a step
- No justification for picking out gender for a separate offence from the other protected characteristics
- Need to be careful not to make unjustified assumptions about who is and who is not vulnerable – e.g. there are a lot of people who may not meet the three part test in the Adult Support and Protection Act, but who may still be vulnerable
- Do not support removing the requirement for the Court to record the difference in sentence due to the statutory aggravation – this is important to see for victims
- Concern that perpetrators of gender-related crimes often end up receiving lesser (minor sentences), e.g. due to plea bargaining, and this does not encourage victims of crime to report

Scottish Women's Convention

- Agree with intersex as a separate aggravation as well as gender
- Concern that women do not currently seem to have a high level of awareness of hate crime and the proposed changes may help to improve awareness and encourage reporting
- Emphasise the importance of measures to raise awareness alongside any changes to the law
- Agree with comments made by SACRO about vulnerable populations and women who work in prostitution.

Glasgow Council

- Agree with other comments made that a standalone offence is not necessary. An aggravation on gender needs to be considered alongside aggravations relating to the other protected characteristics
- Definitions around vulnerability need to be considered carefully
- Importance of sending clear messages and ensuring clear leadership in this area
- It is important to be aware of low level abuse towards women, which can in turn influence more serious offending
- Agree with others about prostitution being an area of particular vulnerability. This is a highly vulnerable group and least protected in law.

5. **[redacted]** then asked the group to further consider the issue of exploitation and vulnerability. The group felt that linking vulnerability only to characteristics such as age and disability was potentially limiting. Women who work in prostitution form one example of a vulnerable group, as noted above. Vulnerability is often very closely associated with addiction issues, poverty, homelessness. In general, the group agreed with Recommendation 11 that further consideration should be given to a general aggravation covering exploitation and vulnerability.
6. The group considered a number of settings where abuse against women and related offences can occur. Younger women and prostitutes are especially vulnerable to cycles of abuse, addiction, mental health and difficulties in navigating the benefits system. They can be exposed to physical violence, sexual violence, and in the case of prostitution, paid for but unwanted sex (consent issues). There was concern that statutory aggravators around domestic abuse in the current law have not been applied as they should have been and this can make reported crime statistics misleading. It was as suggested that vulnerability should be about identifying vulnerable groups, but about identifying factors that may increase someone's vulnerability.
7. **[redacted]** asked the group to consider the use of language and the proposal to replace the term 'malice and ill-will' with 'hostility'. It was generally felt that this would be more easily understandable by the public.
8. The group also discussed intersectionality with other protected characteristics. It was noted that it is possible to have multiple aggravating factors on the same charge. The group also felt it was important there is a record made of how the sentence differs as a result of any specific aggravations.
9. The group felt that further thought needs to be given to how online abuse, particularly against women, is tackled. They provided examples of men sending unsolicited, abusive messages to women, using different phone numbers (or web-based services) to remain untraceable. Young, black, Scottish women have recently experienced abuse in this way. It was generally felt that Lord Bracadale's report does not lend enough weight to the issue of online abuse and that there is insufficient recognition of the impact on victims, including long-term impacts. The group also had issues with the term 'fear or alarm' not including 'distress' and that it should be about the victim's experience. They don't agree with Lord Bracadale that distress is too low level to criminalise.
10. There was also concern within the group that there are further hurdles for women in relation to court procedures. For example, the witness stand may not provide the right forum for a young woman to explain the impact a crime may have had on her. The court system can be alien to ordinary people's experiences, including an intimidating or hostile physical environment where a victim may also be at risk of encountering witnesses or the accused in the vicinity of a court. The group agreed that the witness and victim support services need to be improved. This could be addressed as part of wider ongoing review of courts and procedures.
11. The group also stressed the importance of effective communications and awareness raising, including among the police, to accompany any new law. Effective public awareness campaigns will help encourage victims to come forward and report crimes.

12. **[redacted]** thanked the group for their time and contributions. She went on to say that a public consultation will be launched due course which will provide further opportunities for views to be heard.

**Connected Communities
August 2018**

MEETING NOTE
Lord Bracadale Engagement Meeting – Women’s Organisations
30 August 2018
Victoria Quay

In attendance

Who	Organisation
Chair: [redacted]	Scottish Government
Rachel Adamson	Zero Tolerance
Emma Ritch	Engender
Dr Marsha Scott	Scottish Women’s Aid
[redacted]	Scottish Government

Welcome and introductions

1. **[redacted]** welcomed the group. She began by explaining the close relationship Aileen Campbell and Humza Yousaf have in the context of their new roles within the Cabinet. Both of them will have a close working relationship to deliver community safety and tackle hate crime. The purpose of this meeting was to follow on from the views all three organisations had provided after Lord Bracadale’s published his report. She went on to say that the meetings hosted over the summer will help identify key issues/concerns and how these could be explored further through the public consultation.
2. **[redacted]** went on to provide some background around Lord Bracadale’s review and some of his key recommendations.

Discussion

3. **[redacted]** asked the group to provide their thoughts on Lord Bracadale’s review and recommendations. The following question was provided as a guide:
 - What are your main reflections on Lord Bracadale’s report and recommendations?
4. The following points were covered:

Engender

- Tackling gender inequality is a worldwide issue, as a result there should be a standalone misogynistic hate crime in Scotland
- Engender met with Lord Bracadale, but there is a weakness with the gender competence. This was also noticed in the working group with Dr Duncan Morrow.

- Gender is not the same as other aggravators and as such should not be treated the same. Prosecutors, investigators don't always see gender as a hate crime.
- Gender not made into the House of hate crime – annex off the main house
- Essential to define the definition of hate crime that captures the gender dimension
- International evidence has shown that no one has got it right with the gender aggravation: A tried and failed model. How does Scotland take the lead here and make it a success?
- New Jersey as an example has shown that despite gender being part of the state's bias crime statute for over 10 years the impact has been small. Between 1999 and 2008 only four gender based incidents had been recorded.
- Crimes against women make women feel unsafe, men don't have the same concern
- Not just about violence against women it's effeminal violence

Scottish Women's Aid

- Echo feedback from Engender
- Reiterate the harm it would cause if the policy for this type of crime was not thoroughly thought through – likely to cause more harm than good.
- Women make up 52 % of the UK population, so it's important to get right
- Example provided was the Domestic Abuse bill, it received negative feedback and Justice took the difficult (but correct) decision to start again. It takes courage to start again. We should learn from this example and not make the same mistake.
- Other protected characteristics are not the same as gender
- Training for judges and sheriffs should be ongoing and not seen as a fix
- Under reporting an issue, whilst the police are supportive and act quickly victims don't always hear about prosecutions. Women are not treated with dignity in court.
- The definition of hate crime in Lord Bracadale's recommendations misses a key feature found in other definitions: it perpetuates existing hierarchies.

Zero Tolerance

- Echo feedback from Engender and Scottish Women's Aid
- There is the opportunity for Scotland to take the lead after international evidence suggests no one has got gender right.
- How does gender work in hate crime?

Group

- International evidence suggests Lord Bracadale's approach may result in hate crime remaining under-investigated and under-prosecuted – meaning it would act as a negatively symbolic law.
- Guidance, training and policing needs to be good
- Data and analytics important when dealing with gender based crimes
- More work on the shape of the problem women face. Figure out what the law doesn't account for.
- 'Freedom of speech' needs more clarity

Dr Marsha Scott and Emma Ritch departed the meeting early for another meeting at SAH.

[redacted]

5. **[redacted]** then provided an update around the work of the Tackling Prejudice and Building Connected Communities Action Group and the work they are doing to address and tackle hate crime.
6. **[redacted]** thanked the group for their time and contributions. She went on to say that a public consultation will be launched due course which will provide further opportunities for views to be heard. Zero Tolerance thought it would be a good idea to arrange another meeting for all the women's organisation once the public consultation had been launched. **[redacted]** also provided the email address for Connected Communities and invited people to use it.

**Connected Communities
August 2018**

Meeting with Engender, Rape Crisis, Scottish Women's Aid and Zero Tolerance, Scottish Parliament, 12 March 2019

Attendees

Humza Yousaf, Cabinet Secretary for Justice
Christina McKelvie, Minister for Older People and Equalities
Emma Ritch, Executive Director, Engender
Sandy Brindley, Chief Executive, Rape Crisis Scotland
Marsha Scott, Chief Executive, Scottish Women's Aid
Rachel Adamson, Zero Tolerance

Officials

[redacted], Connected Communities
[redacted], Connected Communities
[redacted], Criminal Law

Note of Meeting

Hate crime legislation consultation

1. The group welcomed the range of options to tackle gender based prejudice within the hate crime legislation consultation (closed 24 February). The options included:
 - Implement Lord Bracadale's recommendation to establish a statutory aggravation based on gender hostility.
 - Develop a standalone offence relating to misogynistic harassment
 - Take forward a non-legislative approach to tackling misogyny
 - Take forward a combination of, or all of the above

Gender aggravator

2. The group agreed that they do not want to see a gender aggravation within hate crime law. The explained that there is no evidence to suggest that this works. Evidence from New Jersey suggests adding gender to hate crime creates a negative effect, created because the low stats suggested that gender based prejudice and abuse was not a problem. The group are concerned that adding gender hostility to hate crime law will create unintended consequences.
3. The group raised the following:
 - Consideration needs to be given to where the law has failed to protect women. Adding an aggravation is not helpful as there needs to be an existing offence.
 - There is concern that the use of a gender aggravation would contradict Equally Safe if crimes are separated out (i.e. some would be described as motivated by gender hostility and some not)
 - Consideration needs to be given to how a gender aggravation would impact how we describe domestic abuse.
 - There is concern that 'gender hostility' is not naming the problem.

- There is concern that Lord Bracadale created the term ‘gender hostility’ and that there was no gender expertise within his advisory group.

Action – Cabinet Secretary to consider evidence on where gender as hate crime has or has not worked

Standalone offence for misogyny

4. The group were clear that the development of a standalone offence was their preferred option. They discussed what the process for developing a standalone offence might look like and agreed that the collaborative approach used to develop the Domestic Abuse Act worked very well and that learning could be drawn from that.
5. The group also agreed that a stirring up of hatred offence is needed for gender, but as part of a separate offence and not within hate crime law.
6. The group agreed that work needs to be done to map how misogynistic harassment is dealt with in criminal law as well as developing an understanding of women’s experience.
7. The Minister updated the group on recommendations made by the First Minister’s National Advisory Council on Women and Girls which included a recommendation to ‘criminalise serious misogynistic harassment, filling gaps in existing laws’.

Action – The Cabinet Secretary and Minister to meet to discuss how to progress with the development of a potential standalone offence for misogynistic harassment.

Definitions

8. The group agreed that a shared definition of misogyny is needed. They went on to discuss the difficulty in defining ‘gender’ if that were to be added to hate crime law. For example, problems will arise when it is suggested that men also experience discrimination based on ‘gender’. The group were clear that we should be talking about women’s equality and not gender equality.

Next Steps

9. The Cabinet Secretary was clear that we are open to views on how best to tackle gender based prejudice and misogyny in Scotland. He explained that consultation responses are currently being analysed and provided reassurance that the discussions at this meeting will be taken into account as proposals are developed.

FOI reference number: 202000103652

Invitation for 10 July 2019 Meeting with Women's Organisations

From: [redacted]

Sent: 26 June 2019 10:43

To: [redacted]

Subject: Cabinet Secretary for Justice: Ministerial Meeting on Hate Crime Legislation Consultation

Good morning,

On behalf of the Cabinet Secretary for Justice, Humza Yousaf, I am contacting organisations that support women and girls at grass roots level who participated in the Scottish Government's recent consultation on amending Scottish hate crime legislation.

Mr Yousaf is keen to meet with representatives from organisations that provide support to women and girls at a grass roots level, to give them an opportunity to share their views in greater detail about the potential to introduce a statutory aggravation and/or a standalone offence. The Cabinet Secretary has set aside time in his diary on **10 July 2019 at 3.00 – 4.15 pm, at St Andrew's House, 2 Regent Road, Edinburgh EH1 3DG.**

We are aware that, with summer holidays, the timing may not suit everyone, but the Cabinet Secretary has limited availability during Parliamentary recess, and is keen to have this discussion. We hope as many of you are able to attend as possible.

On that note, I would be grateful if you could let me know if your organisation would like to, and is able to participate in the discussion, and the contact details of your representative (whether this is you or someone else). Due to capacity issues, we are only able to invite one representative from each organisation at the moment, but will try to accommodate additional guests once we have received initial responses.

Kind regards,

[redacted]

[redacted]

Cohesive Communities | Connected Communities Unit | Scottish Government
3H North | Victoria Quay | Edinburgh | EH6 6QQ
Tel: 0131 244 1237

MEETING NOTE
Meeting with Women's Groups to Discuss Hate Crime Legislation
10 July 2019
Atlantic Quay

In attendance

Ministers

Name	Title
Mr Humza Yousaf (Chair)	Cabinet Secretary for Justice
Ms Christina McKelvie	Minister for Older People and Equalities

Organisations

Name	Organisation	Role
Alison Ryan	Stirling Gender Based Violence Partnership	Co-ordinator
[redacted]	Glasgow Violence Against Women Partnership	Co-ordinator
[redacted]	Glasgow Violence Against Women Partnership	Co-ordinator
Nina Munday	Fife Centre for Equalities	Manager
Sandra Lindsay	SACRO	Service Manager (West)
Frances Monaghan	Wise Women	Manager
Anne Robertson Brown	Angus Violence Against Women Partnership (Angus Women's Aid)	Executive Director
Dr Kim Barker	University of Stirling Law School	Lecturer and Author

Officials

Name	Division
[redacted]	Connected Communities
[redacted]	Equality Unit
[redacted]	Equality Unit
[redacted]	Equality Unit

Welcome and Introductions

1. The Cabinet Secretary for Justice (CSJ) welcomed the group and explained that the purpose of the meeting was to ascertain a more precise understanding of the representatives' opinions on adding a gender statutory aggravation to the hate crime legislation and to explore their views in regards to developing a standalone offence for misogyny.

2. CSJ added that they had been invited as they indicated support for a gender aggravation within their responses to the consultation. He explained that he has already met with Engender, Rape Crisis, Scottish Women's Aid and Zero Tolerance who opposed the statutory aggravation and instead supported the development of the standalone offence for misogyny.
3. The Minister for Older People and Equalities provided some additional background and expressed that she was looking forward to hearing a variety of views. Specifically she emphasised the importance of ensuring that any new hate crime dovetailed effectively with existing laws such as the Domestic Abuse Act and corresponded beneficially with non-legislative programmes like Equally Safe.

Discussion

4. The Cabinet Secretary for Justice asked the group to give their thoughts. The following covers the key points made by the representatives from the different organisations:

Wise Women

- Emphasised that their work was at the frontline of supporting survivors of domestic abuse in contrast to Engender et al whose remit was more strategic.
- Violence against women needs to be included within hate crime law.
- Message needs to be sent that such behaviour is not acceptable.
- Support for the aggravation was based on the belief that it addressed the intent of the offender and the impact on the victim.
- The aggravation should be for 'sex' rather than 'gender' to reflect the specific needs of biological women.
- Conceded the controversial issues surrounding trans-women not being protected by a 'sex' aggravator but that those in this characteristic were already covered by the existing transgender aggravation within hate crime law.
- Believe that the Gender Recognition Act does not reflect the needs of biological women.
- Important to listen to and engage with survivors as a survey suggested that 84% of women were not aware of work done by the SG or what the laws says in regards to abuse.

Fife Centre for Equalities

- A crime with an aggravation is easier for everyone to understand than a standalone offence.
- Proving an aggravation in court is more straightforward than a standalone offence.
- Against having a standalone offence for misogyny.
- Section 50A (racially aggravated harassment) repeal arguments in line with not having a standalone offence for misogyny.
- Any existing or new hate crime laws should be harmonised with the Equality Act.
- Emphasis must be on the needs of the victim, what they perceive to be hate and a focus on the reasons they feel they were subject to a prejudiced attack.
- Importance of intersectionality e.g. Muslim women.
- Need better definitions for 'sex' and 'gender' and to properly distinguish between the two rather than conflate them e.g. intersex is not chosen and should be within the 'sex' protected characteristic but allow people to identify their own 'gender' (non-binary etc).

- Importance legislation is supported by activity to support reporting. A lot of work required to get victims to report incidents of hate crime. Many victims find going to the Police off-putting, but 3rd Party Reporting Centres are not funded and require support.

Glasgow Violence Against Women Partnership

- Important to discuss in the context of 'sex' rather than 'gender' and not conflate the two.
- The use of 'sex' as the preferred terminology is not about excluding members of the trans community.
- An aggravation avoids the need for corroborative evidence which would be required in the case of a standalone offence.
- Importance of consistency.
- A standalone offence could create an impression of a hierarchy of prejudice whereas an aggravation would avoid this.
- Police will have to be adequately trained to understand how to recognise what meets the criteria for a gender aggravation and record this appropriately
- Could an offence of rape or sexual assault be further aggravated if certain language was used during the attack – perhaps philosophically problematic?
- Properly name and identify behaviours that are no longer acceptable and use Equally Safe in order to continually achieve positive outcomes.

Angus Violence Against Women Partnership

- There is a fear of creating a hierarchy if misogyny is included as a standalone offence.
- Many young women do not understand that they are subject to misogynistic behaviour – importance of awareness raising and ensuring there is adequate protection in law.

Stirling Gender Based Violence Partnership

- An aggravation sends a strong message that society will not tolerate criminality based on prejudice.
- Both the aggravation and offence would require accurate definitions for 'gender' and 'misogyny'.
- Whether it be an aggravation or standalone offence that is chosen it must be properly aligned to the Equally Safe strategy.
- Concern that an aggravation could also be used to protect men.
- Make sure young people are not disproportionately affected by hate crime legislation and use education to mitigate this.

SACRO

- The word 'gender' can cover all different variations as explained in the consultation response.
- Transgender would be covered by gender and agree with 'gender hostility'.

Dr Kim Barker

- If an aggravation is introduced it must be based on 'gender'. Motivation and hostility can only work if the term 'gender' is used.

- Unsure on the definition of misogyny and whether such an offence is workable in practice due to factors such as the varying motivations for the harassment and subjectivity of the victim's perspective. A meaningful and workable definition is therefore required for misogyny.
 - Supportive of a gender aggravation and consideration of working towards an offence for misogyny at a later date.
 - Any legislation introduced must do what it is set out to do as if it doesn't work there will be a very big backlash.
5. During the discussion the Cabinet Secretary for Justice offered some additional information and counter-points:
- an aggravation for 'sex' rather than 'gender' could exclude trans-women i.e. if a trans-woman was attacked because they were perceived to be a biological woman rather than because they were trans.
 - reluctance to repeal Section 50A despite the recommendation from Lord Bracadale due to the vast majority of hate crimes still being based on racial prejudice – believes we can justify taking different approach where it is merited.
 - a gender aggravation in legislation sends out a clear message that this behaviour will not be tolerated, but it is not a panacea.
6. The Minister for Older People and Equalities offered the following:
- the Equality Act also considers 'gender' and that many successful discrimination claims brought forward under this legislation were on the basis of 'gender' rather than 'sex', including the recent equal pay claims in Glasgow City Council.
 - the importance of training judges and police officers around the successful application of an aggravator; and of raising awareness among the public of any changes in the legislation more broadly.
7. The Cabinet Secretary for Justice concluded the discussion by thanking the group for their time and contributions.