

**FOI reference number:** 202000103652

## **Invitation for 24 October 2019 Meeting with Women's Organisations**

**From:** [redacted]

**Sent:** 14 October 2019 11:16

**To:** 'Amy Johnson' <[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)>; [emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk);  
[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot); Rachel Adamson <[rachel.adamson@zerotolerance.org.uk](mailto:rachel.adamson@zerotolerance.org.uk)>;  
[sandy.brindley@rapecrisisscotland.org.uk](mailto:sandy.brindley@rapecrisisscotland.org.uk)

**Cc:** [maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk); [redacted]; [redacted]; [Ania.Kinross@womensaid.scot](mailto:Ania.Kinross@womensaid.scot);  
[redacted]

**Subject:** RE: Hate Crime Bill - engagement session - transgender/intersex and sex/gender

Good morning all,

Thank you for your responses, and apologies for the delay in confirming – I will send an invitation for your diaries just now.

And may I ask a favour **Sandy**? As we are moving the meeting to Glasgow, would you be able to accommodate the meeting at your offices? Atlantic Quay is unfortunately booked out that day.

Many thanks,  
[redacted]

**From:** Amy Johnson <[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)>

**Sent:** 07 October 2019 13:22

**To:** [redacted]; [emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk); [Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)

**Cc:** [sandy.brindley@rapecrisisscotland.org.uk](mailto:sandy.brindley@rapecrisisscotland.org.uk); [maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk); [redacted];  
[redacted]; [Ania.Kinross@womensaid.scot](mailto:Ania.Kinross@womensaid.scot); [redacted]; Rachel Adamson  
<[rachel.adamson@zerotolerance.org.uk](mailto:rachel.adamson@zerotolerance.org.uk)>

**Subject:** RE: Hate Crime Bill - engagement session - transgender/intersex and sex/gender

Hi Fiona,

As mentioned previously, Rachel Adamson, will ideally attend on behalf of ZT. I notice she dropped off CC again, so have added her back in.

Looking at our diaries, Rachel might be able to make it and will confirm tomorrow. If she is unavailable then I can attend on behalf of ZT on the 24<sup>th</sup>.

As Zero Tolerance's Director, can Rachel please be included in all future correspondence around this area of work?

Best wishes,  
Amy



**Amy Johnson**

Policy & Research Officer, Zero Tolerance

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Working days: Monday-Thursday

Pronouns: She/Her

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*Working to end men's violence against women and girls*



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**From:** [redacted]

**Sent:** 03 October 2019 17:05

**To:** [emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk); [Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)

**Cc:** [sandy.brindley@rapecrisisscotland.org.uk](mailto:sandy.brindley@rapecrisisscotland.org.uk); Amy Johnson <[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)>;

[maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk); [redacted]; [redacted]; [Ania.Kinross@womensaid.scot](mailto:Ania.Kinross@womensaid.scot); [redacted]

**Subject:** RE: Hate Crime Bill - engagement session - transgender/intersex and sex/gender

Hello, and many thanks for getting back to me.

Grateful if you could hold the 24<sup>th</sup> in the afternoon, from 2pm, and I will arrange a room at our Atlantic Quay offices, if that location is convenient for you?

Amy, I hope you are able to make this date too, in Glasgow?

Kind regards,

[redacted]

**From:** Emma Ritch <[emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk)>

**Sent:** 03 October 2019 16:54

**To:** Marsha Scott <[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)>; [redacted]

**Cc:** [sandy.brindley@rapecrisisscotland.org.uk](mailto:sandy.brindley@rapecrisisscotland.org.uk); [amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk); Maxine Blane

<[maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk)>; [redacted]; [redacted]; Ania Kinross

<[Ania.Kinross@womensaid.scot](mailto:Ania.Kinross@womensaid.scot)>

**Subject:** RE: Hate Crime Bill - engagement session - transgender/intersex and sex/gender

Hi all,

I can also do 1.30pm or later in Glasgow on 24<sup>th</sup> October.

Kind regards,  
Emma

**From:** Marsha Scott <[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)>

**Sent:** 03 October 2019 16:38

**To:** [redacted]

**Cc:** Emma Ritch <[emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk)>; [sandy.brindley@rapecrisisScotland.org.uk](mailto:sandy.brindley@rapecrisisScotland.org.uk); [amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk); Maxine Blane <[maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk)>; [redacted]; [redacted]; Ania Kinross <[Ania.Kinross@womensaid.scot](mailto:Ania.Kinross@womensaid.scot)>

**Subject:** Re: Hate Crime Bill - engagement session - transgender/intersex and sex/gender

I can do 24th if in Glasgow, but will need to be 1:30 pm or later as I have a meeting in Gartcosh at noon.

Sorry!

Dr. Marsha Scott

On 3 Oct 2019, at 14:39, [redacted] [redacted] wrote:

Dear all,

Just a gentle reminder - I would be very grateful if you could let me know if you are able to make either or both of the dates below.

Sandy, thank you for confirming that you are available.

I look forward to hearing from you.

Many thanks,  
[redacted]

**From:** [redacted]

**Sent:** 01 October 2019 15:47

**To:** 'emma.ritch@engender.org.uk' <[emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk)>;

'Marsha.Scott@womensaid.scot' <[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)>;

'sandy.brindley@rapecrisisScotland.org.uk' <[sandy.brindley@rapecrisisScotland.org.uk](mailto:sandy.brindley@rapecrisisScotland.org.uk)>;

'amy.johnson@zerotolerance.org.uk' <[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)>

**Cc:** 'Maxine Blane' <[maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk)>; [redacted]; [redacted]; [redacted]

**Subject:** RE: Hate Crime Bill - engagement session - transgender/intersex and sex/gender

Good afternoon,

My apologies for the difficulty in finding a date that suits all for this meeting. I am hopeful of confirming **either 22<sup>nd</sup> or 24<sup>th</sup> October at 1pm** in everyone's diaries. Please let me know if either/both dates are convenient for you and I will send out final confirmation.

Many thanks for your patience.

Kind regards,  
[redacted]

**From:** [redacted]

**Sent:** 30 September 2019 13:42

**To:** '[emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk)' <[emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk)>;

'[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)' <[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)>;

'[sandy.brindley@rapecrisisScotland.org.uk](mailto:sandy.brindley@rapecrisisScotland.org.uk)' <[sandy.brindley@rapecrisisScotland.org.uk](mailto:sandy.brindley@rapecrisisScotland.org.uk)>;

'[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)' <[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)>

**Cc:** 'Maxine Blane' <[maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk)>; [redacted]; [redacted]; [redacted]

**Subject:** RE: Hate Crime Bill - engagement session - transgender/intersex and sex/gender

Good afternoon,

Further to my email below, unfortunately the 7<sup>th</sup> October is not convenient for all. I would be grateful if you could let me know if you are available on Thursday, 10<sup>th</sup> October at 9.30 – 11.00 am.

Kind regards,  
[redacted]

**From:** [redacted]

**Sent:** 23 September 2019 19:29

**To:** '[emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk)' <[emma.ritch@engender.org.uk](mailto:emma.ritch@engender.org.uk)>;

'[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)' <[Marsha.Scott@womensaid.scot](mailto:Marsha.Scott@womensaid.scot)>;

'[sandy.brindley@rapecrisisScotland.org.uk](mailto:sandy.brindley@rapecrisisScotland.org.uk)' <[sandy.brindley@rapecrisisScotland.org.uk](mailto:sandy.brindley@rapecrisisScotland.org.uk)>;

'[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)' <[amy.johnson@zerotolerance.org.uk](mailto:amy.johnson@zerotolerance.org.uk)>

**Cc:** 'Maxine Blane' <[maxine.blane@engender.org.uk](mailto:maxine.blane@engender.org.uk)>

**Subject:** Hate Crime Bill - engagement session - transgender/intersex and sex/gender

***Sent on behalf of Connected Communities***

Dear all

Further to previous correspondence on this subject, we are looking to engage further with women's organisations to discuss our proposals regarding transgender and intersex and on whether sex/gender should be included within the hate crime bill and, if so, how should this be defined.

We would welcome your views on these issues and would propose to hold this session on **7 October from 2.30 – 4.00 pm** at Victoria Quay, Edinburgh.

Please let me know if you are available.

Kind regards,  
[redacted]

[redacted]

Cohesive Communities | Connected Communities Unit | Scottish Government

3H North | Victoria Quay | Edinburgh | EH6 6QQ  
[redacted]

**From:** [redacted]

**Sent:** 10 December 2019 14:59

**To:** [redacted]

**Cc:** [redacted]; [redacted]

**Subject:** Invitation to meeting re Hate Crime Bill - 19 December 2019

**Importance:** High

Good afternoon

As you are aware, we recently consulted on recommendations made by Lord Bracadale following his review of hate crime legislation in Scotland and we are currently working on developing new legislation to be introduced during this Parliament.

However, we are facing some challenges in regards to whether or not to include a new statutory aggravation for gender. As such, Ministers are keen to meet again with the women's organisations who responded to this section of the consultation to help reach consensus on a way forward.

The Cabinet Secretary for Justice and the Minister for Older People and Equalities appreciate that this is a busy time of year for all, but would value your attendance at a meeting on **19 December 2019** at **10:15 – 11:15 am** at the **Scottish Parliament** to discuss the available options. **Please allow at least 15 minutes to go through the usual security and registration processes.**

I would be grateful if you could confirm whether your organisation is able to attend the meeting and, if so, provide the name and contact details of the representative who will attend by close of play on **13 December 2019**.

I would also like to take this opportunity to thank you for your continued support.

Kind regards

[redacted]

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

[redacted]

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[REDACTED – OUT OF SCOPE]

**NOTE OF MEETING WITH WOMEN’S ORGANISATIONS 19 DECEMBER****Ministers**

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

**Organisations**

<b>Name</b>	<b>Organisation</b>
Nina Munday	Fife Centre for Equalities
Angela Voulgari	SACRO
Anne Robertson Brown	Angus Violence Against Women Partnership
Dr Kim Barker	University of Stirling Law School
Emma Ritch	Engender
Dr Marsha Scott,	Women’s Aid
Ann Fehily	Glasgow City Council
[REDACTED]	COPFS
[REDACTED]	COPFS
[REDACTED]	COPFS

**Officials**

<b>Name</b>	<b>Division</b>
[REDACTED]	Connected Communities
[REDACTED]	Connected Communities
[REDACTED]	Connected Communities
[REDACTED]	Equality Unit

Welcome and Introductions

1. The Cabinet Secretary for Justice (CSJ) welcomed the group. He began by explaining that the most challenging/contentious issue as part of the work to develop a new hate crime bill has been around gender.
2. CSJ explained that he and the Minister for Equalities have met with the four national women’s organisations who are against including gender within the hate crime bill as well as meeting with women’s organisations who were in support of an aggravation; both presented strong arguments.
3. CSJ explained that both himself and the Minister for Equalities have reflected a lot on these issues and that he is due to present his proposals for what should be included in a new hate crime bill to Cabinet early next year. CSJ went on to explain that this meeting will help inform that discussion and that he wants to be guided by women’s organisations on whether gender should be included in the bill. He went on to suggest that there are a couple of options for consideration:
  - not including gender within the bill and establish a working group to consider a standalone offence

- include gender within the bill and establish a working group to consider a standalone offence
4. CSJ explained that he is concerned that not including gender within the bill and only pursuing work to consider a standalone offence would mean that legislating in this area would take a long time and may mean there is a gap in the law until this work concludes. There are also concerns that if nothing is included within the bill then there may be amendments added which may not be drafted in the way we would want.
5. Organisations presented the following views:

#### Engender

- there is clear consensus that we want the best outcomes for women
- online misogyny lacks remedy in the criminal law
- concerned with the lack of an evidence base
- concerned that including gender within hate crime will cut across principles of Equally Safe
- there needs to be consideration of women's experience and whether there are gaps in the law. Acknowledged this may result in an aggravation, but believes it most likely be a standalone offence
- other jurisdictions have struggled to implement a statutory aggravation for gender with very low numbers of prosecutions or chargers
- including gender within hate crime risks losing an understanding of the causal story of violence against women
- gender wouldn't work the same way other hate crimes as it is not understood in the same way. This is because women and men live their lives together unlike other groups so to demonstrate hostility makes it problematic
- concern in regards to lack of gender competence within previous working groups on hate crime and this must be included going forward

#### Scottish Women's Aid

- clear that doing something with no evidence is a bigger risk than taking a longer term, more considered approach
- concern about perpetrators using gender aggravations against their victim
- no evidence that a gender aggravation would work

#### Fife Centre for Equalities

- supports a statutory aggravation for gender within hate crime law
- wants to see standard approach to all characteristics. When training on hate crime is delivered, they are often asked ' what about women?'
- including gender within the hate crime bill would make a public statement that behaviour is not acceptable
- organisations dealing with hate crime feel that gender is a clear omission
- minority ethnic women are often targeted because they are women of a certain faith and including gender alongside race/faith would help to tackle this issue
- an aggravation would be used for street harassment and other types of abuse in public, not necessarily for existing sexual offences or domestic abuse

## SACRO

- supportive of including gender within the hate crime bill
- following Engender's report they are now also supportive of the development of a standalone offence
- supportive of 'gender hostility' in particular as opens up to more than just women i.e. it covers gender expression
- intersectionality of characteristics is important to consider – particularly gender and faith/race
- concern that hate crime of any nature is hugely under represented regardless of characteristic and wants to see action to tackle this
- asked how would an aggravation would link to crimes such as FGM which are generally perpetrated by women on girls

## COPFS

- COPFS unaware of a gap in the law, so more work needs to be done to look at this
- aggravations have been really well used in terms of hate crime, they are easier to prove with one source of evidence so makes it more attractive
- need to be clear about what the aggravation is – how it's defined
- can't see a benefit of adding aggravation on sexual offences - we need to be clear on what offences we are looking to cover
- any working group would need to clearly define what you it is looking to tackle

## Angus Violence Against Women Partnership

- concern that a statutory aggravation for gender would be misused
- has seen a huge increase in VAWG, there a standalone offence is needed
- concern that including gender within hate crime would dilute Equally Safe
- concern that some offences would include an aggravation and not others - implying some abuse is not as serious as someone else's

## Glasgow City Council

- not supportive of including gender within hate crime, wants to see a standalone offence
- share concern about diluting Equally Safe

## Kim Barker

- clear that how gender hostility is defined would be key for an aggravation working.
- clear that it must be 'gender' and not 'sex'
- with the above considerations, including gender within hate crime law could work

6. CSJ summarised the main arguments for and against including gender within hate crime legislation, whilst recognising that legislation is only part of the solution. He thank the group for sharing their views and emphasised the need for ongoing dialogue.