

## RESTRICTED: ADVICE TO MINISTERS

[redacted – outwith scope]

Engender confirmed they are content for the enabling power to be limited to ‘sex’. They understand that if the Working Group were to recommend that this were to be added into the hate crime legislative framework that it could only be labelled as ‘sex’. To ensure flexibility in how sex could be included within the hate crime framework, Engender are also content for the enabling power to provide the option to add either a statutory aggravation and/or stirring up of hatred offence on the grounds of sex. This would allow the Working Group to consider these separately.

[redacted – outwith scope]

The draft Bill currently consists of 20 sections and two schedules, and is structured in five parts:

[redacted – outwith scope]

- **Further provision relating to the characteristics** includes an enabling power which would allow sex to be added as an additional characteristic to the hate crime framework by regulations at a later date, after the Bill has passed. The policy presentation of this power is that it will be exercised only if this is recommended by the Working Group on Misogynistic Harassment. It should be noted the relevant enabling power is flexible however and does not tie the use of the power to the Working Group in legislative terms. This Part of the Bill also sets out definitions of the characteristics; further refinement is required to finalise the definition of ‘transgender identity’ to ensure the definition adequately covers cross-dressing.

[redacted – outwith scope]

**[redacted – outwith scope]**

In addition, and as discussed at Cabinet on 14 January, we remain committed to establishing a working group to consider more broadly whether there are any gaps in the law in terms of misogynistic harassment/gender hostility. As well as having the support of the national women’s organisations, this also aligns with the FM’s National Advisory Council on Women and Girls, which recommended ‘criminalising serious misogynistic harassment, filling gaps in existing laws’. We have asked officials to provide a draft role and remit, and potential membership of the working group to us and the Minister for Equalities as soon as possible.

The working group would consider how criminal law deals with misogynistic harassment, including whether there are gaps in legislation that could be filled with a specific offence on misogynistic harassment and/or the inclusion of a statutory aggravation and/or a stirring up hatred offence on the grounds of gender within the existing hate crime legislative framework. Ownership of this agenda by the working group, which would include a wide range of external stakeholders, would ensure that there was broader support for such an approach.

**[redacted – outwith scope]**

**[redacted – outwith scope]**

1. Although there were a range of views across stakeholders, the discussion indicated that there was a significant body of support for establishing a working group, separate to hate crime legislation, to review how criminal law deals with gender/ misogynistic harassment. On this basis we would not include gender as a protected characteristic within hate crime legislation, but the potential for gender hostility to be included within the hate crime legislation framework would be considered in the round by the working group to ensure the most effective approach is developed to tackle misogynistic harassment and gender based hostility.

**[redacted – outwith scope]**

**[redacted – outwith scope]**

1. unlikely that these organisations will change their view, and including gender as a characteristic within the hate crime bill would be challenging without their support.
2. Establishing a working group to consider whether there are any gaps in the law in terms of misogynistic harassment has support of the national women's organisations as well as the First Minister's National Advisory Council on Women and Girls who recommended 'criminalising serious misogynistic harassment, filling gaps in existing laws'.
3. As well as giving consideration to the broader criminal law, the working group's remit could also include consideration of the potential for a statutory aggravation and/or a stirring up hatred offence on the grounds of gender within the existing hate crime legislative framework. If this was recommended by the working group, this would ensure that there was broader support for such an approach.

**[redacted – outwith scope]**

**Option 2 – Working group on misogynistic harassment**

1. This option would be to progress work in the area of how the criminal law deals with the issue of behaviour which, in itself, might be said to constitute harassment (i.e. consideration of a misogynistic harassment offence) or which constitutes other types of criminal behaviour motivated by hostility on the basis of gender/sex (e.g. consideration of whether a statutory aggravation is appropriate) all under the auspices of a working group.
2. In so doing, there would be no provision made in the Hate Crime Bill at all in relation to these areas, nor in relation to any sort of enabling power etc.
3. The remit of the working group would be to progress this issue, including consideration of the need for greater clarity on what actually amounts to misogyny, including a clear definition of this, in order to then consider how the criminal law works in appropriately criminalising behaviours, including misogynistic harassment and other types of behaviour motivated by hostility, and whether there is a gap in legislation.
4. Consideration can then be given to what, if any, criminal law policy solutions are required, including the potential for a gender/sex statutory aggravation and/or a stirring up hatred offence on the grounds of gender/sex into the existing hate crime legislative framework; and/or a standalone misogynistic harassment offence.
5. Academics Olga Jurasz (Open University) and Kim Barker (Stirling University) have already undertaken some of this analysis with respect to the law of England and Wales, specifically in considering the basis for legal regulation around online misogyny. It is understood that they are also currently undertaking a similar exercise around Scots law which could usefully inform this work.

6. By establishing such a working group, this would mean the issue of gender/sex would not be progressed through the Hate Crime Bill, but rather would be for consideration following the next Scottish Parliamentary elections in May 2021 informed by the working group's recommendation. It could be prioritised in terms of legislation, assuming the working group were to recommend legislation, early in the next Parliament.

**[redacted – outwith scope]**

It was also agreed at Cabinet that the Government should announce a commitment, in principle, to developing a separate offence of misogyny. This work will be progressed by the working group. Separate advice on the establishment of the working group, and the proposed role and remit will be submitted shortly.

This commitment and the establishment of the working group is aligned with a recommendation made by the First Minister's Advisory Council on Women and Girls to, 'criminalise serious misogynistic harassment'. The working group would consider how the criminal law deals with misogynistic harassment, including whether there are gaps in legislation that could be filled with a specific offence on misogynistic harassment. It will also consider the inclusion of a statutory aggravation and/or a stirring up hatred offence on the grounds of gender within the existing hate crime legislative framework.

**[redacted – outwith scope]**

### ***Announcement on misogyny***

The first would be to announce the establishment of the working group, including the commitment in principle to the development of an offence of misogyny, in response to recommendations made by the FM's National Advisory Council on Women and Girl's (NACWG). This part of the announcement would take place prior to the Bill being passed to the Presiding Officer on 3 March to ensure there was no risk around links between the announcement and the Bill. This early announcement would also provide quick reassurance to the national woman's groups that we are committed to tackling misogyny and to taking this forward separate to the hate crime bill, given that some have been strongly opposed to the inclusion of gender within the bill. For these reasons, an earlier announcement would be preferable to it taking place just before introduction of the bill.

**[redacted – outwith scope]**

## SCANCE Contribution – Publication of Hate Crime Bill

[redacted – outwith scope]

*On the same day the Bill is published the Scottish Government will also announce a commitment, in principle, to developing a standalone offence on misogynistic harassment. We will establish a Working Group to take this work forward in the near future. The Working Group will also consider whether the characteristic of sex ought to be added to the list of characteristics included in the Bill at a future date.*

[redacted – outwith scope]

### Speaking Note

[redacted – outwith scope]

- There is also a clear need for action to be taken to tackle gender based prejudice and misogyny which is why we have made a commitment in principle to developing a standalone offence on misogynistic harassment. We will establish a Working Group to take this forward. We have also included an enabling power within the Bill so the characteristic of sex can be added to the list of characteristics by regulations at a later date once the Bill has passed.

[redacted – outwith scope]

Name of Official: [redacted – outwith scope]

Extension Number: [redacted – outwith scope]

**From:** WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>  
**Sent:** 03 February 2021 12:46  
**To:** Jamie.Lipton@copfs.gov.uk; WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>  
**Cc:** [redacted]; [redacted] ; [redacted]  
**Subject:** Inaugural Meeting Letter - Misogyny WG Scotland - Baroness Helena Kennedy QC - 3 Feb 21

Dear Mr. Lipton,

On behalf of the Chair, Baroness Helena Kennedy QC, thank you for accepting the invitation to join the Working Group on Misogyny and Criminal Justice in Scotland in an advisory role.

I have attached a letter which includes further information regarding the inaugural meeting of the Working Group, which will be held on **Friday 12<sup>th</sup> February** from **3pm to 5pm**, via Microsoft Teams.

Please contact the secretariat team if you have any questions.

Kind regards,

[redacted]



By email: Jamie.lipton@copfs.gov.uk

03 February 2021

Dear Mr. Lipton,

### **WORKING GROUP ON MISOGYNY AND CRIMINAL JUSTICE IN SCOTLAND**

On behalf of the Chair, Baroness Helena Kennedy QC, thank you for accepting the invitation to join the Working Group on Misogyny and Criminal Justice in Scotland in an advisory role.

#### **Invitation to the Inaugural Meeting**

The inaugural meeting of the Working Group will take place on **12 February 2021** from 3pm until 5pm. Due to the ongoing COVID-10 pandemic, this meeting will take place virtually. You can access the meeting via the following Microsoft Teams invite, which has also been sent as a diary invite to your email address:

**[redacted]**

The draft remit for the Working Group is included at Annex A. As highlighted in previous correspondence, this remit will be discussed and confirmed during the first meeting of the Working Group.

The agenda and papers will be distributed to attendees prior to the meeting.

#### **Secretariat Support**

The Working Group is independent from Scottish Government. However, Scottish Government has provided a Secretariat team to provide the necessary administrative support for the Working Group. This includes all FOIs, official responses on behalf of the group and media requests. The team will support the coordination of all meetings and facilitate the attendance of experts invited to provide evidence to the Working Group. If you have any administrative or press related queries, you are invited to contact the Secretariat in the first instance.

The Scottish Government will host information about the Working Group suitable for the public domain on the Scottish Government web pages and you can access this information [here](#).

We will be in touch shortly to seek your availability for the second Working Group meeting, due to be held 4-6 weeks after the inaugural meeting.

### **Membership**

The Working Group will be chaired by Baroness Helena Kennedy QC, and comprise of yourself, Chloe Kennedy (Senior Lecturer, University of Edinburgh) Susan Kemp (Practising Solicitor, Human Rights Law), Emma Ritch (Executive Director, Engender), Shelagh McCall QC (Part time Sheriff and member of the Mental Health Tribunal for Scotland) and Professor John Devaney (Professor, University of Edinburgh). Please see **Annex B** for a revised and updated list of members' biographies.

Mona Rishmawi (Chief of the Rule of Law, Equality and Non-Discrimination Branch in the Office of the High Commissioner for Human Rights) joins the Group in an advisory capacity, as a staff member to the United Nations.

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Many thanks for your interest in joining this important work. Please kindly confirm receipt of this email and your confirmation of attendance at the inaugural meeting of the Working Group by responding to the secretariat at: [misogynyWGsecretariat@gov.scot](mailto:misogynyWGsecretariat@gov.scot)

Yours sincerely,

**[redacted]**

**[redacted]**

## Membership Bios

Member	BIO
<p><b>Mona Rishmawi (Advisory Role)</b></p>	<p>Mona Rishmawi is a human rights lawyer currently serving as the Chief of the Rule of Law, Equality and Non-Discrimination Branch of the Office of the UN High Commissioner for Human Rights (OHCHR). Her responsibilities include leading OHCHR teams working on the rule of law, women’s rights and gender issues, racial justice, minorities and indigenous peoples.</p> <p>She was appointed by the UN Secretary-General as the Executive Director of the UN International Commission of Inquiry on Darfur in 2004-2005, established by the UN Security Council. The Commission was mandated to investigate reports of serious violations of international humanitarian law and human rights law committed in Darfur by all parties, qualify the crimes, identify individual perpetrators and, recommend accountability mechanisms. She was also the UN Independent Expert on Human Rights in Somalia from 1996 to 2000.</p> <p>She started her legal and human rights career as a practicing lawyer and working with national and international non-governmental organizations. Her earlier positions include serving as the Director of the Centre for the Independence of Judges and Lawyers of the International Commission of Jurists (ICJ), Geneva, Switzerland, and the Executive Director of al-Haq, the first Palestinian human rights organization.</p> <p>She has law degrees from Ain Shams University in Cairo and Columbia University in New York.</p>
<p><b>Dr Chloe Kennedy</b></p>	<p>Chloe Kennedy's is a Senior Lecturer at the University of Edinburgh, and main research interests are criminal law, legal theory, legal history, and the relationship between these areas. She is particularly interested in intellectual and cultural legal history, focussing on the ways that prevailing ideas have shaped the law's development and continue to inform our contemporary assumptions. Her research also focuses on law and gender and law and religion.</p>
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<p><b>Emma Ritch</b></p>	<p>Emma is Engender's Executive Director, leading on strategic collaboration with our colleagues in the women's, equalities, and human rights sectors. She is also principally responsible for engagement with Scottish and UK Government, the UN, and the EU through the European Women's Lobby. She is engaged by all things feminist, but has particular interest in women and the economy, intersectionality, violence against women, and the relationship between women's equality and women's human rights. Emma sits on a range of external working groups including the First Minister's Advisory Council on Women &amp; Girls, the joint strategic board of Equally Safe, and the advisory group of the Scottish Women's Rights Centre. She chairs the Rape Crisis Scotland board and the board of the Human Rights Consortium Scotland, and is a member of the board of the European Women's Lobby.</p>
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	domestically aggravated offending, stalking, human trafficking and forced marriage, among other topics.”
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**From:** WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>

**Sent:** 03 February 2021 12:55

**To:** WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>; emma.ritch@engender.org.uk

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

**Subject:** Inaugural Meeting Letter - Misogyny WG Scotland - Baroness Helena Kennedy QC - 3 Feb 21

Dear Ms. Ritch,

On behalf of the Chair, Baroness Helena Kennedy QC, thank you for accepting the invitation to become a member of the Working Group on Misogyny and Criminal Justice in Scotland.

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Kind regards,

**[redacted]**



By email: emma.ritch@engender.org.uk

03 February 2021

Dear Ms. Ritch,

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Yours sincerely,

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**From:** WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>

**Sent:** 03 February 2021 12:53

**To:** WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>; J.Devaney@ed.ac.uk

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

**Subject:** Inaugural Meeting Letter - Misogyny WG Scotland - Baroness Helena Kennedy QC - 3 Feb 21

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Kind regards,

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By email: j.devaney@ed.ac.uk

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03 February 2021

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Yours sincerely,

**[redacted]**

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<p><b>Emma Ritch</b></p>	<p>Emma is Engender’s Executive Director, leading on strategic collaboration with our colleagues in the women’s, equalities, and human rights sectors. She is also principally responsible for engagement with Scottish and UK Government, the UN, and the EU through the European Women’s Lobby. She is engaged by all things feminist, but has particular interest in women and the economy, intersectionality, violence against women, and the relationship between women’s equality and women’s human rights. Emma sits on a range of external working groups including the First Minister’s Advisory Council on Women &amp; Girls, the joint strategic board of Equally Safe, and the advisory group of the Scottish Women’s Rights Centre. She chairs the Rape Crisis Scotland board and the board of the Human Rights Consortium Scotland, and is a member of the board of the European Women’s Lobby.</p>
<p><b>Shelagh McCall QC</b></p>	<p>Shelagh McCall QC called to the Scottish Bar in 2000 and was appointed Queens Counsel in 2015. She specialises in criminal law both at first instance and on appeal. She is regularly instructed in high profile and complex cases. Between 2006 and 2008, she was prosecution appeals counsel at the International Criminal Tribunal for the Former Yugoslavia. She was a founding commissioner at the Scottish Human Rights Commission, serving from 2008-2015. Shelagh is a part time sheriff and member of the Mental Health Tribunal for Scotland.</p>
<p><b>Professor John Devaney</b></p>	<p>Professor Devaney is a well-respected academic at Edinburgh University and is a specialist in child protections, welfare, domestic and gender based violence.</p> <p>During 2012 he was awarded a Fellowship by the Winston Churchill Memorial Trust to study work in Norway and Canada with individuals who use violence and abuse within their intimate relationships. This formed the basis for his book on Domestic Violence Perpetrators - Evidence informed responses.</p> <p>Professor Devaney has been involved in a range of research studies in both the UK and internationally, funded by research councils, government departments and philanthropic organisations on gender based violence.</p> <p>He took up the position of the Centenary Chair and Head of Social Work at the University of Edinburgh in 2018 and occupies this post currently.</p>
<p><b>Jamie Lipton (Advisory Role)</b></p>	<p>Jamie Lipton is a qualified solicitor and a career prosecutor having joined COPFS as a trainee solicitor in 2007. He prosecuted both summary and solemn criminal cases in the Sheriff and Justice of the Peace Courts in Lanarkshire before joining the specialist High Court Sexual Offences Unit in Glasgow. He is presently a Principal Procurator Fiscal Depute in the COPFS Policy Division where he oversees the work of the Victims and Witnesses team whose remit includes prosecution policy relating to sexual crime,</p>

	domestically aggravated offending, stalking, human trafficking and forced marriage, among other topics.”
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**From:** WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>

**Sent:** 03 February 2021 12:57

**To:** WG Misogyny in Scotland <misogynyWGsecretariat@gov.scot>; skemp07@gmail.com

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

**Subject:** Inaugural Meeting Letter - Misogyny WG Scotland - Baroness Helena Kennedy QC - 3 Feb 21

Dear Ms Kemp,

On behalf of the Chair, Baroness Helena Kennedy QC, thank you for accepting the invitation to become a member of the Working Group on Misogyny and Criminal Justice in Scotland.

I have attached a letter which includes further information regarding the inaugural meeting of the Working Group, which will be held on **Friday 12<sup>th</sup> February** from **3pm to 5pm**, via Microsoft Teams.

Please contact the secretariat team if you have any questions.

Kind regards,

**[redacted]**



By email: skemp07@gmail.com

03 February 2021

Dear Ms. Kemp,

### **WORKING GROUP ON MISOGYNY AND CRIMINAL JUSTICE IN SCOTLAND**

On behalf of the Chair, Baroness Helena Kennedy QC, thank you for accepting the invitation to become a member of the Working Group on Misogyny and Criminal Justice in Scotland.

#### **Invitation to the Inaugural Meeting**

The inaugural meeting of the Working Group will take place on **12 February 2021** from 3pm until 5pm. Due to the ongoing COVID-10 pandemic, this meeting will take place virtually. You can access the meeting via the following Microsoft Teams invite, which has also been sent as a diary invite to your email address:

**[redacted]**

The draft remit for the Working Group is included at Annex A. As highlighted in previous correspondence, this remit will be discussed and confirmed during the first meeting of the Working Group.

The agenda and papers will be distributed to attendees prior to the meeting.

#### **Secretariat Support**

The Working Group is independent from Scottish Government. However, Scottish Government has provided a Secretariat team to provide the necessary administrative support for the Working Group. This includes all FOIs, official responses on behalf of the group and media requests. The team will support the coordination of all meetings and facilitate the attendance of experts invited to provide evidence to the Working Group. If you have any administrative or press related queries, you are invited to contact the Secretariat in the first instance.

The Scottish Government will host information about the Working Group suitable for the public domain on the Scottish Government web pages and you can access this information [here](#).

We will be in touch shortly to seek your availability for the second Working Group meeting, due to be held 4-6 weeks after the inaugural meeting.

### **Membership**

The Working Group will be chaired by Baroness Helena Kennedy QC, and comprise of yourself, Chloe Kennedy (Senior Lecturer, University of Edinburgh), Emma Ritch (Executive Director, Engender), Shelagh McCall QC (Part time Sheriff and member of the Mental Health Tribunal for Scotland) and Professor John Devaney (Professor, University of Edinburgh). Please see **Annex B** for a revised and updated list of members' biographies.

Mona Rishmawi (Chief of the Rule of Law, Equality and Non-Discrimination Branch in the Office of the High Commissioner for Human Rights) joins the Group in an advisory capacity, as a staff member to the United Nations.

Jamie Lipton also joins the Group in an advisory capacity, on behalf of the Crown Office and Procurator Fiscal Service (COPFS), to support the Group's understanding of prosecutorial process of crimes in Scotland.

### **Data protection**

All personal and private information received by the Review will be stored electronically on the Scottish Government's electronic filing system.

All records and personal data handled by you and your team as part of the Review will be handled in accordance with the Scottish Government Information Security Policy, the Data Protection Act 1998 and any statutory successor, and the General Data Protection Regulation (GDPR).

Many thanks for your interest in joining this important work. Please kindly confirm receipt of this email and your confirmation of attendance at the inaugural meeting of the Working Group by responding to the secretariat at: [misogynyWGsecretariat@gov.scot](mailto:misogynyWGsecretariat@gov.scot)

Yours sincerely,

**[redacted]**

**[redacted]**

## Membership Bios

Member	BIO
<b>Mona Rishmawi (Advisory Role)</b>	<p>Mona Rishmawi is a human rights lawyer currently serving as the Chief of the Rule of Law, Equality and Non-Discrimination Branch of the Office of the UN High Commissioner for Human Rights (OHCHR). Her responsibilities include leading OHCHR teams working on the rule of law, women's rights and gender issues, racial justice, minorities and indigenous peoples.</p> <p>She was appointed by the UN Secretary-General as the Executive Director of the UN International Commission of Inquiry on Darfur in 2004-2005, established by the UN Security Council. The Commission was mandated to investigate reports of serious violations of international humanitarian law and human rights law committed in Darfur by all parties, qualify the crimes, identify individual perpetrators and, recommend accountability mechanisms. She was also the UN Independent Expert on Human Rights in Somalia from 1996 to 2000.</p> <p>She started her legal and human rights career as a practicing lawyer and working with national and international non-governmental organizations. Her earlier positions include serving as the Director of the Centre for the Independence of Judges and Lawyers of the International Commission of Jurists (ICJ), Geneva, Switzerland, and the Executive Director of al-Haq, the first Palestinian human rights organization.</p> <p>She has law degrees from Ain Shams University in Cairo and Columbia University in New York.</p>
<b>Dr Chloe Kennedy</b>	<p>Chloe Kennedy's is a Senior Lecturer at the University of Edinburgh, and main research interests are criminal law, legal theory, legal history, and the relationship between these areas. She is particularly interested in intellectual and cultural legal history, focussing on the ways that prevailing ideas have shaped the law's development and continue to inform our contemporary assumptions. Her research also focuses on law and gender and law and religion.</p>
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	Equally Safe, and the advisory group of the Scottish Women's Rights Centre. She chairs the Rape Crisis Scotland board and the board of the Human Rights Consortium Scotland, and is a member of the board of the European Women's Lobby.
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**From:** McGeehan, Anthony <[Anthony.McGeehan@copfs.gov.uk](mailto:Anthony.McGeehan@copfs.gov.uk)>  
**Sent:** 01 February 2021 12:10  
**To:** [misogynyWGsecretariat@gov.scot](mailto:misogynyWGsecretariat@gov.scot)  
**Cc:** [redacted] ; [redacted] Lipton, Jamie <[Jamie.Lipton@copfs.gov.uk](mailto:Jamie.Lipton@copfs.gov.uk)>; [redacted]  
**Subject:** RE: Invitation to COPFS - Advisory Role - Misogyny WG Scotland

[redacted]

I confirm that COPFS is happy to accept the invitation to join the group in an advisory capacity.

The COPFS advisory representative will be my colleague Jamie Lipton. I have copied Jamie in to allow you to liaise direct

Regards

Anthony

**From:** [redacted] On Behalf Of [misogynyWGsecretariat@gov.scot](mailto:misogynyWGsecretariat@gov.scot)  
**Sent:** 29 January 2021 11:50  
**To:** McGeehan, Anthony <[Anthony.McGeehan@copfs.gov.uk](mailto:Anthony.McGeehan@copfs.gov.uk)>  
**Cc:** [redacted] ; [redacted]  
**Subject:** Invitation to COPFS - Advisory Role - Misogyny WG Scotland

WORKING GROUP ON MISOGYNY AND CRIMINAL JUSTICE IN SCOTLAND

Dear Anthony,

On behalf of the Chair, Baroness Helena Kennedy QC, we are delighted to invite you to join the Working Group on Misogyny and Criminal Justice in Scotland in an advisory capacity.

I attach a letter with further details. I would be grateful if you could confirm receipt and indicate if you wish to formally accept this invitation.

I have indicated in the letter that we will be in touch about dates for the first meeting of the working group. Currently, we have held 2 dates and these are:

- Thursday 11th February
- Friday 12th February

It would be extremely helpful if you could confirm that you will be able to attend one or both of these dates so that we may send out diary requests for the meeting without delay.

Please be advised that we are asking all members to keep details of the working group, remit and membership embargoed until 0930 on Monday 1<sup>st</sup> February.

[redacted]

From: **[redacted]**

Sent: 09 July 2020 16:29

To: [redacted]

; **[redacted]**

Subject: Misogynistic Harassment Working Group next steps

[redacted]

**[redacted]**

I'd hoped to have been able to have a chat with you both about PfG, the reprioritisation exercise and links with the MHWG, as the MHWG is clearly a priority for Ministers, but, as you well know, it has not yet been agreed where responsibility for this will sit or what resource will be required to deliver on this commitment. However, you are both on leave this week, and I'm on leave next week. In addition, Robert is also now on leave so not around to engage with Lisa or Anna on this.

I've therefore included a marker in our returns that flags this work and states

- In April 2020 high level commitment announced to a standalone offence, in principle, on misogynistic harassment and to establish a working group to look at how the justice system currently deals with misogynistic harassment and if there are any gaps. Group will also consider whether 'sex' should be included in hate crime legislative framework at a later date.
- This is in response to FM Advisory Council on Women and Girls report and recommendations (June 2019), and is aligned with the Hate Crime and Public Order Bill enabling power, which would allow 'sex' to be included in the hate crime framework at a later date.
- It was announced that this work will be taken forward by a Misogynistic Harassment Working Group.
- This is relevant to Justice and Equality portfolios, but lead Minister has not been formally agreed, and no resources have been identified.

It would, however, be useful if we could agree how best to handle this moving forward so that this issue can be properly considered in the round in relation to both the ongoing reprioritisation exercise and PfG.

**[redacted]**