

Scottish Statutory Instrument adding “sex” as a characteristic to the Hate Crime and Public Order (Scotland) Act 2021

Equality Impact Assessment

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Title of Policy

The Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) (Amendment and Transitional Provisions) Regulations 2026

Summary of aims and desired outcomes of Policy

The addition of “sex” as a characteristic to the Hate Crime and Public Order (Scotland) 2021 Act (“the 2021 Act”) will mean that offences motivated by prejudice or hostility based on a person's sex will be treated as aggravated offences under the criminal law. It also means that a new offence of stirring up hatred will criminalise the encouragement of others to hate a group based on their sex. The desired outcomes of this policy include:

- To ensure sex based crimes are treated the same as other characteristics covered by existing hate crime law;
- To improve reporting and recording of sex-based hate crimes;
- Empowering victims, particularly women, to seek justice;
- To provide greater recognition of the harm caused by sex-based discrimination on victims and communities; and
- To support the Scottish Government’s broader efforts to tackle gender inequality and violence;

Directorate

Justice Directorate

Division

Criminal Justice Division

Team

Criminal Law & Practice Team

Executive Summary

This document summarises the results of the Equality Impact Assessment (“EQIA”) carried out in respect of the anticipated consequences for the 9 demographic groups protected under Section 4 of the Equality Act 2010¹. These protected characteristics are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Potential impacts have been considered in the context of the public sector equality duty, which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people, when carrying out their activities.

Background

The addition of sex to the 2021 Act extends the legislation in two ways:

Aggravation of offences by prejudice relating to sex

It adds the characteristic of sex to the provision concerning the aggravation of offences by prejudice. This does not have the effect of criminalising behaviour which would not otherwise be criminal. The effect of this is that where a person is found to have committed an offence and, in doing so, they have either demonstrated malice and ill-will towards the victim because of their sex, or, whether or not there is a specific victim, they have been motivated to commit the offence by malice and ill-will against a group of people defined by reference to their sex, the offence is aggravated by prejudice relating to sex.

Where the aggravation is proven, the court is required to record this and take it into account when sentencing the offender. The court is required to state in court the difference that the fact the offence was so aggravated made to the sentence that was imposed, or, where it did not make a difference, the reason for this.

Stirring up hatred in relation to sex

¹ [Equality Act 2010](#)

It is an offence to stir up hatred against a group of persons based on that group sharing a particular characteristic covered by the Act. Stirring up hatred refers to behaviour that is intended to incite others to feel hatred towards a group of people who share a particular characteristic. The SSI extends this to cover the characteristic of sex.

The offence is committed where a person engages in threatening or abusive behaviour, or communicates threatening or abusive material, with the intent of stirring up hatred against a group of people who share the relevant characteristic. As such, the threshold for the offence is high: it is limited to behaviour or communication which is threatening or abusive and the accused must intend by their behaviour or communication to stir up hatred (as distinct from e.g. disrespect or disdain.)

By way of general context about the operation of stirring up hatred law, it's important to distinguish stirring up hatred from simply expressing an opinion. The key factor is intent: stirring up hatred involves a clear intention to arouse hatred of certain groups in others, not (simply) to offend or provoke (though that may also arise). In law, this is treated as a serious offence because of the potential harm it can cause to individuals and society through stirring up hatred in relation to certain groups. The type of conduct assessed in this impact assessment therefore is that which goes beyond what might be described as offensive or discriminatory remarks. The legislation is designed to capture instances of deliberate actions or communications, such as publications, online posts, or public displays that are designed to provoke hatred against people because of their sex. The aim of such behaviour is to encourage others to adopt hateful attitudes or behaviours toward the group as a whole.

Stirring up hatred can have serious consequences. It can create a climate of fear and intimidation; make individuals feel unsafe or unwelcome in public spaces or online; reinforce harmful stereotypes and deepen social divisions and/or increase the risk of harassment, abuse, or violence.

While the new laws will relate to women and girls and men and boys, it is known that women and girls disproportionately experience such behaviour. This doesn't just affect the individuals targeted - it has the ability to make all women feel vulnerable and marginalised, and behaviour that encourages hatred against women by portraying them as inherently inferior or dangerous can contribute to a wider culture of misogyny.

In their responses to the consultation on the draft SSI to add sex to the 2021 Act, many organisations expressed the view that the new laws would formally recognise behaviour commonly referred to as "misogyny" as a form of hate. For the purposes of this EQIA, "misogyny" is used to describe conduct which, under the statutory instrument, would constitute an offence under the "stirring up hatred" provision due to its definition of behaviour which is threatening or abusive and in doing so is intended to stir up hatred of women or girls on the basis of their sex. Similarly, where

hostility is directed toward men and boys because of their sex, this may be described in some literature as “misandry.” While the term misandry is less frequently documented and criminal behaviour motivated by or demonstrating misandry appears to be much less prevalent than criminal behaviour motivated by or demonstrating misogyny, its inclusion in this impact assessment ensures that the analysis reflects the full scope of sex-based hostility addressed by the legislation.

Scope of the EQIA

This Equality Impact Assessment considers the potential effects of adding “sex” as a characteristic to the Hate Crime and Public Order (Scotland) Act 2021.

The scope of the assessment is defined by the public sector equality duty under the Equality Act 2010, which requires public authorities to have due regard to eliminating discrimination, advancing equality of opportunity, and fostering good relations between different groups.

The EQIA examines the anticipated impact of the proposed amendment to the 2021 Act on individuals who share any of the nine protected characteristics outlined above. It focuses on whether the inclusion of sex as a characteristic could create disproportionate or unintended consequences for these groups, either directly or indirectly.

The assessment draws on a range of evidence sources, including:

- Responses to the public consultation on the draft Scottish Statutory Instrument (SSI);
- Responses to the earlier consultation on Lord Bracadale’s Report on Hate Crime, which originally recommended the addition of the characteristic of “gender” to hate crime law;
- Research and reports on gender-based violence, misogyny, and hate crime; and
- Data from national and international studies on discrimination and harassment

The EQIA does not attempt to quantify the exact prevalence of sex-based hate crime, or predict enforcement outcomes. Instead, it provides a qualitative analysis of potential risks and benefits, recognising that the legislation aims to address systemic harms associated with misogyny/misandry and sex-based hostility.

The scope is limited to the legal and social implications of the amendment and does not extend to operational considerations such as policing resources or prosecutorial guidance, which are addressed separately in the Business and Regulatory Impact Assessment (BRIA).

Key Findings

Age

In investigating the impact of age on experience of hatred of, contempt for, or prejudice against women or girls, the independent Working Group on Misogyny and Criminal Justice found that those aged between 18-34 were more likely than other age groups to report to have witnessed this. In their report, they note that respondents aged 18 – 34 were more likely than any other age group to report both experiencing and witnessing misogyny both in public and online. They were most likely to report experiencing misogyny in the street (77.6% compared to 66.3% of 35 – 59 year olds, and 47.6% of respondents aged 60+) and to witness misogyny online (83.1% of all those aged 18 – 34, compared to 73.7% of 35 – 59 year olds and 71.5% of 60+ respondents).²

These findings are mirrored by further research carried out into gender-based violence and how it impacts groups by age. For example, as noted by Young Women’s Trust³, those aged between 16 and 30 are the age group most likely to face what the Trust deem “sexism” at home and in public, while 86% of those aged between 16 to 30 in the UK had experienced harassment in public. Furthermore, research from the Open University⁴ suggests that while one in six women (around 17%) have experienced online violence, this figure increases amongst those aged 16-24 to 27%.

The EU Fundamental Rights Agency has also reported⁵ that ‘the risk of young women aged between 18 and 29 years becoming a target of threatening and offensive advances on the internet is twice as high as the risk for women between 40 and 49 years, and more than three times as high as the risk for women aged between 50 and 59 years’.

This is not to say that older women are unlikely to experience behaviour that would meet the threshold for stirring up hatred against them due to their sex. An advocacy briefing from the United Nations highlighted that the combination of ageism and sexism has a unique and aggravating effect on discrimination and inequality⁶. Further, it is suggested that sexist attitudes are compounded with assumptions about later life such as frailty, dependence, lack of ability, and passivity.⁷ According to the United Nations Economic Commission for Europe⁸, certain intersecting factors may increase the likelihood of older women experiencing violence or abuse, and sexist

² [Working Group on Misogyny and Criminal Justice](#)

³ [Impact of sexism on young women’s mental health](#)

⁴ [OU research reveals shocking level of online violence experienced by women and girls across the UK](#)

⁵ [Online content moderation - Current challenges in detecting hate speech](#)

⁶ [Older Women: Inequality at the Intersection of Age and Gender](#)

⁷ [Human rights of older women: the intersection between ageing and gender](#)

⁸ [Amid worrying trends in attitudes towards gender-based violence, UNECE calls for commitment to end all violence against women](#)

attitudes and power imbalances that contribute to violence against women can persist and, in some cases, become more visible with age. Older women are disproportionately represented in institutional settings, where instances of physical, emotional, and sexual violence have been reported. These forms of violence can continue into older age.

In a 2025 study⁹, YouGov found that Boomer men (born between 1946 and 1964) were the least likely age group to have experienced misandry, with 15% having personally experienced it. This rises to 23% of Gen Z men (born between 1997 and 2012), 28% of millennial men (born between 1981 and 1996) and 22% of Gen X men (born between 1965 and 1980). It should be noted that these figures relate to people's experience of misandry and not to criminal behaviour motivated by misandry, which evidence suggests is much rarer.

Disability

The European Disability Forum have previously highlighted how gender and disability intersect, resulting in multiple and overlapping forms of discrimination¹⁰. As an example, women with disabilities are not only discriminated against because of their disability but also because of their gender, making them more vulnerable to sexist attitudes and treatment.

Further, the Equality and Human Rights Commission have noted that in ensuring women are protected from violence, “disabled women [are] hit with a ‘double whammy’ as a result of their gender and impairment”¹¹. Disability Rights UK have suggested that disabled women and girls are particularly at risk of behaviour such as leering, catcalling, touching, pressing, upskirting¹², and in 2021, a post for Women's Aid by survivor and campaigner Saliha Rashid noted that for many disabled women, the abuse they experience is compounded by their disability or health condition¹³.

The Misogyny Working Group found that, in Scotland, disabled women were more likely than non-disabled women to report experiencing and witnessing misogyny across almost all settings (with the exception of the workplace). Further, the Scottish Coalition for Learning Disabilities has found that women with learning disabilities in Scotland are facing multiple barriers and discrimination when accessing support and justice for gender-based crimes in Scotland¹⁴, in that women with learning disabilities reported experiencing severe, frequent and repeated forms of abuse, including threatening and abusive behaviour, coercive control and sexual assault, occurring

⁹ [Young men, masculinity and misogyny](#)

¹⁰ [Gender stereotypes against women with disabilities](#)

¹¹ [The 'double whammy' of being a disabled woman in the UK](#)

¹² [Violence against Disabled women and girls increasing on transport](#)

¹³ [Impact of gender-based violence on the mental health of disabled women](#)

¹⁴ [Unequal, Unheard, Unjust: But not Hidden Anymore – new report launched at Scotland's Learning Disability and Gender-Based Violence Conference 2023](#)

both online and in-person.

Gender reassignment

A person may be a victim of hate crime because of hostility on the part of the perpetrator towards their presumed transgender identity, or because of their presumed birth sex. There is evidence to suggest that transgender individuals may experience higher rates of sexualised and/or gender-based forms of abuse (and or other forms of online abuse and harassment overall) - as noted by Jurasz and Barker, transgender individuals experience higher rates of sexualised and/or gender-based forms of abuse (and of online abuse and harassment overall) than cisgender individuals,¹⁵ with Stop Hate UK suggesting that transgender people are more likely to experience threats of physical or sexual harassment or violence compared with the LGBT community as a whole¹⁶. Further, the 2023 survey by the European Union Agency for Fundamental Rights noted that while trans respondents experienced higher rates of physical and sexual attacks than the EU average in the 5 years before the survey, trans women were slightly more likely to report being the victim of such an attack (29% of trans women and 23% of trans men)¹⁷.

There may be individual cases where the facts and circumstances of an instance of hate crime against someone who is transgender are such that it is difficult to determine with certainty whether a perpetrator was motivated by hostility relating to a person's birth sex or their transgender identity. A similar issue can arise where it is difficult, for example, to determine whether an offender is motivated by hostility relating to a victim's presumed race, their presumed religion, or both.

The 2021 Act already provides protection to people on the basis of transgender identity and who identify as non-binary. Adding the characteristic of sex will ensure that transgender people, like everyone else, will also be protected from hate crime motivated by hostility relating to their actual or presumed birth sex.

Respondents to the consultation on the draft SSI expressed concern that the effect of the provision is to treat people with a transgender identity as being of their birth sex. However, it is important to note that the provisions are concerned with the perpetrator's presumption about the identity of the victim of an offence motivated by prejudice, rather than the victim's actual identity.

A second concern that was expressed by respondents to the consultation was that the approach in the draft SSI would not enable the "sex" aggravation to be libelled in, for example, a case where a perpetrator was motivated by hostility relating to a trans woman's female gender, but knew that the victim's birth sex was in fact male. However the existing approach in hate crime law means that the aggravation – in the

¹⁵ [Gender-Based Violence: A Comprehensive Guide](#)

¹⁶ [Transgender Hate - Stop Hate UK](#)

¹⁷ [LGBTIQ equality at a crossroads – Progress and challenges](#)

case of the new proposed legislation sex – applies where the offender directs behaviour at a victim because of their association with one of the characteristics covered by the Act.

For this reason, the aggravation could be used to apply where someone who directs misogynistic abuse at a trans woman, even where the perpetrator knows the victim to be a trans woman in the same way that the sexual orientation aggravation could be used where someone directs homophobic abuse at someone whom they in fact believe is heterosexual.

Marriage and civil partnership

There is limited evidence to suggest that people are targeted for hate crime as a consequence of their marital or civil partnership status. However, discrimination linked to sex-based assumptions within employment contexts is well-documented under the Equality Act 2010. For example, the Equality and Human Rights Commission provides¹⁸ as an example a case where a woman working night shifts in a distribution warehouse was dismissed after marriage because her employer believed that married women should remain at home in the evenings. While such behaviour does not typically escalate to criminal conduct, it reflects societal attitudes that may intersect with sex-based hostility, particularly where traditional gender roles within marriage are invoked.

As an example, a longitudinal study published in 2024¹⁹ found that both men's hostile sexism and women's hostile and benevolent sexism rose significantly after marriage, before gradually declining over time. This suggests that marital contexts may perpetuate gendered power dynamics rather than reduce them, despite close interpersonal contact. While this does not equate to targeted criminal behaviour based on marital status, it highlights a broader societal pattern where gendered expectations within marriage intersect with sex-based prejudice.

Any potential impact on sex-based hate crime is more relevant to sexual orientation than marital status, which is investigated in more detail below.

Looking at the potential implications of the addition of sex to the 2021 Act, harassment or hostility toward individuals because of perceived gender roles within marriage (e.g., misogynistic abuse of married women) could intersect with sex-based hate crime provisions.

Pregnancy and maternity

The SSI is drafted in such a way that would, for example, provide protection for women and girls from hate that is targeted at women and girls of a particular

¹⁸ [Marriage and civil partnership discrimination](#)

¹⁹ [Is Marriage Associated With Decreases or Increases in Sexism?](#)

description or who are members of a particular group, and as such, the addition of sex to the 2021 Act will provide protection to women and girls who experience behaviour that amounts to the stirring up of hatred based on their sex while, or due to the fact that, they are pregnant. By protecting women on the basis of sex, the SSI reinforces protection for pregnant women and new mothers, who may be particularly vulnerable to abuse.

Pregnant women often face abuse, harassment, or discrimination that is rooted in sex-based prejudice, such as verbal abuse in public spaces, workplace hostility or exclusion. For example, the written submission from the British Pregnancy Advisory Service²⁰ to the Sexual Harassment of Women and Girls in Public Places inquiry notes that women who attend abortion clinics have been called “mum” in an attempt to harass them, and that some have received leaflets stating that “abortion violates something basic in a woman’s nature”. While protesting at an abortion clinic would not constitute the stirring up of hatred of women in this context, it is important to reflect on the specific harassment that women in particular face if they need or choose to visit these spaces.

Race

In 2023-24, 63% of hate crimes included an aggravator for race²¹. However, the Fawcett Society and Runnymede Trust have noted that women of colour face a “double jeopardy” of racism and sexism²². 75% of women of colour have experienced racism at work, and many reported discriminatory treatment linked to gender and race combined. For example, 50% of Pakistani/Bangladeshi women and 48% of Black African women said they were criticised for behaviours tolerated in others, compared to 29% of White British women.

Further, evidence from Amnesty suggests that misogyny is more severe for ethnic minority women – their polling²³ from 2025 shows that Gen Z women from ethnic minority backgrounds who experience online misogyny are more likely to encounter hate speech (38%) than white women (31%).

In their response²⁴ to the UK Parliament’s Women and Equalities Committee inquiry into “The escalation of violence against women and girls”, The Women’s Aid Federation of England noted that Black and ethnic minority women were 10% more likely to experience online abuse than white women.

Religion and belief

²⁰ [Evidence on Sexual harassment of women and girls in public places](#)

²¹ [Safer Communities and Justice Statistics Monthly Data Report 19 December 2024](#)

²² [Landmark report reveals 75% of women of colour have experienced racism at work](#)

²³ [Toxic tech: New polling exposes widespread online misogyny driving Gen Z away from social media](#)

²⁴ [Written evidence from Women’s Aid Federation of England](#)

Peter Hopkins (2016) has argued that that Islamophobic violence is often gendered, with Muslim men stereotyped as aggressive, dangerous, or hypersexual²⁵, and Cockbain and Tufail (2020) note that “claims of how Muslim culture and faith supposedly perpetuate sexual abuse have helped collectively demonise British Muslim communities, especially young Muslim men.”²⁶ In these instances, violence is not only racist but also influenced by sexism.

In some responses to the consultation on adding sex as a characteristic to the 2021 Act concerns were raised about how this new legislation would impact traditional or doctrinal views on gender roles or sexuality in that they could be (mis)interpreted as stirring up hatred based on sex. However, the Scottish Government has proposed specific protections for freedom of expression in relation to the new stirring up hatred offence for sex, similar to those already in place for disability, age, sexual orientation and transgender identity.

Under this new legislation, hate speech targeting women in religious contexts (e.g., misogynistic interpretations or practices) could potentially be prosecuted under both religious hatred and sex-based hatred provisions, depending on the nature of the speech and its impact.

Individuals may belong to multiple protected groups (e.g., a Muslim woman), and hate speech may target them on multiple grounds simultaneously. Dr Shereen Hamed Shaw, Senior Lecturer in Education at Edge Hill University, submitted written evidence to the UK Parliament’s Gendered Islamophobia Inquiry²⁷, and her submission presents data and case examples indicating that Muslim women and girls in the UK experience disproportionately high levels of Islamophobic abuse because they are women and girls. The submission identifies visibility, particularly through religious attire, as a key factor contributing to the targeting of Muslim women.

The evidence draws on data from Tell MAMA, a national project monitoring anti-Muslim hate incidents. According to Tell MAMA’s 2025 Report²⁸, in 2023, 65% of reported Islamophobic incidents in urban areas involved Muslim women. Women who wear visible Islamic clothing, such as hijabs or niqabs, are particularly vulnerable to offline attacks – in 2024, 70% of physical attacks were directed at women wearing religious garments such as the hijab or niqab. Online abuse also showed a gendered pattern, with 75% of victims being female.

Muslim Women’s Network UK written evidence to the Women and Equalities Committee in April 2025²⁹ also highlights how Muslim women and girls are disproportionately affected by Islamophobia due to visible markers of faith which make them more vulnerable to abuse. They suggest that violence towards Muslim

²⁵ [Gendering Islamophobia, racism and White supremacy](#)

²⁶ [Failing victims, fuelling hate: challenging the harms of the ‘Muslim grooming gangs’ narrative](#)

²⁷ [Gendered Islamophobia: Evidence of Disproportionate Abuse Against Muslim Women and Girls](#)

²⁸ [The New Norm of Anti-Muslim Hate - Tell MAMA Report 2025](#)

²⁹ [Muslim Women's Network UK - Gendered Islamophobia Inquiry](#)

women is compounded by stereotypes portraying Muslim women as submissive or oppressed, but also that Muslim women may face harassment within their communities for not conforming to cultural or religious norms.

As noted above, many churches hold long-standing theological convictions about the complementary roles of men and women. As an example, some hold that certain offices (particularly the office of minister) are restricted to men. However, the freedom of expression provision makes clear that those of this view are entitled to hold and discuss these issues in an open manner without fear of being convicted of stirring up hatred – not least because the offence is limited to behaviour which is threatening or abusive and intended to stir up hatred.

Sex

In general, the most significant impact of this SSI is on addressing a current inequality where women and girls, and men and boys, lack equivalent hate crime protections compared to other groups. However, it is important to note that available evidence indicates that gender-based hate crimes are usually motivated by misogyny, and therefore disproportionately affect women and girls.

The UK Parliament's Women and Equalities Committee inquiry into "The escalation of violence against women and girls" received evidence from numerous sources, many of which pointed to areas of concern which could amount to the stirring up of hatred of women and girls. As an example, evidence from Dr Jessica Aiston, Dr Veronika Koller, Dr Alexandra Krendel and Dr Mark McGlashan demonstrated that violently misogynistic language online can escalate into real-world violence against women and girls³⁰. Their linguistic analysis concluded that in online spaces that bred hatred of women and girls, women were routinely dehumanised (for example, some were likened to parasites, or ranked by "sexual market value"); violence against women is denied (e.g. claims that women lie about rape); and that women are portrayed as desiring violent behaviour. The researchers noted that there is evidence of growing desensitisation in these online spaces, especially among teenage boys, with 52% of 16–17-year-olds reportedly engaging with content which has been largely viewed as conducive to stirring up hatred of women and girls. In this piece of submitted evidence the researchers specifically supported the Law Commission's 2021 recommendation to extend stirring up hatred offences to include sex to address the harms perpetuated by misogynistic online content and protect women and girls more effectively.

The Victims Commissioner's 2022 research into the victims of online abuse found that women were more likely to experience online hate crime motivated by gender³¹ in particular (16% compared to 10%), but also that 50% of women compared to 36%

³⁰ [Misogynist language online can escalate to offline violence against women and girls](#)

³¹ [Hearing the Victims Voice](#)

of men had experienced any online harassment. Further, Plan UK's The State of Girls' Rights in the UK³² report found that 1 in 5 girls reported being threatened with violence online, and Ofcom's 2024 report on online behaviour found a steady 22% of those surveyed between June 2022 and June 2024 had seen misogynistic content online³³.

Within their Violence Against Women and Girls Strategy, Police Scotland has identified the rise of contemporary men's rights movements (CMRM). These are characterised by male-orientated online forums, websites, and blogs 'united by an anti-feminist agenda'. Police Scotland report³⁴ that since 2014, 16 men globally associated with CMRMs have committed extremist motivated acts, killing 67 people. Activity on such groups that contain threats of violence against women and girls would be deemed 'stirring up hatred' and would therefore fall within the remit of this legislation.

Overall, there does not appear to be evidence of any equivalent problem of criminal misandrist behaviour directed at men and boys because they are men and boys. Various studies, reports and surveys have highlighted just how widespread misogynistic behaviours are across the public, private and online spheres, while literature reviews³⁵ have found that the idea that misandry is equally as widespread as misogyny has been proven to be incorrect. However, the introduction of this legislation as inclusive of both sexes means that should behaviour that amounts to the stirring up of hatred of men and boys on the basis of their sex occur, they would benefit from the protections of the new legislation.

Sexual orientation

Plan International UK's 2021 survey data³⁶ found that young women who identify as LGBTQ+ reported higher rates across all experiences of gender-based harassment than women who did not. While 38% of 14-21 year-olds girls in Plan International UK's polling reported unwanted sexual attention (including catcalling, wolf-whistling, being stared at or sexual comments) at least once a month, this rose to 49% of LGBTQ+ young people.

The Victim's Commissioner's 2022 research into the victims of online abuse found that men were more than twice as likely to suffer online abuse directed at them due to their sexual orientation³⁷.

³² [State of Girls Rights Report](#)

³³ [Online Nation 2024 report](#)

³⁴ [SPA Meeting: Violence Against Women and Girls Strategy](#)

³⁵ [The Misandry Myth: An Inaccurate Stereotype About Feminists' Attitudes Toward Men](#)

³⁶ [What Works for Ending Sexual Harassment Report](#)

³⁷ [Hearing the Victims Voice](#)

Gaps and Limitations

While this assessment acknowledges intersectionality (e.g., age and sex, disability and sex), it cannot fully explore how multiple characteristics compound vulnerability or likelihood of an individual being the victim of a hate crime. For example, the experiences of women who are both disabled and from minority ethnic backgrounds, or LGBTQ+ women of faith are only briefly mentioned as it is difficult to disaggregate data in a meaningful way in considering how the SSI will impact these groups.

There are also data-driven gaps that have meant that it has not been possible to reach a view on how men who belong to the protected groups may potentially benefit from the new legislation. While it is vital not to deny the experience of individual male victims, there is a shortage of evidence available to adequately consider in this impact assessment. From what evidence is available, though, while men are victims of hate crime motivated by hostility relating to their race, religion, sexual orientation, transgender identity and disability, there is little evidence of men being targeted because of hostility relating to their being men. While the legislation applies equally to both sexes, the evidence base overwhelmingly demonstrates that misogyny is far more prevalent and harmful than misandry. Current research does not indicate that hostility toward men and boys reaches a comparable scale or severity to that directed at women and girls.

Recommendation and Conclusion

Having considered the evidence and analysis set out in this EQIA, the following recommendations are made:

Implementation of the proposed amendment

Proceed with the inclusion of “sex” as a characteristic within the Hate Crime and Public Order (Scotland) Act 2021. This measure is necessary to ensure parity with other protected characteristics and to address the systemic harms associated with sex-based hostility, but particularly misogyny.

Monitoring and evaluation

Ensure ongoing monitoring and evaluation of the impact of the legislation, including data collection and engagement with stakeholders. This will ensure that any unintended consequences are identified and addressed promptly, and that the policy continues to meet its intended objectives.

Conclusion

The assessment demonstrates that the inclusion of “sex” as a characteristic within the Hate Crime and Public Order (Scotland) Act 2021 is proportionate, necessary,

and consistent with the public sector equality duty. The amendment will provide formal recognition of sex-based hostility as a form of hate crime, strengthen protections for victims, and contribute to wider efforts to tackle gender inequality and violence. While the legislation applies equally to both sexes, the evidence indicates that misogyny is significantly more prevalent and harmful than misandry. Appropriate safeguards for freedom of expression, combined with robust guidance and monitoring, will ensure that the policy is implemented effectively and without unintended adverse impact.



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