

3 November, Panel 1

Roddy Dunlop QC, Faculty of Advocates:

“The matter needs mature consideration. If it is not thought possible to put it through at the same time as the provisions in the bill, that is okay as long as it is being given the consideration that it needs. It is fairly obvious that we need to merely glance at Twitter or any other form of social media to see that there are difficulties with misogyny in the same way that there are with the other species of hate crime that the bill directly addresses.”

Michael Clancy, Law Society of Scotland:

“The Law Society is looking forward to hearing what the working group on the sex characteristic will produce. It is a matter of policy as to whether the Government goes down that road.”

Andrew Tickell, academic, Glasgow Caledonian University:

“Obviously, the proposed provisions do not represent the most satisfactory way to achieve a consolidation, with on-going uncertainty about a core element of what would look like the global picture of hate crime after the bill has passed. However, that is where we are. It is unsatisfactory that we are where we are on this matter. I agree with Michael Clancy that scrutiny of the proposals will be important, and it will raise fascinating questions of principle about how far we want our law to be gender neutral and how far, by making the law gender neutral, we are in effect disguising the gender inequality in our society.”

3 November, Panel 2

Anthony McGeehan, Crown Office and Procurator Fiscal Service:

“I will offer the observation that the statutory aggravation model, by definition, proceeds on the basis that there is an existing foundation offence. Therefore, the absence of an aggravation in relation to gender does not prevent COPFS from taking prosecutorial action in relation to cases that are reported at present. The addition of a statutory aggravation in relation to gender would not aid our ability to address offences that are reported to COPFS.”

Calum Steele, Scottish Police Federation:

No view offered

Gary Ritchie, Police Scotland:

No view offered

10 November, Panel 1

Fraser Sutherland, Humanist Society Scotland:

“I have sympathy with and respect for the women’s organisations that have approached the Government about the aim of having a misogynistic hatred offence and the reasons for that. I understand their reasons. I would err on the side of caution and give the working group time to work out those issues and to decide what they want.”

Lisa Clark, Scottish PEN:

“It is completely understandable that the working group should look at the issue. Gender-based violence is poorly understood in society, and there are issues around access to evidence regarding women’s experiences. We understand that, for women writers, there are specific issues around online harassment. There are specific issues that face women in all walks of life. It is a complex area, and I understand that some women’s organisations have raised concerns about whether including a misogynistic harassment charge in the bill is the best way to tackle such nuanced issues that spread into all aspects of life. We are keen to learn more from the experts in this area, and we have no real objections to the time that it takes to fully consider such serious issues.”

John McLellan, Scottish Newspaper Society:

No view offered

David Greig, Royal Lyceum Theatre:

No view offered

10 November, Panel 2

Neil Barber, National Secular Society:

“There are people better informed than me to comment on those issues. Although I have personal opinions, it is beyond the remit of the National Secular Society.”

Kieran Turner, Evangelical Alliance:

“Others are more qualified than we are to say whether a stand-alone offence or part of the bill would be the most effective way of prosecuting in that area.”

Anthony Horan, Catholic Parliamentary Office of the Bishops Conference of Scotland:

“The approach that has been adopted appears to be a bit fragmented, in that sex has been dealt with differently to other protected characteristics, which appears to be at odds with the overall principle of consolidation. Given the existing set of protected characteristics, I do not see why it should not be included, but of course that would be a matter for the working group on misogynist harassment to examine in its future deliberations.”

Hardeep Singh, Network of Sikh Organisations:

“The decision should be left to the experts in the working group.”

Isobel Ingham-Barrow, Muslim Engagement and Development:

“It does not seem to make sense that sex should not be included. I reiterate the point about the need to protect people’s rights when there are conflicts between those of different groups of people. Perhaps there needs to be greater discussion about how abuse against different characteristics intersects. For example, from our own experience, we would highlight that there is an interplay between misogyny and Islamophobia. Islamophobia is a gendered phenomenon and misogyny definitely plays into the attacks that we see. Women are overwhelmingly the victims of particularly violent instances of hate crime against Muslims. There needs to be an understanding of the intersection between instances of hatred directed against people with different characteristics.”

Stephen Allison, Free Church of Scotland:

“The exclusion of sex, together with the inclusion of transgender, creates a hierarchy that suggests that one characteristic is more valuable than the other. There have been debates and discussions over gender identity issues, and the lack of a free speech clause on transgender plays into that. There is a lot to be said for sex being treated on the same level as transgender issues.”

David Bradwell, Church of Scotland:

No view offered

Ephraim Borowski, Scottish Council of Jewish Communities:

No view offered

Ravi Ladva, Hindu Forum of Britain (Scotland Chapter):

No view offered

17 November, Panel 1

John Wilkes, Equality and Human Rights Commission:

“We understand that sex is included in the sense that it could be activated as an aggravator at a later date. We support that—or, indeed, the inclusion of gender, depending on how the secondary legislation is framed.”

Kevin Kane, Youthlink Scotland:

“My comment is about the working group on misogynistic harassment. Given the variation in views, the strength of feeling involved and the complexity of the issues, the youth work sector is keen to make representations to that group. The fact that the bill has an enabling power to revisit the issue of a statutory aggravator is positive and is a good place to be at the moment. It is right and proper that we discuss the issue in relation to domestic abuse and other areas affecting the female sex. That has been raised by Engender, Scottish Women’s Aid, Rape Crisis Scotland and a few other organisations. We certainly would not want to rush in with an aggravator that is designed to protect women but which has an

unintended consequence that undermines the female sex. We are nailing our colours firmly to the misogynistic harassment working group mast.”

Oonagh Brown, Scottish Commission for Learning Disability:

No view offered

Colin Macfarlane, Stonewall Scotland:

No view offered

Tim Hopkins, Equality Network:

No view offered

Adam Stachura, Age Scotland:

No view offered

17 November, Panel 2

Danny Boyle, BEMIS:

“We see from a number of examples of individual cases that there is a misogynistic element that is linked to the racial aggravator. There will be a working group on misogynistic harassment, which will look at the nature of that hate crime. We agree with other witnesses that the work of that group should continue.

Amy Allard-Dunbar, Intercultural Youth Scotland:

No view offered

Jennifer Galbraith, Coalition for Racial Equality and Rights:

No view offered

17 November, Panel 3

Lucy Hunter Blackburn, MurrayBlackburnMackenzie:

“Our strong view is that the default position should be for sex to be included. Unless someone can truly demonstrate that it would clearly be harmful to include sex—I did not hear any of the earlier witnesses provide a compelling reason why that would be the case—we think that there are strong arguments for including sex as one of the listed characteristics so that it is included in public information campaigns and we can gather statistics. I am keen for the committee to interrogate why the default position is not to start with sex. If a working group comes up with a better option that will need primary legislation, sex could by all means be taken out at that point.”

Paul Dutton, Klinefelters Syndrome Association UK:

“There is a broader question to answer about whether there should be some overarching protection of sex.”

Becky Kaufmann, Scottish Trans Alliance:

“I believe that organisations such as Engender, Rape Crisis Scotland and Scottish Women’s Aid have done many years of research and engaged in the process quite well. We as an organisation are quite aware that we have not done that research but that there is an on-going discussion and debate. Personally and organisationally, we would like to see that conversation play out, as a fairly large number of women’s organisations have a range of opinions. Ultimately, we would support any approach that, within the wisdom of the committee or the misogyny working group, will provide increased protection for women and society.”

Claire Graham, dsdfamilies:

“Including sex as a protected characteristic might help to include people with variations in sex characteristics, and I think that it is worth exploring that avenue and whether we are protected anyway on the basis of our sex and our differences.”