

Ref No.	Q1 – Y/N	Why ?	Q2 – Type of legislation	Q3 - Groups and types of legislation	Q4 – Police/ COPFS/ improve?	Police/ SCS	Q5 – Outside CJ?
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RESPONSES TO CONSULTATION QUESTIONS

001 Amina							
002 Maurice Frank (General comments)	Y						
003 Individual Withheld							
004 Individual Withheld							
007 Individual	Y	Taken more seriously and have impact on sentencing.	Statutory offence – Section 50a	Disability and sexual orientation, scope to cover other groups where possible.	Police – mandatory training. Disability – rights issue not medical problem.		
008 Individual	N						Yes
011 Anarchy in the UK	N						No
012 Individual Withheld							
013 Argyll and							

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Bute Council Withheld						
016 Fiona Cooper	Y?	Better recording and monitoring. As society changes, legislation must change.		Age, gender, disability.		
017 Wester Hailes Multicultural Welfare Project	Y	Everyone has right to work and live without fear. Person can still be convicted if aggravation not proved. Current legislation does not go far enough	Same as religious and racial crimes. Make incitement to religious hatred an offence.	Refugees	Police should take calls from ethnic minorities seriously. CO should direct PFs and SCS. Longer and tougher sentences required.	Strong supporter of Community Wardens – their presence helps reduce this type of crime.
026 Anonymous Withheld						
027 Scottish Council on Deafness Withheld						
028 Individual	Y	Have to be discussed with groups and people who understand law	Needs expert in law	Transgender community	Police; lot of talk about Neots scheme which did not reach all rank and file officers	
030 Renfrewshire						

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Council Housing and Property Services Withheld						
032 Individual	Y	Sends a signal; improve recording and monitoring > consistency	Statutory aggravation; provision for recording increase in sentence and reason for it. Gives most suitable sentence. Good drafting > flexibility about nature of aggravation. Robin Harper's perhaps too broad.	Mental illness and disability, sexual orientation and refugees and asylum seekers. For other groups, violence seems related to vulnerability.	More resources to police. Courts and procedure highly intimidating and do not provide enough separation of vulnerable witnesses from criminals and their allies.	Anti-social behaviour – increasingly disruptive. Vehicle patrols by police have no lasting effect. Regular foot patrols could be more effective.
043 EIS Withheld						
049 Scottish Borders Elder Voice	N	Keep solutions as simple as possible. Selecting groups discrimination. Difficulty often in having evidence to back up complaint.			Laws already in existence should be enforced. Judges should be given more powers to differentiate judgements on hate crime when sentencing.	
050 Individual	Y	Send signal – not acceptable. Vital with LGBT –	Statutory aggravation of offences. New offence of hate	LGBT community, gypsy travellers, asylum seekers,	All – by having legislation. Not sufficient to resort to	Victim support not enough. Perpetrators of hate crime must

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		people believe ok to abuse LGBT – lifestyle choice., should be prepared for harassment.	motivated harassment. New offence of incitement of hatred.	disabled. Should be “catch-all” provision.	common law.	realise there is a serious sanction.
052 Mushtaq Khan	N	Aggravation covered in common law. Extending makes it harsh and complicated, favouring only one side of picture.		Elderly, disabled and mentally ill – special protection under law enforcement and legislation.	Improvement (in police and COPFS) already in process with diversity training.	
053 Tom Sinclair	Y	Info in paper suggests hatred significant part in crimes in Scotland. If common law not effective, should be tackled through additional legislation.	Statutory aggravation of offences. If it is not bureaucratic burden, data collection and analysis would provide evidence which could amend legislation in future.	Legislation identify main groups at risk but include “catch-all” provision.	Data collection by police and COPFS. Helpful for police to have list of social groups likely to be victims of hate crime. Courts use community service? How make public aware of new leg.	Complementary measures aimed at longer-term education and awareness for offending groups or groups can influence e.g. school children.
058 South Ayrshire Council	Y	Send clear message. Common law can do this but dependent on individual PF and sheriff/judge.	Statutory aggravation. Common law – flexibility. If aggravation not proved, offender convicted of primary offence. If new offence created, make it harder to obtain conviction.	Should not be vast group taking away from public significance. Should include age, gender, sexual orientation, disability, refugees and asylum seekers, homeless and	COPFS – when offence reported, PF could take action by prosecuting as a matter of course – send message.	Education of children and young people of paramount importance. Teachers given practical training. Integral part of primary school life and developed to become part of

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				prostitutes – use amendment to Criminal Justice (Scotland) Act 2003.		Personal and Social Education in secondary schools.
066 Humanist Society of Scotland	Y	Necessary as result of religious hatred aggravation.	Statutory aggravation. Ensure legislation does not infringe freedom of speech. Religious belief should not be acceptable defence to any other hate crime.	Those covered by Article 13 Treaty of Amsterdam. (Sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation). If extended further, difficult to refuse any group.	Probably yes but have no expertise in this area.	Education. Money not used to promote idea that people are different. State support should be withdrawn from sectarian schools – non-religious system.
067 West Dunbartonshire Council	Y		Statutory aggravation	Main groups covered by research. Legislation reviewed regularly to allow any group to be protected if there is a need.	Recent initiatives by these bodies are to be commended. Any new legislation would allow a victim to have a voice at all stages in CJ process.	Increased support to agencies like Victim Support to assist victims of hate crime.
074 Individual	Y	Not distinguishing hate crime stops us addressing causes of hate crime. Legislation would help tackle problem of “hate”.	Heftier punishment on hate crimes. Sentence could involve rehabilitation with aggrieved community.	Non-religious groups e.g. atheists and humanists do not have same protection as religious groups.		Better society education in schools.
075 Baptist Union of Scotland	Y	Monitoring and recording useful.	Statutory aggravation.	Not define groups – cover hate in general.		

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076 Anonymous Withheld						
077 Scottish Liberal Democrats	Y	Recording and monitoring; Signal – behaviour unacceptable; Reinforces social education initiatives undertaken by Executive.	1) Statutory aggravation; 2) if not, improved recording and monitoring of aggravation in existing statutory and common law provision. Lord Advocate guidelines. (Spoke with author to clarify 27/4/04)		Long term support to victims of hate crime – offered from outset. Disposal – inc. range; “restorative justice”. Strengthen Lord Advocate’s guidelines.	
078 Beyond Barriers	Y	Recording and monitoring; crimes taken more seriously (current under-reporting). Nothing LGBT people can do legally if harassed.	Statutory aggravation	LGBT people, travellers, asylum seekers. Danger of hierarchy. Reflect specific group needs whilst being non-divisive.	All – diversity training has not filtered down; 2 calls/week of LGBT people maltreated by services. Monitor diversity policies.	Media campaign – homophobia like Many Cultures. Inc. funding and creation of LGBT groups.
079 General Assembly of the Church of Scotland Withheld						
087 Glasgow Uni LGBT Students						

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Association Withheld						
088 Scottish Police Federation	N	Last section of para 3.4. Retain common law flexibility. Danger of hierarchy of victims. More difficult to present case to court on statutory provisions than common law charge.			Support improved recording and monitoring mechanisms (help deal with repeat offenders) – best achieved with guidelines to court and criminal records offices. Diversity issues at forefront of police officers' minds.	
089 Duncan Hothersall	Y	More groups than race and religion face hate crimes. Creates hierarchy of discrimination.	Statutory aggravation	All groups (general)	VIA should be available to all, not particular groups. If not economically viable, based on needs per case.	
090 Individual Withheld						
091 Glasgow LGBT Centre	Y	Recording and monitoring (better targeted policing); send a signal; common law does not allow for individual	Statutory offence – concern that both aggravation and offence need to be proved – should be examined.	All; different groups may need to be covered by different types of legislation. Problem of belonging to more than one group.	All – have access to referral lists. Victim statements should be extended to minority/vulnerable groups. COPFS LGBT action	Anti-Social Behaviour bill – recourse when victim of minor crime. Domestic abuse – no LGBT groups. Schools

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		prejudices.			plan.	Advertising campaign against homophobia.
092 ASPS	Y	Send signal; monitoring and recording.	Statutory legislation.	All groups.	COPFS increase profile of VIA.	Public awareness and education programmes.
093 Individual	Y			LGBT groups should be named.	All; specific training and internal codes of conduct needed.	
094 West Lothian Council	Y	Send signal; recording and monitoring (repeat offenders); common position with racial/religious situation; inc deterrent.	Statutory aggravation.	Disability, age, gender, sexual orientation.	Support diversity awareness training.	Public awareness campaign; education and positive images; bullying in institutions; witness and victim protection; liaison officers.
095 Individual Withheld						
096 Waverley Care	Y	Need to be sanctions; recording and monitoring; police and judiciary take crimes more seriously; send signal.	Same as racial and religious legislation.	All individuals who feel marginalised and then targeted for hate crime.	Great strides with police forces; need for further training and targeted recruitment to ensure forces reflect society.	More resources in orgs helping victims of hate crime.
097 Edinburgh City Council	Y	Send signal; recording and monitoring (repeat offenders). Reduction in	Statutory aggravation. Ensure consistency with racial and religious legislation.	LGBT (gender identify issues) and disabled. Focus on motive of perpetrator (hate against social	No comment.	Schools prog addressing homophobia – mandatory for schools.

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		flexibility minimised by statutory aggravation.		group) and list egs. Indicative not prescriptive. Not different types of leg.		Publicity campaign – LGBT and disability.
098 Fife Council	N	Legislation already exists. Provide social work departments with relevant info in follow-up.		Prob of hierarchy of victims. If new leg, LGBT community.	All – work in partnership, share info and have common understand and approach to hate crime.	Copy Fife's Community Safety Partnership approach as outlined in paper.
099 Equal Opportunities Commission	N?	Flexibility of common law – sufficient sanctions; address courts and police first.	If any, statutory aggravation.	LGBT and disabled people.	Sufficient resources; how current legislation used?; skills/knowledge; data collection.	As left. Monitoring initiatives.
100 Capability Scotland	Y	Own research; raise awareness; send signal; recording and monitoring; focus minds of police and courts; race/religious leg had positive impact.	Statutory offence of aggravated harassment and statutory aggravation.	Disabled (any group that can show evidence of victimisation). General – add/remove groups. Prob of giving evidence/identifying perpetrator.	Review of police reporting and evidence collection. Victim Support – services for disabled people. Attitude of some police officers – training. Liaison officers. Collection of evidence. VIA.	Attitudinal campaign.
101 Edinburgh Youth Social Inclusion Partnership Withheld						

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102 Phace Scotland	Y	Issues of equality not adequately addressed without legislation. With leg, PFs and courts not left to decide what does not constitute a crime.	Broad interpretation of hate crime. Possibility of including more groups when needed.	LGBT, asylum seekers, disabled BME; particular homeless; commercial workers. HIV+; people; gender; beliefs; gypsy; sex	COPFS – training plus organisational policies needed; challenge stereotypes.	Homophobic bullying in schools; language.
103 West of Scotland Seniors Forum	N	Existing law is adequate enough.			All link up effectively – this would improve services to all social groups.	Education.
104 The Christian Institute (Scotland)	N	Threat to freedom of speech; worried Christians may be prosecuted for denouncing homosexuality.		Homosexuality not like race/disability – it is lifestyle choice.		
105 Individual	Y		Aggravated form of assault with custodial sentences attached.	Gay, Lesbian, transgendered or TV people	Police – better training and aware of issue.	Tackle all forms of prejudice esp. sectarianism.
106 Enable Withheld						
107 The Sheriffs' Association Withheld						
108 Grangemouth	Y	Might be someone that cannot fight	Have specialist lawyers; better support	People with special needs.	All; more police on streets; tougher	Community wardens.

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Quality Action Group		back.	for victims.		sentences for anti-social behaviour towards vulnerable people.	
109 Scottish Civic Forum Mix of views						
127 Stonewall Scotland	Y	Nature of crime unique; seriousness of impact – reinforce power imbalance; common law not effective; recording and monitoring; confidence to report crime; send signal.	Statutory offence. Statutory aggravation – not sufficient on its own (harassment element).	Covered explicitly: LGBT people; disabled people; refugees and asylum seekers; prostitutes; “rough sleepers”, plus general element.	All – raise awareness of issues and experiences particular to social groups; training; regular monitoring; dialogue with stakeholders.	Education; employment equality initiatives, public housing policies. Mainstreaming.
128 LGBT Health Scotland	Y	Recognise impact of attack; research; send signal.		LGBT people. Also other groups known to be subjected to hate crime – may include: disabled people; refugees and asylum seekers; rough sleepers and prostitutes.		From senior level, commitment to challenge prejudice. Systematic approach.
129 Leonard Cheshire Scotland						

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130 The National Autistic Society of Scotland	Y	Research; been done in England; in Scotland only protection against harassment is general protection under Section 8 of Protection from Harassment Act 1997; recording and monitoring; encourage people to report crime.	Statutory offence of disability aggravated harassment (same as Crime and Disorder Act 98). Bruce Millan in review of Mental Health Act recommended new offence of harassment. Statutory aggravation by disability prejudice.	Disability.	Training. Lack of autism awareness in Children’s Hearing system – training should be provided.	Training to social workers.
131 Elinor Kelly (General comments)	Improved recording and monitoring to give more information about crimes.					
132 Evangelical Alliance for Scotland	N	Common law eroded – org opposed religious amendment. Less flexible. Concern incitement legislation affecting freedom of speech.	If decided leg is necessary, favour statutory aggravation.	Problem of ignoring certain groups. Difficult to distinguish between prejudice and vulnerability.	CO should monitor other types of hate crime.	Churches already working in this area.
133 RNID Scotland (General comments) Withheld						

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134 Keith Mothersson			Aggravation for enhanced vulnerability.		Creative sentencing.	Prioritise public education in widest sense.
135 Glasgow's LGBT Community Safety Forum Withheld						
136 DRC Withheld						
137 Scottish Green Party Withheld						
138 Outright Scotland Withheld						
139 Aberdeen Community Safety Partnership	N	Existing law adequate; difficulty in distinguishing vulnerability or prejudice. Existing legislation used more effectively and better monitoring.		Main groups mentioned in paper should receive attention. Avoid longer list.	All – more effective use of legislation. Police liaison work continue VIA provide relevant support. SCS include support to victims of hate crime in action plan.	Aberdeen – Senior Citizens Assistance Network – telephone based one stop shop.
140 Glasgow						

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Women's Aid Withheld						
141 Individual Withheld						
142 Individual Withheld						
143 Individual	D/K		Leg to encourage appropriate court disposals – reduce reoffending. Individual or group work programmes – include in supervision sentences.	No strong feelings.	SCS – encourage disposals where offenders supervised in community. CJ social work depts develop programmes.	CJ Social work Services should have offenders assessed and supervised by specialist workers. Resources for specialist social workers.
144 LGBT Youth Scotland	Y	View as serious offence; unacceptable; law takes crimes seriously – help prevent crimes; decrease in homophobic bullying at schools.	Incitement to hatred on basis of sexual orientation.	Sexual orientation and transgendered people (gender); age, and disability plus asylum seekers and refugees. Legislation should all be the same.	All – training and development. Senior officials demonstrate leadership through inclusion of LGBT issues and connection to LGBT communities.	
145 Sense Scotland	Y	Crimes against disabled people will not be tolerated; research.	Statutory offence and statutory aggravation.	Protection offered to those who can show targeted for attack based on membership to social group.	All – providing training and improving access (in broadest sense). Specialist officials to deal with disability	Public education campaign.

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					issues e.g. liaison police officers.	
146 Dundee City Council 3 different responses provided	Y/N /Y	Protection for vulnerable people; send signal./ Scots law flexible enough./ Statute law powerful tool to display society's feelings.	N/R./ Promote fact sufficient legislation in place./ Statutory legislation – covering all hate crime?	N/R./ If identify groups – backlash by general public./ Legislation should be flexible enough to cater for all groups.	N/R./ Y – media promotion./ Always criticism it is too little too late.	Consideration as to how leg fits with protection of vulnerable adults./ All orgs should concentrate more on victim./ Agencies and policies work together; shared objectives.
147 Care for Scotland Withheld						
148 East Ayrshire Council Withheld						
149 Colin Morrison (General comments)		Increasing sentences for homophobic attacks not good idea – programmes for offenders to deal with attitudes to gay men. Less punishment and more education.				
150 Individual	N	Hate crimes result from many things including envy, greed, anger and expressed in different forms. Why introduce leg	Other legislation could be strengthened.	Solution not but relationship building.	All – more focused on relationship between victim and perpetrator rather than letter of law.	Greater emphasis on citizenship in education and society as a whole.

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		which is exclusive rather than inclusive?				
151 Aberdeen City Council	Y	Some groups more likely to be victims of attacks rooted in prejudice. Need to recognise hate crimes exist. Send clear signal to offenders and victims that they are valued in society.	Incitement to hatred and statutory offence to cover all hate crimes. Existing leg used more effectively and improved recording and monitoring.	Age, disability, sexual orientation and gender. Extending list should be avoided to reduce hierarchy of prejudice. Where other people attacked, should be addressed under existing law. Improved monitoring would help identify groups.	All – more effective use of existing legislation. Police work continued and further developed. COPFS ensure existing leg used to fullest. VIA provides support to victims of all such crimes. SCS should include support to hate crime victims in action plan.	Aberdeen Senior Citizens Assistance Network – telephone based one stop shop.
152 Edinburgh Association of Women Graduates Withheld						
153 SAMH	Y	Research; police unable to act against harassers; reinforce “see me” campaign; psychological impact; impact on social group; send	Statutory aggravation – success of religious hatred aggravation. Support in principle statutory offence but acknowledge difficulty in proving.	Disability, sexual orientation, asylum seekers.	All – raise awareness of measures to tackle hate crime. Create culture where victims speak up, feel confident they will be supported. Police more	Education. Media reporting guidelines should be developed in relation to reporting of hate crime and related issues.

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		signal; recording and monitoring.			proactive in engaging with communities. Third party reporting valuable.		
154 Discussion group Withheld							
155 Individual Withheld							
156 Individual Withheld							
157 Individual Withheld							
158 Renfrewshire Council Social Work Withheld							
159 Engender Withheld							
160 VIA (Scotland)	Y	Send signal; crimes of harassment and abuse against people with learning difficulties	Statutory aggravation. If aggravation not proved, offence still stands.	People with learning difficulties.	Police – increase training in disability awareness. Some people have communication		Flagging and tagging extended to all hate crimes. Better info on Appropriate Adults.

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		not taken seriously enough; action not taken; fear of crime; recording and monitoring; police take reports seriously.			difficulties. Community police increase contact with day services and residential services. Training for Victim Support workers?	ASBOs used more. See Me campaign extended. Domestic abuse provisions relate to people with learning difficulties.
161 UNISON	Y	Need effective and coherent position across CJ system – definition guidelines. Concerned about term “hate” – replace with “crime of prejudice”.	Harassment offence – Protection from Harassment Act 1997 extended to Scotland. Statutory aggravation.	Prejudice on part of accused addressed, not vulnerability of victim. Universal coverage (as with gender) not problematic. Gender, sexual orientation, disability, age or other status.		
162 ACPOS (Different definition)	Y	More effective means of identifying, recording and monitoring hate crimes as a well as reassuring communities.	Statutory aggravation.	Cover all social groups.	Strathclyde Police operates Vulnerable Persons database – being examined as eg of good practice. Inc profile of VIA SCS – general improvements in relation to witnesses at court. Co-ordinated approach needed.	LA housing, social work, education, NHS and community reps in partnership with CJ agencies all have part to play.
163 Scottish	-	Need more effective recording	Change law to improve recording and	Not specified in legislation however	All – training must be linked to	

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Human Rights Centre		and monitoring and evaluate before deciding to introduce specific legislation. Common law flexibility. Lack of evidence.	monitoring. Guidance for police and COPFS to also record.	guidance could give examples.	operational policy. Training for judiciary. Audits and evaluations.	
164 Scottish Council of Jewish Communities	Y	Common law not used effectively; increase significance of hate crime; legislation helps form public opinion; leadership by government; show seriousness of crime.	Offence of aggravated harassment and statutory aggravation.	As wide as possible – include any group, more flexibility. Include all forms of religious hatred in future hate crime Bill.	Police and court system to be more aware of needs of victims. All should be more proactive in recognising potential for hate crime.	Education; change at institutional level. Business – codes of conduct. Media – high profile campaigns; accurate honest reporting.
165 Royal College of Nursing (Scotland) Withheld						
166 Perth and Kinross Council Withheld						
167 RNIB Withheld						

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168 Victim Support (Scotland)	Y	Effects of hate crime – personal attack heightens level of distress; communities feel at risk; repeated crime distressing; tension between communities; difficulty in obtaining recognition from agencies. Recording and monitoring; sending signal.	Statutory aggravation.	No list – general.			
169 Scottish Women’s Convention	Y	Extent of violence against women; devastating effects; cj system reflects patriarchal society; send signal; leg driver of social change; US experience; recording and monitoring.	New Statutory offence – cover acts not covered by existing offences e.g. pornography. Statutory aggravation.	Women			
170 UK Men’s Movement Withheld							

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171 Highland Council Withheld						
172 Scottish Women's Aid Withheld						
173 Glasgow City Council Withheld						
174 The Law Society of Scotland Withheld						