

Michelle Thomson MSP submission of 21 March 2022

PE1876/W: Accurately record the sex of people charged or convicted of rape or attempted rape

Dear Convenor and Committee

Firstly, I apologise for the late response to this petition – I only became aware of it very recently and I thank the Convenor and the clerks for their acceptance of this letter.

Secondly, I regret that I am not able to attend as an MSP as is my right under standing orders - but I must meet my own committee member obligations first.

I fully support the petition.

I have already put on the record my own rape aged 14. I have no wish to comment further on my personal circumstances– but I feel I must use my voice to speak for those who share my concerns but are not being heard.

I note and concur with the arguments already made about the need for accurate data, the need for public trust in their veracity and the ethical obligations that our public bodies must meet.

I trust the Committee will note the recent legal precedent as outlined in the updated submission from MBM and the legal requirement for all public bodies to take account of this.

My main reason for making this submission is a significant gap in the evidence being presented around this debate. There has to date been no serious attempt made to conduct the type of qualitative research needed to understand the consequences of conflating sex with gender on those who have been raped. This, despite the knowledge that rape can create lifelong psychological impact for many victims.

For example, in relation to the Scottish Government bill recently presented to parliament, I have not been able to find a qualitative impact analysis of the impact on women, including those who have suffered from rape and sexual violence.

Perhaps particularly surprising is the failure of COPFS, SCTS and Police Scotland responses to the committee in which they fail to consider the experience of victims in their submissions.

The statement from COPFS that; “The sex or gender of the accused person are not relevant to proof nor prosecution of the offence” disregards the context in which crimes of rape are committed. The sex of the perpetrator is hugely relevant to the victims of such crime.

Rape is a crime of power perpetuated and carried out by biological men.

I ask the committee to support the petition.

Yours sincerely

Michelle Thomson MSP
SNP – Falkirk East Constituency