

# Petitioner submission of 22 March 2022

## PE1876/X - Accurately record the sex of people charged or convicted of rape or attempted rape

Dear Committee members,

Our note submitted to the Committee on 16 March suggested approaching the EHRC again to ask it to respond to the Committee's request to contribute. We now note that the EHRC did so on 17 March.

The EHRC note refers to guidance on data collection issued last year by the Chief Statistician to the Scottish Government.

"This notwithstanding, the Chief Statistician's recently produced guidance on "Sex, gender identity, trans status - data collection and publication: guidance" seems to us to provide some helpful information on an appropriate balance to be struck in relation to the recording of data in relation to those charged with or convicted of rape or attempted rape."

As the EHRC note does not go on to describe what that guidance advises, we thought it would be helpful to provide Committee members with this extract from that guidance:

"The most likely scenarios where data on biological sex is required would be on a case-by-case basis in a medical context; in a criminal context where a serious sexual offence is being investigated."

It is also worth noting that, in the remedy hearing in the Court of Session this morning for the judicial review of the Gender Representation on Public Boards Act 2018, counsel for the Scottish Government revealed that it was not possible to say how many women recruited to public boards since the Act came into force were biological females because such data was not routinely collected.

We hope this is useful to see ahead of tomorrow's meeting.

Yours,

Dr Kath Murray  
Lisa Mackenzie  
Lucy Hunter Blackburn