

F/T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Audrey Nicoll MSP  
Convener  
Criminal Justice Committee  
Scottish Parliament

By email: [justice.committee@parliament.scot](mailto:justice.committee@parliament.scot)

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2 May 2025

Dear Convener

I wanted to give Committee members an update on the plans announced in the 2024/25 Programme for Government to introduce a Bill to implement the recommendations contained in Baroness Kennedy's Report on Misogyny and the Criminal Law.

The Scottish Government is committed to ensuring people are protected from misogynistic abuse. The Report of the Working Group recommended the creation of 'gendered' law specifically to protect women and girls from misogynistic abuse. The Scottish Government then consulted on these recommendations, alongside a potential draft Bill, in 2023. The consultation analysis has now been published: [Reforming the criminal law to address misogyny: Responses to consultation - gov.scot](https://www.gov.scot/publications/consultations/criminal-law-misogyny/summary/pages/2/).

Members will be aware this is a complex area of policy and law, and in addition members will also be aware of the recent decision of the Supreme Court on the meaning of 'women' in the Equality Act 2010. We are carefully considering the implications of the judgment, and in particular how it interacts with Baroness Kennedy's report recommendations. Baroness Kennedy's report stated that the question of whether there required to be a definition of "women and girls" within the gendered law being recommended, and if so, what that definition should be, was "a matter for the legislature". It is clearly particularly important in the context of the criminal law that any provisions are clear and unambiguous in how they apply, in order that it is clear to the public whether particular types of behaviour do or do not amount to a criminal offence, and so that criminal investigations and prosecutions can proceed on a clear basis.

With these complexities and given the short time left in this Parliamentary session we have concluded that there is insufficient time for a Bill to be finalised and introduced in this session.

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We recognise the gendered nature of the harm caused to women and girls and will take forward further work and engagement on the harms caused by misogyny including what more could be done to tackle the underlying attitudes that lead to misogyny and gender based abuse. We are implementing the Equally Safe strategy which focuses on violence and abusive behaviour carried out predominately by men and directed at women and girls precisely because they are women and girls. Equally Safe places emphasis on challenging gender inequality and norms, and the underpinning attitudes that perpetuate and condone such violence. The Equally Safe Delivery Plan commits to the development of national campaign to challenge misogyny.

In order to allow for the protected characteristic of sex to be added to the Hate Crime and Public Order (Scotland) Act 2021 so that women and girls have the same protections as other groups protected by that Act, we will lay before the Scottish Parliament in September a proposed draft of an SSI under the powers within the Act. This will allow for views to be offered on the approach taken before a finalised SSI is then subsequently laid which will, if agreed, result in new protections for women and girls being introduced. As you will be aware, this SSI is subject to super affirmative process and this process allows for consultation.

I hope this is helpful.

Yours sincerely,



**ANGELA CONSTANCE**

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