



Frontline Feminists Scotland

WOMEN'S VOICES MATTER

HATE CRIME

except if you are a woman

Frontline Feminists Scotland were delighted to welcome Jeanette Findlay, of Fans Against Criminalisation, to our event to discuss the implications of the new **Hate Crime and Public Order (Scotland) Act 2021**. We invited Jeanette in recognition of the similarities between the Act and the Offensive Behaviour Act (OBA) repealed in 2018, the first Act to be repealed in the Scottish Parliament's history.

Impact of OBA

Jeanette provided an outline of how the OBA was brought into legislation under a majority SNP Government in 2012. No other party voted for the OBA, which gave Fans Against Criminalisation (FAC) a support base that is not available to women in relation to the Hate Crime Act. Individual MSPs raised their voice in support of women in the Parliament during the debates, however we have been let down by all parties.

The evidence of the impact of the OBA is not only in relation to the impact of convictions on the lives of those pursued, but the experience of police investigation and the impact on relationships, employment and membership of groups even without conviction.

The chance of prosecution did however increase under the OBA as ALL investigations were sent to court by the Procurator Fiscal, unheard of for other crimes. There were also unusually long, drawn out proceedings. Some fans being subjected to waiting for over 2 years for a decision on their case.

The OBA also introduced the crime of "Offensive behaviour". This was not only vague, but included decision making by the police that considered whether language used would offend someone who was not present at the time.

Fans of all ages, backgrounds, ability, sex etc were affected, but young men experienced the most intrusion in their lives. Intrusion that would impact on their employability, their studies, mental health and family life.

FAC protested, engaged with the parliament and gathered support for their cause and in 2018 the OBA was repealed. The damage done to the lives of the individuals who were pursued, however, is more complicated and will never be fully known.

Why is this important in relation to the Hate Crime (Scotland) Act for women.

Hate Crime except if you are a woman

The Government introduced their Equally Safe Strategy for the prevention and eradication of violence against women and girls in 2014. This document stated that “Violence against women and girls, in any form, has no place in our vision for a safe, strong, successful Scotland. It damages health and wellbeing, limits freedom and potential, and is a violation of the most fundamental human rights.” Yet the Government failed to prepare the Hate Crime legislation review to ensure, either within the new Act or as a standalone piece of legislation, that women’s experience of hate crime was covered. This is unacceptable. It has not only left women vulnerable to hate crime, but also impacts on the ability to be involved in discussions about women’s safety.

In 2021 women are struggling to be heard in the debate about women’s safety. This is not new. For decades women have had to contend with the question, “But what about men”. Many workers delivering training would, and still do, begin the session explaining why the focus will be on women in order to ensure that this question did not dominate the conversation; this was not seen as a hate crime against men. The assertion of women’s experience, as 51% of the population, was understood as fact. In 2021, some of the discussion about women’s safety relates to the experiences of women fearful due to past violence and abuse. Recent research has shown that abuse is significant daily in the lives of young women and girls as young as 13 years old, the statistics on women and girls disproportionate experience of domestic abuse, rape and all forms of sexual violence or exploitation speak for themselves. Historical research has highlighted this level of violence for decades. To experience the world as a girl, and into womanhood, is to constantly assess and respond to potential threats. So when women enter refuge or support due to violence and abuse, it is essential these fears are considered and reduced. The introduction of Self ID through the Gender Recognition Bill, and policy reinforced through government funding, disrupts this support. Yet women are being silenced through accusations of transphobia.

Women’s omission from the Hate Crime legislation, without a substitute, reinforces this power dynamic.

For football fans there was an attempt to silence them, by portraying them as a violent and abusive group. For women this will be portrayed, as it always has been, as discrimination against another group, i.e. men or the Transgender community

Frontline Feminists Scotland are particularly dismayed at the entry of the Hate Crime Legislation into the home. The Government would have you believe that if you are doing nothing wrong then there is nothing to be concerned about. The OBA however has told us otherwise.

There does not have to be a court case to impact on women’s lives. Women have already lost jobs, been de-platformed and experienced negative impacts on their lives for speaking out on behalf of women experiencing violence and abuse. This is before the involvement of the police. From the experience of FAC we fully expect the Hate Crime legislation to have an impact on women’s lives in relation to their ability to be involved in debates, but more than that we believe that communication in the home will also be negatively affected. Changes in society requires respectful debate. Parents' ability to support their children requires discussion, even when we initially get it wrong. Frontline Feminists Scotland believe the introduction of the crime of offensive behaviour in the home will not only encourage police investigation, but also has the potential to influence Social Work intervention. Teachers are responsible for reporting any crime perpetrated against a child in the family home, including Hate Crime. Under this legislation not only will girls and women, potentially the most vulnerable members of some households, be left more vulnerable through silencing, but conversations reiterated in school may become subject to social work or criminal investigation.

Frontline Feminists Scotland believes this contravenes the European Convention on Human Rights, in particular Article 8: “the right to respect for your private life, your family life, your home and your correspondence (letters, telephone calls and emails, for example)”. The Government would have you think that this is already introduced by legislation covering domestic abuse etc; this may be true however these

crimes are violent and abusive. Furthermore they are already covered under legislation. We therefore do not accept the extension into the home by the Hate Crime (Scotland) Act is required. Frontline Feminists Scotland question why so many of our elected representatives have no issue with this, particularly those who support continuing membership of the EU and therefore remaining subject to their stipulated human rights.

Action

This legislation has now been enacted, but as FAC has shown, this is not the end of the game. Action is now required to have parts of the Legislation repealed, and also to ensure that women have the equal protection as all other groups covered by protected characteristics under the Equality Act 2010.

Frontline Feminists commit to keeping women’s safety on the agenda through the following actions;

- Amplifying women’s voices, particularly for those who believe speaking out will negatively impact on their lives.
- Organising action to inform politicians of women’s experience and support those who have been committed to women’s safety.
- Keep a record of women’s experiences of the Hate Crime (Scotland) Act. If you have experiences you would like to share please contact us at frontlinefeministsscotland@gmail.com.
- Engage with the working group on misogyny , led by Helena Kennedy.
- Share information with feminists, providing safe spaces to talk and continuing to develop our understanding.

Finally we would like to thank Jeanette Findlay for her input to our understanding. A picture of a pattern of governance is emerging and Frontline Feminists Scotland welcomes input from any group that shares our beliefs and values.

Timeline

2012 Offensive Behaviour at football and Threatening Communications (Scotland) Act enacted.	2018 Offensive Behaviour at football and Threatening Communications (Scotland) Act repealed.	2019 Gender Recognition Reform (Scotland) Bill introduces Self ID.	2019 Hate Crime and Public Order Bill introduced in April.	2021 Hate Crime and Public Order (Scotland) Act enacted in March. Increases the reach of the legislation in the home.
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Frontline Feminists Scotland is a collective of women committed to amplifying women’s voices.
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