



Iain Stewart MP  
House of Commons  
London  
SW1A 0AA

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21 March 2022

Dear Iain,

Thank you for your email of 9 March to the Ministry of Justice on behalf of a number of your constituents about Baroness Newlove's Amendment to the Police, Crime, Sentencing and Courts (PCSC) Bill. Your email was transferred to the Home Office and I am responding as the Minister responsible for this issue.

You may be aware that in 2018 the Government asked the Law Commission, a statutorily independent body that reviews laws in England and Wales, to consider how hate crime legislation could be improved. In respect of making misogyny a hate crime, the Law Commission recommended against adding sex or gender to hate crime laws on the basis that this might prove counterproductive to effective prosecutions and may be "more harmful than helpful, both to victims of violence against women and girls, and also to efforts to tackle hate crime more broadly". Most organisations responding to the Law Commission consultation also opposed adding these characteristics. This included Rape Crisis (the largest sexual violence support organisation in England and Wales). Meanwhile, others, like Women's Aid, said they would oppose a model which covered both sexes, as the Newlove amendment does.

The Law Commission specifically noted that adding these characteristics may make the prosecution of crimes disproportionately affecting women and girls, such as sexual offences and domestic abuse, more difficult. This arises as establishing whether a hate crime has occurred would require additional proof to be demonstrated in court and where the Law Commission notes, by contrast, that "it might be practically difficult to prove a sex or gender-based aggravation in the context of VAWG crimes that usually take place in private". As a result, it later notes, "we are particularly concerned about the potential for this to make some sexual offence prosecutions more difficult".

The Government shares the Law Commission's concern that adding sex and gender to hate crime laws in any form could prove unacceptably counterproductive. In light of the Law Commission's position, the House of Commons voted against making misogyny a hate crime on 28 February. We will continue instead to pursue alternative measures to tackle VAWG, by considering the Law Commission's findings in full, including its suggestion that the Government review the need for a stand-alone, non-hate crime public harassment offence.

Last year we also published our Tackling Violence Against Women and Girls Strategy to prevent these crimes from happening, support victims and pursue those who perpetrate

horrific abuse. That Strategy was shaped by the over 180,000 responses to our violence against women and girls call for evidence. Those responses highlight the scale of the challenge ahead. Violence against women and girls is endemic. The major societal change we urgently need demands action from all of us.

Since the Strategy was published, we have:

- Launched a pilot tool, StreetSafe, which enables the public to anonymously report areas where they feel unsafe. Around 12,000 reports have been made to date. Those reports have enabled the police to make more targeted patrols, increase presence and identify new hotspots;
- funded 79 local projects and initiatives across England and Wales totalling more than £27.7 million to improve the safety of women in public spaces; and
- From September 2020, relationships, sex and health education became statutory in schools. We have put in place support for teachers to improve the quality of teaching of sensitive topic areas such as domestic abuse, pornography and sexual exploitation, taught through the relationships, sex and health education curriculum.

I hope this information will provide your constituents with reassurance that this Government is committed to tackle these abhorrent crimes.

Please extend my gratitude to your constituents for taking the time to write in with their concerns.

A handwritten signature in black ink, appearing to read 'Rachel Maclean', with a small flourish at the end.

**Rachel Maclean MP**