



February 2022

Dear Constituent,

Thank you for contacting me about hate crime and misogyny. This country is built on the historic values of unity, inclusivity, and mutual respect. Misogyny goes directly against these values, and it is completely unacceptable that anyone in our society should face intimidation or discrimination.

I note your enthusiasm for an amendment tabled by Baroness Newlove to the Police, Crime, Sentencing and Courts (PCSC) Bill regarding the inclusion of sex or gender in hate crime reporting and sentencing. While I understand your desire for this amendment's inclusion, and although well-intentioned, there are counter views.

The Law Commission has recently concluded a wide-ranging review into hate crime. In its final report, the commission made a number of recommendations to provide greater protection on the basis of sex and gender, including extending the offence of stirring up hatred to cover stirring up hatred on the grounds of sex or gender. It is suggested this would help to tackle the growing threat of extremist misogynist "incel" ideology, and its potential to lead to serious criminal offending. Furthermore, it recommended that the Government launch a review into the need for a specific offence to tackle public sexual harassment, arguing that it would likely be more effective than adding sex or gender to hate crime laws.

The commission also recommended that "sex or gender" should not be added to the protected characteristics for aggravated offences and enhanced sentencing, suggesting it would be ineffective at protecting women and girls and in some cases, be counterproductive.

By recognising sex or gender only as it concerns certain offences, as in the case of the Newlove Amendment, it gives rise to at least four problems. First, it would risk suggesting the excluded offences, such as domestic abuse, are by default not misogynistic or are somehow less important. Secondly, it is tokenistic to apply hate crime laws only to certain offences and especially where to do so would exclude the vast majority of most harmful crimes impacting women and girls. Thirdly, it would make the law more complex when a central aim of the review was to simplify it. Fourthly, it would treat sex and gender differently to the other protected groups in hate crime laws and therefore simply repeat the same principal problems of inequality that prompted the review in the first place.



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However, if those characteristics were applied in the context of rape and domestic abuse, it could make it more difficult to secure prosecutions and create unhelpful hierarchies of victims.

While this is not making misogyny a hate crime, it can inform longer-term decisions once the Government has considered the recommendations made by the Law Commission.

Thank you again for taking the time to contact me.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Chris'.

CHRIS HEATON-HARRIS MP
MEMBER OF PARLIAMENT FOR DAVENTRY