



## **Why this petition matters**

This petition is essential to the maintenance of women's rights in Scotland. That may seem like an exaggeration, but here is why. The accurate recording of rape, attempted rape and other sexual crimes which are overwhelmingly committed by males and rarely by females is central to the public understanding of such criminal activity and the vastly greater threat posed by males as compared to females. This underpins the worldwide recognition of the value of sex segregation in certain circumstances. The need to stay out of female-only spaces is widely accepted and respected by males. It is not seen as an indictment on them or as casting suspicion on them, as individuals or as a group. This public understanding is the basis for the justification for, and protection of, female-only spaces.

## **Police recording practices in the UK**

In 2019 Fair Play For Women submitted Freedom of Information requests to find out how the police record the sex of a suspect when a crime is reported.

We found police forces across England and Wales commonly record self-declared gender identity instead of birth sex - even when the crime is rape. This means suspected and convicted rapists are recorded in official statistics as female if they no longer wish to identify with their male birth sex. This applied whether or not they had a Gender Recognition Certificate.

While some police forces said they would record if someone identifies as transgender, this information does not appear on criminal justice statistics, which provides only male or female options. Transgender status is recorded only if the person is a victim of transgender hate crime.

## **The impact of police recording practices on media reporting in the UK**

When the media reports on these matters, they typically use statements made by the police and the Crown Prosecution Service, and of course court proceedings. So they report what's been said in court by the judge, or by the police or CPS. Even in obvious cases where the photo accompanying the news item clearly shows a male, their position is that they report what was said in court. This they call "accuracy". [Our complaints to the media regulator, IPSO, have been](#) rejected on that basis. Sometimes a reporter writes what they see, or what they know, but mostly they follow the lead of the court.

This is a concern because it creates a false record. In law in England, Wales and Scotland, the crime of rape can only be committed by a person with a penis. While such a person may have a female gender identity, it is their male body that enables the crime. The pattern of sexual crimes more generally is unequivocally male. Over 98% of those in UK prisons for sex crimes are male, as shown in the [offence analysis on p 52 of the government report on women and the criminal justice system](#). Given the low numbers of female sex offenders, a tiny number of misrecorded males can significantly distort the records for female offenders.

In January 2021 the BBC reported that [“Between 2015 and 2019, the numbers of reported cases of female-perpetrated child sexual abuse to police in England and Wales rose from 1,249 to 2,297 – an increase of 84%.”](#), a statement that was picked up and widely reported in the UK media, such as [in the Daily Telegraph](#). Our analysis showed that self-identification of a small proportion of male sex offenders [would be enough to account for almost all of the reported increase](#) since 2015. In a country with a small population like Scotland, the problem is even greater. In Ireland, self-identification of gender led to reports that the number of “female” sex offenders in prison had “doubled”. That this was from one to two was not in the headlines. This is because a convicted male offender was recorded as a woman.

### **Distorting public understanding risks leading to weaker policies**

Any media report that refers to a woman or a female will be universally understood to mean a natal female. Reporting someone’s gender identity as if it were their sex is a distortion of the facts. Yet, because of police recording, leading to court reporting, it is now commonplace to see headlines such as these:

[Blackpool woman accessed child abuse images in hospital bed](#)

[Sheffield woman found with over 1,000 indecent images of children hauled before the court](#)

[Woman exposed herself in Glebe House car park](#)

This serves no positive purpose. Ultimately it will undermine public understanding of why female-only spaces exist and why female-only policies are important. This will make it harder for politicians to hold the line on such spaces. This can only be to the detriment of women and girls in Scotland.

Dr Nicola Williams  
Director, Fair Play For Women Ltd  
August 2021