

Citizen Participation and Public Petitions Committee
Wednesday 12 November 2025
17th Meeting, 2025 (Session 6)

PE1876: Accurately record the sex of people charged or convicted of rape or attempted rape

Introduction

Petitioner Lucy Hunter Blackburn, Lisa Mackenzie, Kath Murray

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to require Police Scotland, the Crown Office and the Scottish Court Service to accurately record the sex of people charged or convicted of rape or attempted rape.

Webpage <https://petitions.parliament.scot/petitions/PE1876>

1. [The Committee last considered this petition at its meeting on 30 October 2024.](#) At that meeting, the Committee agreed to invite Police Scotland to give evidence at a future meeting.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new written submission from the petitioners, which can be found at **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 23 September 2021.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 13,622 signatures have been received on this petition.
8. At today's meeting the Committee will hear evidence from:
 - Jo Farrell, Chief Constable, Police Scotland
 - Alan Speirs, Deputy Chief Constable - Professionalism and Enabling Services, Police Scotland

Action

9. The Committee is invited to consider what action it wishes to take.

CPPP/S6/25/17/4

**Clerks to the Committee
November 2025**

Annexe A: Summary of petition

PE1876: Accurately record the sex of people charged or convicted of rape or attempted rape

Petitioner

Lucy Hunter Blackburn, Lisa Mackenzie, Kath Murray

Date Lodged

5 July 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to require Police Scotland, the Crown Office and the Scottish Court Service to accurately record the sex of people charged or convicted of rape or attempted rape.

Previous action

We have met the Scottish Government's Chief Statistician to argue for the need to collect accurate data on sex in various contexts, including in cases of rape and attempted rape.

Draft guidance subsequently issued by the Chief Statistician rejected this in all but exceptional circumstances, which did not include the recording of these cases.

Background information

Police Scotland recently stated that a person directly charged with rape or attempted rape could be recorded as female. The Scottish Government has stated that 'this is a matter for Police Scotland'.

Rape is defined in law as involving penetration by a penis without consent and is therefore, by definition, the act of a male body (cases involving a surgically constructed penis appear to be unknown to date).

Women may be charged with rape as accessories, but this is extremely rare. Only a very small proportion of offenders directly charged with rape or attempted rape would therefore need to be recorded as female to have a substantial and misleading effect on the understanding of female offending. The same issue appears to arise for information collected in other parts of the criminal justice system.

Recording sex accurately in these cases matters for data accuracy and trust in official statistics, public policy, media reporting, research, and for trust in public bodies.

Annexe B: Extract from Official Report of last consideration of PE1876 on 30 October 2024

The Convener: Our next petition, PE1876, which was lodged by Lucy Hunter Blackburn, Lisa Mackenzie and Kath Murray, calls on the Scottish Parliament to urge the Scottish Government to require Police Scotland, the Crown Office and the Scottish Courts and Tribunals Service to accurately record the sex of people who are charged with or convicted of rape or attempted rape.

We have been joined by our colleague Tess White, a former member of the committee, who has been following the progress of the petition. Good morning, Tess.

Tess White (North East Scotland) (Con): Good morning.

The Convener: Is it still morning? No, it is afternoon by six tenths of a second, as it turns out.

We last considered the petition at our meeting on 24 January 2024, when we agreed to write to Police Scotland. We have received a response from Police Scotland that states that it

“requires no evidence or certification as proof of biological sex or gender identity other than a person’s self-declaration, unless it is pertinent to any investigation with which they are linked as a victim, witness or accused and it is evidentially critical that we legally require this proof”.

We also received a submission from the petitioners, reflecting on all the responses that we have received from Police Scotland during consideration of the petition. Their submission also highlights the media coverage generated by Police Scotland’s most recent response and the subsequent comments that have been made by the chief constable and deputy chief constable, including in correspondence with the Criminal Justice Committee.

Our colleague Michelle Thompson, who is unable to join us today, has provided a written submission in support of the petition that shares her view on the lack of clarity being offered by Police Scotland on the operational detail of its policies.

Before I invite the committee to consider how we might proceed, I wonder whether Tess White would like to contribute to our deliberations.

Tess White: Thank you, convener, and I thank the committee for the opportunity to make a brief remark about this petition on Police Scotland’s controversial policy on recording the sex of offenders, which, until recently, was based on self-ID.

Public interest in the petition has, understandably, been growing, as the convener has said, not least among my constituents in the north-east. That is testament to the tenaciousness and determination of the petitioners Lucy Hunter Blackburn, Lisa Mackenzie and Kath Murray from policy collective Murray Blackburn Mackenzie.

In September, it shockingly emerged that Police Scotland had justified its data recording policy because it adhered to the force’s

“values of respect, integrity, fairness and human rights whilst promoting a strong sense of belonging.”

In other words, Police Scotland was prioritising the feelings of sex offenders over those of the victims of sexual crime, and to do so was absolutely indefensible. Rape is defined in law as involving penetration by a penis without consent, and it is therefore, by definition, the act of a male body. That is why this matters.

As MBM's submission highlights, Police Scotland appears to have publicly U-turned on that policy, and that is to be welcomed, but questions remain about the application of the policy in the past, and the detail of how Police Scotland will implement this operational change in the future.

Since the petition was lodged in June 2021, which is a considerable time ago, the committee has corresponded with Police Scotland on several occasions, and I thank you for that. My view is that if we are to get to the bottom of the force's operational policies on data recording, the committee must urgently invite Police Scotland to give oral evidence. I implore the committee to not close the petition down, please. The Scottish Government has already washed its hands of the issue, so I urge the committee to listen to the voices of women and treat this matter with the seriousness that it deserves. Thank you.

Foyso Choudhury: That was a very powerful statement by Tess White, and I think that we should invite the chief constable or Police Scotland to give evidence at a future meeting and keep the petition open.

The Convener: Thank you. Mr Choudhury has suggested something that I think will find an echo among colleagues: that we invite Police Scotland to come to the committee and give evidence on the matter at a future meeting. Are colleagues content that we do that?

Members *indicated agreement.*

The Convener: We will keep the petition open and look forward to hearing from Police Scotland in due course.

Tess White: Thank you.

Annexe C: Written submissions

Petitioners written submission, 5 November 2025

PE1876/II: Accurately record the sex of people charged or convicted of rape or attempted rape

Background

In 2019 Police Scotland [developed](#) a 'gender self-declaration position statement' to prepare for Gender Recognition Act reform:

'The sex/gender identification of individuals who come into contact with the police will be based on how they present or how they self-declare, which is consistent with the values of the organisation.'

Police Scotland requires no evidence or certification as proof of biological sex or gender identity other than a person's self-declaration, unless it is pertinent to any investigation with which they are linked as a victim, witness or accused and it is evidentially critical that we legally require this proof, or there is reason for further enquiry based on risk...'

In April 2021 Police Scotland [confirmed](#) it allowed rape and attempted rape to be recorded based on self-declared gender identity:

'If the male who self-identifies as a woman were to attempt to or to penetrate the vagina, anus or mouth of a victim with their penis, Police Scotland would record this as attempted rape or rape and the male who self-identifies as a woman would be expected to be recorded as a female on relevant police systems.'

Why accuracy matters

Accurate data matters for research, public policy development, and understanding women's offending patterns.

Sex is a key determinant of offending. Males commit the vast majority of sexual offences. A small number of misclassified cases can skew data for the *female offending cohort*. We were surprised Police Scotland misunderstood this basic statistical point in a [submission](#) to the Committee.

There is no legislative requirement or operational need to allow men accused or charged with rape, or any other offence, to be recorded as female.

There is a strong moral imperative to record sex accurately. Criminal justice statistics paint an aggregate picture but are made up of incidents that reflect people's experiences.

What is Police Scotland's position?

This has changed over time (for a full timeline see [here](#)). Between November 2021 and March 2024 Police Scotland told the Committee it allowed for recording based on self-declaration:

*'There are specific circumstances where a woman may be recorded on police systems as having committed contraventions of Sections 1 and 18 of the Sexual Offences (Scotland) Act 2009 [including] **Where a person, born male and who identifies as a female (whether they have a GRC or not) and then commits rape (providing they have a penis) ...*** ([November 2021](#))

*'This recording practice is **applicable for all crimes and offences** and is not limited or exclusive to crimes of a sexual nature.'* ([November 2022](#))

*'a woman may be recorded as having committed rape in the following scenarios... **Where a person born male, obtains a full gender recognition certificate and then commits rape (providing they have a penis) [or] If the attending officer is satisfied the individual presents as a female** and subsequently records them as such on our crime systems which, if the offender is a first time offender and having a new record created on Crime History System (CHS), will be created as female...*' ([May 2023](#))

In [March 2024](#) Police Scotland submitted that the policy adheres to 'values of respect, integrity, fairness and human rights whilst promoting a strong sense of belonging'.

Police Scotland U-turn?

On [24 September 2024](#) DCC Speirs told the Criminal Justice Committee that any 'man who commits rape or serious sexual assaults will be recorded as a male'. We understand this was not communicated to your Committee.

On [25 September](#) the Chief Constable told Sky News that suspected rape would always be investigated and recorded as male. She indicated this **would not** be the case in the example of shoplifting.

On [26 September](#) the Chief Constable told the SPA that rape is recorded based on biological sex.

On [24 February 2025](#) Police Scotland said it had '**not adopted any change in policy**' and still referred to the 2019 position statement. When asked about this by Sky News, Police Scotland indicated it had always recorded rape or serious sexual assault based on sex.

'We have been clear that a man who commits rape or serious sexual assaults will be recorded by us as a male. A male rapist cannot demand to be called a woman and further traumatise his victim... For context and guidance this doesn't contradict the 2019 policy which states there is no requirement for evidence or certification as proof of gender identity other than a person's self-declaration other than a person's self-declaration unless it is pertinent to any criminal investigation. Clearly, it would be pertinent in the case of a rape or sexual assault investigation.'

On [8 June 2025](#) The Herald reported 'widespread confusion and unease among [police] staff over how suspects who identify as transgender are recorded in official systems'.

Police Scotland review

In [May 2023](#) Police Scotland told the Committee it was reviewing its recording practices. On [26 September 2024](#) the Chief Constable announced that ACC Paton would lead on a fresh review of sex and gender.

In [June 2025](#) SPA Board members expressed disappointment about the lack of progress and “policy vacuum”. At the time of writing, the review remains incomplete.

Conclusion

Police Scotland’s position on recording is inconsistent and statistically incoherent.

Having repeatedly confirmed that it provides for self-declared gender identity, in September 2024, the Chief Constable made a U-turn that met the aim of our petition.

Five months later, Police Scotland said its policy had not changed and indicated it had *always* recorded serious sexual offending based on biological sex. If true, it has misdirected the Committee and [wasted parliamentary time](#).

To our knowledge Police Scotland has not issued a directive to confirm the Chief Constable’s statement of September 2024.

The Chief Constable has further stated that sex or gender identity may be recorded differently *according to offence type*. This approach is confused and confusing. It renders data on female offending unreliable and limits comparability across offences. Given that some [accredited official statistics](#) are derived from Police Scotland data, we have drawn our concerns to the attention of the Office of Statistics Regulation.