

Joint response to the Home Office consultation on public sexual harassment, September 2022

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As members of the gender equality, violence against women and girls, children's and human rights sectors, we are calling for public sexual harassment (in legal terms, 'unwanted sexual contact') to be *clearly and unambiguously* criminalised in all its forms.

We do not agree that public sexual harassment behaviours are already adequately covered in the law. Many acts of sexually harmful behaviour fall through the legal cracks, despite the immediate and longer-term harm they cause to victims. That is why we are calling for comprehensive legislation to provide clarity for both law enforcement and the general public, and to ensure that women, girls and marginalised groups are protected from all types of public sexual harassment.

Whilst we welcome the Government's consultation on this issue, which presents a unique opportunity to tackle the piecemeal approach to legislating harmful behaviours, the options currently presented (aggravating existing public order offences based on the assumption that this occurred due to the perceived sex of the victim) are not viable.

Any legislation covering public sexual harassment must centre on what this offensive conduct actually is – sexual conduct that is unwanted – and criminalise all sexually intrusive and abusive acts in public that current legislation does not catch. This is what has been recommended by the Law Commission¹, and is clearly set out in the Istanbul Convention². Plan International UK and Our Streets Now have drafted a third option which would capture the practical – and symbolic – legislative changes so urgently needed to address this issue.

Furthermore, focusing on whether the offence occurred due to the victim's perceived sex has a strong possibility of excluding marginalised communities, and rather than providing clarity on what constitutes criminal behaviour, it will lead to complex legal debates about the perpetrator's motivation.

It is essential that Government considers these views and concerns, to take the steps needed in ensuring that no one walks home in fear of their safety.

Signed:

¹ In its review into Hate Crime laws, it stated that a bespoke offence of public sexual harassment could represent a preferable approach, given that it 'might be crafted in a way that better captures the degrading and sexualised nature of the behaviour'. [Hate-crime-report-accessible.pdf](#)

² "Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person". [CETS 210 - Council of Europe Convention on preventing and combating violence against women and domestic violence \(coe.int\)](#)



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