



Women in the Justice System



CRIME AND JUSTICE

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Executive summary

This paper presents a review of quantitative evidence on women in the justice system. It is drawn from a range of data sources, of which the most prominent are Official Statistics produced by the Scottish Government's Justice Analytical Services.

Whilst the analysis in this paper seeks to highlight (and quantify) the differences and similarities between women and men in the justice system, it does not by itself explain why these may exist. Social research and other qualitative evidence would be more appropriate in providing further context for this. For example, qualitative research with victims-survivors of rape and sexual assault as they journey through the justice system in Scotland is available from the Scottish Centre for Crime & Justice Research¹. Qualitative evidence which provides an insight into the impact of Coronavirus (COVID-19) restrictions on people experiencing domestic abuse and other forms of violence against women and girls is available on the Scottish Government website².

Key findings from these statistics are that:

- Women account for a much smaller proportion of those involved across Scotland's justice system than men (for example prosecutions, convictions, people in prison). This pattern has been constant over time, and is similar to what is seen in other parts of the UK³.
- Women and men tend to experience crime in different ways, with a significant factor being the type of crime experienced, including violence. Women are much more likely to experience sexual victimisation and to be victims of partner abuse, while men are more likely to experience serious non-sexual violence (such as homicide and serious assault).
- Feelings of safety have improved over the longer term for women, but have remained consistently behind those of men. This may, at least in part, explain why a greater proportion of women are worried about experiencing crime than men – despite actual experiences of overall crime victimisation being similar for both women and men in Scotland.

¹ [Scottish Centre for Crime & Justice Research, Justice Journeys Informing policy and practice through lived experience of victim-survivors of rape and serious sexual assault](#)

² [Coronavirus \(COVID-19\): domestic abuse and other forms of violence against women and girls during Phases 1, 2 and 3 of Scotland's route map \(22 May to 11 August 2020\)](#)

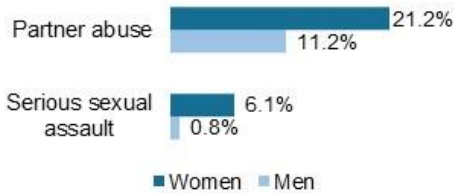
³ The [Statistics on Women and the Criminal Justice System 2019](#) published by the Ministry of Justice shows similar patterns for females in the criminal justice system in England and Wales.

- Women represent a minority of those convicted of a crime and of the prison population in Scotland, a feature that is consistent over time. Women also tend to be convicted of different types of crime when compared to men.
- Women generally receive shorter sentences than men, are less likely to receive a custodial sentence and are reconvicted less often on average.
- Looking at views on the criminal justice system, women are less confident in the system than men on a number of measures asked about in the Scottish Crime and Justice Survey (for example, confidence that the criminal justice system allows all those accused of crimes to get a fair trial regardless of who they are).
- Justice organisations in Scotland show a mixed picture in terms of their workforce composition. Generally, females continue to make up a minority of more senior roles across the board. While there is targeted effort within organisations in terms of improving diversity, some continue to have a widely male dominated workforce, while others have female employees as the clear majority of their staff.



Women in the Justice system

- Experiences of violence are varied, with women much more likely to experience partner abuse and sexual victimisation, while men are more likely to experience serious non-sexual violence



- The majority of **serious assault (non-sexual)** involve male victims



- More women have experienced **partner abuse** and **sexual assault** than men since the age of 16
- Women are more likely than men to have experienced **each type of less serious sexual assault** since the age of 16
- Male victims of serious assault are most often attacked by **acquaintances or strangers**
- Female victims are more likely to be attacked by a **partner/ex-partner or relative**

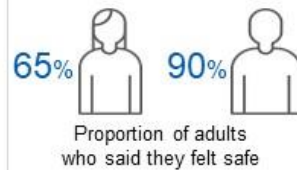
- Experiences of crime victimisation overall are similar for women and men, however a gap remains between women and men in feelings of safety

EXPERIENCE OF CRIME



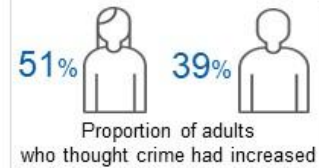
- 11.9% of adults experienced crime in 2019-20
- No difference found between men and women

FEAR OF CRIME



- Women less likely than men to feel safe walking alone after dark

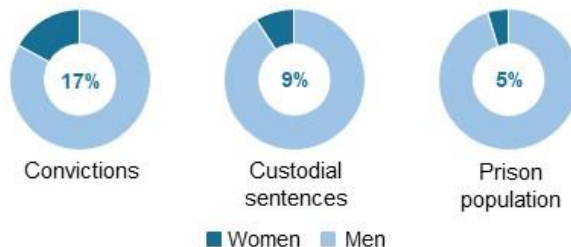
PERCEPTION OF CRIME



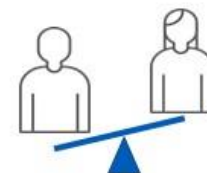
- Women more likely than men to think crime had increased nationally over the last two years

- Women represent a minority of convictions and the prison population

- In 2019-20:



- When looking at more senior roles, women are less represented in the workforce of justice organisations



Justice workforce

1. Introduction

This paper presents a review of quantitative evidence on women in the justice system. Drawn from a range of data sources, its aim is to provide analysis that compares the position for women and men on several justice-related topics. These broadly include (i) experiences of crime, (ii) perceptions of crime and aspects of the justice system in Scotland and (iii) people's interactions with different elements of the justice system when they come into contact with it. A review of how the workforce of Scotland's main justice bodies is split between women and men is also provided in [Chapter 5](#).

Information is presented to focus on how findings for women differ to those for men and, where available, how these have changed over time.

As highlighted above, the paper is organised into the following areas:

- Experiences of victimisation
- Perceptions of crime, safety, the police and the justice system
- Patterns of offending and the justice system response
- Justice workforce

1.1 Data sources and quality

This paper looks mainly at Official and National Statistics produced by the [Scottish Government, Justice Analytical Services](#). This includes survey-based evidence (from the Scottish Crime and Justice Survey (SCJS) and the Scottish Victimization Telephone Survey (SVTS)) and statistics produced from administrative systems in Scotland. Some additional ad-hoc analysis of these statistics (developed for the purpose of this paper) is also presented, along with data from justice partners on the composition of their workforce.

Most of the findings presented in this paper are for people aged 16 and over, therefore experiences of children are excluded from this review. One exception is the data on emergency hospital admissions as a result of an assault by sharp object (published by Public Health Scotland), which are based on people aged 15 and over.

Throughout this document references are made to *women and men* and *females and males*. These terms reflect the narrative used within the sources that have provided analysis for this evidence review paper. Further information on these sources, including links to the latest publications is provided in the [Annex](#).

It should be noted that the SCJS and SVTS findings are based on a sample of respondents which is designed to be representative of all private residential households across Scotland. They do not provide information on individuals living in institutions or communal residences, such as prisons and hospitals, military bases, student accommodations and those without a fixed address.

Because of sampling variation, changes in estimates from the SCJS and SVTS between population sub-groups (e.g. women vs. men) may occur by chance. Variations in the estimates are only presented when the differences are statistically significant at the 95% confidence level. Where no statistically significant difference has been found between two estimates, this is described as showing 'no difference' (or equivalent). It should be noted that due to the smaller sample size of the SVTS compared to the SCJS⁴, the SVTS is more limited in its ability to produce detailed breakdowns on the characteristics of crime and to detect differences between population sub-groups. The smaller sample size also reduces the precision of the estimates.

A similar standard statistical test approach is used when looking at differences from other data sources presented here (e.g. hate crime data) whereby random samples of police recorded crimes have been reviewed to study their characteristics, including demographic information.

1.2 Limitations and evidence gaps

It is important to highlight that these findings do not take into consideration the set of unique circumstances faced by individual women and men in the justice system. The results are drawn from survey and administrative data, and present averaged outcomes for women and men.

While this paper explores differences between women and men from a range of statistical data sources, it should be noted that these statistics do not explain any intersectionality across the multiple reasons which can influence an individual's experience of the justice system. For example, there may be several factors (e.g. age, socio-economic background or education) behind why a woman perceives crime and experiences the justice system differently to a man. These statistics do not themselves explain why differences may exist between women and men and these differences should not be taken as direct effects. Social research and other qualitative evidence can provide further context for this.

SCJS evidence on experiences of civil law issues is presented in this paper, however, there is limited availability of specific information on women and men

⁴ The SVTS achieved around 2,700 interviews over a six week period between September and October 2020, compared to around 5,600 SCJS interviews across 12 months.

from civil justice statistics. Therefore most of the data presented here relates to experiences of the criminal justice system.

Whilst some information on repeat victimisation is available from the SCJS and SVTS, and information on history of domestic abuse for both victim and accused is available from the police recorded domestic abuse incidents statistics, there is a lack of complete evidence on the characteristics (e.g. woman or man) of those involved.

1.3 Impact of Coronavirus (COVID-19)

Two national lockdowns and other restrictions on movement and social gatherings due to the Coronavirus (COVID-19) pandemic have been in effect throughout 2020-21.

Some of the statistics presented in this paper refer to this year and may have been influenced to some extent by the effects of the pandemic. Findings for the SVTS are from interviews conducted between September and October 2020, and report experiences and perceptions of crime during the pandemic.

When changes to previous years are detected in the findings, these are stated in the narrative. However it is not possible to quantify how much (if any) of these changes are due to COVID-19 related restrictions. Some of the statistics presented are entirely unaffected by COVID-19, as they relate to previous reporting years (e.g. SCJS and hate crime data).

2. Experiences of victimisation

Key findings:

- No difference between women and men was found in the likelihood of experiencing crime in 2019-20, for overall crime and property crime.
- More women than men experience both serious and less serious sexual assault.
- Women are almost twice as likely as men to have experienced partner abuse.
- The vast majority of police recorded domestic abuse incidents involve a female victim (and a male accused).
- Around a quarter of homicide victims over the past five years were females.

This section provides information on experiences of victimisation, and how these differ between women and men. This covers SCJS and SVTS evidence on experience of crime, including crime not reported to the police, and self-reported experiences of sexual victimisation, partner abuse and stalking and harassment. Some information on variations identified is also provided when looking at the reasons people indicate for not reporting their experiences of crime to the police.

In addition, this section highlights variations between women and men that are observed in statistics on victims of police recorded violent crime (including homicide), sexual crime and incidents of domestic abuse.

2.1 Experiences of crime

The SCJS found no difference between women and men in the likelihood of experiencing crime in 2019-20, for overall crime and property crime. Over the longer term (since 2008-09), the likelihood of experiencing crime has fallen for both women and men.

No demographic group, including the comparison between women and men, was found to be significantly more or less likely to report a crime to the police.

While not comparable to SCJS findings⁵, the SVTS found that there was no statistically significant difference in the likelihood of experiencing crime (both all crime and property crime) between women and men⁶. Around half of the time

⁵ Information on the differences between SVTS and SCJS which affect comparability is presented in Section 1.5 of the [SVTS 2020 Main Findings report](#).

⁶ Due to the small numbers of respondents to the SVTS who experienced violent crime, comparisons of the likelihood of experiencing violent crime between sub-groups (e.g. women vs. men) are not presented.

period this related to (September 2019 to September 2020) included the COVID-19 pandemic and associated actions to limit social contact.

2.2 Experiences of (non-sexual) violent victimisation

The SCJS found that the likelihood of experiencing violent crime in 2019-20 was greater for men than women (3.1% compared to 2.0%). This is the first time since 2014-15 that there has been a difference in the likelihood of experiencing violent crime between women and men.

Since 2008-09, the proportion experiencing violence has shown no change for women, but has fallen for men (from 5.7% to 3.1%).

Police recorded crime data suggests males are much more likely to experience the lower volume types of violence that include severe physical injuries (such as homicide, and attempted murder & serious assault). For example, 80% of attempted murder & serious assault victims (aged 16 or older) in 2017-18 were male⁷. At the same time, males also made up a majority (59%) of robbery victims (aged 16 or older). It should be noted that most crimes of robbery do not include any physical injury to the victim⁸.

Considering only those aged 16 or older, there were 296 victims of homicide over the past five years (2016-17 to 2020-21), 65 of which were females (22%). Whilst females are less likely to be victims of homicide than males, the nature of these incidents is different. Where the case is solved (i.e. accused person(s) has been identified) – the most common relationship for a female victim to the main accused is a partner or ex-partner (46%). In contrast a male victim is most likely to be killed by an acquaintance. Where the location is known, female victims are more likely to be killed in a dwelling than male victims (85% vs. 60%). The vast majority of homicides since 2016-17 involved a main accused who was male, with little difference between cases that had a female or male victim (95% and 93% respectively). For the relatively small number of homicides since 2016-17 that involved a female main accused (19), 16 had a male victim and three a female victim⁹.

Males are much more likely than females to be admitted to hospital due to assault¹⁰. Over the past ten years, emergency hospital admissions per 100,000 population for females have nearly halved – decreasing by 47% from 24.9 admissions per 100,000 population in 2011-12 to 13.3 admissions per 100,000 population in 2020-21. There has been greater change for males, with a decrease

⁷ [Recorded crime in Scotland: attempted murder and serious assault, 2008-2009 and 2017-2018](#)

⁸ [Recorded crime in Scotland: robbery 2008-2009 and 2017-2018](#)

⁹ [Homicide in Scotland statistics](#)

¹⁰ [Unintentional injuries - Hospital admissions year ending 31 March 2021 and deaths year ending 31 December 2020 - Public Health Scotland](#). The published data available from Public Health Scotland is based on people aged 15 and over.

of 61% in emergency admissions due to assault, from 175.9 per 100,000 population in 2011-12 to 68.3 per 100,000 population in 2020-21.

Emergency hospital admissions due to assault with a sharp object have remained more stable for females – decreasing by 20% from 2.9 admissions per 100,000 population in 2011-12 to 2.3 admissions per 100,000 population in 2020-21. For males, emergency hospital admissions due to assault with a sharp object have more than halved – decreasing by 52%, from 40.5 per 100,000 population in 2011-12 to 19.5 per 100,000 population in 2020-21.

2.3 Experiences of sexual victimisation

The SCJS asks about people's experiences of serious sexual assault and less serious sexual assault, since the age of 16 and in the 12 months prior to interview¹¹.

The survey asks respondents if they have experienced one or more of the following types of serious and less serious sexual assault¹²:

Serious sexual assault:

- Forced sexual intercourse
- Attempted forced sexual intercourse
- Forced other sexual activity (for example, oral sex)
- Attempted forced other sexual activity

Less serious sexual assault:

- Unwanted sexual touching
- Indecent exposure
- Sexual threats

In 2018-20¹³, the SCJS found that a greater proportion of women than men have experienced serious sexual assault, both since the age of 16 (6.1% compared with 0.8%) and in the 12 months prior to interview (0.4% compared with 0.1%).

Women were more likely than men to have experienced less serious sexual assault since the age of 16 (16.2% compared with 3.6%) and in the 12 months prior to

¹¹ The SCJS includes self-completion modules which cover topics of a more sensitive nature and are therefore completed by the interviewee privately, without the interviewer knowing the responses.

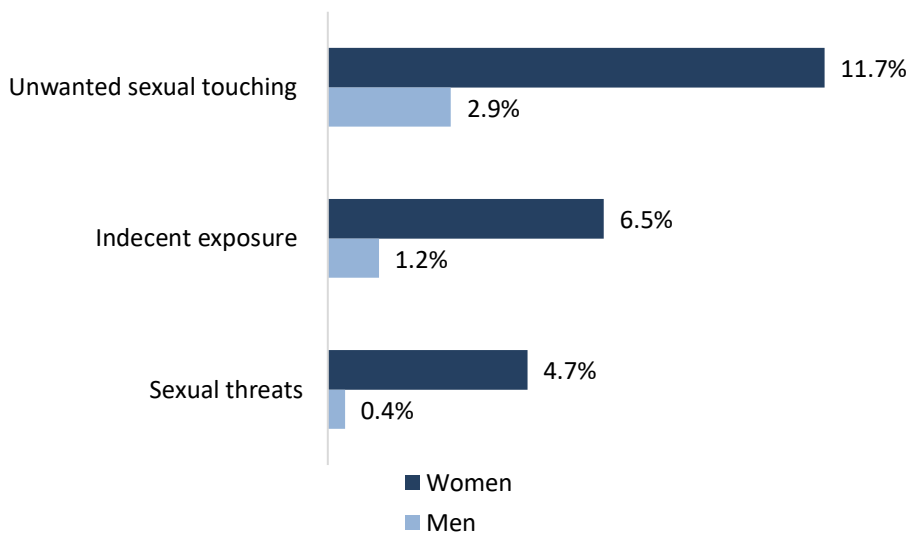
¹² These terms are used for ease of reference and do not relate to the seriousness of the impact on the individual.

¹³ In order to provide suitable sample sizes, these results have been published biennially since the 2017-18 SCJS, with two years of data combined to carry out the analysis. The latest figures cover 2018-19 and 2019-20 and are referred to as 2018-20 throughout the self-completion results.

interview (2.5% compared with 0.8%). The finding that women are more likely to experience less serious sexual assault than men is in line with earlier years (from 2008-09 and 2016-18).

In addition, women were more likely than men to have experienced each type of less serious sexual assault since the age of 16 ([Figure 1](#)).

Figure 1: Experience of types of less serious sexual assault since the age of 16, 2018-20



Source: Scottish Crime and Justice Survey 2018-20

Some of the codes used by the police to record crimes under the Sexual Offences (Scotland) Act 2009 (SOSA) (including rape and attempted rape and sexual assault) can identify if the victim was female or male. In 2020-21, 93% of SOSA crimes recorded by the police had a female victim¹⁴. This figure has been stable since 2016-17, ranging from 91% to 93%.

2.4 Experiences of self-reported partner abuse

The SCJS asks respondents about their experiences of partner abuse since the age of 16 and in the 12 months prior to interview, both psychological and physical.

Partner abuse in the SCJS is defined as ‘any form of physical, non-physical or sexual abuse, which takes place within the context of a close relationship, committed either in the home or elsewhere. This relationship will be between partners (married, co-habiting or otherwise) or ex-partners’¹⁵.

The 2018-20 SCJS results showed that since the age of 16, women were almost twice as likely as men to have experienced partner abuse (21.2% and 11.2% respectively), similar to the position in previous years. A higher proportion of

¹⁴ Where the victim was aged 16 or above and it was known whether they were female or male: [Recorded Crime in Scotland, 2020-2021](#)

¹⁵ Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) have a shared definition of domestic abuse available on [Police Scotland website](#).

women than men reported psychological abuse, physical abuse, and both psychological and physical abuse since the age of 16 ([Table 1](#)).

When looking at experiences of types of partner abuse in the 12 month period prior to interview, experiences of partner abuse were also more common for women than men (3.7% and 2.6% respectively). This has been the case since 2014-15. Women were more likely to experience psychological abuse than men (3.4% and 2.4% respectively). However, the proportion who experienced physical abuse did not vary between women and men (1.5% and 1.0% respectively) ([Table 1](#)).

Table 1: Experience of types of partner abuse since the age of 16 and in the 12 months prior to interview, 2018-20

Experiences of types of partner abuse	Since age 16		In the 12 months prior to interview	
	Men	Women	Men	Women
Psychological abuse	9.3%	19.3%	2.4%	3.4%
Physical abuse	6.7%	14.4%	1.0%	1.5%
Both psychological AND physical abuse	4.8%	12.5%	0.8%	1.3%
Any psychological OR physical abuse	11.2%	21.2%	2.6%	3.7%

Source: Scottish Crime and Justice Survey 2018-20

When combined with age, as in previous years, since the age of 16 women were more likely to have experienced partner abuse than men for all the age categories. Within the 12 months prior to interview, women aged 16 to 24 were more likely than any other age group of women to have experienced partner abuse (10.2%). Within this time period there was no significant difference between men and women aged 16 to 24 ([Table 2](#)).

Table 2: Experience of partner abuse since the age of 16 and in the 12 months prior to interview, by age, 2018-20

Experiences of partner abuse by age	Since age 16		In the 12 months prior to interview	
	Men	Women	Men	Women
16 to 24 years	16.9%	25.7%	8.4%	10.2%
25 to 44 years	14.6%	27.6%	3.7%	4.9%
45 to 59 years	13.2%	23.3%	2.2%	2.2%
60 years and over	3.9%	11.6%	0.2%	0.7%

Source: Scottish Crime and Justice Survey 2018-20

In 2018-20, women were more likely than men to say that the police came to know about the most recent (or only) incident of partner abuse in the 12 months prior to interview (21% compared to 8%, respectively). It should be noted that this includes incidents the police came to know about through any means, including via neighbours and relatives, not just reported by the respondent themselves.

Similar reasons were given by women and men for why the police were not informed about their most recent incident of partner abuse.

The most common reasons women gave for why the police were not informed about the most recent incident of partner abuse were that:

- they dealt with the matter themselves (35%)
- it was a private, personal or family matter (34%)
- it was too trivial or not worth reporting (22%)

These are the most common reasons also given by men, however a greater proportion of men said the police did not come to know because the incident was too trivial or not worth reporting (42%).

There is no statistically significant difference between men and women for the majority of reasons given as to why the police did not come to know about the most recent incident of partner abuse. However, more women than men said it was because they had a previous bad experience of the police or courts (6% compared to 0%).

2.5 Experiences of police recorded domestic abuse

Police recorded domestic abuse incidents do not reveal the incidence of all domestic abuse committed, since not all incidents are reported to the police. However, in conjunction with the partner abuse module from the SCJS discussed

above, these statistics help to assess the extent and impact of domestic abuse in Scotland.

There are a number of reasons for domestic abuse being under reported, including victims experiencing fear and shame as a result of the incident. Under reporting may also be caused by a perpetrator physically preventing a victim reporting the domestic abuse.

The clear majority of incidents of domestic abuse involved a female victim and a male perpetrator (where demographic information was known), at 81% in 2020-21. Just over one-in-six incidents (17%) involved a male victim and a female perpetrator, and in the remaining 3% of incidents the victim and perpetrator were either both females or both males¹⁶.

The type of crime that was most frequently recorded in 2020-21 as part of a domestic abuse incident with a female victim and male perpetrator was Common assault, accounting for 31% of all crimes and offences recorded. This was followed by Breach of the peace etc. (24%) and Crimes against public justice (19%). These were also the most common crimes and offences recorded where the incident involved a male victim and female perpetrator. However, Common assault was more prevalent in these instances (39%). Breach of the peace etc. was slightly less so (21%) as were Crimes against public justice (16%).

Looking at the location of the incident, the victim's home was the most common place of occurrence for both female and male victims, however this is even more common for female victims (with male perpetrators), at 46% of incidents, compared to 39% for male victims (with female perpetrators). Male victims have slightly higher proportions in a range of other home/dwelling settings (e.g. joint home, accused home, other dwelling).

[Section 4.2](#) provides more information on police recorded domestic abuse with a focus on perpetrators.

2.6 Experiences of stalking and harassment

The stalking and harassment self-completion module of the SCJS asks respondents if they have experienced, more than once, one or more of the following types of incidents:

- being sent unwanted letters or cards on a number of occasions
- being sent unwanted messages by text, emails, messenger or posts on social media sites on a number of occasions
- receiving a number of unwanted phone calls

¹⁶ [Domestic Abuse recorded by the Police in Scotland statistics](#). The analysis presented here looks at incidents where the victim was female against those where the victim was male and where the victim's age was 16 and above.

- having someone loitering outside their home or workplace on more than one occasion
- being followed on more than one occasion

The SCJS also asks respondents if anyone has shared intimate images of them without their consent for example, by text, on a website, or on a social media site – sometimes known as ‘revenge porn’.

In 2018-20, the survey found no difference in the proportion experiencing stalking and harassment in the 12 months prior to interview for men and women (11.4% and 12.1%, respectively).

Looking at the differences by type of stalking and harassment, more women than men reported being followed (1.1% compared to 0.3%, respectively) or receiving unwanted messages by text, email, messenger or posts on social media sites (9.0% compared to 7.4%, respectively). Conversely, more men than women reported receiving unwanted letters or cards (3.2% compared to 1.7%, respectively) or unwanted phone calls (8.0% compared to 5.7%, respectively).

Women were almost twice as likely than men to report the most recent incident to the police (12% and 6%, respectively). This is a change compared to the position in 2016-18 where there was no significant difference detected between the proportion of men and women who reported the most recent incident to the police.

2.7 Experiences of cyber-crime

Further analysis of previously published research into cyber-crimes recorded by the police in 2020-21¹⁷ suggests a mixed picture in terms of victim composition. For example, victims of cyber-enabled fraud (the most common type of police recorded cyber-crime) were evenly balanced between females and males. However females were far more likely to be victims of cyber-enabled other sexual crimes, accounting for around three-quarters of all victims. This includes a range of crimes such as communicating indecently and causing others to view sexual activity or images.

2.8 Experiences of civil law problems

Evidence from the SCJS on experiences of civil law issues is presented below, however, as discussed in the [introduction](#) there is limited availability of specific information on women and men from civil justice statistics.

The 2019-20 SCJS found no differences between women and men in terms of experiences of one or more of a range of civil law problems in the three years prior to interview. The problem areas covered were:

- home or family living arrangements
- money, finances or anything paid for

¹⁷ [Police recorded cyber-crime in Scotland, 2020-2021](#).

- unfair treatment
- health and well-being

Overall, problems around home or family living arrangements were the most common (experienced by 17% of adults), and among these, problems with neighbours were the most prominent issue reported.

More details on civil justice statistics in Scotland, including data on civil law cases and information on court procedures, is provided in the [Civil Justice Statistics publication](#), however not broken down by women and men.

3. Perceptions of crime, safety, the police and the justice system

Key findings:

- Women are more likely than men to think crime levels have increased, both locally and nationally.
- Women feel less safe than men walking alone after dark or at home alone at night.
- Women are more likely than men to be concerned about crime and perceive some issues to be more prevalent in their neighbourhood than men.
- There are no difference between men and women in their belief that the police do an 'excellent' or 'good' job, however this proportion has fallen for both groups since 2012-13.
- Women are less confident than men on a number of measures asked about in the Scottish Crime and Justice Survey which explore views on the criminal justice system.

This section looks at differences between women and men in *perceptions* on a series of themes including trends of local and national crime, how safe people feel walking alone or at home alone at night, public confidence in the ability of the police and their attitudes towards the criminal justice system. Some general information on experiences of civil law problems is also provided.

Information presented below is drawn from the [Scottish Crime and Justice Survey \(SCJS\) 2019-20](#). Some findings from the [Scottish Victimisation Telephone Survey \(SVTS\) 2020](#) are also provided to show people's perceptions during the COVID-19 pandemic. These results are based on a sample of around 2,700 telephone interviews conducted in September and October 2020.

3.1 Perceptions of crime

In 2019-20, fewer women than men (69% compared to 76%) said that the crime rate in their local area had decreased or stayed the same over the last couple of years. Conversely, women were more likely than men to think that the crime rate in their local area had increased (27% compared to 19%). When combined with age, there was no clear pattern between the groups.

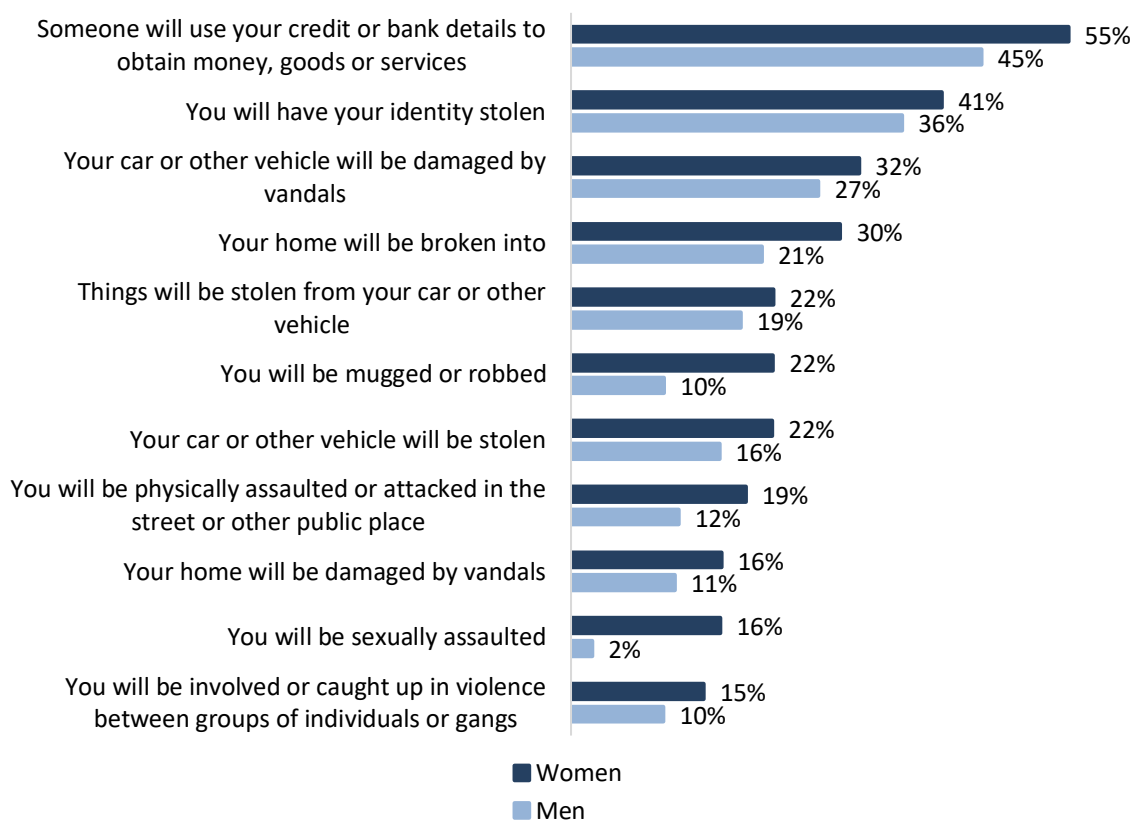
Similarly, views on the national crime rate also varied between women and men. Women were less likely than men to think crime had been stable or fallen across the country as a whole over the last couple of years (39% compared to 52%) and more likely to think crime had increased (51% compared to 39%). When combined with age, men were more likely than women to believe that crime had been stable or fallen across the country over the last couple of years, for all age groups.

Women are more likely than men to be concerned about crime and perceive some issues to be more prevalent in their neighbourhood than men.

Women were more worried than men about experiencing all of the specific crime types which respondents were asked about in the SCJS in 2019-20 (Figure 2). For example:

- more women than men were worried they would be physically assaulted or attacked in the street or other public place (19% compared to 12%)
- more women than men were worried they would be sexually assaulted (16% compared to 2%)

Figure 2: Proportion of adults worried about each crime 2019-20



Source: Scottish Crime and Justice Survey 2019-20

Additionally, a greater proportion of women than men thought it was *likely* that:

- someone would use their bank details to obtain money, goods, or services (25% compared to 21% of men)
- their home would be broken into (8% compared to 6% of men)
- their home would be damaged by vandals (4% compared to 3% of men)
- they would be mugged or robbed (4% compared to 2% of men) and
- that they would be sexually assaulted (3% compared to less than 1% of men)

Fewer differences were found with respect to the perceived prevalence of different types of crime in the local area. For example, there was no difference between the proportion of men and the proportion of women believing people being sexually assaulted to be common in their local area (at 5% overall). However, women were more likely to consider people having their vehicle stolen and violence between groups of individuals or gangs as common issues.

While SVTS and SCJS are not comparable due to a number of differences in the way the two surveys are designed and conducted¹⁸, the SVTS found that women continued to have somewhat more negative perceptions than men of local and national crime rates, during the first six months of the COVID-19 pandemic.

The SVTS found that women were more likely than men to believe that crime had gone up in their local area since the virus outbreak¹⁹ (18% compared to 13%). Conversely, women were less likely to believe that crime had decreased in their local area since the virus outbreak (21% compared to 26%).

Women were also more likely than men to have perceived an increase in crime in Scotland as a whole (25% compared to 17%).

While the results from the SVTS are not directly comparable with earlier runs of the SCJS, both sources suggest women are more likely than men to think crime levels had increased, both locally and nationally. As such, it is difficult to say whether COVID-19 has had any impact on the views of women and men, given there is some evidence to suggest the difference between these groups already existed prior to the pandemic.

3.2 Feelings of safety

While more women in Scotland felt safe walking alone in their local area after dark in 2019/20 than a decade ago, they were still less likely to feel safe than men (65%, compared to 90%, respectively) ([Figure 3](#)). Across all age groups, women were less likely than men to feel safe, and more likely to feel unsafe walking alone in their local area after dark.

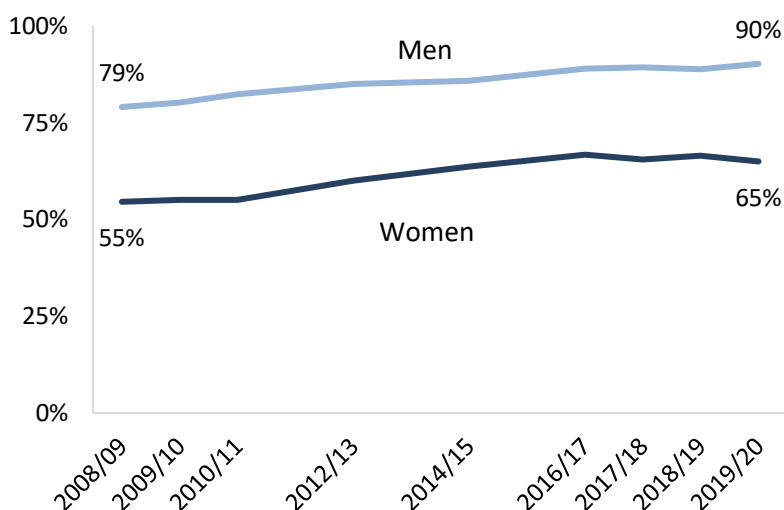
This is a similar finding to other parts of the UK. For example the Crime Survey for England and Wales also finds that women are less likely to feel safe when walking alone after dark²⁰.

¹⁸ Information on the differences between SVTS and SCJS which affect comparability is presented in Section 1.5 of the [SVTS 2020 Main Findings report](#).

¹⁹ “Since the virus outbreak” is defined as since the start of the UK’s first national lockdown on the 23rd March 2020.

²⁰ [Office for National Statistics: Crime Survey for England and Wales \(CSEW\) 2019-20](#).

Figure 3: Feeling safe when walking alone in the local area after dark, 2008-09 to 2019-20



Source: Scottish Crime and Justice Survey, 2008-09 to 2019-20

The clear majority of women (93%) felt safe in their home alone at night in 2019-20. This is more than a decade ago, however the proportion is still lower than that for men (98%). This difference is not seen when looking at only young people (age 16 to 24), however in every other age group women were less likely to feel safe and more likely to feel unsafe.

Although not directly comparable to SCJS results, the SVTS also found that despite the majority of adults feeling safe walking alone in their local area after dark (75%), there were still some differences between women and men. Women were less likely than men to feel safe (62% and 89%, respectively).

When asked if there had been any difference in how safe they felt walking alone in their local area after dark since the COVID-19 virus outbreak, women were more likely than men to say they felt less safe (9% compared to 4%).

3.3 Perceptions of the police and the criminal justice system

In 2019-20, women were less likely than men to think that the police in their area treat everyone fairly regardless of who they are (61% compared to 65%). When looking at results for women and men by age, this finding is true for older age groups (45 to 59 and 60+), however the younger age groups (16 to 24 and 25 to 44) show no difference, suggesting age could be more of a driving factor.

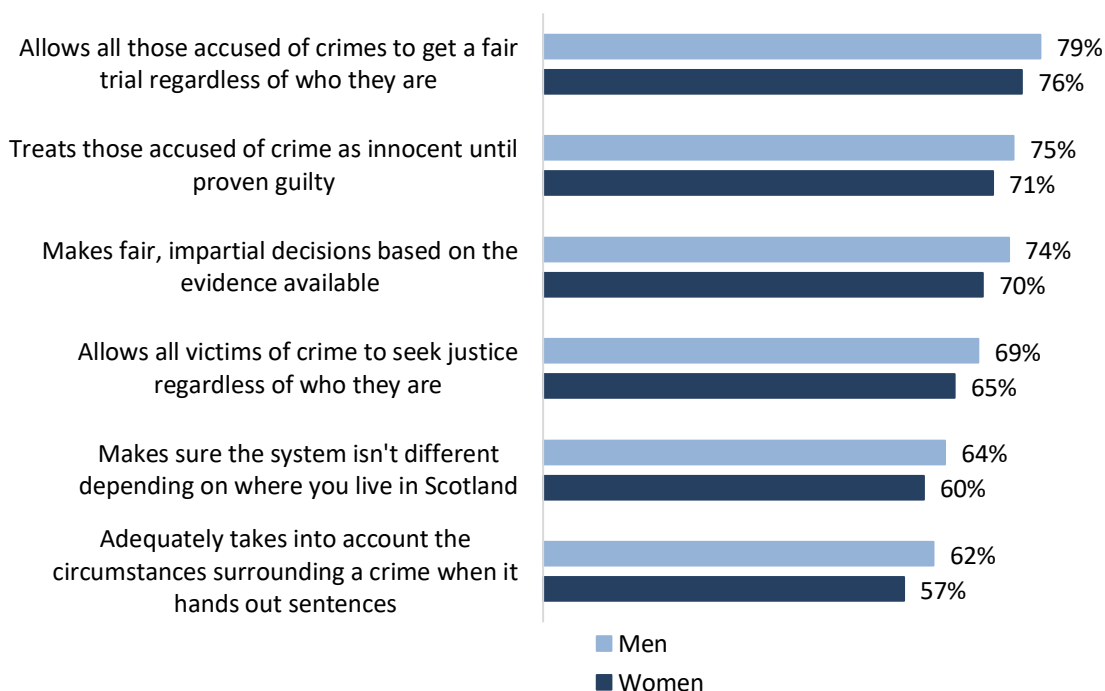
The views of women and men did however align for all aspects of confidence in the police (e.g. catch criminals, prevent crime etc.), including on the ability of the police to do an 'excellent' or 'good' job (55% overall). This proportion has fallen for both groups since 2012-13, from 62% to 56% for women and from 59% to 54% for men. Although no differences between the views of women and men were found, when combined with age the results showed that younger women (aged 16-24) were more likely than older women (aged 45-60 and 60+) to think the police were doing

an 'excellent' or 'good' job. No such difference was found between the age groups for men.

While not directly comparable to these SCJS findings, the SVTS also found no variation between women and men in the likelihood of believing that the police in the local area were doing an 'excellent' or 'good' job. Overall, three-in-five (60%) adults believed so at the time of interview.

The SCJS found that women were less likely to be confident in the justice system than men, with a lower proportion who said they were confident on six of the twelve measures asked about in the SCJS²¹ ([Figure 4](#)).

Figure 4: Confidence in the operation of the criminal justice system, 2019-20



Source: Scottish Crime and Justice Survey 2019-20

The level of confidence that everyone has access to the justice system if they need it was adopted as a National Indicator in the Scottish Government's refreshed [National Performance Framework](#) in 2018.

In 2019-20, 75% of adults were confident that the Scottish criminal justice system makes sure everyone has access to the system if they need it. There is no difference in the proportion of women and men who think this.

²¹ The full list of twelve questions on confidence in aspects of the criminal justice system is presented in the [SCJS Main Findings report](#).

4. Patterns of offending and the justice system response

Key findings:

- Around one-in-six people convicted of crime are females, with the clear majority being males.
- The decline in convictions over the past decade is mostly driven by a decrease for males, but a decline is also seen for females.
- Females are less likely to receive a custodial sentence than males and more likely to be issued with another sentence (mostly admonishments).
- Women generally receive shorter sentences than men.
- Females are reconvicted less often, on average, than males, although the gap has closed in recent years.
- A small minority of prisoners managed by the Scottish Prison Service are women, with the overwhelming majority being men.
- Just under one-in-five violent crimes were committed by female offenders.
- Around one-in-six incidents of domestic abuse involve a female accused, with the vast majority involving male accused.
- Just over one-in-ten homicides over the past five years had a female accused, with the vast majority involving a male accused.

This section provides information on the differences between women and men identified when looking at patterns of offending and the justice system response. This covers a range of statistics, including data on criminal proceedings, prison population and the characteristics and types of crimes women are involved in as the offender.

There is a consistent pattern over time of women being less likely to be involved across Scotland's justice system than men.

For example, in 2019-20:

- 17% of people convicted of a crime were women
- 9% of people given custodial sentences were women
- 7% of individuals spending any time in prison were women
- 5% of prisoners on an average day were women

4.1 Patterns of offending

The SCJS includes some information on the characteristics of those who carried out the offence, from the perspective of the victim.

The SCJS results highlight that the majority of violent crimes in 2019-20 (73%) were carried out by male offenders only – a consistent finding over the years. A further 19% of incidents involved female offenders only, whilst in 8% of cases both men and women were responsible.

Property crimes were also mostly committed by males. Of those incidents in which the victim was able to say something about the offender, 71% of incidents involved male offenders only, while 15% involved female only perpetrators, and 11% involved both males and female perpetrators. In 3% of incidents the respondent did not know the gender of the offenders.

Drug possession crimes are also predominantly committed by males. In both 2018-19 and 2019-20, the vast majority (85%) of drug possession crimes were committed by males or all male groups²².

Males are more likely than females to commit violent crime, however, the reduction in violence over the past decade has been driven by fewer incidents involving male perpetrators.

The clear majority (84%) of attempted murder & serious assaults had a male or all male group of perpetrators in 2017-18. This is similar to the figure in 2008-09 (82%)²³. An earlier study into common assault recorded by the police in 2014-15 found that around three quarters (74%) of perpetrators were male²⁴ and men also commit the vast majority of sex offences and gender-based violence offences.

In addition, around five-out-of-every-six robberies (82%) had a male or all male group of perpetrators in 2017-18. Only 6% of robberies in 2017-18 had a female or all female group of perpetrators²⁵.

Over the past five years (2016-17 to 2020-21) females have made up 9% (35 of 382) of those accused of homicide, where the case was solved (i.e. where accused person(s) were identified).

Amongst those accused of Murder or Culpable homicide, females have a lower per million population rate than males across all age brackets, with females having the highest rate in the 21 to 30 years old bracket (the same peak as for males)²⁶.

²² [Drug seizures and offender characteristics statistics](#)

²³ [Recorded crime in Scotland: attempted murder and serious assault, 2008-2009 and 2017-2018](#)

²⁴ [Recorded Crime in Scotland, Common Assault study, 2015-16](#)

²⁵ [Recorded crime in Scotland: robbery 2008-2009 and 2017-2018](#)

²⁶ [Homicide in Scotland statistics](#)

4.2 Perpetrators of police recorded domestic abuse

In 2020-21, the clear majority (82%) of incidents of domestic abuse involved male accused (where it was known whether they were female or male). Of these, 80% involved a female victim and 1% a male victim. Smaller proportions of incidents involve female accused. In 2020-21, 16% of domestic abuse incidents involved a female accused and a male victim, and 2% involved a female accused and a female victim. Overall 18% of domestic abuse incidents involved an accused who was female²⁷.

The type of crime that was most frequently recorded in 2020-21 as part of a domestic abuse incident where the accused was a female was Common assault, accounting for 39% of all crimes and offences recorded, followed by Breach of the peace etc. (21%) and Crimes against public justice (16%).

These crimes and offences are also the most commonly recorded where the accused was male, however Common assault was less prevalent in these instances (31%). Breach of the peace etc. and Crimes against public justice were more prevalent in comparison (24% and 18% respectively).

In terms of location of the incident, in 2020-21, 38% occurred in the victim's home for incidents where the accused was female, compared to 46% where the accused was male.

[Section 2.5](#) presents information on police recorded domestic abuse, with a focus on female victims (with male perpetrators).

4.3 Convictions, reconvictions and prisons

In 2019-20, females accounted for 17% of all convictions, compared to 83% for males.

Females have a different pattern of offending compared to males. While they only make up 17% of all convictions, they accounted for relatively higher proportions of convictions for certain types of offences – “cruelty to and unnatural treatment of children” (71%), “fraud” (34%) and “drunkenness and other disorderly conduct” (32%).

In 2019-20 there were 15 convictions per 1,000 population. There were more convictions for males at 26 convictions per 1,000 population, compared to five for females. The overall number of convictions per 1,000 population has declined over the last ten years from 24 convictions per 1,000 population in 2010-11. The decline has been driven by a decrease for males, down from 42 convictions per 1,000 population in 2010-11 to 26 in 2019-20. The number for females has been consistently much lower than for males, but also shows an overall decline, from seven to five convictions per 1,000 population between 2010-11 and 2019-20.

²⁷ This analysis looks at incidents where the accused was female against those where the accused was male and where the accused's age was 16 and above.

Overall, males are more likely to receive a custodial sentence than females. This is illustrated by males accounting for 83% of all people convicted in 2019-20 but representing a higher proportion of all custodial sentences (91%).

Females were more likely to be issued with an "Other sentence" (which are mostly admonishments) with 27% of these types of punishments having been given to females compared to the 17% of all convictions that females represent. Please note that sentencing decisions are reflective of a number of factors such as the severity of the crime and whether the individual has offended in the past. In addition, the decision on what type of punishment is reasonable will be based on the personal circumstances of the offender. These statistics do not take account of these factors.

However, the data shows that when comparing females and males by the severity of crime, it is evident much higher numbers of males are convicted for crimes that carry a higher tariff. For example, homicide, attempted murder and rape carry long custodial sentences and less than 10% of those convicted of these crimes are females (zero in the case of rape). For the crime types which usually see higher proportions of female convictions, such as cruelty to children, fraud and drunkenness there are much shorter custodial sentences issued and/or a higher likelihood of community or other sentences being the penalty administered²⁸.

Over the last ten years, between 2010-11 and 2019-20, less than half (46%) of females convicted for homicide or culpable homicide were issued a life sentence. This compares to two-thirds (66%) of males convicted of these crimes over the same period. Females convicted for these crimes were almost as likely to be issued with a sentence of four years and over (44%), compared to 28% of males who are issued with this sentence for these crimes.

Differences can also be seen in the patterns of reconvictions when broken down by female and males. Females are reconvicted less often, on average, than males, although the gap has closed in recent years. However, the proportion of females returned to prison on reconviction (following an earlier custodial sentence) is fairly similar to that for males (28% and 31% reconvicted within one-year in 2018-19, respectively).

In 2018-19 the reconviction rate²⁹ for males was 29.0%, which was 4.4 percentage points higher than for females. Since 1997-98, the reconviction rate for males fell by 3.9 percentage points from 32.9%, while the rate for females has remained relatively unchanged over that time, falling by less than one percentage point from 25.4%.

In the latest year, the average number of reconvictions per offender for males was 0.51, which was 6% higher than the value of 0.48 for females. As with the

²⁸ [Criminal Proceedings in Scotland statistics](#)

²⁹ The reconviction rate presented is the proportion of offenders in any given cohort who were reconvicted one or more times by a court within a year from the date of their index conviction. More background to these figures is available at [Reconviction Rates in Scotland: 2018-19 Offender Cohort](#).

reconviction rates, this figure has fallen more for males than females since 1997-98 (down 19% compared to 6%).

The above differences in both the reconviction rate and average number of reconvictions per offender between male and female offenders is consistent across all age groups.

The majority of offenders in 2018-19 cohort (almost three-quarters, 71.7%) were not reconvicted for any crime. For those that were reconvicted, more were reconvicted for breach of the peace than any other type of crime (9.8% of all offenders). This is the case for both male (10.3%) and female offenders (7.3%). Fewer were reconvicted for a sexual crime than any other type of crime (0.4% of all offenders), this was also the case for male (0.5%) and female offenders (0.1%).

The prison population in Scotland³⁰ is largely comprised of men aged 21 and over. Women have consistently constituted a very small proportion of the prison population, at around 5-6% since 2001-02. In 2019-20, this figure stood at 4.9%, equating to around 400 women in prison on an average day.

Looking at the average daily prison population, women in prison in Scotland have been consistently more likely than men to be on remand since at least the year 2000, although it is hard to make direct comparisons due to the different nature of the population of men and women.

The most common charges associated with women held on remand in 2019-20 were attempted murder and serious assault, common assault or drugs offences. Among women in the sentenced population, murder, attempted murder or serious assault are the most common index offences.

This offence pattern changes when we look at in-flows of women to prison. Largely arriving to remand, common assault, crimes against public justice, drugs offences and breach of the peace together accounted for around half of women's arrivals in 2019-20.

Very few women are imprisoned for sexual index offences, which made up 15% of the men's average daily prison population over 2019-20. When sexual offences are excluded, women are more often imprisoned for crimes of dishonesty, and less often for crimes of violence, than men.

Although short sentences have reduced in frequency for both men and women, women generally receive shorter sentences than men. However, there has been a steady increase in the proportion of women serving life sentences over the past decade, from 6.7% in 2009-10 to 12.2% in 2019-20.

In 2019-20, key differences in the characteristics of women prisoners compared to men are:

³⁰ [Scottish Prison Population statistics](#)

- a more steeply peaked age distribution around ages 30-44 (59% vs 46%). Men have larger proportions in both younger (under 30) and older (45+) age bands
- higher proportions are married (23% vs 15%). Women in prison were less likely to be single (70.5%) or divorced/separated (4.4%) than men (78.7% and 5.7% respectively)
- slightly more identifying as Asian, and fewer as African, Caribbean or Black
- slightly higher rates of self-reported disability (10% vs 9%)

Women arriving to prison are even more likely to come from the most deprived 20% of areas in Scotland than are men (55% of women compared with 48% of men).

In 2019-20, 69% of all community payback orders terminated were successfully completed – this rate was around the same for women (68%) as for men (69%). However, only 15% of orders imposed in that year were issued to women³¹.

³¹ [Criminal justice social work statistics: 2019 to 2020](#)

5. Justice workforce

Key findings:

- Across the organisations that make up Scotland's justice system, women are not always equally represented in the workforce, especially when looking at more senior roles.

This section provides information on the workforce composition of the main justice organisations in Scotland.

Many key justice bodies continue to show disparities between women and men when looking at workforce composition. While there is targeted effort across organisations in terms of improving diversity of their employees, smaller proportions are female, especially when looking at more senior roles.

The latest Police Scotland Equality and Diversity Report³², shows that there has been an increase in the proportion of female police officers in recent years, at 32% in 2020 (compared to 31% and 30% in 2019 and 2018 respectively). This continues to represent less than a third of the total number of officers. The proportion of female officers occupying higher ranks is lower, despite increases in recent years. In 2020, just over a quarter (27%) of roles of sergeant and above were occupied by females (26% of roles of superintendent and above).

The disparity between women and men is similar when looking at the workforce of the Scottish Prisons Service, with a third (33%) of the organisation's staff in post being female in 2019-20³³, showing marginal increases in recent years (31% and 30% in 2018-19 and 2017-18 respectively).

While more women than men work in certain roles (for example, in control rooms and support staff), overall a disparity between women and men is evident for the Scottish Fire and Rescue Service workforce, with only 14% of staff being female in 2020-21³⁴. This figure has been broadly stable over time.

The Crown Office and Procurator Fiscal Service's workforce presents a different picture, with over two-thirds (71%) of employees being females in 2020, broadly in line with the proportions seen in recent years. This includes around 74% of female staff at both administrative and legal level being recruited. According to the Law Society of Scotland, in 2020 more than two-thirds of new entrants to the legal profession were women, therefore the proportion of legal staff fairly accurately

³² [Police Scotland Equality and Diversity Mainstreaming & Equality Outcomes Progress Report 2021](#)

³³ [SPS Annual Reports and Accounts 2019-20](#)

³⁴ [SFRS Fire Safety and Organisational Statistics 2020-21](#)

reflects the male/female ratio of legal graduates in Scotland. Disparity remains however at senior staff level, with 39% of staff at this level being female in 2021³⁵.

Similarly, Scottish Courts and Tribunal Service has a predominantly female workforce overall, with two-thirds (67%) being females in 2019-20, however disparity exists at director and non-executive director level, with just over three-fifths (61%) of these roles being occupied by male staff and 39% being occupied by female staff³⁶.

³⁵ [COPFS Equality Mainstreaming Report 2019-21](#)

³⁶ [SCTS Annual People Scorecard 2019-20](#)

6. Annex: Further information on data sources

As noted in the introduction, this paper presents a review of quantitative evidence, drawn from a range of statistical data sources across the justice system in Scotland. These sources include a mix of Official Statistics, social research studies and management information. Links to each of the sources used, including further information on their background, are provided below.

The references throughout this document to *women and men* and *females and males* reflect the narrative used within these data sources. When considering the messages conveyed by this information, there is unlikely to be any differences to the findings – whether they are shown for women/men or females/males. Information about the different concepts that underpin the use of these terms in the source data is also accessible through the links below, where available.

1. [Scottish Crime and Justice Survey](#)
2. [Scottish Victimisation Telephone Survey 2020](#)
3. [Recorded crime in Scotland: attempted murder and serious assault, 2008-2009 and 2017-2018](#)
4. [Homicide in Scotland Statistics](#)
5. [Public Health Scotland, Unintentional injuries in Scotland, Hospital admissions](#)
6. [Domestic abuse recorded by the police in Scotland](#)
7. [Police recorded cyber-crime in Scotland, 2020-2021](#)
8. [Drug Seizures and Offender Characteristics Statistics](#)
9. [Recorded Crime in Scotland, Common Assault study, 2015-16](#)
10. [Criminal Proceeding in Scotland Statistics](#)
11. [Reconviction Rates in Scotland: 2018-19 Offender Cohort](#)
12. [Scottish Prison Population Statistics](#)
13. [Criminal Justice Social Work Statistics in Scotland](#)
14. [Police Scotland Equality and Diversity Mainstreaming & Equality Outcomes Progress Report](#)
15. [Scottish Prison Service Annual Reports and Accounts](#)
16. [Scottish Fire and Rescue Service Fire Safety and Organisational Statistics](#)

17. [Crown Office and Procurator Fiscal Service Equality Mainstreaming Report](#)
18. [Scottish Court and Tribunal Service Annual People Scorecard](#)

How to access background or source data

The data collected for this social research publication:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via an alternative route
- may be made available on request, subject to consideration of legal and ethical factors. Please contact JusticeAnalysts@gov.scot for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.



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