



Sex-Based Harassment in Public

Criminal Laws (Amendment) Bill 2024

What is sex-based harassment in public?

Sex-based harassment in public refers to gender-based criminal behaviour, committed in a public place, which causes a person alarm, distress or humiliation. It includes 'cat-calling', 'wolf whistling', persistent following, unwelcome sexual advances, sexual comments and sexual propositions.

Sex-based harassment makes people feel unsafe and is a frightening experience. Sex-based harassment can happen to anyone, regardless of gender, but this type of behaviour can disproportionately affect women and girls.

Is sex-based harassment in public a criminal offence?

Sex-based harassment in public can currently be prosecuted under a number of different criminal offences depending on the type of behaviour involved. For example, the behaviour could amount to a sexual offence or a public order offence.

Although the current law covers some forms of sex-based harassment in public a Government review has concluded that some types of behaviour may not be covered and the law requires updating to ensure that people are sufficiently protected from this type of harassment.

What does the Bill aim to do?

The Bill aims to improve protection from sex-based harassment in public by creating a new criminal offence specifically designed to target this type of criminal behaviour.

Under the Bill it will be a criminal offence for an offender, in a public place, to —

- (a) behave in a way that causes the victim alarm, distress or humiliation;
- (b) because of the victim's sex, or presumed sex;
- (c) where the offender knew, or ought to have known, that the behaviour would cause the victim alarm, distress or humiliation.

The maximum penalty for this offence is imprisonment for 2 years.

A 'public place' includes any place to which the public have access, or are permitted access, whether on payment or otherwise. This can include pubs, bars, restaurants, sports facilities, shops, places of worship, community spaces and other places where the public may enter.

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