

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM ABUSED MEN IN SCOTLAND

Who is being failed by the current approach to hate crimes?

The discussion and debate on the topic would seem to suggest that there is a danger that everyone who may be a victim of a hate crime offence, related to their sex, is being offered various versions of a Hobson's choice in the Bill.

For as long as there is the possibility that only one of these two options are enacted

1. a statutory aggravation (and or stirring up offence) in relation to sex hostility
2. a standalone offence of misogynistic harassment

there will remain a perceived risk of gaps in protection and equality for some.

If sex hostility is the only option included, a number of women's organisations feel that the particular issues relevant only to women will fail to be tackled effectively. However, if only a standalone offence of misogyny is enacted, anyone who is a victim of an offence as a result of their sex, which offence is not covered by any of the other protected characteristics, will not get the protection of the law that they are entitled to.

The mainstream women's organisations are more than capable of putting forward an attractive and persuasive argument in terms of misogyny, so we will limit our comments to the discussion of sex hostility provisions which could be enacted with or without a separate standalone offence of misogyny.

A progressive, outward looking nation like Scotland should be on a path where due diligence and full observance of equality and human rights principles hold sway. Every member of our society should be offered all of the protection it is within our nations power to grant. Or at least as an absolute minimum commitment, no group should lack the protection that the nation is legally obliged to provide.

An example will offer clarity.

- if a young man (a) is employed in early years education,
- 'a' is assaulted by another young man (b),
- based on 'b's' view that this is an inappropriate occupation for 'a'

Could this be a hate crime?

Yes - Section 1(1)(a) provides that an offence is so aggravated where the offender has evinced malice and ill-will towards to the victim based on the victim's membership (or presumed membership) of a group defined by reference to one or more characteristics mentioned in section 1(2).

Would it consistently be a hate crime?

No.

- Offences against a cis heterosexual young man would not attract the aggravator provisions. The characteristics mentioned in section 1(2) are: Age; Disability; Race, colour, nationality (including citizenship), or ethnic or national origins; Religion or, in the case of a social or cultural group, perceived religious affiliation; Sexual orientation; Transgender identity; Variations in sex characteristics

unless one of the current characteristics applied an offence against a cis, heterosexual, young man would consistently *not* attract the provisions of the Bill if sex is not included as a characteristic. Unless and until the characteristic of sex is included in the provisions, young man 'a' is in a group whom policy will continue to fail.

- A similar issue involving a wider group context would be failed in the same way by the stirring up provisions in Part 2 of the Bill.

Who are AMIS?

AMIS (Abused Men in Scotland) is a charity which supports male victims of domestic abuse. We are the only national specialist support organisation for male victims of domestic abuse. We offer support by telephone helpline, email and 1:1 support by video.

Scottish Government and Police Scotland reports show that around 20% of the known cases of domestic abuse have a male victim. AMIS supports around 450 individual men a year on an ongoing basis.

We can be contacted on our telephone helpline between 9am and 4pm, Monday to Friday on 0808 800 0024 or by email on support@amis.org.uk

Abused Men in Scotland
26 July 2020