

## Men who have Sex with Men (MSM): Hate Crime and Hate Incidents

### Key Facts

- Two thirds of lesbian and gay respondents of the Scottish LGBTI Hate Crime Report published in 2017 had been the target of a hate crime. Just over half of bisexual respondents reported that they had been targeted, with the number rising to 8 in 10 trans people and over 1 in 7 intersex respondents reported being the target of a hate crime.
- Many victims don't report abuse as they have low expectations that anyone will listen or act, with over 70% of victims not reporting any incidents to the police.
- People who are openly or perceived gay, lesbian, transgender or bisexual are the second most susceptible group to prejudice and hate crime (after racial) and are protected by law.
- Of those who reported experiencing a hate crime, half involved a physical attack and virtually all respondents experienced verbal abuse and threats.
- More than eight in ten reports involve harassment, insults and intimidation quite often with the context of a relationship or by someone known to the victim at home or work.

### What can I do?

- Be aware of the impact on MSM of both the potential and actuality of Hate Crime.
- Know where there are local sources of support for victims of Hate Crime
- Encourage reporting either in person or anonymously via a 3rd party reporting venue

### Background

Historically sex between men was illegal in the UK and punishable by a prison sentence. Many older MSM remember this time and may have a fear of the police and fear the consequences of reporting any crimes, especially Hate Crimes.

Sex between men aged 16 or older is now legal (Sexual Offences Scotland Act 2009) provided consent is given and not withdrawn during the act. Participants must be able to give consent i.e. not drunk or mentally unable.

Gay and bisexual men, including trans-men, unfortunately remain the targets of Hate Crime. Many victims are unwilling to report these incidents either through fear of reprisals from their

attackers or because of unwillingness to make a face-to-face report to the police. Reporting may also involve disclosing their sexual orientation or transgender identity.

Men in same sex relationships are also proportionately more at risk from domestic abuse.

Men having sex with men who are not out or in heterosexual relationships may put themselves in compromising situations in order to gain sexual gratification and are more at risk. They are very unlikely to report abuse to the police.

**Hate Crimes** can take a number of forms but are motivated by sexual or perceived sexual orientation and can include:

- Threatening behaviour and / or gestures, physical assault and murder
- Damage to property e.g. graffiti, arson, vandalism
- Deliberate dog fouling or dumping rubbish at or through someone's door
- Intimidation such as obscene calls or online bullying and abuse
- Distributing offensive literature such as letters, leaflets, posters
- Verbal abuse or insults including name-calling
- Emotional, psychological and financial abuse including threats, blackmail and extortion

Crimes which are motivated by hatred and prejudice are more likely to attract a heavier sentence if successfully prosecuted.

A **Hate Incident** is an occurrence motivated by hate which does not actually constitute a crime. If reported a hate incident will still be recorded by the police and may be used for future reference allowing trends to be identified and acted upon.

Understanding the difference between a crime and an incident is not important for the victim or person reporting. Once a report is made, police will work out which it constitutes.

### **Advice to give victims on the reporting of Hate Crimes**

There is growing evidence from recent studies that men who have sex with men are more likely to be victims of hate crime and incidents and less likely to report them. They therefore need supported through the process if they are a victim.

It is important for the victim to report hate crime as it allows the victim to get appropriate support and advice. It also allows the judicial process to punish perpetrators of such crimes. Reporting hate incidents will allow the police to identify trends and focus preventative community safety work in that area.

Police Scotland takes Hate Crime very seriously and encourages members of all communities to report crimes and incidents. They fully support 3rd party reporting to encourage victims to come forward. (See below for more information on 3rd party reporting)

If the victim **reports** the crime:

- This may stop the attacker from harming them again or from harming someone else
- They may feel better by taking control by helping to ensure their attacker accounts for the crime
- They may be able to claim compensation for any injury
- The police will carry out an investigation. If, at a later date, the victim does not want to proceed, their wishes would be taken into account but the police may still continue to pursue the investigation

If the victim does **not report** the crime they must be reminded:

- It is their right to choose not to report
- The perpetrator of a crime is solely responsible for what they have done
- They cannot be blamed for any future actions of their attacker

If victims are too scared or in fear of reprisals from reporting, reassure them and stress their personal safety is important and that the police can assist them to reduce the risk.

### HOW to report a Hate Crime

- To the police either by calling 101 or in person to a police station (always dial 999 in an emergency)
- Calling anonymously to Crimestoppers on 0800 555 111
- Using a 3rd party reporting service, where you can report in confidence if you wish, via another agency. List of third party reporting centres is available on the Police Scotland website on <http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/third-party-reporting-centres>

It may help the victim to talk about any concerns before making a reporting decision. Here are some support services available to them.

- A confidential call to police on **101** without giving their name.
- **Galop**: provides a national LGBT domestic violence helpline for LGBT people, their family, friends, and agencies supporting them. T 0800 999 5428
- **Rape Crisis Scotland**: Sexual assault and rape support for all sexes. T 08088 01 03 02 (free number) every day, 6pm to midnight
- **Relationship Scotland**: relationship support for all sexes. T 0845 119 2020
- **LGBT Youth Scotland**: Support for young people 0131 555 3940
- **Terrence Higgins Trust Scotland**: Support for people of all ages 0141 332 3838

#### References

1. Hate Crime Scotland – 3rd Party Reporting <http://www.hatecrimescotland.org/> [online] [accessed 03 February 2015]
2. MOT – Men Only Tayside, <http://www.menonlytayside.com/3rd-party.html> [online] [accessed 09 November 2018]
3. Police Scotland – Hate Crime and 3rd Party Reporting, <http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/> [online] [accessed 09 November 2018]
4. The Gay British Crime Survey 2013 (Stonewall)
5. Equality Network – Scottish LGBTI Hate Crime Report, <https://www.equality-network.org/resources/publications/policy/scottish-lgbti-hate-crime-report/> [online] [accessed 09 November 2018]