

Citizen Participation and Public Petitions Committee

1st Meeting, 2022 (Session 6), Wednesday 19
January 2022

PE1909: Remove the “gender-based crime”
domestic abuse narrative and make it gender
neutral and equal

Note by the Clerk

Petitioner	William Wright
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to: <ol style="list-style-type: none">1. Make domestic abuse policies, guidance, agendas and practices gender neutral2. Introduce equal domestic abuse provision and funding for everyone in Scotland - regardless of any protected characteristic3. Ensure all domestic abuse Joint Protocol guidance, policies and practice for Police Scotland and Crown Office and Prosecutor Fiscal Service are gender neutral.
Webpage	https://petitions.parliament.scot/petitions/PE1909

Introduction

1. This is a new petition that was lodged on 11 October 2021.
2. A SPICe briefing has been prepared to inform the Committee’s consideration of the petition and can be found at **Annexe A**.
3. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected not to collect this information.

4. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe B** of this paper.
5. A submission has been provided by the petitioner. This is included at **Annexe C**.

Background information

6. The SPICe briefing highlights the Police Scotland and COPFS joint protocol on challenging domestic abuse. When defining domestic abuse, the document acknowledges ‘that domestic abuse as a form of gender based violence is predominantly perpetrated by men against women’. However, this definition also notes abuse of men by women and abuse within LGBT relationships.

Cabinet Secretary for Social Justice, Housing and Local Government submission

7. The Cabinet Secretary’s submission addresses each of the petition’s asks in turn.
8. In relation to making domestic abuse policies, guidance, agendas and practices gender neutral, the Cabinet Secretary states that domestic abuse is a form of gender-based violence. The submission highlights that this is predominantly perpetrated by men against women and notes key statistics:
 - 62,907 incidents of domestic abuse in April 2019 – March 2020 (increase of 4% since previous year)
 - 82% involved a female victim and male accused
 - 15% involved a male victim and a female accused
 - in the remaining 3% of incidents, the victim and accused were the same gender.
 - Women were nearly three times more likely to be killed by a partner or ex-partner ([homicides recorded between 2010-11 and 2019-20 in Scotland](#))
 - 95% of charges reported by the police to the Crown Office and Procurator Fiscal Service in 2020/21 involved a male alleged perpetrator.
9. However, it is acknowledged that the statistics do not mean that men and boys cannot be the victims of domestic abuse. The provisions in criminal law used to prosecute domestic abuse are gender-neutral and apply equally to all perpetrators.
10. In relation to introducing equal domestic abuse provision and funding for everyone in Scotland – regardless of any protected characteristic, the Cabinet Secretary outlines some of the support funded for male victims through the Delivering Equally Safe Fund:

- The [Respect Men's Advice Line](#), which signposts male survivors of domestic abuse to support services.
- ASSIST who as part of their work provide advocacy support to male survivors of domestic abuse in the West of Scotland and the Lothians.
- [SACRO's fearfree service](#) which provides 1-1 support for male and LGBT victims of domestic abuse.

11. The submission also highlights that the 2021-22 Programme for Government included a commitment to establishing a national strategy on ending intimate and sexual violence against men and boys.

12. The Scottish Government does not agree that the overall amount of funding should be the same for men and women due to the higher numbers of women and girls requiring access to support services.

13. In relation to ensuring all domestic abuse Joint Protocol guidance, policies and practice for Police Scotland and the Crown Office and Procurator Fiscal Service are gender neutral, the Cabinet Secretary notes that the criminal justice system operates independently of the Scottish Government and therefore, Joint Protocol guidance, policies and practice for Police Scotland and COPFS are matters for those organisations.

Petitioner submission

14. In his submission, the petitioner highlights a number of issues disproportionately affecting men:

- 83% homicides
- 86% rough sleeping
- 72% assessed homeless in the last year
- 71.4% died by suicide
- 73% drug deaths

15. The petitioner suggests that the Scottish Government's Equally Safe work, which describes women and girls as being higher risk, and the Police Scotland and COPFS guidance creates a bias.

16. The petitioner also outlines his own experiences as a victim of stalking and subsequently having allegations brought against him. The petitioner provides information about the process, highlighting challenges and complaints he lodged with the police.

17. As a result of this, he states that he experienced:

- “Homelessness
- Financial abuse (£6,000+)
- Legal administrative aggression abuse
- Personal and Professional reputational damages
- Mental health damages (including daily suicidal ideation)
- Lack or no DA support, advocacy or help
- Distress to me and my children”

Action

18. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

PE1909: REMOVE THE "GENDER-BASED CRIME" DOMESTIC ABUSE NARRATIVE AND MAKE IT GENDER NEUTRAL AND EQUALDATE

Lodged

11 October 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to:

- 1) Make domestic abuse policies, guidance, agendas and practices gender neutral
- 2) Introduce equal domestic abuse provision and funding for everyone in Scotland - regardless of any protected characteristic
- 3) Ensure all domestic abuse Joint Protocol guidance, policies and practice for Police Scotland and Crown Office and Prosecutor Fiscal Service are gender neutral.

Previous action

I have raised these issues directly with:

Justice Minister, Scot Gov, who simply sent me generic information

My MSP, who has done nothing

My Regional MSP, who is now asking the Government for information on how stats are being collected by Police Scotland for males and females on domestic abuse

My public protection councillor, who has done nothing

My MP, who has done nothing

My councillors, who have done nothing

Police Scotland executive, they blocked me from contact for 12 months.

Background information

The Scottish Government "gender-based crime" narrative for domestic abuse is labelling innocent men; harming them, hurting them, destroying them, and their families too.

From experience the data being captured by police and COPFS on domestic abuse and gender differences is not accurate, does not reflect the reality, and cases are being manipulated by these services to

support the Scottish Government's biased and discriminatory narrative that domestic abuse is a "gender-based crime".

It is dangerous to teach future generations of children that domestic abuse is a gender-based crime in Scotland, putting boys and men at risk and disadvantage.

The narrative enables female abusers to make false and malicious allegations about men, and police continue to fail to hold these abusers accountable for their malice.

The gender-based narrative does not empower women; it empowers female abusers. This does not represent equality. Equality is acknowledging that this crime can happen to "anyone".

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1909](#): Remove the ‘gender-based crime’ domestic abuse narrative and make it gender neutral and equal, lodged by William Wright

Background

The petition argues for changes in the approach to tackling domestic abuse in Scotland. It seeks the adoption of a gender-neutral response. For example, in relation to:

- how the Scottish Government describes domestic abuse
- policies and practices within the police and prosecution services
- provision of support services.

Some elements of the current approach to domestic abuse reflect an analysis that violence against women and girls (VAWG) is linked to inequality between men and women.

Criminal law

Relevant criminal offences apply equally to men and women. These include the offence set out in the Domestic Abuse (Scotland) Act 2018, as well as other offences which can be used in cases of domestic abuse (for example, the common law offence of assault).

Policy and practice

The Scottish Government's approach to tackling VAWG, including domestic abuse, involves a 'gendered analysis' of the problem. The approach is explained in a document produced in conjunction with COSLA [What does gender have to do with violence against women?](#) (2010).

In 2014 the Scottish Government and COSLA published a [joint strategy](#) on preventing and eradicating VAWG. It was updated in 2018.

Police Scotland and the Crown Office & Procurator Fiscal Service have published a [joint protocol on challenging domestic abuse](#) (5th ed. 2019). It sets out a definition of domestic abuse, within which "it is acknowledged that domestic abuse as a form of gender base violence is predominately perpetrated by men against women" (p 2). However, the definition also notes the abuse of men by women, and of abuse within LGBT relationships.

Statistics

[Scottish Women's Aid](#) notes that domestic abuse is "overwhelmingly experienced by women and perpetrated by men".

Annual statistical bulletins published by the Scottish Government include a series dealing specifically with [domestic abuse recorded by the police](#). In 2019-20, 82% of recorded incidents involved a female victim and male accused.

Frazer McCallum
Senior Researcher

29/10/2021

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers

should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Cabinet Secretary for Social Justice, Housing and Local Government submission of 18 November 2021

PE1909/A – Remove the "gender-based crime" domestic abuse narrative and make it gender neutral and equal

Thank you for your email of 15 October 2021, in which the Committee seeks the Scottish Government's views on the action called for in the above noted petition.

Specifically, the petition urges the Scottish Parliament to urge the Scottish Government to:

"1) Make domestic abuse policies, guidance, agendas and practices gender neutral"

"2) Introduce equal domestic abuse provision and funding for everyone in Scotland - regardless of any protected characteristic"

"3) Ensure all domestic abuse Joint Protocol guidance, policies and practice for Police Scotland and Crown Office and Prosecutor Fiscal Service are gender neutral."

I will address each of these points in turn.

1) Make domestic abuse policies, guidance, agendas and practices gender neutral

The Scottish Government recognises that domestic abuse is a form of gender-based violence, which is predominantly perpetrated by men against women.

Between 1 April 2019 and 31 March 2020, [Police Scotland recorded](#) 62,907 incidents of domestic abuse, an increase of 4% compared to the previous year. Where gender information was recorded, 82% of these incidents involved a female victim and a male accused, 15% involved a

male victim and a female accused, and in the remaining 3% of incidents, the victim and accused were the same gender.

Evidence also indicates that gender plays a role in the severity of abuse, with women far more likely to be killed by a partner or ex partner than men. Looking at [all homicides recorded between 2010-11 and 2019-20 in Scotland](#), women were nearly three times more likely to be killed by a partner or ex-partner (71 victims) than men (24 victims).

This does not mean that men and boys cannot be the victims of domestic abuse, or that women cannot be the perpetrators of domestic abuse. The Scottish Government is clear that irrespective of the gender of the victim or of the perpetrator, there is no excuse for domestic abuse, and we are committed to working with all of our partners to ensure we do everything possible to keep people safe and to hold the perpetrators of this unacceptable behaviour to account.

In relation to the provisions in the criminal law used to prosecute domestic abuse, it is important to note that these are gender-neutral and apply equally to both male and female perpetrators. This includes the provisions of the Domestic Abuse (Scotland) Act 2018 which came into effect on 1 April 2019, introducing a specific, gender neutral “course of conduct” offence for the first time – enabling physical, psychological and controlling behaviour to be prosecuted at once. Statistics published by the Crown Office and Procurator Fiscal Service (COPFS) in September 2021 found that 95% of charges reported by the police to COPFS in 2020/21 involved a male alleged perpetrator.

Understanding the significant role that gender plays, including in terms of the prevalence and severity of domestic abuse, is crucial in order for us to take effective steps to prevent it from occurring in the first place, and to ensure that the right support is available for those who have experienced or who are experiencing domestic abuse.

This is why, the Scottish Government and COSLA’s joint strategy to prevent and eradicate violence against women and girls, [Equally Safe](#), is underpinned by a gendered analysis which recognises that women and girls are disproportionately affected by certain forms of violence and abuse precisely because they are women and girls. These forms of gender-based violence, which include domestic abuse, rape and sexual violence, are a function of gender inequality and an abuse of male power and privilege. In order to effectively tackle gender based violence, we

need to challenge the outdated gender stereotypes and societal attitudes towards women and girls that enable it to continue.

2) Introduce equal domestic abuse provision and funding for everyone in Scotland - regardless of any protected characteristic

The Scottish Government is clear that every victim of domestic abuse should be able to access advice and support, irrespective of gender. Through the Scottish Government's Delivering Equally Safe Fund, we will distribute £38 million over two years, October 2021 – September 2023, to third sector organisations and public bodies to support survivors of gender based violence and deliver projects with a focus on prevention.

Some of this funding is targeted at supporting male victims of domestic abuse. This includes funding for:

- The [Respect Men's Advice Line](#), which signposts male survivors of domestic abuse to support services.
- ASSIST who as part of their work provide advocacy support to male survivors of domestic abuse in the West of Scotland and the Lothians.
- [SACRO's fearfree service](#) which provides 1-1 support for male and LGBT victims of domestic abuse.

The Scottish Government also funds the [Scottish Domestic Abuse and Forced Marriage Helpline](#) which offers confidential support and advice to anyone with experience of domestic abuse or forced marriage, as well as their family members, friends, colleagues and other professionals who support them.

We recognise that some men who are experiencing domestic abuse may find it difficult to come forward to seek help from support services. In our most recent [Programme for Government 2021-22](#) we committed to establish a national strategy on ending intimate and sexual violence against men and boys.

However, we do not agree that the overall amount of funding targeted at supporting women and children experiencing domestic abuse, should be the same as for men experiencing domestic abuse. This is because, as I have set out, domestic abuse is perpetrated predominantly by men against women and there are a greater number of women and children requiring access to support services.

3) Ensure all domestic abuse Joint Protocol guidance, policies and practice for Police Scotland and Crown Office and Prosecutor Fiscal Service are gender neutral

As the Committee will appreciate, the criminal justice system in Scotland, which includes Police Scotland and COPFS, operates independently of the Scottish Government. This is important to preserve the operational independence of the criminal justice system and to ensure that it is kept free from political interference.

As a result, domestic abuse Joint Protocol guidance, policies and practice for Police Scotland and COPFS are a matter for Police Scotland and COPFS, not the Scottish Government. The Committee may wish to note that COPFS and Police Scotland published a revised 5th edition of their [Joint Protocol on Domestic Abuse](#) on 10 May 2019.

I hope that the information I have set out in this letter is helpful to the Committee.

In summary, the Scottish Government's position is that systemic gender inequality is the root cause of domestic abuse and that gender affects both the prevalence of abuse and its nature and severity. Acknowledging the role that gender plays in the perpetration of domestic abuse is critical in terms of informing the actions we take to prevent it occurring in the first place, and to ensure that survivors of domestic abuse can access the appropriate support that meets their needs.

I would be happy to provide any further information that the Committee may require, including additional detail of the legislative and other measures the Scottish Government and partners are taking to tackle domestic abuse and other forms of gender based violence.

Petitioner submission of 6 December 2021 PE1909/B - Remove the "gender-based crime" domestic abuse narrative and make it gender neutral and equal

Scotland

Issues disproportionately affecting men in Scotland,

- 83% homicides, men ([0](#))
- 86% rough sleeping (3 months), men ([1](#))
- 72% assessed homeless in last year, men ([1](#))
- 71.4% died by suicide, men ([2](#))
- 73% drug deaths, men ([3](#))
- Men lower life expectancy rate than women ([4](#))
- Increase in Domestic Abuse (DA) male victim, female accused 2019-2021 ([5](#))
- Decrease in DA female victim, male accused 2019-2021 ([5](#))

DA (Scotland) Act 2018

Acknowledges **gender neutral** "course of conduct"

Government Strategy

Equally Safe (VAWG) describes women and girls as being more at risk from violence and abuse in Scotland ([5](#)) Creates bias towards men.

Police Scotland and COPFS guidance

This guidance on DA describes this crime mostly perpetrated by men towards women. This guidance states, in most circumstances, to only report one person to the COPFS ([6](#)) Creates bias towards men, and those seen as perpetrator.

Police Cultures

Police Scotland unhealthy cultures,

- Old boys club ([8](#))
- Machismo, ([7, point 9.47](#))
- Unconscious Bias ([7, point 9.78](#))
- Sexism ([8](#))
- Discrimination ([7, point 9.86](#))
- Misogyny ([8](#))
- Equality ([7, point 9.78](#))

- Diversity ([7, point 9.78](#))

My experience 2019-2021

Before 2019

- No convictions
- Never been arrested

22nd June 2019

I reported a female for stalking and DA

2 male officers failed to,

- Record my report properly
- Secure evidence (email evidence, referred to as non-criminal)
- Record witness statements
- Investigate
- Follow Joint Protocol guidance

Police investigation upheld officers failed to do their job properly, March 2020, ref: CO/05260/19

The 2 officers were given learning points, refer and learn DA police guidance.

23rd June 2019

The same 2 officers contacted my female abuser, disclosed details of my DA report, but did nothing. Police confirm contacting her, but no written or other record of this. (*Confirmed SAR data*)

12th July 2019

I approached police to report the female for false allegations and DA. ([8](#)) I was arrested and charged with stalking/DA.

Police secured email evidence of female criminality (exculpatory evidence). Referred to as non-criminal. No investigation.

I asked to make a counter allegation report. Police failed to do this.

7 charges brought against me.

Police investigation upheld (after PIRC involvement ([8](#))) officers failed to record a counter allegation report when I asked, March 2020-April 2021, ref: CO/05260/19

The reporting officer told to learn DA Police Standard Operating Procedure.

July 2019

COPFS created a libel (begin 13th May 2019) **after** the date of my defence exculpatory email evidence (11th-27th April 2019).

Prosecution ensured this could not be raised/discussed in court.

COPFS did not instruct police to arrest female relating to email evidence.

January 2020

I make 4 complaints about police,

- Failed to investigate DA report, upheld (March 2020)
- Direct discrimination based on sex, not upheld (8)
- Direct discrimination based on perception of a disability, not upheld (wrong wording used) (8)
- Failed to take a counter allegation report, upheld (April 2021) (8)

14th March 2020

Police instructed to take counter allegation report.

DAVRU,

- Take report
- Secured email evidence - criminality identified (same evidence as June and July 2019, and defence exculpatory)
- Investigated

15th March 2020

Police confirm in writing female conduct stalking and DA, DA (Scotland) Act 2018. Course of behaviour, unity of purpose confirmed (*email from Police, DAVRU*)

11th July 2020

COPFS take 4 months to instruct arrest

Police arrest female for 'persistent unwanted contact', communications offence, ref: CF0084460720

Not charged; claim no corroborative evidence.

7th September 2021

Criminal proceedings and 7 charges against me thrown out of court by COPFS.

All stats still recorded – unethical.

I believe that Police and COPFS unconscious bias and discrimination supported by agendas, guidance, led to unfair, unequal treatment.

As a result, I experienced,

- Homelessness
- Financial abuse (£6,000+)

- Legal administrative aggression abuse
- Personal and Professional reputational damages
- Mental health damages (including daily suicidal ideation)
- Lack or no DA support, advocacy or help
- Distress to me and my children

Statistics

Police Scotland DA stats (17)

- 2019 to 2021 - 211 increase male accused; 864 increase female accused
- 40% of all stats only where DA crime present
- No recorded DA counter allegation stats or false allegations recorded
- Does not show accurate picture of DA

COPFS DA stats (16)

- Only show individual charges
- Does not show how many people were convicted of DA
- Cannot claim this shows number of men or women convicted of DA

Provision

- Male victims but no male refugees in Scotland (15); unequal provision
- Substantial funding disparities: AMIS, £12,625, 2 years (13); Scottish Women's Aid, £1,185,827, 1 year (14)

Education

- Equally Safe at School, bias taught in schools
<https://www.equallysafeatschool.org.uk/about/>) to young boys
- Don't be that Guy, bias public campaign (<https://that-guy.co.uk/about/>) by police (8)