



Deeds not Words: Its time for Action to tackle Violence Against Women – Briefing for Parliamentarians on Amendment 87B to the Domestic Abuse Bill

The campaign to make misogyny a hate crime returns to the House of Lords next week as parliamentarians seek to ensure all police forces record the violence and harassment women face.

Amendment 87B to the Domestic Abuse Bill, which has cross party support and backing from a wide range of campaigning organisations, will be debated on Monday 15th March 2021. It would require all police forces in England and Wales to record where existing crimes have been motivated by hatred of someone's sex or gender.

This follows evidence from seven police forces which do this about how this approach improves outcomes in addressing the abuse and harassment of women and girls. It also builds on the Law Commission proposals currently being developed on how to include the characteristic of sex or gender to hate crime laws.

The amendment has been tabled by Labour's Lady Kennedy, and has been co-signed by Conservative Peer Baroness Altman, Cross-Bench Peer Lord Russell, and Conservative Peer Lord Young. The campaign itself has been backed by a wide range of political leaders across the country including Mayors Andy Burnham, Steve Rotherham, Sadiq Khan and Dan Jarvis, Police and Crime Commissioners David Keane (Cheshire), Paddy Tipping (Nottinghamshire), Sue Mount Stevens (Avon and Somerset), Alison Hernandez (Devon and Cornwall), Julia Mulligan (North Yorkshire), and multiple councils across the country passing motions in support.

Speaking about the amendment Baroness Kennedy said:

"Recognising hostility towards women drives criminal offences helps us detect and prevent offences including street harassment, sexual assault, rape and domestic abuse. We know it works as seven police forces across the country are already taking this approach, with proven results in increasing confidence in the police and tackling violence against women. This is a simple measure that we could take now to start making sure every woman is safer at home and on our streets'.

Stella Creasy MP who has been coordinating the campaign said:

"I urge every woman who has walked with keys in her hands at night, been abused or attacked online or offline to come forward and be heard. This is our moment for change - rather than telling women not to worry about violence or to stay home at night if they want to be safe, its time to send a message that women should be equally able to live free from fear of assault or harm from those who target them simply for who they are."

The campaign is backed by major campaign organisations on hate crime, women's rights and community safety including Citizens UK, the Fawcett Society, Plan UK, Our Streets Now, Centenary Action Group, UN Women UK, the Foundation for People with Learning Disabilities, Juno Women's Aid, and Muslim Women's Network, and Hate Crime Campaigners including the Jo Cox Foundation, Hope not Hate and Tell Mama.

Ends.

What is the issue?

Violence against women and girls does not occur in a vacuum; hostility towards women and girls generates a culture in which violence and abuse is tolerated, excused and repeated. Changing that means challenging not only individual acts of abuse but the very roots of the culture which enables it. Gathering the evidence about the extent, nature and prevalence of hostility towards women and girls and how these interplay with the experience of domestic abuse is crucial to recognising these connections. 11 out of 43 police constabularies in England and Wales have made misogyny a hate crime, trialed the policy or are actively considering implementing it. This amendment to the Domestic Abuse bill seeks to do that by learning from the experience of the police forces around the country which have started to record misogyny as a hate crime. By requiring all police forces to do this and to assess how it influences the experience of domestic abuse, this amendment seeks to add to our understanding of the nature of violence against women and so the work on how to end it.

The case for change: The Misogyny Behind Domestic Abuse

The evidence of where misogyny has been identified as a hate crime to date by police forces in their recording of crime has been that it helps to increase understanding of the causes and consequences of violence against women and girls. It is critical that every case of domestic abuse should be taken seriously and each individual given access to the support they need. Whilst both men and women may experience incidents of inter-personal violence and abuse, women are considerably more likely to experience repeated and severe forms of abuse, including sexual violence. They are also more likely to have experienced sustained physical, psychological or emotional abuse, or violence which results in injury or death.

There are important differences between male violence against women and female violence against men, namely the amount, severity and impact. Women experience higher rates of repeated victimisation and are much more likely to be seriously hurt (Walby & Towers, 2017; Walby & Allen, 2004) or killed than male victims of domestic abuse (ONS, 2017). One study of 96 cases of domestic abuse recorded by the police found that men are significantly more likely to be repeat perpetrators and significantly more likely than women to use physical violence, threats, and harassment. In a six year tracking period the majority of recorded male perpetrators (83%) had at least two incidents of recorded abuse, with many having a lot more than two and one man having 52 repeat incidents. Whereas in cases where women were recorded as the perpetrator the majority (62%) had only one incident of abuse recorded and the highest number of repeat incidents for any female perpetrator was eight. (Hester, 2013)

In 2016 Nottinghamshire Police became the first police force in the country to enable women and girls to report cases of abuse and harassment as misogyny under their Misogyny Hate Crime policy. Misogynistic hate crimes recorded by the police since Nottinghamshire Police Force adopted it includes stalking, groping, indecent assault and kidnapping. Whilst they initially did not include domestic abuse in this reporting, as it was already being recorded as a form of crime, those involved in the scheme now say:

“our experience of delivering training to the police tells us that, even though domestic abuse is not included within the hate crime policy, officers are often able to recognise that misogyny is likely to be at the root of this too. Similarly, we are aware that misogyny hate crime can act as a bridge to women talking about (and recognising) other forms of violence against women. Where women may feel that domestic abuse is something that happens to ‘other women’ and is not linked to inequality, they are more readily able to recognise this with misogyny hate crime.”

Following the example of Nottingham Police, North Yorkshire, Somerset and Avon, and Northamptonshire have also made misogyny a hate crime and so are already recording these figures to enable such an approach. This amendment would require other police forces to follow suit. Women’s Aid report that police forces who are recording misogyny have not seen an influx in reporting of wolf whistling, but have instead received a growing number of reports of sexual harassment and assault.¹ Making misogyny a hate crime simply means police forces would log and monitor such incidents and then enable them to create a full picture of the problem, support victims, and make them aware of where incidents are reoccurring.² Indeed, women and girls need to feel their concerns are being taken seriously by the police and that misogyny is not normalised. 66% of girls in the UK have experienced sexual attention or sexual or physical contact in a public place.³ It has never been more vital to tackle misogyny at its root.

The Amendment

The Domestic Abuse Bill states that the Secretary of State must give guidance on the kinds of behaviour that amount to domestic abuse.⁴ The proposed amendment 87B, states that the guidance should further take account of evidence about the relationship between domestic abuse and offences involving hostility based on sex. The wording is as follows:

Page 54, line 8, at end insert—

“(2A) The Secretary of State must issue guidance under this section which takes account of evidence about the relationship between domestic abuse and offences involving hostility based on sex or gender.

(2B) In preparing guidance under subsection (2A) the Secretary of State must require the chief officer of police

of any police force to provide information relating to—

(a) the number of relevant crimes reported to the police force; and

(b) the number of relevant crimes reported to the police force which, in the opinion of the chief officer of police, have also involved domestic abuse.

(2C) In this section—

“chief officer of police” and “police force” have the same meaning as in section 64 of this Act;

“relevant crime” means a reported crime in which—

(a) the victim or any other person perceived the alleged offender, at the time of, or in a recent period before or after, the offence, to demonstrate hostility or prejudice based on sex or gender, or

(b) the victim or any other person perceived the crime to be motivated (wholly or partly) by hostility or prejudice towards persons who are of a particular sex or gender

Whilst there is no legal definition of ‘hostility’, the Crown Prosecution Service use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.⁵ As such this amendment seeks to build on this concept.

The effect of this amendment would be to ensure all police forces in England and Wales record any crimes where the victim, or any other person, perceived the crime to be motivated by this hostility or perceived the perpetrator to have demonstrated hostility in committing the crime. The Police would then also be required to assess how this interacts with domestic abuse by making an assessment of how many of these crimes meet the definition as set out in this legislation. Proposals to recognise misogyny as a category of hate crime will not therefore make anything illegal if it’s not already. Instead, this amendment would help to bring together the understanding of the forms of violence and abuse women and girls experience by ensuring all were recorded. Those working in areas where this approach is being taken have reported the transformative effect it has had on safety. As Mel Jeffs, Nottingham Women’s Centre previous CEO pointed out, “misogyny is the soil in which violence against women grows” - this is why we need to tackle it.

The Law Commission Review into Hate Crime

Following an amendment to the Upskirting Bill, the Government instructed the Law Commission to carry out a review of all hate crime, and to consider incorporating misogyny as a new category for hate crime. They note there were 67,000 incidents of hate crime based on sex in 2018 - 57,000 of which were targeted at women.⁶ Without recognising the role of misogyny in the experiences of women, our legal and criminal justice system masks the true extent of hostility based on sex. This review is ongoing as it has been delayed due to the Coronavirus crisis. In updating parliamentarians on this work the Law Commission have stated:

“Given that hate crime laws apply to existing criminal offences, the addition of sex and gender characteristics as a protected category would implicate any criminal offence committed in the domestic abuse context. Part of our consultation paper must therefore carefully consider how sex/gender-based hate crime protection might operate in overwhelmingly gendered contexts such as domestic abuse.”

The Law Commission published its recommendations in September 2020 and invited submissions based on these findings until the end of the year. In their initial publication the Law Commission recommended that ‘sex or gender’ be added to the list of protected characteristics on account of what they deemed a ‘demonstrable need’, citing evidence that women are disproportionately affected by crimes based on sex or gender, this included evidence regarding domestic abuse and crimes of a sexual nature. After the period of consultation has ended the Commission will produce a report which we believe will again recommend the inclusion of ‘sex or gender’ into hate

crime legislation.

UK Police Forces Currently Recording Misogyny as a Hate Crime

Recording misogyny hate crime

- 1) **Nottinghamshire** - recording misogyny hate crime since April 2016, trained 2000 officers and call handlers, 25% increase in reporting, in the first two years of the police 265 misogyny hate crime victims recorded, 243 were female whilst 6 were male.
- 2) **North Yorkshire** – recording ‘gender and sexist hate crimes’, with ‘misogyny’ and ‘misandry’ terminology, since a December 2018 pilot scheme. From then until April 2020, 94 sex/gender hate crimes and 24 incidents were recorded, 5 resulting in charge or caution. Just under 80% of victims were female.
- 3) **Avon and Somerset** - recording gender-based hate crime since October 2017, 100 gender-based hate incidents between 2014-2019, 792 gender hate crimes and 97 incidents recorded between October 2017 – March 2020. Just under 90% of victims were female.
- 4) **Devon and Cornwall** - recording ‘gender and sexist hate crimes’, with ‘misogyny’ and ‘misandry’ terminology, since a December 2018 pilot scheme. From then until April 2020, 94 sex/gender hate crimes and 24 incidents were recorded, 5 resulting in charge or caution. Just under 80% of victims were female.
- 5) **Northamptonshire** - started recording gender-based hate crimes in October 2017. Between 1st October 2017 – 1st March 2020, Women were the victims in 9 out of 11 hate crimes, and 7/9 incidents
- 6) **Gloucestershire** - started recording misogynistic hate crime as ‘misogyny & misandry’ in 2018.

Recording Non Disaggregated data

- 7) **Leicestershire** - recording misogyny as a hate crime within the category Prejudice-Other, although the incidents of misogynistic hate crime are being recorded as part of a large group, they are not disaggregated.

Considering adopting misogyny hate crime

- 8) **Derbyshire** - PCC Mr Hardyal Dhindsa recognises the benefits of recording gender- based hate crime and the ‘Constabulary is actively progressing the introduction of gender hate as a reportable incident’.
- 9) **Cheshire** - have discussed the introduction of gender into their protected characteristics strongly prompted by the progress of the Domestic Abuse Bill over the summer. This is supported by PCC David Keane.
- 10) **Surrey** - currently updating their hate crime policy and are looking include hate crimes not currently covered by the five strands.
- 11) **West Yorkshire** - submitted evidence to the Law Commission’s Hate Crime Review and look to it’s outcome to shape their policy, encouraging people to report in the meantime.

Hate Crime FAQs

What is hate crime?

Hate crime is criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards a protected characteristic of the victim. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. Although traditionally depicted as involving strangers, the perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose. Hate crime law is rooted in a need to protect people who are targeted because of their identity, and is defined as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a protected characteristic.⁷

Which characteristics are currently protected under hate crime law?

Disability, transgender status, race, religion and sexual orientation. These are covered by legislation (sections 28-32 of the Crime and Disorder Act 1998 and sections 145 and 146 of the Criminal Justice Act 2003) which allows prosecutors to apply for an uplift in sentence for those convicted of a hate crime.⁸ As part of addressing these crimes the police record information on these offences and their prevalence to aid the detection and prevention of them.

How does identifying misogyny affect other forms of hate crime?

Women and girls from black and minority ethnic (BME) groups often experience hate crime based on multiple characteristics. Without recognizing the role of misogyny, an intersectional understanding is not facilitated by the law. Sex was the motivation for over half of the hate crimes women reported experiencing last year, with age – which like sex, is not recorded or acted on by most police forces – the second most common with 41,000 incidents, followed by race with 16,000.⁹ For example, Muslim women may be victims of hate crime because they are Muslim and also because they are women. 42% of 14-21 year old BAME women reported unwanted sexual attention at

least once a month.¹⁰ Many women and girls with intellectual disabilities are also disproportionately subjected to street harassment, sexually based violence and abuse for the dual reasons of being disabled and a woman. Our laws must protect each and every one of us equally, and they cannot do this while misogyny is a blind spot.

Support For this Amendment

“As the birthplace of the misogyny hate crime campaign, we are supportive of parliamentary efforts to recognise misogyny as the hate crime that it is. Recording misogynistic hate crime allows us to identify patterns and perpetrators; it supports women to be able to name the experiences they have, and to know they will be believed when they do so. By recognising how misogyny intersects with anti-black racism, antisemitism, Islamophobia, homophobia and other forms of discrimination we also can also map and understand how other forms of abuse affect women in specific and intersectional ways. Citizens UK is proud that our Nottingham chapter was the first to make misogyny a hate crime in the country; proud to partner with the Law Commission on the national review, and proud to support Stella Creasy MP's efforts to put misogyny into our legislation.” - **Charlotte Fischer, Senior Organiser, Citizens UK**

“The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) requires the UK to take decisive action to end violence and discrimination against women and girls. The international treaty was ratified over 30 years ago, and yet there is still work to be done. Gathering data that shows the reality of safety for women is absolutely critical if the UK is going to achieve the Sustainable Development Goals, and analysing misogyny as a hate crime is part of this work. UN Women UK and its Safe Spaces Now project support this amendment as a step towards understanding what works for both the prevention and mitigation of violence against women.” - **Claire Barnett, Executive Director of UN Women UK**

“Ideological misogyny, which is emerging in far right terrorist violence, and misogynistic online abuse is more widespread now and hugely damaging to society. I do not believe there is a woman in public life who is not subject to misogynistic abuse online. At its worst it can lead to violence and/or significant psychological harm but even where it does not have such an effect, it can deny, particularly women, the freedom to actively participate in public discourse.” - **Paul Giannasi, National Policing Advisor for Hate Crime**

“We fully endorse this amendment, which is not about ticking boxes, but it is about ensuring the safety of women both online and offline, particularly at a time when domestic violence and online violence and abuse against women are on the rise, and where there is a link to gender hatred conducted by some individuals within relationships.” - **Iman Atta OBE, Director Tell MAMA**

“Misogynistic hate, whether online or off has a devastating impact on victims. Ideological misogyny is increasingly at the core of far right thinking, including the real threat of far right terrorism. It is a recruiting tool for hate groups and a means to radicalise, especially amongst the very young. Understanding more about the scale and specificity of misogynistic hate crime is crucial. HOPE not hate wholeheartedly supports this amendment to ensure that the police are tracking crimes against women and girls.” - **Nick Lowles, CEO of HOPE not hate**

“Officers identified that misogyny hate crime can act as a bridge to women talking about (and recognising) other forms of violence against women. Where women may feel that domestic abuse is something that happens to ‘other women’ and is not linked to inequality, the evidence shows they are more readily able to recognise this with misogyny hate crime.” - **Sue Fish, Former Chief Constable of Nottinghamshire Police**

“Misogyny is the soil in which violence against women and girls grows. We know that domestic abuse is a hidden epidemic that occurs in people's homes, with a staggering 1 in 4 women affected in the UK. And we know that it is a gendered crime, with over 90% of perpetrators being men. Misogyny - and the eradication of misogyny - are structural issues. We must start by naming the problem: misogyny is a clear driver of men's domestic abuse against women.” - **Sophie Maskell, Nottingham Women Centre**

“White Ribbon UK works with men and boys so that they collectively take action, look at their behaviour and that of their friends, colleagues and family members and make a stand against violence against women. We expect all men to make the White Ribbon Promise to never, 'commit, excuse or remain silent about violence against women.' We wholeheartedly support this amendment, it underlines the seriousness of misogynist behaviour both online and offline and its devastating impact on women. For misogyny to be classed as criminal makes is absolutely crystal clear what is unacceptable behaviour and why it needs to stop.” - **Anthea Sully, Chief Executive, White Ribbon**

“MWN UK supports the call for amendment 84 of the Domestic Abuse Bill to allow police to record crimes motivated by misogyny as crimes. In our experience, misogyny often underpins harm towards women and girls, and therefore this is a necessary step to tackling abuse.” - **Muslim Women's Network UK**