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"Some men deeply hate women, and express that hatred freely": Examining Victims' Experiences and Perceptions of Gendered Hate Crime

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Abstract

Extensive debate about the place of gender within the hate crime policy domain has been fuelled by national victimisation surveys indicating people's experiences of 'gender hate crime' coupled with Nottinghamshire Police's decision to begin categorising misogynistic street harassment as a form of hate crime. Drawing on the results of an online survey of 85 respondents, this article explores people's experiences of gender-related victimisation as 'hate crimes'. The analysis demonstrates how participants relate their experiences to the hate crime concept, their perceptions on punishment and reporting to the police, and also wider impacts on their recovery processes. This paper provides a timely contribution towards current debates around using the existing hate crime model for addressing crimes motivated by gender hostility.

Key words: gender; victimisation; hate crime; criminal justice, misogyny

Introduction

In July 2016 Nottinghamshire Police announced that it would become the first UK force to treat misogynistic street harassment as a form of hate crime. This decision followed a survey of 1000 people undertaken by Nottingham Citizens Advice examining hate crime provisions in which it found that 38% of women who had experienced a hate crime felt in part that it had related to their gender (Nottingham Citizens, 2014). They recommended a new approach that would provide women with additional support in reporting and might also have an educative function and contribute towards a "culture shift to reframe these behaviours as socially undesirable" (Jeffs 2016: 2). It is of note that Nottinghamshire Police chose to use the term misogyny rather than the more neutral 'gender hostility' so as to be clear that they were talking about hatred and hostility towards women. This was the first time that gender had been officially recognised in hate crime policing policy in England and Wales; since then, several other forces have followed suit.

In the UK, the Crown Prosecution Service define a hate crime as being any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on one (or more) of the five legally-recognised personal characteristics.[1] These are racial identity, religious affiliation, disability, sexual orientation and transgender identity. All are included in legislation which allows for sentence enhancements to

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[1] For a comprehensive overview of hate crime definitions, policies and reports on hate crime, see: https://www.cps.gov.uk/hate-crime.

recognise the presence of hostility, while both racial and religious aggravation are additionally recognised as separate offence. At present, gender is not currently recognised as a protected characteristic informing UK hate crime legislation in any respect.

Despite this omission, victim surveys have indicated that when asked, some people do consider themselves to have experienced 'gender hate crime'. The largest source of information on criminal victimisation in the UK is the *Crime Survey for England and Wales* (CSEW).[2] This is undertaken with a representative sample of 35,000 adults[3] about their experiences of being a victim of crime in the previous 12 months which is then used to estimate the overall amount of crime in England and Wales.[4] The CSEW has collected data on hate crime victimisation since 2009/10; for the first two years (2009/10 and 2010/11) it listed 'gender' as one of the options for discerning on what identity basis a person has been a victim of a hate crime. Since 2011 there has been some variation in the way questions have been phrased; the 2011/12 survey replaced the term 'gender' for 'sex' and included 'gender identity' in the list to reflect transgender hate crime. However, from 2012 onwards, the CSEW did not analyse responses related to hate on the basis of sex, instead only publishing analyses related to the five recognised hate crime strands cited above.

By multiplying incidence rates by population estimates, the findings suggested that there were around 120,000 incidents of gender-motivated hate crime in the 2009/10 and 2010/11 periods. Breaking this down further, the survey indicated that incidents were more likely to be against a person than a household (90,000 and 30,000 respectively) and that men and women experienced similar levels of victimisation (41,555 and 50,158 respectively). In addition, and contrary to other forms of criminal victimisation, the estimates also suggested that for both genders, those the youngest age bracket (16 – 24) were the *least* likely to experience gender hate crime (Home Office, 2012).

A curiosity about the types of incidents categorised by victims as being indicative of 'gender hate crime' coupled with the policing developments in actively recording such hostility led us to conduct a pilot project in the form of an online survey to learn more about this developing phenomenon. This article, based on responses received from the 85 self-selecting male and female participants, offers insight into subjective understandings of what may or may not constitute a 'gender hate crime' according to those who have experienced some form of gender-based hostility. In lieu of any official definition of what a gender hate crime is, the scoping study sought to explore variances in perceptions of gender as a hate crime category, paying particular attention to similarities in experience but divergences in whether or not a hate crime label was deemed appropriate.

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[2] From 1981 until 2014 this was known as the British Crime Survey but was changed to reflect the fact that only respondents – and information – relating to England and Wales was sought and represented. Several limitations of the CSEW include: its failure to represent people without secure or permanent residence, its omission of people in prison or hospital, its failure to capture crimes against businesses, and the age restrictions it imposes.

[3] Prior to 2013, the sample size was 46,000 adults.

[4] Prior to 2009 the survey was conducted with persons over the age of 16 years. Responses are now sought from 10 to 16 years old but are analysed separately from the main survey.

While the findings cannot be generalised to account for patterns and trends in relation to gender hate crime, they do demonstrate some of the factors informing how and why people (self-identified victims) categorise their experiences differently. Employing a descriptive analysis, we demonstrate how participants makes sense of their experiences when asked to consider these in relation to the concept of hate crime as currently understood. The analysis also explores participants' perceptions on punishment (as recognised hate crimes may incur additional sentencing tariffs) and attitudes towards reporting incidents to the police. Rather than seeking to provide an argument for or against the inclusion of gender as a recognised hate crime category in the UK, this paper instead provides a timely contribution towards current debates around using the existing hate crime model for addressing crimes motivated by gender hostility.

Background to Hate Crime

One of the most recent developments in victim studies in the global north is the discursive and legislative emergence of 'hate crime' as a specific category of victimisation. Contemporary hate crime scholarship originally emanated from North America in the 1980s following a series of violent attacks on groups and individuals seemingly targeted as a result of their (usually minority) racial, religious, ethnic or sexual identity (Comstock 1991; Jacobs and Potter 1998; Perry 2001, 2003; Gerstenfeld 2011). The passing of several laws in the USA and Canada addressing victimisation motivated by bias, prejudice or hostility gave rise to a growth in academic scholarship on the nature and impact of 'hate crime'. In the UK, the racist murder of black teenager Stephen Lawrence in 1993 resulted in the first piece of what could be considered 'hate crime' legislation – the Crime and Disorder Act 1998. This outlined a selection of demarcated offences and related punishments for crimes which were considered to have been racially aggravated. This was updated by the Anti-Terrorism, Crime and Security Act 2001 to include crimes motivated by religious hostility. Soon afterwards, Sections 145 and 146 of the Criminal Justice Act 2003 introduced legislation pertaining to crimes motivated by hostility towards a person's race, religious affiliation, sexual orientation, disability or transgender identity which provided a framework for sentence enhancement. Transgender identity – often referred to as 'gender identity' – refers to people who have sought to undergo some form of transition away from their assigned gender at birth; therefore the legislation does not apply to cisgendered[5] persons unless the victimisation they incur alludes to some form of hostility towards transgenderism. Terminology around gender and gender identity can often be misleading, as evident in the CSEW move from 'gender' to 'sex' and to include 'gender identity' to mean 'transgender identity'. This is also evident elsewhere in legislation, with the Equality Act 2010 emphasising that 'gender identity' was to be considered a separate entity from both 'gender' and 'sexual identity' – as transgender issues often are erroneously conflated with one or the other group – thus evidencing the need to consider the persecution and/or victimisation of people who identify as transgender separately.

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[5] Cisgender refers to a person who identifies with the gender they were assigned at birth.

Linking these recognised hate crime strands is an indication of the historical and socio-political struggles overcome by identity groups who, at various points in the past, faced legal and moral opposition from the dominant white, heterosexual, Christian majority. Racial, religious and sexual minorities have all faced multiple persecutions which have been founded at different times on scientific / medical and moral / religious grounds. Disability, while also a basis for persecution, also invokes (problematic) notions of assumed vulnerability which requires legal protection (Mason-Bish, 2018). Vulnerability has been a growing focus in the victimological (Walklate 2011) and hate crime (Chakraborti and Garland 2012) literature. Some vulnerable groups – such as the homeless – are excluded from hate crime legislation despite having many identity aspects which fit the emerging hate crime paradigm (Garland, 2011; Duggan 2013).

The selective inclusion of particular identity categories at a policing level is indicative of the malleability of hate crime policy to target need. Examples of this in Great Britain include the documenting of hate crimes against alternative subcultures by Greater Manchester Police (Garland and Hodkinson 2014) and street sex workers by Merseyside Police (Campbell and Stoops 2010; Campbell 2015). In Northern Ireland, sectarianism is included as a recognised form of hate crime (McVeigh and Rolston 2007) but unlike the rest of the UK, transgender identity is not included, although data on these incidents and crimes are still collected by the Police Service of Northern Ireland. Despite the flexibility and willingness of police forces to recognise different groups as they see fit, this does not then follow through to prosecution and the enhanced sentencing stage. It is this declaratory function of law that has been seen to send a message of tolerance and inclusivity (Walters and Tumath 2014). As such campaign activists for many victim groups have lobbied for legislative change as a key part of recognising the harms of hate. They have argued that being excluded from hate crime law sends a message that certain groups are not worthy of full legislative protection (Mason-Bish 2010). It is for this reason that many women's groups such as *Women's Aid* and *The Fawcett Society* are now pushing for misogyny or gender hostility to be included in statute nationally (Hooper 2018).

Gendering Victimisation

Outside of the hate crimes framework, gender-based victimisation and violence is an issue which continues to command public, political and social attention. From the mid-20th century onwards, feminist theorising put the topic of women's disproportionate vulnerability to such violence (most usually of a sexual and/or domestic nature) in the public arena (Brownmiller 1975; Kelly 1988). Since then, much work has been done internationally to highlight the changing nature and impact of gender-based violence, predominantly against women and girls. 'Violence Against Women' (VAW) discourses have moved towards primary prevention efforts, often promoted through the establishment of celebrity figureheads such as UN Goodwill Ambassador Angelina Jolie and domestic violence prevention campaigner Patrick Stewart, or through initiatives such as the *White Ribbon Campaign* and international awareness days such as the *International Day for the Elimination of Violence Against Women*, held annually on 25th November.

This focus on violence against women, rather than gender-based violence, indicates that some forms of victimisation are predominantly or solely perpetrated against women, often by men, and in many cases symbolising inherent power dynamics which are indicative of wider patriarchal structures. Although no specific legal redress exists in the UK for people who consider themselves to be a victim of a 'gender hate crime', gender may be a compelling factor in existing forms of recognised hate crime categories. For example, homophobic victimisation directed at lesbian women (Corteen 2002); Islamophobic abuse directed at veiled Muslim women (Zempi and Chakraborti 2016); and sexual violence committed against women with disabilities (Brownridge 2006). Some scholars working in the area of 'violence against women' consider particular forms of gender-based violence to be akin to hate crime, particularly those where there is a binary-gendered interaction (i.e. male-on-female rape, male-to-female domestic violence, male-to-female domestic homicide etc.) but on the whole the UK-based scholarship on debating gender as a hate crime is surprisingly limited (Walters and Tumath 2014).

However, a growing focus on gender-based violence more globally has demonstrated the links to hate crime victimisation. Briere and Jordan (2004) evaluated the psychological effects of gender-based victimisation on women, focusing on stalking, violence and sexual assault. They highlighted social phenomena which may increase the likelihood of victimisation, such as growing up in a violent household, increased poverty, homelessness and sexual exploitation. It has been well documented that such sociocultural variables evident in other recognised hate crime victim groups (such as lesbian, gay, bisexual and transgender communities) may impact on their vulnerability to violent victimisation, therefore aligning gendered harm to these categories. Looking specifically at sexual violence, Burgess and Holstrom (1974 in Briere and Jordan 2004) recognised two phases of rape trauma syndrome: one occurring immediately after the event and one emerging at a later date. Symptoms included anxiety, depression, anger, withdrawal, self-blaming and guilt. Similar effects were found by Lenore Walker (2001) whose research with female domestic abuse victims led to the typifying of 'Battered Woman Syndrome'. Often, the rationale for these negative feelings has been affiliated to the cultural impact of 'victim-blaming' ideologies which predominantly target women and seek to hold them to account for the harms they have incurred (Hayes et al. 2013).

Victim-blaming discourses are less evident in relation to hate crime groups generally, with sexual orientation being an exception due to some hostility being predicated on the notion that sexuality is a choice rather than an innate factor (Lyons, 2006; Haider-Markel and Joslyn 2008). However, while research into the harms of hate crime has indicated similar experiences of trauma, self-blame and enhanced fear, parallels to the above gender-related harms have not been explicitly made. Evidence of these additional harms has been used to inform the thesis that that there is a greater level of hurt inflicted on hate crime victims which warrants separate legislation and additional punishment (Iganski 2008; Iganski and Lagou 2016). This perspective may account for the recognition of hate crimes against sex workers in by Merseyside Police in England, UK (Campbell 2015; Corteen 2018). As Corteen (2018, 109) notes, 'Female sex workers are victimised because they are female and they are sex workers.' Their inclusion in Merseyside's hate crime policing strategies was a result of intense

campaigning following Campbell's (2015, 55) assertion that sex workers are 'a group whose experiences of victimisation fit within a number of established definitions of hate crime but who have sat outside the established hate crime groups.' Therefore, aligning or adopting a hate crimes approach to addressing violence against women and/or gender-based victimisation may offer greater insights into the nature and impact of such victimisation and the capacity of the current criminal justice system to respond effectively.

Another key area of debate relevant here is the differentiation between focusing on gender or misogyny. The need to prioritise a gendered focus on *women* specifically has been also outlined by MacKinnon who suggested that 'women are sexually assaulted because they are women; not individually or at random, but on the basis of sex, because of their membership in a group defined by gender' (1991, 1301). This definition of gender group membership was extended somewhat by Yard (1988, 17 cited in McPhail 2002: 128) who counted violence against abortion providers (who may be male) as evidence of the scope of essentially anti-woman hatred. Yet it remains the case that the majority of gender-based interpersonal violence is directly experienced by women and committed by men, often men with whom they are familiar, and is rooted in misogynistic notions of power, dominance and control (Koss et al. 1994). Therefore, a more radical feminist perspective would argue that there is a symbolic need to specifically recognise violence against *women* (thus 'misogyny' rather than 'gender') if brought in as a hate crime category as women are disproportionately targeted for persecution. This, however, would be different to the forms of recognised identity prejudice which do not define particular races, religions or (to a lesser degree) sexual orientations[6] to be included in the legislation. In terms of disability and transgender identity, these are more readily defined; one either is or is not disabled and/or transgender. It is interesting, therefore, that Nottingham Police chose to include 'misogynistic' hate crime and in doing so demarcated an evident gender dynamic in the types of victimisation they sought to record. The decision to use 'misogyny' rather than 'gender hostility' was to acknowledge that women experience very particular types of hate incident and hostility (Jeffs 2016, 2).

Research Methods

This scoping study sought to fill an epistemological gap by analysing the concept of gender hate crime and its utility from the perspective of people who self-identified as victims of gender hostility. The following section outlines the underlying theoretical framework and research methodology used to inform this study, where we detail our sampling approach, negotiation of ethical issues and analytic process adopted before presenting the findings from the study.

Theoretical Framework

Weedon (1987) suggests that adopting a qualitative methodology is a decision underpinned by a poststructuralist and feminist approach to research. These are epistemological positions held

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[6] While self-identification can be incredibly broad and fluid, the recognised forms of sexual orientation defined in law encompass heterosexual, homosexual or bisexual only.

by both researchers and have informed their previous (separate) work on gender, identity and victimisation. Poststructuralism involves questioning, dismantling and problematising socially constructed identities (Shütz 1962), thus proves particularly useful when exploring how victimisation manifests in relation to constructed identities. Feminist research eschews claims to neutrality and objectivity, favouring instead a research paradigm which exposes and explores gendered power relationships (Roberts 1981; Maynard and Purvis 1994). According to Reinharz (1992), amalgamating these two approaches allows researchers to question the social and power relations involved in research design, conduct and outcomes. To this end, we were mindful to not impose categories, labels or definitions on issues such as 'gender', 'victimisation', 'hostility', or 'hate crime' – instead allowing our respondents to define and describe these things in relation to their own experiences as necessary.

Feminist research also situates the researcher in her study in order to account for the relationship between the researcher and the researched and the potential this has to impact on her findings (Alcoff and Gray 1993). Stanley and Wise (1990) and Harvey (1990) assert that the underlying reasons for considering the impact that the researcher has on the research include the recognition of transparency and reflexivity in critical social research. These issues are all regarded as important for the present research given that the topic involves describing personal experiences which at times may prove particularly difficult to invoke.

The researchers adopted a qualitative approach to designing an online survey, deeming this mechanism the most effective way to engage with the views of unknown victims of an as-yet undefined form of victimisation. Mindful that we were asking self-selecting participants to disclose potentially traumatic experiences, we sought to mitigate the potential impact of this by not adopting a quantitative approach to the survey design (unlike the CSEW methodology). Allowing participants to explain their experiences, responses and perceptions in their own words through free-text permitted a greater depth of information to be obtained and also gave the respondents the ability to define what had happened to them in their own words.

Broadly, we hoped to achieve the following aims through our scoping survey:

- To explore the dynamics of gender-related incidents and crimes, with a focus on rationales given by the victim for describing it as a 'gender hate crime' (or not).

- To discover whether or not victims of self-identified 'gender hate crime' made contact with the police following the incident, and in turn whether further research into whether/ how such crimes are recorded by the police is needed.

Method

We decided that a short online survey with self- identified victims of gendered crimes was the best way to investigate this topic as it allowed us to ask quite broad questions and access a wider range of participants than face-to-face methods. While not traditionally considered qualitative in nature, our survey incorporated open-ended questions which allowed respondents to give as much or as little detail as they wanted and to opt out of questions that they did not want to answer.

Online methods have become increasingly popular with researchers given the greater access of the public to the internet and as such allowed us to hear from a wider range of participants than may have been possible using other methods such as interviews or focus groups (Garton et al. 1999). They are a useful time-saving device as the respondent is free to complete the survey at a time and pace that suits them, with complete anonymity as the researcher is not present (Wright 2006). This is also unlike the CSEW, where closed questions are asked by the person administrating the survey in the presence of the respondent, in all bar the self-completion modules. We used the Bristol Survey Online software to design a questionnaire which had thirteen main questions and a number of related sub-questions. Due to the sensitive nature of the topic, we ensured that participants could skip any question that they did not want to answer and a comprehensive list of national helplines and services was provided at the end. Respondents could also contact the researchers or withdraw their survey responses at any time.

The idea was to elicit information from respondents who had experience of gender-related hostility and victimisation with a view to exploring whether or not they considered this to constitute 'gender hate crime'. Our social media advertisement specifically asked "Have you been a victim of a crime which was gender-related?". The questions were carefully constructed and ordered because we did not want to make it clear to potential respondents that the survey was about *hate crime* per se as we felt that this would lead to a skewed sample of respondents who were already familiar with the hate crime concept and viewed their experience in those terms already. The questions covered the themes of i) demographic data ii) information about an incident of gender-related crime (e.g. type of crime, if reported, criminal justice outcome) iii) views on motivations of offender iv) views on whether it was a hate crime iv) views on punishment enhancement. As such this held with a poststructuralist feminist stance which gave primacy to the participant's experiences. We were interested in how they defined their experiences and were not "testing" whether they fit within the hate crime model. In advance of making the survey public, we pilot-tested the study on a handful of volunteers to ensure that our questions were clearly worded and allowed participants the necessary space to discuss what had happened to them.

Sample

Both of the authors are situated physically within the global north, and academically within the corresponding hate crime and gender-based violence arenas. Therefore, there was an element of capitalisation on research networks when publicising the study via online mediums using available technologies, but also a recognition of the limitations that many of those who may have come across the advertisement for the project were already familiar within an academic, hate crime or gender violence discourse and had readily available access to online technologies.

These limitations were compounded by the fact that in terms of sampling, we initially distributed the link to our survey via our own networks including the *Feminist and Women's Studies Association*; the *Socio-Legal Studies Association*; the *British Society of Criminology*; the *British Sociological Association*; the *International Network for Hate Studies*. This was in addition to dissemination via both researchers' own personal and professional networks. The project was advertised on Twitter where we tweeted the link at first to a broad list of victim-

focused groups and non-governmental organisations. This was not limited to organisations addressing violence against women, but those looking at victimisation generally including criminal justice organisations, men's groups, and lesbian, gay, bisexual and transgender communities. It is important to note here that we were not seeking to chart the incidence or prevalence of gender-based victimisation or hate crime, but rather to attract people who had experienced gender-based victimisation who may have some observations on whether or not it constituted a hate crime as *they* perceived it. We recognise that a survey of this type (even as a scoping exercise) is going to be skewed towards people who had experienced some sort of gender-related crime, and the sampling processes more likely to attract people who are able to provide a more informed opinion. However, as the study was exploratory in nature, we wanted to garner as much information as possible about the circumstances in which a respondent would define their own experiences as being gender-related and/or as a hate crime.

Outlining the benefits of involvement in the survey can be difficult, especially if there is no direct benefit for the individual respondent, therefore Wright (2006) indicates that researchers who offer to share the information they obtain with the wider community can foster a harmonious relationship and potentially increase the number of responses. So while we did not offer remuneration, we did emphasise the social and policy relevance of our study with full details provided for both researchers alongside an invitation to contact for further information or follow-up publications.

The survey launched on 18th January 2016 and closed on 30th April 2016 having received 85 responses. With a dataset of this size it is not possible to produce inferential statistics and so the numerical aspects of our results are descriptive and thematic. Data was coded and some basic crosstabulations were carried out using SPSS to look for trends and relationships across the victim experiences. We then independently carried out inductive coding of the open ended questions (Guest, MacQueen and Namey 2012). As we developed the survey collaboratively, we then worked closely together during the analysis in order to establish a high degree of inter-rater reliability.

Limitations

As with any piece of research, there were issues that arose and which we would do differently in a future study. First, we wanted to limit the amount of demographic data that we gathered and to let the respondents answer open ended questions about their experiences. So we did not ask about their racial affiliation or disability status, instead choosing to focus only on their age and self-defined gender. However, we did ask a broad/open question about other aspects of their identity which might have been a factor in their victimisation in order to pick up issues around intersectionality. If we did the survey again, we would expand the questions relating to identity to find out more about the relevance of race, religion and also disability. This would also tell us more about the diversity of our sample. Second, our survey was completed by very few men, most of whom identified as heterosexual.[7] This might speak to our use of the term "gender-related" which could denote 'woman' or 'feminine' to onlookers who preclude their

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[7] One respondent identified as 'non-binary, sex – male' and gay, and another as 'male, but with feminine qualities' and gay.

involvement on such a basis. In that regard our attempt to appeal more broadly through employing deliberate vagueness might have conversely excluded potential (male) respondents.

There are also wider issues relating to the survey method and our decision to utilise online software. This restricts the respondents to those with computer access and related literacy. Similarly, as highlighted above, our initial dissemination process involved circulating via our own academic networks. So accessing harder to reach groups and those who might not respond to social media surveys would be the goal of a further project. However, we were conducting an exploratory survey designed to investigate the experiences and thoughts of some self-identified victims of gender-related crime. The size of our sample and viewpoints that they presented mean that we analysed our responses qualitatively and our findings are tentative and indicative of areas for further study.

Findings

In total 85 people completed the survey. Respondents were able to detail their gender and sexual orientation using open ended questions and so the results represent what they said rather than our interpretation. The vast majority identified their gender as female (89%, n=76) with 6% (n=5) identifying as male. The remaining 5% (n=4) were split between non-binary and gender fluid. Of the total participants, 62% (n=53) were heterosexual with 17% (n=14) identifying as gay or lesbian and 18% (n=15) as bisexual. All of the self-identified gay, lesbian and bisexual participants also self-identified as female. This is a high proportion of participants identifying as other than heterosexual and is borne out in the later discussion of intersectionality. Participants were from a range of age groups, with the majority aged 25-39 (38%, n=32) followed by 40-49 (31%, n=26).

Of the total number of participants (85), 67 indicated that they had experienced a gender-related crime and 62 provided brief details of their experiences in the comments box provided. Several respondents referred to more than one incident in this box. The percentages given are ordinarily from the total number of respondents (85) unless specified; this is due to respondents being able to skip over some questions but answer later ones. The actual response numbers are also provided for clarity. The following analysis section is divided into four key thematic areas: gendering sexual offences; recognising the gender dynamics of victimisation; responses to gender-based victimisation; and conceptualising gender hostility as hate crime. Quotations denote a respondent number and their self-defined gender and sexual orientation. While the focus of our analysis remains largely on the content of responses, in some cases the frequency or prevalence of information provided within these is also highlighted.

Gendering Sexual Offences

The respondents identified experiencing a broad range of offences which they felt were gender-related, ranging from rape and sexual violence to child abuse and verbal aggression. Almost half of the gendered offences denoted a sexual component, with the largest group being rape and sexual violence (25%, n=21). In keeping with current knowledge about the heterogeneity

of sexualised victimisation, participants detailed a range of incidents perpetrated by a cross-section of strangers, acquaintances and ex-partners in a variety of locations. All of the below examples (provided by female respondents) are notable not only for the absence of consent, but the failure of the male perpetrators to actively seek this out at all:

I was sleeping on the sofa and I was woken up by my friend's boyfriend who had forced his erect penis into my mouth (R15, female, heterosexual)

I was sexually and physically assaulted by a man I didn't know 6 years ago. He was helped by a man I knew at the time. It happened in an alleyway in public view (R8, female, heterosexual)

I have been coerced into sex and sexually assaulted by two different men (R52, female, bisexual)

One of the farmhands was showing us round and holding our hands and he took his penis out of his trousers and put my hand on it (R12, female, heterosexual)

The second most common group of offences experienced was sexual harassment, including groping (22%, n=19). Often these incidents happened in a public place, such as in a licenced premises or on public transport. Of particular note was the extent to which some of the women who outlined these experiences described the repetitive nature of incidents from different perpetrators. Often they would recall one particular crime but were keen to point out that this was just one in a list of many experiences:

I have also been groped in numerous bars and clubs, as has every women I know (R12, female, heterosexual)

Harassment on public transport, at work, on streets. Sexual innuendo, groping, derogatory comments about appearance, sexual performance etc. Several incidences from age 11 to recently (R85, female, heterosexual)

Both times I was grabbed in areas which are sexualised (R5, woman, currently in a straight relationship)

In the UK: One instance of flashing; several instances of cat-calling related to a mixture of factors including gender, gender presentation, sexuality (a group of us looking very queer), online harassment and rape threats. As I haven't lived in the UK my entire life it is worth noting that I have also experienced crimes related to my gender in other European countries, ranging from similar to the above to sexual assault/sexual abuse (R43, woman, bi and grey-area)

For some, these incidents were so regular, so every day in nature, that respondents would simply group them together as "*numerous gropings*" or "*loads of sexual assaults over 20 years*". They found it redundant to pinpoint one particular incident as their experiences were so extensive:

Many sexual assaults in public e.g. shop assistants rubbing my breasts repeatedly while 'helping me decide', friends down alleyways on walks home, a man on a train when I was 14, and a man ripping my top in half in a club because I politely declined a drink from a man. He

told me I was an ugly bitch (bouncers at the club would not help because I had 'nice tits'). I have also been spat on in the street for ignoring sexual comments being shouted, but do not think this is actually a crime (or all the other harassment women experience in the street would count as a crime too, overwhelming the system) (R30, female, heterosexual)

This quotation describes the complexity of some experiences of gender-related crime where not only was the initial assailant using misogynistic language and physical assault, but other men also joined in either by encouraging the abuse or ignoring it. This respondent also noted how such behaviour was so commonplace that it would 'overwhelm' the system if accurately recorded as a crime. Sometimes these incidents also involved examples of escalation when the assailant was confronted directly. For example:

I've had various incidents of street groping. I was walking home in Edinburgh, and a young white man grabbed my breast. I shouted at him and he threw a bottle at me. I reported to the police (R5, woman, currently in a straight relationship)

In the above example, it is likely that the additional element of physical (having a bottle thrown) as well as sexual (groping) assault prompted the victim to report the incident. Within these categories there were differences based upon sexual orientation with bisexual respondents reporting the highest incidents of sexual harassment followed by rape/sexual violence (of the 12 bisexual participants who had experienced gender related crime, 6 reported sexual harassment, 5 reported sexual violence or rape). Heterosexual women reported experiencing a full range of crimes and gender-related incidents.

As expected, participants' relationships to the perpetrator varied according to offence. Cases of rape and sexual assault were almost evenly split, with slightly more involving someone known to the victim (either intimately or as an acquaintance) than a stranger. All bar one of the sexual harassment incidents were committed by strangers. The offences which were perpetrated by an intimate partner or acquaintance were predominantly domestic violence or abuse; this was mentioned by 14% (n=12) of participants, including three male respondents. Several highlighted the repetitive nature as a result of ongoing interpersonal engagement with the perpetrator:

Subjected to domestic abuse on numerous occasions - physical and mental abuse (R38, female, heterosexual)

Assaulted by my partner on many occasions. Kicked, punched, burnt, spat on and verbally and mentally abused in our family home (R54, female, straight)

Recognising the Gender Dynamics of Victimisation

When asked about what they thought made their experience one related to (their) gender, the most frequent answer given cited the concept of 'male entitlement' (18%, n=15). The regularity of this terminology was of note as it had not be prompted in the survey question, but rather formed part of the open-ended answers provided:

Men rape women because of entitlement. Men rape women because in this society little stops them (R16, woman, heterosexual)

He felt entitled to do this because I am a woman (R15, female, heterosexual)

[The rape] *happened because that man felt entitled to my body even without my consent because I was female* (R57, female, heterosexual)

Others alluded to the sentiment indirectly:

Even before the rape I was 'expected' to sleep with him because when a nice guy shows you attention that's what you're meant to do (R25, female, lesbian)

The man expected sex simply because I allowed him access to my home (R36, woman, pansexual)

This inference of gendered entitlement as fuelling their victimising experience was evident across all types of offences outlined by participants, but some related it specifically to rape and lack of social controls. Other examples alluding to this included: "*I think he felt entitled to do it because I was a woman*", "[he] *wouldn't have done it to a man*", and "*they felt they had the right*". One respondent indicated that the perpetrator had claimed that his sexual assault on her (which took place while she was sleeping) was due to her "*flirting with him*" on a previous occasion. These examples demonstrate both the gendered dynamics (male perpetrators / female victims) and the prevalence of heteronormative, pre-existing cultural scripts about sexualised interactions.

This reflection on the broader social context of particular crimes was very common. While some respondents recalled why their specific experience was gendered, many others used the opportunity to reflect more generally on societal and cultural notions of entitlement. Those who thought it was about male entitlement had mainly experienced the most serious forms of rape and sexual violence. However, several respondents pointed to language used during the attack as evidence that it was related to their gender:

He didn't just hate me, he hated women, it was clear in his language every time he attacked. Also rape is almost always a gendered crime (R14, female, heterosexual)

Another described hearing "*sexist epithets*" during a physical assault, while another mentioned the use of "*gendered terms eg bitch or slut*":

The next most frequent theme was vulnerability; this was mentioned by 13% (n=11) of respondents as the reason that they felt the crime had been related to their gender. Often linked with issues of power and control, respondents felt that the offender might use their physical strength to exploit their vulnerability. Several of the participants cited offences that took place while they were asleep, under the influence of drugs or alcohol (either self-administered or non-consensually administered) or in an intimidating situation, for example, with multiple perpetrators or an evident power imbalance present.

For some respondents, vulnerability was intertwined with intersectionality in that other elements of the person's identity were relevant. When asked whether other aspects of their identity might have been a factor in their victimisation, 31 participants felt that it had; 11 stipulated that their sexual orientation had been a factor, with the majority of these having experienced sexual harassment or groping in a public place. This was more notable in the responses from women who identified as lesbian, bisexual or queer:

I immediately told him I was not interested; I had a girlfriend at the time. He started to ask about my girlfriend and was asking personal questions about our sex life. I refused to answer and he became aggressive. He told me 'a good fuck from a real man will sort you out' (R36, woman, pansexual)

Some people think bisexual women are 'sluts' and that makes it okay to do what you want to them (R52, female, bisexual)

Being called a 'dyke' is undoubtedly about gender …it's because men tend to hate lesbians, or women they perceive as lesbians (R70, female, lesbian)

These quotations demonstrate the complex interplay of sexual orientation and gender in some forms of street harassment and sexual assault. For some of the respondents their sexual orientation made them a "*challenge*" to the male perpetrator, perpetrators demonstrated stereotypical assumptions about sexual behaviour. In other cases, while the (male) gender of the perpetrator was the common denominator, their sexual orientation may have been indeterminable (for example, incidents which took place in 'gay spaces' such as clubs and bars which are frequented by people of all sexual orientations). Two women detailed how they had been sexually assaulted by men in gay spaces such as clubs and Gay Pride parades but felt unable to challenge these expressions. In one woman's case, involving multiple incidents perpetrated by men known by the victim to be gay, the female respondent perceived there being some "*unwritten code*" about shining a negative light of the gay community:

They were relying on my loyalty as a Lesbian to them as Gay men. Plus it would have been a big 'no, no' in our small Gay community to report it (R45, female, lesbian)

She goes on to state that "*I've seen Gay men do it to straight women friends as well as Lesbians, though*". While much of victimisation against women is perpetrated by heterosexual men, this respondent indicates that gendered victimisation is not limited by sexual orientation – that of either the victim or the perpetrator. Indeed, the self-identified non-binary male respondent highlighted several instances of gender-based victimisation based, they believed, on their androgynous appearance and ambiguity about their gender.

Aside from sexual orientation, of those who mentioned additional identity factors, 9 cited age, specifically their youth at the time of the incident. For some this was about the modus operandi and preferences of the offender who sought out young women or girls. For example, one noted that her perpetrator "*liked little girls*" and another that "*I suspect he was a predatory paedophile*". Others talked more generally about how they noticed that with their increasing age, experiences of sexual harassment and public groping had decreased. For example, one

heterosexual woman who was 27 years of age at the point of completing the survey said that incidents had notably reduced over time:

These things happen much less often now that I am in my mid-20s, so my age was a big factor (R30, female, heterosexual)

The vulnerability of children is evident; so too is the likelihood that they will not challenge verbal or physical interactions with which they are uncomfortable or unsure of, thereby appearing passive in their nature and potentially inferred (by the perpetrator) as being in agreement with what is happening. Separately, the gender, sexual orientation and age of participants is demonstrative of the findings; intertwined, they illustrate the heightened vulnerability of some (women) to sustained or repeat victimisation. Even though the study was self-selecting, the high percentage of women (compared to men) who responded, particularly women who identified as lesbian or bisexual, shows that they are perhaps more likely than men to have experienced violence attributable in part to gender relations. Furthermore, the older age of many participants means that they would often reflect on a range of experiences across their lives and many had been a victim of repeated, isolated incidents of gender hostility.

Responses to Gender-Based Victimisation

In terms of the consequences of their experiences, respondents across all groups indicated responses ranging from anger, distrust and anxiety. Concentrating on the most relevant incident, respondents were asked to recall the impact(s) from a selection of answers provided, ticking all that applied. Participants indicated that their experiences had made them feel 'anxious' (49 votes), 'angry' (48 votes), 'shocked' (46 votes), 'more distrustful of others' (43 votes) and 'fearful' (41 votes). The negative psychological and emotional impact on participants' self-esteem was also demonstrated with some indicating the adoption of aversion strategies such as wanting to 'avoid certain areas outside' (25 votes), 'alter their appearance' (13 votes), or 'move home' (16 votes: as the incidents had occurred there). A small number reported that they had turned to alcohol and drugs (11 and 5 votes respectively). Taking the opportunity to provide more information on the extent of the impact, one respondent wrote "[it] *changed my whole life and the way I have intimate relationships*" while another claimed that her experiences left her "*irresponsible in* [her] *sexual activities*". Others reported becoming bulimic, suffering from post-traumatic stress disorder, becoming reclusive and – for some female respondents – leading a separate lifestyle away from men where possible. One participant indicated that her experiences had made her attempt suicide. What was evident was the ongoing impact an incident – even a fleeting one – could have on an individual, even some time after the incident had passed.

As with other surveys on policing and gender related crimes, the majority (n=43) of respondents did not report the crime to the police. Those who had done so (n=23) were asked to explain why they made this decision. The most common reason given was that they wanted the offender brought to justice, followed by the fact that the experience had affected them emotionally. Of these two rationales, engagement with the police is only necessary in the former (to seek criminal justice); it may be the case that participants seeking emotional

restitution were unaware they could access support through self-referral mechanisms without police input.

Of note in all of the responses in this section was the absence of any vitriolic, vengeful or vigilante-style reaction to their experiences. Gender-based violence experienced by women is often characterised by the lack of retaliatory action directed against the perpetrator, either at the time or later on. It is possible that the gendered social conditioning and culture alluded to by several of the participants in the survey informs notions of futility in this respect.

Conceptualising Gender Hostility as Hate Crime

The survey eventually led all respondents to talk about the concept of hate crime and to see whether or not that term had relevance to their experiences (where applicable). Respondents were first asked about their understanding of the concept of hate crime in order to provide context to their answers about how it related to their experiences. Virtually all (99%, n=84) of respondents in the survey said that they had heard of the term and 93% (n=79) were able to offer a definition. The vast majority demonstrated a good understanding of the concept in their self-produced description. This highlights how our self-selecting sample comprised of several people already furnished with a good understanding of hate crime law or policy.

When asked about whether what they themselves had experienced was a hate crime, 37 answered 'yes', 29 answered 'no' and the remainder ticked 'not applicable'. Reporting decisions were notable in relation to whether or not participants perceived the victimisation to be a hate crime. Of the 37 respondents who thought that their experience *was* a hate crime, the majority of them (78%, n=28) had reported it to the police. Of the 29 respondents who *did not* think that their experience was a hate crime, almost two-third (62%, n=18) reported their incident to the police. While too few in number to assert conclusively, it does appear that victims who view their experience of gender-based victimisation as a hate crime may be more encouraged to make an official report.

Interestingly there were no strong trends with the type of crime and whether or not it might be considered a hate crime. For example, with regards to rape and sexual violence specifically, 12 respondents felt it *was* a hate crime but 9 did not (the remainder were unsure). The complex interpersonal dynamics of this type of crime – particularly if committed by an acquaintance – may be important to consider here. More generally, and in terms of the connection between the perpetrator and the victim, over half (n=16) of the 29 respondents who had experienced an attack by a stranger stated it was a hate crime, as did 8 of the 13 participants who been attacked by an intimate partner/spouse. For those harmed by an acquaintance or friend, the results were even (6 said it was, 6 said it was not). Many of those who answered 'yes' indicated how misogyny featured as a key reason in these decisions, for example:

I think that some men deeply hate women, and express that hatred freely (R13, female, heterosexual)

Rape is a hate crime against women (R71, female, lesbian)

It was motivated by a hatred of, and a desire to subjugate, a marginalized class, and as women are a marginalized group, and his behaviour included sexist epithets, it is a hate crime. It has always confused me as to why sex based hate crime is not recognised (R19, female, none cited)

Again, the women participants took this opportunity to express views on the broader motivations and causes of particular crimes, not just the ones that they had experienced. Others pointed back to the notion that it was simply "*because*" they were women:

Those men targeted me as a female (R57, female, heterosexual)

Well it wouldn't have happened if I'd been a man (R48, female, heterosexual)

For those who felt it was not a hate crime, an interesting list of reasons was given with no strong themes appearing. One respondent felt it was due to the personal nature of the crime which meant it was not a hate crime, while another said that the perpetrators "*didn't think about me as an individual so felt nothing for me*". Others pointed to the law, saying that it could not be a hate crime because "*gender is not considered a factor under current hate crime legislation in the UK*" or because it was physical actions with no language expressed to explicitly indicate hostility. This was interesting to note as current legislation does not stipulate the evidence required to infer hate or hostility for the purposes of reporting or recording incidents as such; rather this is of concern later on if an investigation ensues. Therefore, it appears as though some participants were unaware of the subjective nature of hate crimes (i.e. that it is deemed as such by the victim or any other person) and instead believed some objective indicator – verbal or otherwise – was required for it to qualify.

Feelings were expressed by some respondents about hate crime being a stigmatizing term, while others suggested it did not accurately represent their experiences. For example, one respondent noted that:

It was not motivated by hate for my gender. In both cases I was attacked by men who were with other men. It seemed to be about showing off in front of their mates, rather than demonstrating hate for women (R5, woman, currently in a straight relationship)

A similar notion was expressed by another respondent who suggested that they could see how some gender-based crimes could be hate crimes, but these concepts were not interchangeable. One of the male participants highlighted that the repeated sexual assaults he had encountered were not 'hate' motivated, but rather based on the perpetrators' attraction to him and therefore not indicative of prejudice or hostility. His repeated sexual assault experiences had a mixed-gender dynamic involving both male and female perpetrators who were both strangers and acquaintances but none of these – in his opinion – constituted 'hate crimes'.

Discussion

In our study, which predominantly comprised of women respondents, sexual victimisation was the most common form of harm noted. Women differentiated between 'lower level'[8] forms of sexual victimisation, such as verbal abuse and harassment, and 'serious' sexual assaults, such as rape. This indicates what Kelly (1988) identified as a 'continuum' of sexual victimisation experienced by women through the life course, ranging from being made to fear an unwanted sexual encounter through to being subjected to it through rape. In many of the cases, the nature of the space or activities framing the incident informed the victim's response but in all cases these incidents were flagged up as being instances of victimisation (and therefore not consensual). For participants who highlighted experiences of sexual groping, there was a clear differentiation in response to these incidents depending on the situation in which they took place. Groping in a licenced premises such as a bar or a club was considered to be somewhat expected (although not necessarily tolerated), whereas in a public place such as the street elicited a more shocked response. The high levels of exposure to gender-based victimisation in the street, from verbal through to physical assault, coupled with the relative impunity demonstrated by many of the perpetrators, is indicative of the wider culture of male privilege and entitlement informing such practices. This power resonates in perpetrators being able to instigate incidents without fear of retaliation (immediate or subsequent) from the victim and, in most cases, wider society.

The use of misogynistic language framing the victim as deserving of assault, or as not deserving of a legitimate 'victim' status, demonstrates the perceived entitlement over women's bodies that informs what Phipps et al. (2017) call 'rape culture'. In such environments, micro-aggressions are allowed – or even anticipated – as a result of the inherently uneven power dynamics which privilege active, heterosexual male pursuit of passive female sexuality. Similarly, in her earlier work on 'rape prone' and 'rape free' societies, Peggy Sanday (1996) noted the importance of gender dynamics in informing interactions between men and women. In 'rape prone' environments, there was an evident power imbalance in favour of men along with an expectation of male entitlement over women. The incidents involving two or more perpetrators are indicative of situations whereby individuals feel bolstered or emboldened to act as others are doing even if they know it is wrong. This 'camaraderie' in misogynistic or sexual assault situations is often exacerbated if the bonding taking place is part of an identity-based ritual, such as among sports groups, work colleagues or social circles (Koss and Gaines 1993).

The importance of identity and its impacts have been noted in other research into gender hostility. In their review of ambivalence in sexism, Glick and Fiske (1996) suggest that this is most evident in the polarising of women along trajectories (i.e. saints or sluts) which follow the lines of demarcated in/out groups: those who comply and those who challenge social norms (i.e. homemakers versus feminists). Their analysis identifies three key components informing both hostile and benevolent sexism: paternalism, gender differentiation and heterosexuality. These align to allow men to compartmentalise and behave accordingly, explaining why they

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[8] The use of the term 'lower level' is not to imply that the experience was not significant to the victim or others, but rather to address its standing in criminal justice definitions in comparison to other forms of harm which warrant stronger penalties in law.

would verbally or physically attack some women but not others. It may be the case that viewing such acts through a hate crime lens offers a different perspective on the nature and intention of the offender/offence outside of a traditional patriarchal paradigm where such acts are normalised. In terms of gender hate crime, this may invoke discussions about whether it is the act, the actor or the victim which determines the validity of the hostility being 'gendered'. It also provides a useful platform from which to assess the trajectory towards more extreme forms of gender hostility; namely, misogynistic violence.

Various estimates suggest that 1 in 3 women will experience some form of sexual victimisation over the course of their lifetime. This is similar to the figures for domestic abuse, with 1 in 4 women experiencing this at some point. However, as Brownmiller (1975) stated, women who have not directly experienced rape still demonstrate a fear of it in their altering of their behaviour or conduct in such a way as to try to avoid it wherever possible. Such fears may be exacerbated by popular culture, as Monckton-Smith (2010) has demonstrated. Her research uncovers the social diet of 'rape-and-murder' narratives fuelled by the media whereby portrayals of female murder victims are rarely without some consideration of sexual violence, usually in a manner which has to confirm or deny whether a sexual assault took place prior to the fatal incident. Exposure to such narratives, coupled with a shared identification with the victim, resonates more widely that the direct recipient of the harm; this vicarious aspect has been addressed in the hate crime literature as the 'in terrorem', or ripple, effect (Perry and Alvi, 2011).

Another key area to arise from our study was the consideration of vulnerability (Chakraborti and Garland 2012); both vulnerability to being subject to hate crime and enhanced vulnerability as a result of this experience. Vulnerability was a core theme among the survey respondents, with several directly linking this to perceptions about their gender; being a woman rendered them vulnerable to sexual assault from men. This is conceptualised somewhat differently to the hate crime literature in that there is a vulnerability 'script' which not only informs identity constructions but can dictate social responses to situations. For example, a woman walking alone late at night is immediately cast as 'vulnerable' even if there is no other person around to prey on her, while man walking alone late at night is not automatically considered a predator (or comparably vulnerable). However, if the lone woman is attacked by a male, this vulnerability script is invoked in order to assign blame (to her) while the nature or intentions of the predatory male are rarely addressed.

Notions of vulnerability were enhanced when considered alongside youth, with several respondents indicating experiences during childhood involving older male aggressors. As the ongoing Operation Yewtree investigations in the UK have demonstrated, older predatory males who targeted young female victims (often for sexual exploitation) manipulated this vulnerability with relative impunity for decades. Cohen's (2001) work on literal, interpretive and implicatory denial has proven useful to explore the responses to these heinous acts which both minimised their nature and frequency at the time, and later sought to reimagine the victims as partly culpable. This also ties into Brownmiller's (1975) work which advocates the reimagining of male sexual violence as about power rather than sexual desire and, in doing so, offers a framework of analysis whereby male sexual violence towards women can be

understood within the wider patriarchal society in which it takes place. Female respondents in our survey who recognised male entitlement as informing their experiences of gender-based victimisation acknowledged this in relation to the heterosexual gender dynamics informing male/female interactions. Entitlement specifically over women's bodies and sexual autonomy was outlined, particularly when it related to their own experiences. For those who had experienced serious sexual assault, the overbearing of their will coupled with language used to indicate the power imbalance between them and their assailants was indicative of the notions of gendered propriety and possession also enshrined in law for centuries. In a more recent example, the 1976 'Morgan Ruling' – whereby a rape defence could be built around the defendant's claim of having an 'honest belief' in the victim's consent to sexual intercourse (even if all the evidence indicated otherwise) – was not repealed until 2003. Participants' recalling of experiences where their consent had not even been sought in the first place indicated the wider culture where entitlement is inferred by (male) assailants as a result of centuries of such legal narratives.

The intersectional dynamic of gender and sexual orientation exacerbates women's vulnerability to hostility. In many cases, men who are indignant at heterosexual women's rejection of their advances often resort to shouting homophobic epithets as a form of justification for women's disinterest. It is possible, then, that some men's malice towards lesbian women may encompass a more deeply rooted hostility based on previous experiences of rejection. Indeed, the findings demonstrated that the sexualised nature of some of the respondents' experiences was increased when hostility was being directed at both their sexual orientation and their gender, demonstrating the heteropatriarchal nature of their aggressor's prejudice. The inferences that sexual intercourse with a man will 'sort out' (i.e., heterosexualise) lesbian, bisexual or queer women is telling in its assumption that sexual orientation is founded on sexual experience, and that all women are – or should be – innately heterosexual. Rich's (1980) essay on 'compulsory heterosexuality' which addresses this inference and the dangerous regulatory impact it can have on women's fearful compliance appears still relevant in these respondents' lives. Research into homophobic hate crime against women ('lesbophobia') has indicated women's utilisation of heteronormativity in their 'safety mapping' processes; efforts taken to 'pass' for heterosexual in order to deflect homophobic hostility (Corteen 2002; Mason, 2009). Conversely, however, in emulating a more heterosexual persona, women may do little to lessen their vulnerability to gendered hostility from male aggressors.

A key difference between hate crimes and the types of victimisation highlighted by our respondents was perspective. Importantly, efforts to increase the reporting of hate crimes to relevant agencies, such as the police or third party reporting centres, emphasise that it is the *offender* who is immediately judged as at fault and culpable for the harm caused. Viewing gendered violence through this framework may remove some of the victim-blaming stigma currently attributed to such harm, especially where the victim is female, and increase the likelihood of reporting if the victim does not feel that they or their actions will be judged in order to determine the legitimacy of their victim status (Christie 1986). The significant difference in perception between victim and offender (particularly in terms of consent, entitlement and impunity, as well as where the situation might lead – as detailed above) is not

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taken into consideration in gendered and sexual offences as these deal with the facts of what happened. A subjective consideration is, however, addressed in hate crimes. Here, it is the victim's (or any other person's) belief that what happened to them was fuelled by the perpetrator's hostility to the victim's actual or perceived identity which sets hate crime apart from other types of offences. If this subjective perspective were to be similarly addressed in gender-related crimes – particularly those involving a sexual component – then the victim's perception of the seriousness of the event would likely lead to a re-evaluation of what are currently considered 'low-level' incidents. This was demonstrated in the responses from those who did not consider their 'lesser serious' experiences of victimisation to constitute valid 'crimes'; if these were reassessed within a hate crimes framework there would be some criminal justice recognition that they constituted at the very least 'hate incidents' and would likely be recorded as such.

Documenting this range of experiences in a holistic manner may help to build a more accurate picture of the types of victimisation incurred on the basis of gender. This may also indicate why respondents in our study who viewed their gender-based victimisation as a hate crime were more likely to report their experiences to the police than those who did not view it as such. Generally though, few victims report their incidents to the police. Instead, the fatalism with which some people come to expect pejorative comments or negative interactions on the basis of their identity means that 'lower level' incidents become tolerated or even anticipated. Additionally, for most people who experience repeat victimisation, the time and effort it takes to report each event may be counter-intuitive to getting on with one's life. Therefore, the minimising of incidents as a coping strategy employed by victims is illustrative of the impunity with which such incidents are allowed to take place; the onus is on the victim to deal with it if they are not going to report it to the police.

Conclusion: Assessing Gender as a Hate Crime

Supporters of the move to recognise gender as a hate crime will have been delighted at The Law Commission's pledge to assess this in a 2019 public consultation. This news elicited less positive comments from the Chief Constable Sara Thornton, chair of the National Police Chiefs' Council, who suggested that while "treating misogyny as a hate crime is a concern for some well-organised campaigning organisations", there was a need to "refocus on core policing", thus pitching the investigation of burglaries and violent crime against gender / misogynistic hate crime.[9] Following the implementation of their misogyny hate crime reporting policy, Nottinghamshire Police's recent evaluation of the pilot found that many of the participants were not familiar with the policy and did not fully understand the concept of misogyny hate crime (Mullany and Trickett 2018, 58). This suggests a gap between the knowledge of our small group of (better informed) respondents and the general public in terms

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[9] The Chief Constable's full commentary on the issue can be viewed here:
https://www.bbc.co.uk/news/uk-46053069

of the utility of hate crime as a concept. It points towards the need for further education in this area if hate crime policy is to be expanded to incorporate gender and/or misogyny.

Ultimately, in our survey – which took place early into the Nottinghamshire pilot and before political discussions about possibly changing legislation – opinion was divided among the respondents with respect to whether or not their gendered experiences constituted 'hate crimes', though more agreed than disagreed with the sentiment. The complexity of what 'hate crime' encompasses or represents was also evident in the hesitancy expressed by some respondents to see their experiences as such. Although the findings indicated that factors such as the type of crime or the relationship to the perpetrator had no great bearing on whether or not the incident was considered a hate crime, what was evident among those who agreed with classifying it as such was the presence of misogyny. For these respondents, the gender specificity of misogyny was important to recognise as it exempted men from being targeted for certain forms of hostility directed at women.

Hate crime scholarship which has sought to address the discrepancies between identity categories included as protected characteristics, or groups omitted from such classification, has begun to identify broader issues linking these experiences (Mason-Bish 2010; Duggan 2013; Duggan and Heap 2014). While it was not the intention of this research to decide whether or not gender should be included as a hate crime category, the findings have illustrated many similarities with existing knowledge about targeted hostility. As Gill and Mason-Bish (2013, 5) note, having a gender category would not necessarily mean that every crime involving a gendered element (or woman victim) will be coded and dealt with as such. However, hate crime discourses and legislation situate the 'wrongness' of an offence with the perpetrator and seeks to account for that in the sentencing; this is something that could prove of immense benefit to victims of gender-based hostility.

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