



## Misogyny and Domestic Abuse: Making the Link - Domestic Abuse Bill Amendment Briefing Amendment 84

### 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. This amendment to the Domestic Abuse bill seeks to do that by learning from the experience of 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> The proposed amendment, number 84, 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:

#### **Clause 66, page 49, line 42, 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.

(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
- (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;

“sex” has the same meaning as in section 11 of the Equality Act 2010.”

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.<sup>5</sup> 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

<sup>1</sup> The Guardian, 2019 <https://www.theguardian.com/society/2019/jan/14/campaigners-and-mps-call-for-misogyny-to-be-made-a-hate>

<sup>2</sup> Citizens UK, 2019 <https://www.citizensuk.org/misogynyhate5>

<sup>3</sup> Plan UK, 2018 <https://plan-uk.org/file/plan-uk-street-harassment-reportpdf/download?token=CyKwYGSJ>

<sup>4</sup> Parliament UK, 2019 <https://services.parliament.uk/bills/2019-21/domesticabuse.html>

<sup>5</sup> CPS <https://www.cps.gov.uk/hate-crime>

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.<sup>6</sup> 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. It is now due to report in July 2020 on how it will consult on recognising misogynistic crime within our legal system. 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."*

It is right to await the outcome of this review for the new legislation required to recognise misogyny within our criminal justice system as an aggravating factor. This amendment complements this work by gathering the data about these crimes in a consistent fashion across the whole country ahead of any such legislative proposals.

### **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.<sup>7</sup>

#### **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.<sup>8</sup> 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 recognising 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

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<sup>6</sup> Fawcett Society, 2019 <https://www.fawcettsociety.org.uk/news/new-fawcett-data-reveals-gender-is-most-common-cause-of-hate-crime-for-women>

<sup>7</sup> CPS <https://www.cps.gov.uk/hate-crime>

<sup>8</sup> CPS <https://www.cps.gov.uk/hate-crime>

not recorded or acted on by most police forces – the second most common with 41,000 incidents, followed by race with 16,000.<sup>9</sup> 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.<sup>10</sup> 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 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**

*“Domestic abuse is a form of violence against women and girls – it is a cause and consequence of women's inequality in society. Understanding the sexism which underpins and drives domestic abuse is essential to ending it for good. Women's Aid Federation of England supports the amendment to require the government to assess evidence on how domestic abuse and hate crimes driven by misogyny overlap. We hope the Committee scrutinising the Bill will give full consideration to the gender inequality which drives domestic abuse during scrutiny.”*

**Lucy Hadley, Head of Policy & Campaigns at Women's Aid Federation of England**

*“Violence Against Women and Girls is both a cause and consequence of the gender inequality and misogyny that are so deeply ingrained in our society. Making it a legal requirement for police forces to gather data on misogynistic hate crimes would play a critical role in furthering our understanding of the nature and scale of this problem, and would greatly enhance the ability of police forces to respond effectively to domestic abuse and other forms of VAWG.”*

**Ellie Butt, Head of Policy and Public Affairs at Refuge**

*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**

*“Misogyny in far too many instances remains unnoticed and unrecorded. The protection of women demands that hateful attitudes in society are challenged and reforms undertaken. We must do everything within our power to tackle violence against women, and the requirement to record misogynistic crime and assess how it interacts with domestic abuse is a key step to tackling gender inequality in the 21st century.”*

**Liberal Democrat MP for Edinburgh West, Christine Jardine**

*“Misogyny takes many forms, from cat-calling, to online abuse, to domestic violence. This is a key opportunity to record data that can give us a deeper understanding of how misogyny operates which we can use to offer better support to, and prevent violence against, women and girls.”*

**Plaid Cymru MP for Dwyfor Meirionnydd, Liz Saville Roberts**

*“Misogyny is at the root of the violence women and girls experience, yet our police forces do not currently name it or report on it. For women who experience hate crimes because of intersections of gender and race, religion or disability, this means*

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<sup>9</sup> Fawcett Society, 2019 <https://www.fawcettsociety.org.uk/news/new-fawcett-data-reveals-gender-is-most-common-cause-of-hate-crime-for-women>

<sup>10</sup> Plan UK, 2018 <https://plan-uk.org/file/plan-uk-street-harassment-reportpdf/download?token=CyKwYGSJ>

*their experiences are not reflected in the police's response. We need to record this data and better understand how to tackle hate against women."*

**Andrew Bazeley, Fawcett Society**

*"We welcome this amendment which proposes a big step forward in recognising the impact of misogyny on the lives of girls and young women. It must be recognised that misogyny is a root cause of all forms of violence against girls and young women. Our research shows that two in three girls in the UK have been sexually harassed in public, and many feel this harassment has got worse during lockdown. This is simply not OK. Whether happening at home or in the street, it is vital that girls and young women can report all forms of misogyny and gender-based violence, including harassment, and feel supported doing so, and know they will be listened to."*

*"As well as better supporting individuals, collecting data on these incidents is hugely important and will provide a better understanding of the scale of girls' experiences across the UK, so we can tackle gender-based violence of all kinds head on."*

**Rose Caldwell, CEO of Plan International UK**

*In the UK and globally, women who participate in political life face an extraordinary amount of violence, harassment and abuse on and offline, partly because they speak up but also because they are women. Misogyny intersects with other forms of hate and Black, Asian and ethnic minority women face disproportionate levels of abuse. Polling by Amnesty International found that during the 2017 General Election, Diane Abbott MP received nearly half of all online abuse directed at female politicians. Recognising misogyny as a form of hate is a crucial step to empower women to speak out and sends a powerful message that this will no longer be tolerated."*

**Hannah Swirsky, Centenary Action Group**

*"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**

*"This amendment is vital, as for the first time, comprehensive records will be made of violence against women. For too long domestic violence has been hidden behind closed doors and for the female victims, compounded by the fact that their gender appears irrelevant, when we know that unfortunately for most, it can be the main motive for the violence."*

**Maggi Ferncombe, Regional Secretary, UNISON Greater London**

*"The Jo Cox Foundation recognises the devastating impact misogyny has on women and girls. It's a root cause of so many forms of abuse, violence and intimidation that can damage all aspects of women's lives, from their professional careers to personal wellbeing. It can ultimately prevent the full participation of women in our society. We stand in support of this amendment and the inclusion of it within the Domestic Abuse Bill. This is a crucial opportunity to gain a fuller picture of the extent of misogyny in our society and a vital component of removing this barrier to women's participation."*

**Catherine Anderson, The Jo Cox Foundation**

*"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**

*"Too often in our case work we see police attending domestic abuse incidents and failing to deal appropriately because they do not have an understanding of the misogynistic culture that underlies so much of the abuse that takes place. An improvement of understanding through guidance and training is critical to tackling the problem effectively and ensuring just outcomes."*

**Harriet Wistrich, Director, Centre for Women's Justice**

*"Misogyny and abortion access are intrinsically linked. The persistent harassment and intimidation of clinic users over 3 decades has been allowed to continue despite overwhelming evidence of harm caused to women and pregnant people. This is gendered harassment, and we truly believe would not have continued this long if it was a cisgendered men's health care facility."*

**Eve Veglio-White, Sister Supporter**

*"Our Streets Now, a national campaign against public sexual harassment, supports this amendment wholeheartedly. We need police forces to recognise the impact of misogyny on crimes, and report them as such. This is a crucial first step in making streets safer for women and girls."*

**Gemma and Maya Tutton, Our Streets Now**

*"This amendment to the Domestic Abuse bill is important to allow the gathering of evidence and a better understanding of the prevalence of violence against women. As a charity focused on ending online abuse and making the online space safe for all, at Glitch, we know that data is the crucial first step to addressing the problem - but there are too few reports examining gender based violence. We stress that data collection also be intersectional to combat the disproportionate violence against those with multiple intersecting identities."*

*"Glitch believes that abuse against women online should be seen as a continuum of structural inequalities in society that perpetuates harmful and negative gender stereotypes of women. All women have the right to live free from violence and this includes online violence and abuse. As the use of technology increases, women face a greater threat of having technology used as a form of intimate partner violence. This includes the use of spyware for stalking and tracking a partner's movements, the threat of putting personal information online as an intimidation tactic, and violating privacy by posting intimate photos without consent as a means of humiliation or control."*

**Seyi Akiwowo, Glitch Founder and Executive Director**

*"I fully support making misogyny a hate crime. As a barrister, I see ample examples of abusive behaviour that is misogyny but is not captured in our law. Citizens have a right to legal redress for misogyny. It's time that our government recognised misogyny as an abusive practice and I call upon them to amend the law accordingly."*

**Dr Charlotte Proudman, Barrister, Goldsmith Chambers and Junior Research Fellow, Queens' College, Cambridge**

*"Based on the evidence that we have uncovered in our long-standing research in the area of misogyny hate crime (e.g., Mullany and Trickett 2018a; Trickett and Mullany 2018; Mullany and Trickett 2018b; Mullany and Trickett 2020), we would strongly welcome the suggested amendment in Clause 66. This will enable recognition of the deeply ingrained misogyny which lies behind many domestic abuse offences, and is an issue which has been overlooked for far too long."*

**Dr Loretta Trickett, Nottingham Trent University**

**Prof. Louise Mullany, University of Nottingham**