Overcoming everyday hate in the UK: Hate crime, oppression and the law

A Citizens UK report

Dr Farhan Samanani and Sylvie Pope

Tyne & Wear Citizens take public action to 'Reclaim The Metro' in October 2018 and won a Hate Crime Charter on Public Transport
Cover Photo: Jean Jameson - Newham Citizens Delegates Assembly at Stratford Town Hall

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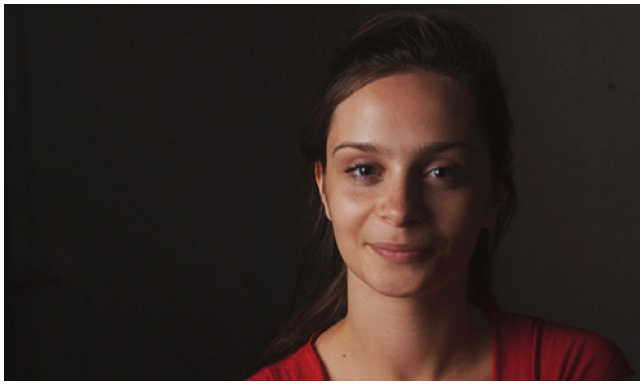

Sylvie Pope is a campaign leader in Greater Manchester Citizens, Citizens UK. In 2018 she founded Misogyny IS Hate: an intersectional, women's rights-based campaign calling on Greater Manchester Police to recognize misogyny as a form of hate crime. While studying for her BA in Social Sciences, specializing in gender politics, at the University of Manchester, Sylvie has grown local networks of women's organizations, charities, businesses, schools and faith-based communities around issues of women's safety and empowerment. Sylvie and her team have focused their work on amplifying the voices of diverse women from across the city, achieved through large public actions, educational workshops and meetings with the Police, local authorities and the Mayor's office. Sylvie has spoken about misogyny and hate crime on BBC Breakfast, ITV News, LBC Radio and other media outlets, and has consulted for a Parliamentary working group on legislative hate crime reform.

Foreword

In the wake of being subjected to a homophobic hate crime on London's public transport, the aftermath of which was widely circulated by the media to provoke profit-driven outrage, we welcome this report by Citizens UK on overcoming everyday forms of hate in the UK.

Immediately afterwards, we had to contend with the trauma from the attack itself and invasive public interest in our "story." We felt the attention relative to other victims of more brutal violence was because of society's prioritisation of white, able-bodied, cisgendered women, and felt exploited by the countless reporters, politicians, brands, and celebrities seeking to attach themselves to our narrative. It was therefore important to us, in interviews and actions we've taken since, to call for allies to recognise the societal structures that both cause violence and privilege certain victims over others, and to put on a united front to tackle interconnected prejudices and barriers.

We are pleased to add our names to the important calls for action put forward in this report by community leaders and researchers at community organising alliance Citizens UK.

The report sheds light on a number of significant trends that deserve our attention: not only the prevalence of hate crime in society, but also the fact that the impact which hate incidents have on victims are very similar regardless of whether the attack in question is motivated by racism, homophobia, misogyny or any other form of hostility.

Hate intersects and compounds itself. Our lived experience informs us that incidents of this sort are rarely a matter of "just homophobia" (or biphobia) or "just misogyny." It's for these reasons we back Citizens UK's call for making misogyny a hate crime in its own right, in addition to improving hate crime reporting mechanisms to enable victims, where relevant, to name more than one motivating factor, such as racism and disability, or gender and sexuality.

A legal system that does not protect victims of abuse and harassment enables violence through silent bystanding. From an overdue reform of hate crime law, to better mechanisms for how statutory bodies like the police and transport providers prevent, monitor and help victims report hate crime – this report charts how we can move closer to a peaceful, tolerant, and just society. We hope politicians, police chiefs, and other decision-makers engage with these findings and take heed.

Melania Geymonat and Christine Hannigan

Melania Geymonat, left, and Christine Hannigan were subjected to homophobic abuse on a London bus. Photograph: Linda Nylind/The Guardian

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Executive Summary

Background

- This report draws on a major national study of hate crime in the UK, involving 1030 survey responses and 246 participants in focus groups across five cities.
- Citizens UK is an organisation which works with local community organisations to campaign for the common good. Its agenda comes entirely from its members. Citizens UK members have been campaigning on Hate Crime for a number of years. Such campaigns have identified the targeting of women and girls and the prevalence of hate crime against Muslim communities as significant concerns.
- This report was commissioned as an independent piece of work to look into patterns of targeting faced specifically by women and Muslims, and to help identify possible solutions.

Prevalence, patterns and impacts of hate crime

- Data from the Crime Survey of England and Wales has been used to argue that hate crime rates have decreased. We identify significant limitations in this data that suggest it may unfit for determining the prevalence of hate crime in recent years.
- Over six in ten victims of hate crime in our survey (62%) said they never reported any hate crime they had experienced, while a further 26% said they only sometimes reported.
    - Women were less likely to report hate crime than men
    - The most common reasons for reporting hate crime was wanting to prevent further victimisation and a principled belief in the importance of reporting.
    - The most common reasons for not reporting had to do with a lack of confidence in the police taking cases seriously, or in the ability of the police to respond meaningfully.
- We found that a minimum of one in three victims of existing forms of hate crime did not recognise that they had in fact experienced hate crime. This reveals the extent to which hate crime is normalised for some groups. Women from non-white backgrounds found it especially difficult to name experiences of hate crime as such.
- Patterns of targeting varied significantly based on victims' characteristics, and on the type of hate crime committed.
- On average, participants with multiple protected characteristics faced higher rates of targeting.
- We were able to demonstrate that hate crime hurts more than identical non-hate-motivated offences. For example, 47.1% of victims of hate-motivated physical assault reported suicidal feelings, compared to a baseline of between 14.9%-22.2% of assault victims in general.
- The impacts of hate crime varied widely across victim characteristics and types of hate crime. However, on average, victims of all forms of hate crime experienced impacts at a similar rate.
- Targeting on the basis of multiple protected characteristics resulted in higher rates of impact from hate crime.
- Targeting on the basis of gender and age increased the impact rate for existing forms of hate crime.
- Targeting on the basis of both gender and age also led to similar impact rates to those of existing forms of hate crime.

- Gendered targeting was most prevalent amongst women and those with non-binary/ gender-non-conforming gender identities. Targeting on the basis of age, however, was not concentrated amongst any one group, but was distributed fairly evenly across several age brackets, including those in their 20s and 30s.

Framing hate

- We wanted to understand what personal characteristics were associated with higher rates of targeting and impact around hate crime. We looked at a range of demographic characteristics, such as gender, race, sexuality, being visibly religious or disabled and so on. We also constructed an index to measure oppression, understood in terms of systematic and disempowering experiences of powerlessness, exclusion or prejudice, experienced throughout everyday life.
- We found that by far the strongest predictor of rates of criminal targeting and of the impacts from hate crime is oppression. This had a stronger association with targeting and impact than membership in any particular demographic category.
- This suggested that hate-based targeting centres around oppression, both in terms of how people ended up being targeted, and how the impacts of such targeting came to be amplified.
- As such we argued that patterns of oppression need to be centred in determining which protected characteristics should be included within hate crime law.
- To help assess this, we proposed a three-part test for determining which groups should be protected under hate crime law:
    1) Is the group the object of demeaning or exclusionary prejudices which are culturally widespread?;
    2) Is the group defined by a (perceived) identity which cannot easily be changed, or else which is an identity that is fundamental to the enjoyment of basic rights?;
    3) Is there a systematic pattern of criminal targeting based on this identity, which limits the ability of many of those who share this identity to exercise basic rights?

Gendered hate crime

- Our survey uncovered a high rate of gendered hate crime, with 22.4% of all incidents solely motivated by gender and 33.5% of all incidents of existing hate crime involving gender as an additional motivating factor.
- Gender motivated targeting disproportionately affected women, who were targeted at over three times the rate of men.
- Gender motivated targeting was not confined to sexual offences but was instead fairly evenly distributed across the offences covered in our survey. However, focus group participants highlighted that even offences which were not primary sexual in nature often entailed a strong sexual element or motivation, when such offences were motivated by gender.
- Around a third of existing forms of hate crime involved gender as an additional motivation. In many cases gendered language or behaviour constituted the most damaging or evidently 'hateful' part of hate offences. Our focus groups suggested that these gendered dimensions were not receiving adequate acknowledgement in the consideration of hate offences by criminal justice agencies.
- Gendered elements are associated with victims being more able to recognise hate crimes as such, suggesting that the recognition of gendered hate crime could help reduce the normalisation and misrecognition of existing hate offences.

- Although many women and non-binary/gender-non-conforming people identified gender as the only motive in many offences, very few men did so.
- Even when gender was identified as the only motivation for criminal targeting, the rates of impact were similar to other forms of hate crime.
- Gendered targeting was also associated with longer term and group-level impacts which would often not be easily provable in court – justifying gendered hate crime as a categorical offence.
- Survey and focus group participants emphasized the need to name and centre misogyny in policy on gendered hate crime.
    - Naming misogyny is justifiable in terms of the heightened proportion and frequency of gendered targeting faced by women.
    - Naming misogyny was seen as essential to recognising the problem, both in terms of creating individual empowerment and combatting normalisation, and in terms of ensuring institutions were able to identify and work to prevent the systematic targeting of women.Victims of gendered targeting emphasized a desire for wider cultural change and restorative solutions, which again would require a clear acknowledgment of the problem women faced.

Sylvie Pope from the University of Manchester and Greater Manchester Citizens addresses the Law Commission in September 2019

Islamophobia

- Racial and religious crimes were more prevalent and more frequent for Muslims than for any other religious group in our study. On average Muslims also experience higher rates of targeting than non-Muslims.
- Muslim women particularly struggle to recognise hate crime as such, with half the victims surveyed failing to acknowledge they had experienced hate crime.
- The Muslims in our study can be understood in terms of two groups: those who were targeted on the basis of race/religion frequently and those who were targeted infrequently.
    - The infrequently targeted group generally reported a more positive outlook than non-Muslim peers facing similar levels of targeting, reporting comparatively lower levels of impact, greater feelings of safety in everyday spaces, and greater trust in institutions such as the police.

    - The frequently targeted groups tended to match or exceed other frequently-targeted victims of hate crime, in terms of impact, feeling a lack of safety, and distrust in institutions.
    - This difference suggests that while Muslims are initially resilient and optimistic, frequent targeting can erode personal confidence, feelings of security and wellbeing and relations of trust.
- Hate crime limits the right to religious self-expression for many Muslims, either through fear which prompts the changing of appearance and practices, or through the direct criminal targeting of expressions of Muslimness.
    - 1 in 10 visibly Muslim participants reported that "someone has grabbed or tried to remove my clothing in public".
- Muslims in our study disproportionately identified external factors, such as the media and institutional behaviour as drivers of hate crime. At the same time they also disproportionately stated that hate crime was a problem to do with particular individuals. This suggests a structural view of the roots of hate crime, with perpetration carried out unevenly, by some individuals more than others.
- In line with this, Muslims also pushed for joined-up solutions, and ground-up change, with a particular emphasis on the greater role which could be played by local public bodies, such as schools, local councils and NHS trusts.

Recommendations

- Hate crime law should centre on protecting oppressed groups.
- Gender-based targeting should be recognised as a hate crime, and this recognition should centre on misogyny. 83.5 % of all survey participants supported this policy.
- Victims should be able to report and prosecute hate crime on the basis of multiple protected characteristics. 84.1% of all survey participants supported this policy.
- Criminal law and guidance for judges, juries and prosecutors should be joined up with non-criminal approaches both to ensure cases require fair consideration and to allow for multiple pathways to justice to be accessible
- There should be a statutory duty for designated public bodies, such as schools and public transport providers, to take on responsibility for preventing, monitoring, and reporting hate crime.

1.0 Introduction

Hate crime poses a challenging issue for British society on several levels. While the understanding of hate crime within the law, as well as within the popular imagination, is varied and inconsistent, research on victims of crime targeted on the basis of their identity reveals the continued need for some form of legal redress which addresses this form of targeting, and its distinct harms. In addition, groups not currently protected under hate crime law, such as women, older people or the homeless, show similar patterns of targeting and impact as many groups who are protected, pointing to the need to expand the protections afforded by hate crime law.

The lack of clarity around current hate crime laws is implicated in a range of related issues. Poor public understanding of hate crime can hinder preventative efforts and reporting, and can diminish public support. Similarly, gaps in understandings between victims, support workers, prosecutors and judges can hinder the legal process. In October 2018, following a parliamentary request, the Law Commission announced a review into hate crime law, with the broad aims of reviewing and ideally simplifying the legal framing of hate crime within criminal law, and reviewing and potentially expanding the list of protected characteristics covered by such law.

This report seeks to contribute to this ongoing national and policy conversation around hate crime, by putting the voices of victims and communities first. The report is based around a major national study conducted by Citizens UK, involving over 1,250 participants talking about everyday experiences of hate and victimization. This study delves into under-examined questions around hate crime, such as the relationship between hate crime and everyday forms of disempowerment, patterns of normalization, the impacts of hate faced by different groups, and how ordinary people understand both existing hate crimes laws and potential reforms. Based on these findings, the report proposes a new framework for understanding hate-based victimisation, as well as a series of concrete recommendations for change.

1.1 Background and Methodology

Citizens UK is a grassroots organisation which works to build the capacity of ordinary citizens to create change, through the methods of community organising. Local community institutions, including schools, places of worship, and charities, join together to identify issues that they care about in common, and to act on these together. Following grassroots campaigns to tackle hate crime in eight cities, Citizens UK realized that hate crime was a major issue for its members, nationwide. To better understand this issue, Citizens UK designed a nationwide study exploring hate crime, everyday targeting, and people's appetite for change.

The study consisted of a survey of 261 questions and sub-questions, as well as focus groups with victims of hate crime and those working in support roles. The survey attracted 1,030 respondents, while the focus groups engaged an additional group of over 246, some but not all of whom also completed the survey. The majority of survey respondents were recruited through snowball sampling via Citizens UK member institutions. Outreach methods included direct word of mouth, announcements made at public meetings, school assemblies or during religious services, and advertising through institution newsletters. Additional respondents were recruited through online advertising, including over Twitter and email newsletters led by

partner organisations including the Fawcett Society and Stop Funding Hate. Survey questions focused on a number of themes:

- Experiences of criminal targeting.
- Their recency and frequency and the perceived motivations behind these.
- Broader experiences of belonging, inclusion and empowerment within everyday life.
- Feelings of safety within everyday life.
- Impacts of identity-motivated targeting.
- Understandings of and responses to hate crime under the current law.
- And desired changes.

Focus group participants were recruited exclusively through Citizens UK member organisations, with organisation leaders taking the lead in reaching out to others. Focus groups were conducted in five cities: Birmingham, Cardiff, London, Manchester and Newcastle, and took between 2 and 3 hours, with group size ranging roughly between 20 and 60 participants. In addition, the Citizens UK team also conducted a series of further interviews and mini-focus groups with key experts, including local council hate-crime leads, victim support staff, head teachers, prosecutors, and key figures within the police.

Survey respondents were disproportionately female (79%), young (44% 18 or under), non-heterosexual (16%), and of migrant (21% first generation migrants, plus 51% second or third generation) and minority (65%) backgrounds. While not representative of the population at large, this group represents some of the most frequently-targeted or least-understood victims of hate crime, and allows us to better understand such experiences. This is reflected in the survey responses. For instance, while the Crime Survey of England and Wales does not survey people below age 16 in calculating the prevalence of hate crime, 47% percent of respondents aged 12-18 in the survey reported that they had experienced, or may have experienced, hate crime.

Tyne & Wear Citizens form a human chain around Newcastle Central Mosque in response to Islamophobic threats

1.2 Hate crime in the UK

The term "hate crime""does not itself appear within UK legislation. There is however a body of three (or nominally four[1]) laws that are conventionally taken to cover hate offences. The first is the 1998 Crime and Disorder Act (CDA), which lists a series of specific criminal offences, including assault, criminal damage and harassment which can be deemed to be 'aggravated' if they are motivated by or demonstrate "hostility" against the victim's perceived "race" or religion. Crimes deemed to be aggravated in this way attract a higher maximum sentence – although research suggests that while judges may increase sentences on the basis of racial/religious aggravation, they rarely tend to do so beyond the standard maximum for the underlying criminal offence (Walters et al. 2017b; 2018).

[1] The fourth, not detailed here, is a provision against "racialist chanting" in the 1991 Football Offences Act

Secondly, there is the 2003 Criminal Justice Act (CJA), which allows for an increased sentence, up to or below existing maximum sentences, in offences which demonstrate or are motivated by hostility against the victim's "race", religion, disability, sexual orientation or transgender identity. Unlike the CDA provisions, where prosecutors must bring a racially/religiously aggravated charge, the CJA allows for the hate element and corresponding higher sentence to be determined by judges at the sentencing stage.

Finally, there are offences of "stirring up racial and religious hatred" created by the 1986 Public Order Act, and the 2006 Racial and Religious Hatred Act. These broadly pertain to what might be deemed hate speech, and unlike the CDA and CJA, cover offences where there is no direct victim. Stirring up racial hatred involves "threatening, abusive or insulting" behaviour which was intended or likely to stir up racial hatred. Stirring up religious hatred is broadly confined to threatening behaviour, although creating or distributing inflammatory material is also covered. There is also a more involved process in bringing charges of stirring up religious hatred, with prosecutions requiring the consent of the attorney general in order to go forward. The different protections given to different protected characteristics has led the UK Law Commission to argue that: "It is undesirable for the current law to give the impression of a 'hierarchy' of victims" (2014: 95).

1.3 Purpose of this report

As a member-led organisation, it is local organisations within Citizens UK who determine the agenda for change, collectively and democratically. For a number of years, Citizens UK chapters around the country have organised for change around hate crime, with campaigns focusing on public transport, police responses, safety and inclusion at schools and universities, bystander training at schools, and access to support for victims. All these campaigns emerged out of a process where local organisations conducted extensive listening with their members and communities to identify which issues mattered to them, and what sort of solutions they wanted to see.

Across this work on hate crime, two major issues have recurred: misogyny and Islamophobia.

Around misogyny, member organisations across the country found that women were being targeted in distinct ways – both within existing hate offences, where the gendered dimensions of other forms of hate often compounded feelings of hurt and vulnerability felt by victims – and as a distinct form of targeting not recognised within the law. In 2014, the Nottingham chapter of Citizens UK campaigned to have the police record incidents where women were targeted on the basis of their gender as a form of hate crime and succeeded in having this policy instituted in 2016. Since then this policy has been adopted in several other constituencies as well.

Islamophobic hate crime, meanwhile, has been one of the most prevalent and stubborn forms of hate crime identified by those organisations who have done listening around hate. In fact, the campaign to recognise misogyny as a hate crime in Nottingham first emerged out of listening to experiences of hate-based targeting at a local mosque, where leaders realised the distinct ways in which Muslim women were being targeted.

This report therefore follows the agenda of the communities, organisations and leaders who form the membership of Citizens UK, by asking how hate crime laws can be strengthened in

the UK to better support victims, and by focusing particularly on the experiences of women and Muslims. These questions, however, are approached open-endedly, and empirically: we use the data collected through our survey and focus groups, as well as evidence from academics and other non-profits to investigate potential solutions.

Given the ongoing Law Commission review into hate crime legislation, this report recognises that at the current moment, any recommended changes to hate crime law will also have to address themselves to broader questions of how the law is framed and implemented, who should be protected, and on what principle. Thus, our particular focus on misogynistic and Islamophobic hate crime is framed within broader considerations of what hate crime law is and should be, and how it should and could practically operate.

Section 2 presents an overview of our data in relation to questions around what makes hate crime distinct. Section 3 builds on this to explore frameworks for thinking about hate crime as a whole and proposes a framework for identifying which groups hate crime law ought to protect. Section 4 then explores whether gender-based targeting could legitimately constitute a hate crime and looks at the particular experiences of women within this. Section 5 looks at experiences of Islamophobia, both within our data and within broader scholarship, and focuses in particular on how victims and their communities imagine change. Section 6 concludes by reviewing key findings, alongside survey and focus-group data where participants discussed desired changes and sets out a series of recommendations on the basis of these.

This report uses colours and underlining to help clarify some of the statistics it presents. Within each paragraph, each colour, or each level of underlining points to one group. For example, if a paragraph contains statistics on Muslims, and the first reference to Muslims is in green, then 100% of all subsequent statistics relating to Muslims will also be green. Sometimes colours and underlining are combined to point out specific sub-groups, or overlaps between groups. So, for example, the same paragraph might talk about Muslims as a whole, about Muslim women as a sub-group, and about women as a broader group encompassing Muslim women. In this case, if you saw a figure marked like this (65%) it would pertain to Muslim women, while if it looked like this (23%), it would pertain to women as a whole.

2.0 Experiences and consequences of hate crime

Hate crime laws have been justified by politicians, scholars and activist groups in a range of ways. One group of arguments centres around the harms of hate crime. Evidence suggests that hate crimes have higher and longer-lasting impacts than similar non-hate crimes, including both medical symptoms such as anxiety, depression or PTSD, as well as feelings such as fear and mistrust which can come to constrict everyday freedom and participation in society (Craig-Henderson and Sloan 2003; Iganski 2001; Iganski and Lagou 2015; Lawrence 2007; Najib and Hopkins 2019).

Hate crime also creates "secondary victimisation" where those who share group identities with targeted victims also experience a range of harmful impacts, based on the fact that the identity targeted and denigrated is not only a personal identity but one which is shared collectively (Bell and Perry 2015; Paterson et al 2019; Perry and Alvi 2012; Walters et al 2017a). The fear and constraint felt by both direct and secondary victims is reinforced by the

fact that hate crime has been shown to increase following trigger events, which include other prominent instances of hate crime, as well as derogatory speech in the media (Awan and Zempi 2016; Hanes and Machin 2014; Sadique et al 2018; Williams et al 2019). Collectively, these impacts demonstrate that hate crime is a cultural phenomenon, in that victimisation is experienced on the basis of culturally coded group identities.

Arguing against having distinct hate offences, Hurd and Moore (2004) contend that insofar as hate crimes produce greater harms, it ought to be possible to demonstrate these harms in court, and increase sentences for the underlying crimes proportionately, without needing a categorical offence of hate crime. Crucially, however, many of the harms of hate crime cannot easily be demonstrated within the courtroom. This is in part because of the longer-term and collective nature of many impacts (reviewed above), but also because hate crime is often normalised in a way that makes it difficult for both direct and secondary victims to fully recognise, report and take a stand against the impacts of targeting (Browne et al 2011; Chakraborti et al 2014; Chakraborti and Hardy 2015; Mellgren et al. 2011).

As forms of exclusion become normalised, groups tend to internalise forms of stigma and constraint, leading them to self-limit their freedoms and participation in society, which in turn has further consequences for social cohesion as a whole (Benier 2017; Patterson et al 2019; Perry and Alvi 2012; Poynting 2002). Examples of this include Muslims being afraid to socialise with neighbours, based on the fear that they may be scorned or targeted, and women adopting routine safety precautions that limit their mobility and the scope of the everyday choices they can make. The long-term, large-scale, normalised and society-wide impacts of hate crime provide justification for treating it as a categorical offence.

A second set of arguments relates to the capacity for hate crime legislation to send a message. Such legislation has been imagined variously as deterring would-be perpetrators by threatening harsher sentences, transforming broader social attitudes by emphasizing the unacceptability of hate, bias and discrimination, sending a message of solidarity or inclusion to marginalised communities, and creating incentives for downstream agencies, such as the police or local councils, to take the targeting of particular groups more seriously (see Iganski 1999; Mason 2007; 2013).

The evidence on the efficacy of legislation in deterring criminal behaviour or improving institutional responses is mixed, while evidence on the ability of legislation alone to change underlying attitudes is more minimal but tends towards the negative (Chakraborti 2016; 2018; King 2007; Kotsdam 2011; Levy and Levy 2016; Walters et al 2018). Meanwhile, evidence for other forms of signalling, such as how legal change is understood by marginalised communities, is largely lacking. In many cases this is because the ability of law to influence attitudes relies both on awareness and on procedural factors such as police responses or prosecution rates – making it difficult to pinpoint such infulence.

Here, we draw on findings from our survey, alongside testimony from focus groups, to explore prevalence, normalisation, reporting behaviours, targeting patterns and impacts around hate crime. In doing so, we extend the first set of arguments outlined above, by shedding further light on the ways in which hate crime hurts particular individuals and groups, and the extent to which it is normalised.

2.1 Other data sources

Our understanding of who experiences hate crime in the UK comes from two main sources – the annual Home Office release of hate crimes recorded by the police, and the Crime Survey of England and Wales (CSEW). The October 2019 Home Office release recorded 103,379 incidents of hate crime – a record high, reflecting a steady rise in police-recorded hate crime over the last decade, with figures more than doubling since 2012/13 (Flatley 2019).

While the police statistics rely on direct reporting, the CSEW interviews a sample of households in the UK, and then extrapolates to provide estimates of crime rates across the UK. These estimates are for all incidents of crime, whether reported to the police or not. The latest CSEW release on hate crime, combing surveys from 2015/16 and 2017/18 estimates an annual rate of around 184,000 hate crimes, and show a statistically significant decrease from hate crime rates in the late 2000s, where the 2007/2008 and 2008/2009 combined survey produced a national estimate of 307,000. The CSEW suggests that consistently over the last decade, about half of hate crime is reported to the police – with the most recent estimate suggesting 53% of hate crime is reported (Flatley 2018).

There are various ways to interpret these seemingly contradictory figures. The apparent drop in CSEW estimates has been used by commentators to suggest that the issue of hate crime is being overblown (Young 2019), while the Home Office has used the same estimates to claim that the increase in police figures is simply due to more victims reporting (Flatley 2018). However, applying the CSEW's own estimate of reporting rates in relation to the actual police recorded figures, already produces a total estimate (219,995) considerably higher than the CESW estimate. Police recorded figures may miss certain instances of hate crime, but the instances which are captured provide "actual" as opposed to estimated figures. As such, this discrepancy suggests an issue with the CESWs overall estimated total, estimated reporting rate, or both.

In addition, police reported figures show hate crime rates to vary significantly across time, and to spike in response to major trigger events such as the Brexit vote, or terror attacks (fig. 1). The methodology of the CSEW, which involves a roughly similar number of household interviews each month (Kantar Public 2018), is ill-suited to capturing this pattern of concentrated spikes. This limitation casts specific doubt on the latest (2015-2018) CSEW hate crime statistics. During this period, the two largest spikes in hate crime took place over periods where the CSEW was not collecting any data, and the CSEW in general only asks about crimes committed in the current quarter-year (ibid), meaning most of these offences would have been omitted.

Photo: Jean Jameson

TELCO Citizens host the Law Commission and hold roundtable discussions on hate crime in September 2019 at East London Mosque

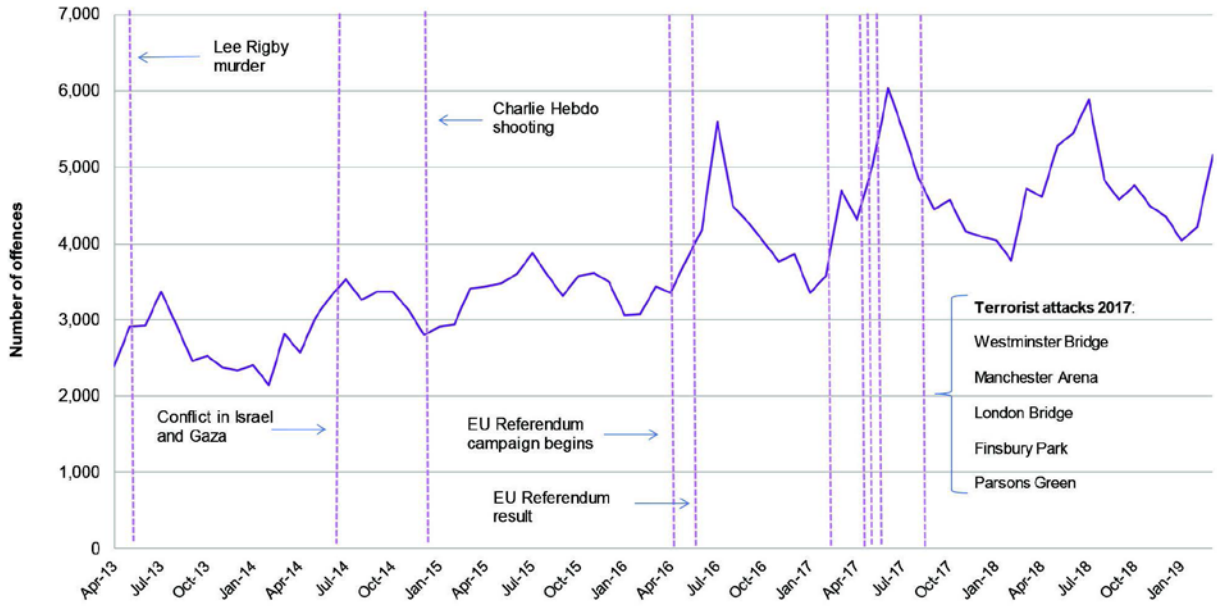

Figure 1: Police reported hate crime over time (Source: Flatley 2018: 14)

As this report goes on to show, even beyond the limitations of the CSEW and police data, there are further reasons why hate crime rates may be even higher than we think.

2.2 Underreporting and normalisation

Our own survey asked respondents directly whether they had experienced any hate crime with 29.8% of all respondents reporting that they had (fig. 2). Of these, 61.9%[2] reported that they never reported hate crime, while a further 25.4% said that they only 'sometimes' reported hate crime – a much higher non-reporting rate than the CSEW rate of 47% (fig. 3). A range of other studies of hate crime victims have likewise found much lower reporting rates than those of the CSEW (see Chakraborti 2018).

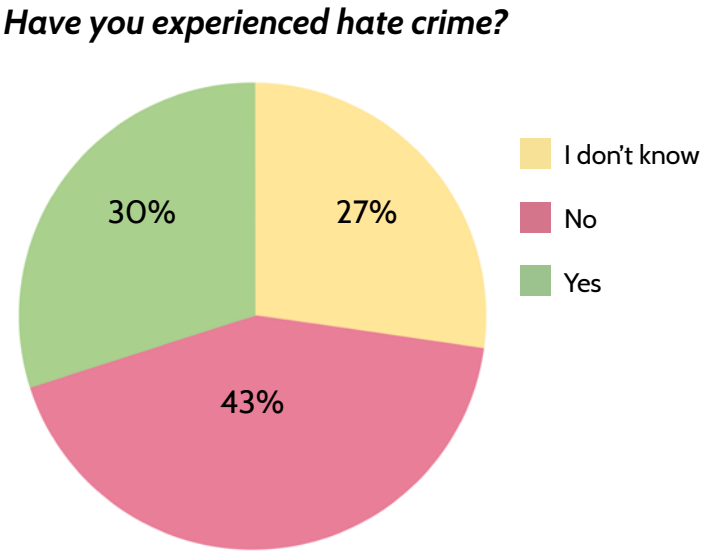

Figure 2: Nearly 1/3 respondents say they have experienced hate crime

[2] All percentages in this report are calculated relative to the total number of people who answered the relevant question, or the set of questions, in question, as opposed to the whole sample.

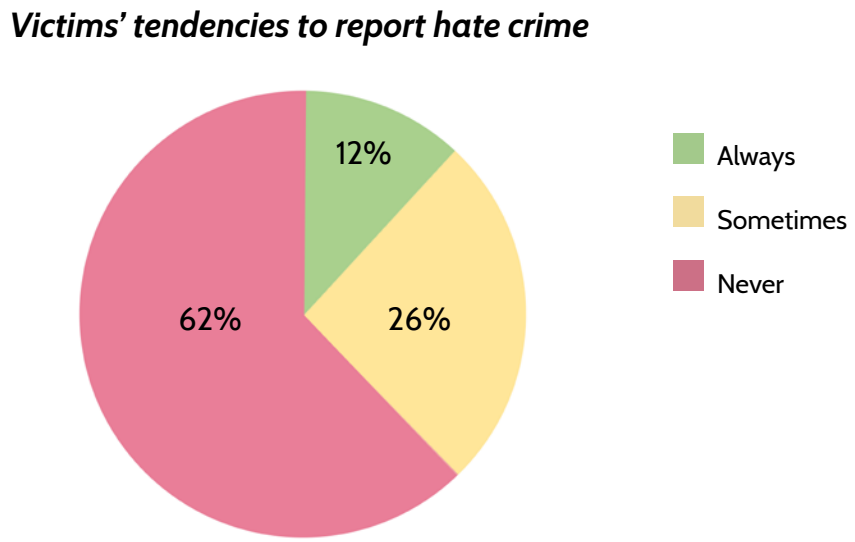

Figure 3: Over 6/10 victims never report hate crime.

Many studies of hate crime rely on victims being able to identify their experiences as hate crime for themselves (e.g. Chakraborti et al 2014; Chakraborti and Hardy 2016; McDevitt et al. 2001; Walters et al. 2017. Others (Iganski and Lagou 2015) ask a range of questions about experiences of criminal targeting and the perceived motivation behind these, and then rely on such answers to determine who has experienced hate crime and who hasn't. Police-recorded statistics largely rely on the former approach, with victims needing to self-identify as such, and come forward, while the CSEW relies on the latter approach, asking in broad terms about experiences of crime.

Uniquely, this study approached the question of victimization both ways, both asking about experiences of criminal targeting motivated by aspects of identity, and asking explicitly as to whether people believed they had experienced hate crime. The difference between these responses reveals that much hate crime not only goes unreported, but unrecognised (fig 4). This analysis reveals that – at a minimum[3] – one in three victims of hate crime believe that they did not experience hate crime, or stated that they were unsure. If these are factored into

A leader from Greater Manchester Citizens gives testimony on her experiences of misogyny

[3] Under current law, hate crime can involve any form of criminal targeting based on certain protected characteristics. Because we did not ask about all forms of crime – but only about a selection of crimes commonly associated with identity-based targeting – these estimates are a minimum. There may be other experiences of criminal targeting on the basis of identity that respondents experienced which we did not ask about, and which they did not explicitly recognise as hate crime.

the non-reporting rate, this rises from 61.9% to 75%. Normalisation is important not only because it contributes to the "justice gap" (Walters et al 2018) around hate crime – where incidents go unrecognised and unreported – but also because it contributes to the systemic harms of hate crime, as groups and communities come to internalise the consequences of exclusion and targeting, and prevents victims from accessing support around any personal harms they may have experienced (see 2.5 below).

Measured experiences of hate crime versus those who recognise such experiences

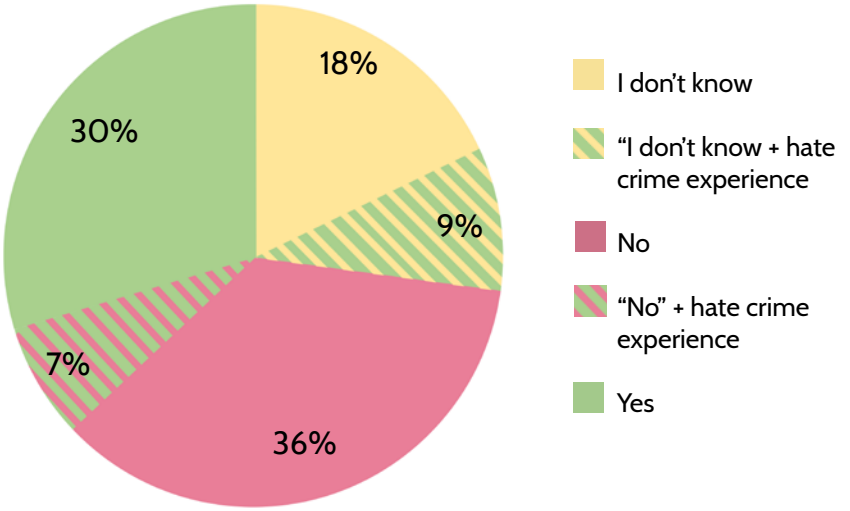

Figure 4: 7% of all respondents said that they had not experienced hate crime, when in fact they had, while 9% said that they weren't sure whether they had experienced hate crime, when in fact they had.

Police hate crime records from London suggest that men report experiencing hate crime more frequently than women (Walters and Krasodomski-Jones 2018). Our own findings reflected this as well; 25.8% of those who identified as women and 43.5% of those identifying as men said that they had experienced hate crime. However, men and women exhibit different rates of recognising hate crimes as such; 69.9% of men who our survey identified as having experienced hate crime identified themselves as having had this experience, while only 50.8% of women did (fig 5).

Young leaders from South London Citizens take public action to urge the Met Police to record misogyny as a hate crime

This suggests that reported rates of victimization may not paint a full picture. For many groups, experiences of hate and hate crime have the potential to become 'normalised' and accepted as an inescapable part of ordinary life (Browne et al 2011; Chakraborti et al 2014; Chakraborti and Hardy 2015; Mellgren et al. 2011). Repeated targeting, to the point where it becomes ordinary, a lack of power unclear or uneven laws, and a lack of support in understanding and navigating the legal system can all play a role in making victims deny or feel uncertain about the criminal nature of their experiences. Victims may also strive to deny, compartmentalise or forget experiences of hate crime in order to cope (Culotta 2005; Farrell et al 2001; Kochenderfer-Ladd 2004).

Recognising hate-motivated criminal experiences as hate crime:

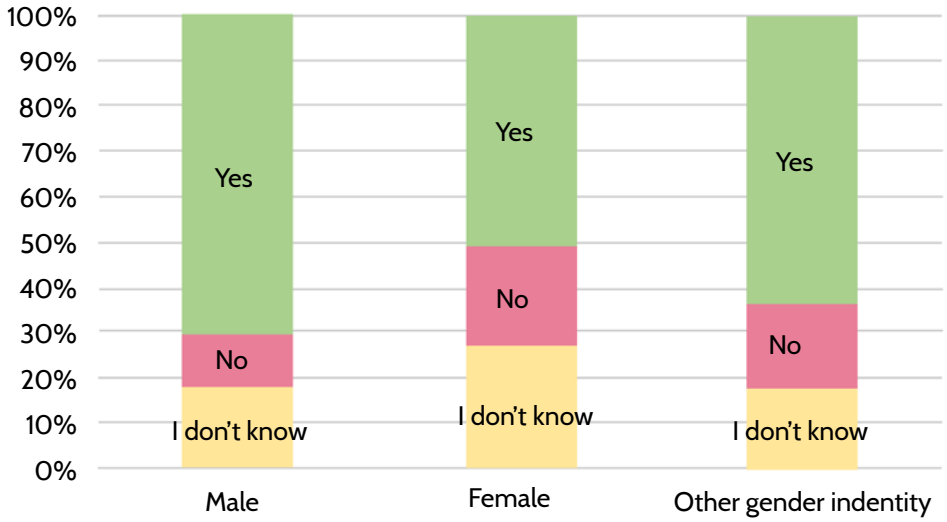

Figure 5

Rates of recognition vary not only by gender, but by religion and ethnicity as well (fig. 6 and 7). While these differences may point to different levels of awareness around hate crime, circulating within different ethnic or religious communities, evidence suggests that differences in awareness have more to do with patterns of socioeconomic disadvantage and exclusion rather than membership within particular communities (Chakraborti and Hardy 2017). Instead, these differences in recognition may point to group differences in hate crime experiences (see section 2.3 below).

Certain groups, such as Jews and Muslims, often face forms of discrimination and hate which draw upon more overt, well-defined and widely circulated stereotypes and tropes, some of which are more unambiguous than others (Meer 2012; Culpeper et al 2017) – while for example Sikhs and Hindus are often mistaken for being Muslim, and targeted in Islamophobic terms (Hopkins et al 2017). However, the prevalence of different racial or religious stereotypes clearly doesn't explain the whole picture. For instance, different black-British groups, such as those of Caribbean or African background demonstrate different rates of recognising hate crime as such, as do different ethnic groups with large Muslim populations within them.

In terms of sexuality, gay and lesbian and bisexual respondents were moderately more likely to identify hate crime experiences than heterosexual respondents (with 62.5%, 65.1% and 55.8% of each respective group recognising this), while in terms of disability, disabled participants were much more able to recognise hate experiences (with 78.5% of disabled respondents recognising that they had experienced hate crime, versus 50.9% of non-disabled respondents). Patterns of recognition and normalisation were also highly intersectional. For example, the differences in the recognition of hate crimes as such between male and female respondents largely vanishes for white victims, while there is a substantial difference between male and female recognition rates amongst non-white ethnic groups (fig. 8.).

Young leaders from Greater Manchester Citizens give testimony to the Law Commission on their experiences of the intersection between misogyny and Islamophobia

Recognising hate-motivated criminal experiences as hate crime:

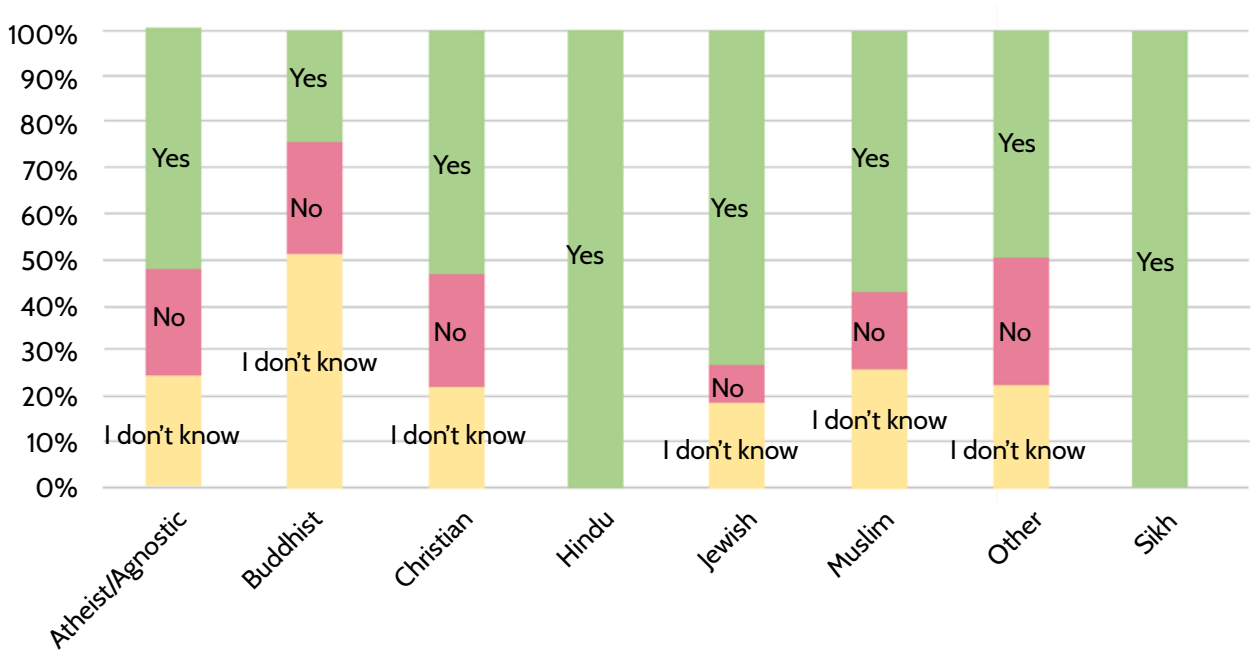

Figure 6

Recognising hate-motivated criminal experiences as hate crime:

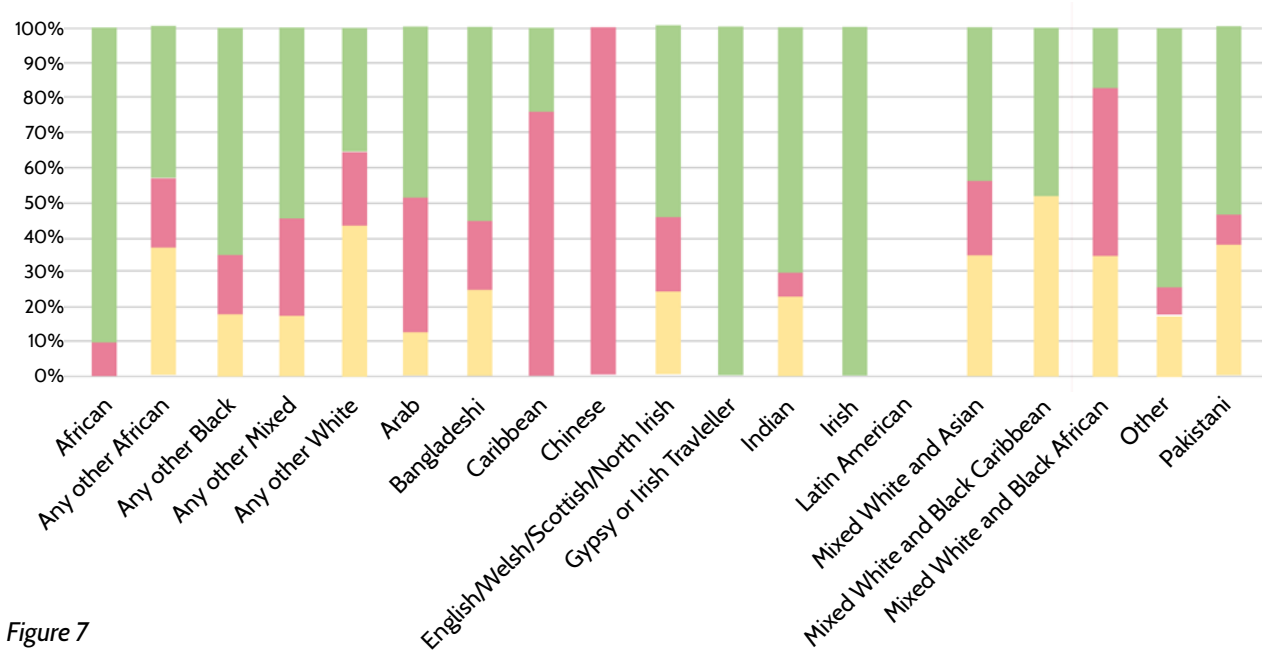

Figure 7

Recognising hate-motivated criminal experiences as hate crime:

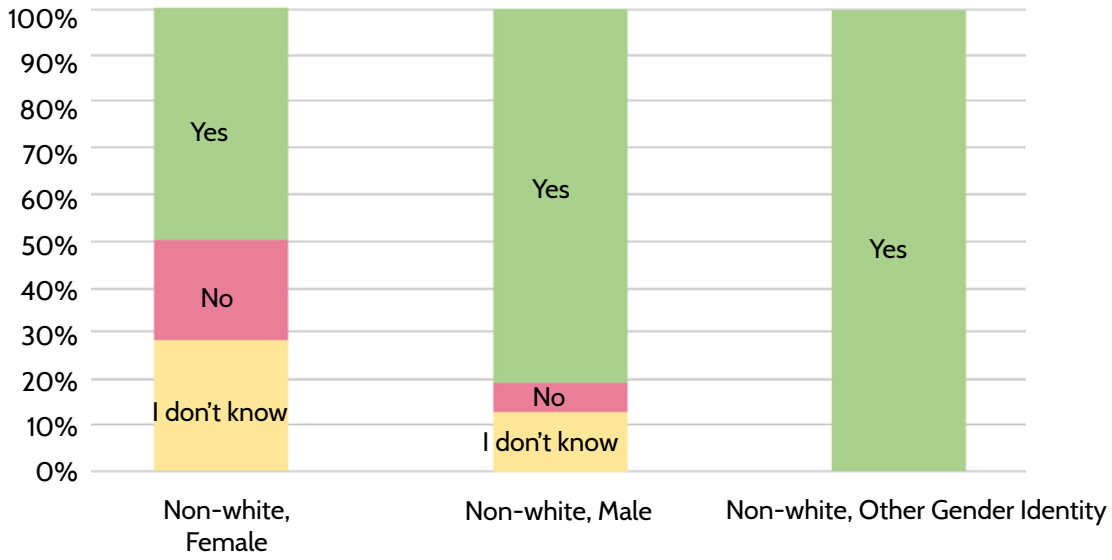

Figure 8

Issues of normalisation also came out in our focus groups, where participants shared numerous stories about being routinely targeted, often from an early age, but also where they had grown to accept such targeting as normal:

> *"Only about two weeks ago, me and my friend were walking – we went for a walk in the evening and suddenly a guy was passing and he just called us 'Gadhafi'. I didn't realise what he was saying, but then I realized and he just went. And that's something just small, but I grew up listening to these comments and I grew up listening to this abuse... My dad would come home from Jum'ah Salah, and should say that 'oh such and such happened on that place', or 'next time you go out, you need to be very careful', or he would warn my mum that 'when you go shopping you need to be very carefully because such a thing has happened'. So we believed we lived in a society where that was normal for us – because we are in a foreign land and it's okay for people to behave with us like that."*
>
> *- (Focus group, Newcastle)*

2.3 Reporting

Those who explicitly reported having experienced hate crime were asked whether they tended to report the hate crime they experienced, revealing that more than six in ten respondents never report hate crimes (fig. 9).

Reporting behaviour varied by gender, ethnicity and religion. 65.8% of women said that they never reported hate crime, and only 10.71% said they always did, in contrast to 49.2% of men who said they never reported and 18.6% who said they always did. 67.7% of those with other gender identities also said they never reported hate crime. In terms of ethnic groups, those identifying as English, Welsh, or Northern Irish were the most likely to say they "always" reported hate crime, as well as the group most likely to say they "sometimes'"reported hate crime. Those of Pakistani background, and those falling into "other'"groups based on census ethnic categories (including white "other", Black "other" and mixed "other") were the least likely to report hate crime, with 70.8% of Pakistanis saying they never reported. Bangladeshis came closest to mirroring the overall trend, with 62.8% saying that they never reported, 25.6%

saying they sometimes reported and 14.7% saying they always reported. In terms of religious backgrounds, Muslims also mirrored this pattern, with 63.0% saying they never reported, 24.4% saying they sometimes reported, 12.6% saying they always did. Christians (71.4%) and those of "other" religious backgrounds (84.6%) were the most likely to say they never reported hate crime, while Jews and those identifying as Atheist/Agnostic were most likely to say they always or sometimes reported.

Do you report the hate crime you have experienced?

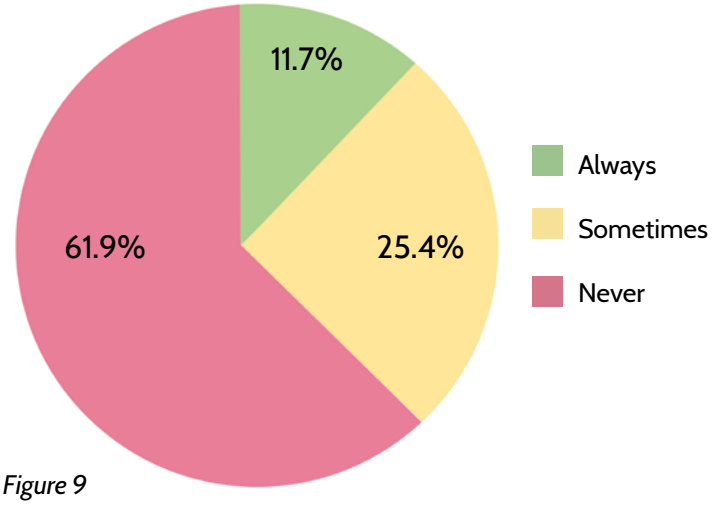

Figure 9

Based on how they characterized their reporting behaviour, participants were then asked follow-up questions about why they did or did not report hate crime. Amongst those who chose to report (fig 10.), principled reasons – such as believing it was important to report all crime, or all hate crime, or the desire to protect others – predominated, although a majority also said that they reported in order to protect themselves from being victimized again. Among those who said they never reported (fig 11.) scepticism in the police responding appropriately, or having the capacity to respond predominated, although many also reported uncertainty, either around the seriousness of the incident, or the point of reporting.

Reasons for reporting

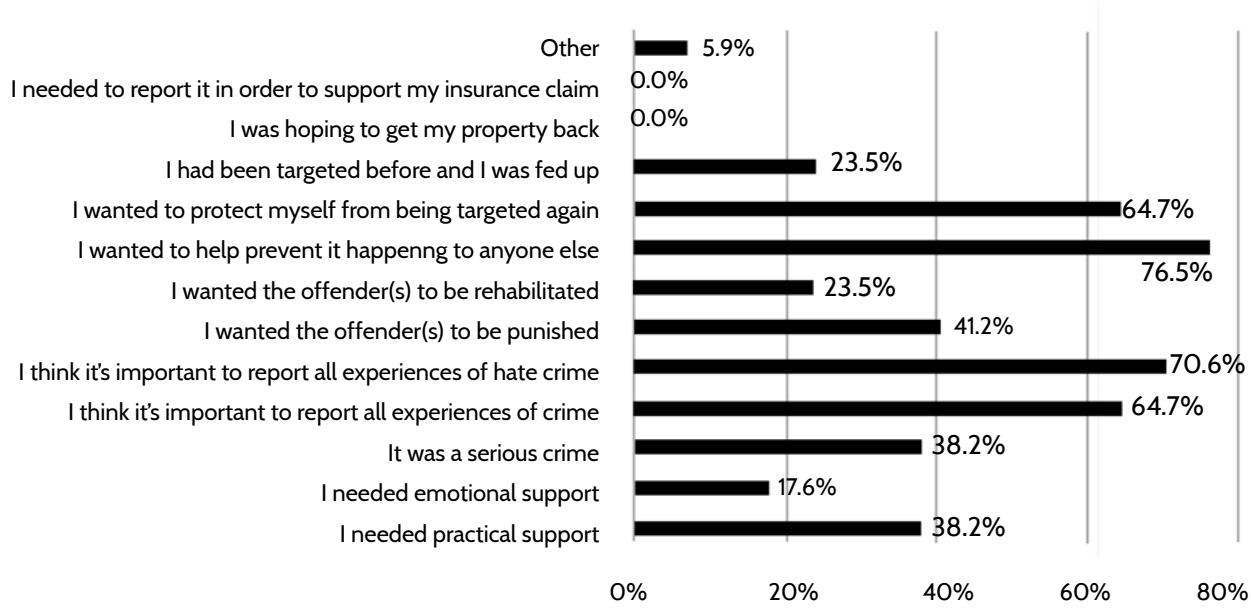

Figure 10

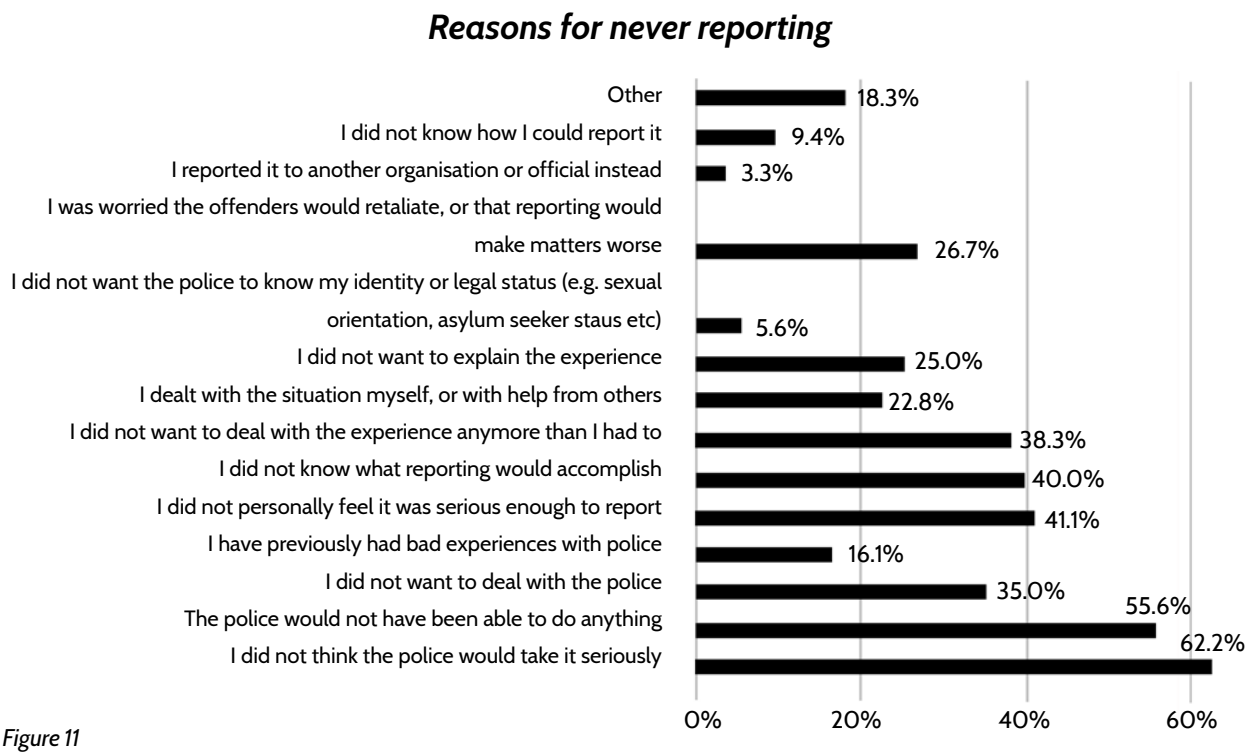

Figure 11

2.4 Patterns of targeting

In-between those who directly reported that they had experienced hate crime, and those who said that they had not, or were uncertain, but who also reported criminal targeting based on a protected characteristic of hate crime law, 46% of our respondents could be identified as having experienced hate crime (see fig. 4 above). A number of individual groups experienced hate crime rates higher than this overall rate, with particularly high rates being reported by transgender people[4] (88.5%), gay or lesbian people (81.8%), and disabled people (76.3%), within our sample. Particular ethnic and religious groups, including those of "other mixed" (66.7%), and "other Asian" (65.2%) backgrounds, as well as Jews (65.0%), also experienced relatively high rates of hate crime[5].

Our data reveals varying patterns of criminal targeting for different groups. For example, roughly three times as many women reported being threatened with sexual violence than men (45.2% vs 16.2%) or being subject to sexual assault (42.7% vs 12.5%). Meanwhile, roughly half as many women than men reported threats of physical violence (40.0% vs 73.6%) or experiencing physical assault (29.4% vs 61.4%). Similarly, Muslim respondents reported strangers making threatening or demeaning comments nearly twice as much as any other form of criminal targeting, while Jews reported particularly high rates both of threatening or demeaning comments from strangers and of non-consensual touching

[4] For the purposes of this report, we take transgender identity as those who reported that their current gender does not match their gender assigned at birth, but then excluding those who left comments indicating that they answered these questions in this way because they prefer the concept of sex to gender, and do in fact believe they have had a consistent sex identity. This results in 26 people in the sample who we identify as trans. A narrower definition of transgender identity might involve those who currently identify either only as male or female but who agree that their present gender identity does not match that assigned at birth. This narrower measure identifies 12 people as transgender in these terms, of which 75% report experiencing hate crime.

[5] All inter-group analysis, here and below, excludes those groups with fewer than 10 respondents within the group or sub-group being considered.

which was threatening or demeaning. Or again, people from Caribbean (36.4%), Pakistani (37.7%) mixed 'white and black' (35.7%) and "'other' mixed " (46.7%) backgrounds were more likely to report criminal targeting on the basis of race than others. In broad terms, those with multiple protected characteristics repeated higher rates of targeting across all forms of crime, while – when considered in isolation – no particular religious or ethnic group stood out as disproportionately targeted.

For five criminal offences[6], we also asked why people felt they were targeted, giving the options of 'gender', 'race', 'religion', 'sexuality', 'age', 'disability', 'another reason, or 'don't know'. Respondents were allowed to select multiple reasons. This resulted in 1964 reports of identity-based targeting (fig. 9), of which 970 would be instances of hate crimes under current law. 15.1% of those criminally targeted were unsure of the reasons behind this, while 29.5% of all instances of criminal targeting were perceived as motivated by more than one personal characteristic.

Gender was by far the most widely given reason for why people felt themselves to be targeted. Within the 953 cases of targeting on the basis of race, religion, disability or sexuality[7], which would constitute hate crime under current law, 319 (33.5%) identified gender as an additional motivating factor, while out of the 199 cases involving age-based criminal targeting, 135 (67.8%) identified gender as an additional motivation. Conversely, of the 1,964 instances of identity-based criminal targeting, 358 (18.2%) were perceived as motivated by gender and not by any other protected characteristic.

Of those who experienced a current form of hate crime, and identified gender as an additional motivating factor, 81.2% were female, and 8.05% were male. Meanwhile of those who experienced gender-motivated criminal targeting in general 84.4% were female, and 4.6% were male – comprising 31.8% of all women and 9.9% of all men within the sample. For those where age was an additional motivating factor in hate crime 25.0% were 18 or below and 6.3% were above 65, while for age-motivated criminal targeting in general, 29.4% were 18 or younger, while 7.4% were 65+. This meant that 8.8% of those below 18 and 25.6% of those above 65 within the sample had experienced age-based criminal targeting. However, 24.1% of those aged 19-24, and 25.9% of those aged 25-34 also reported age-based targeting. Unlike for gender, then, age-based targeting did not centre on one particular group and was instead more evenly distributed across age sets.

[6] The specific questions asked were: A stranger or someone I know has made aggressive or demeaning comments towards me. I have been threatened with violence. I have been threatened with sexual assault. I have been physically assaulted. I have been sexually assaulted.

[7] Transgender identity is excluded here, because our survey design did not allow us to differentiate between those transgender people who felt targeted specifically on the basis of their transgender identity and those who may have felt targeted on the basis of their transgender identity, as well as another element of their gender identity.

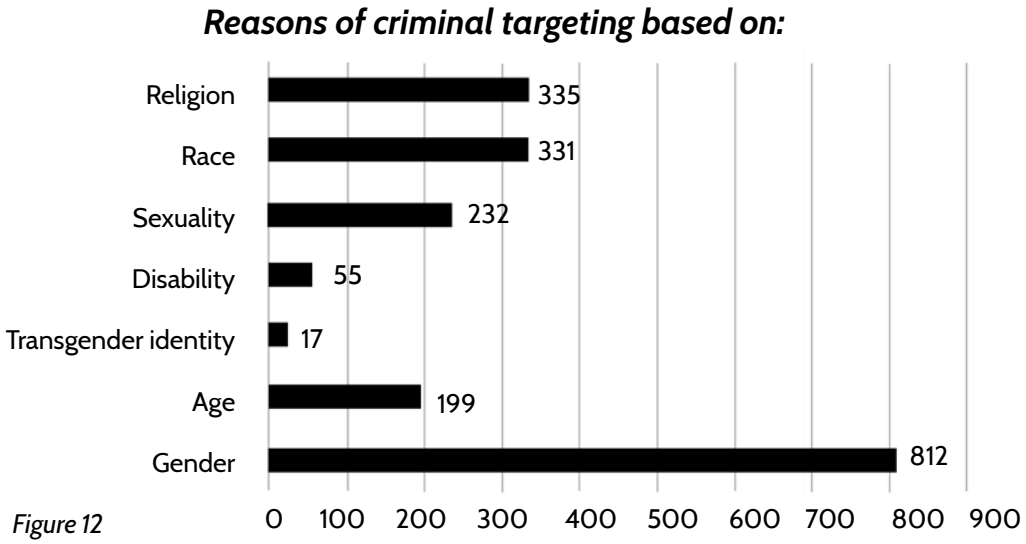

Figure 12

Perceived motivations varied across different offences. For example, threats of violence were most commonly perceived as motivated by gender (32.1%), followed by other (27.3%), by religion (18.9%) and then by race (17.0%). In contrast threats of sexual assault were most commonly seen as motivated by gender (64.4%), by other (18.6%), sexuality (13.6%) and age (9.7%). Out of the personal characteristics listed, gender, race and religion were listed as the most common perceived motivations for criminal targeting, typically in that order.

Recency and frequency are two important dimensions of variation. We asked respondents how recently they had experienced various types of targeting. About one third of those who had experienced public order offences (threatening or demeaning comments) reported that such experiences took place within the past month, while two thirds reported such experiences within the past year. In contrast 6.9% and 3.2% reported threats of violence or threats of sexual assault in the past month, respectively, while 2.1% and 0.7% reported physical or sexual assault. 67.2% of respondents reported experiencing public order offences within their lifetime, 46.9% threats of violence, 42.1% threats of sexual assault, 36.4% physical assault, and 38.9% sexual assault.

Leaders from Greater Manchester Citizens listen to representatives from the Law Commission

What is striking is that the gaps between different offences, that are present in the short term, close significantly over the long term. So, for instance, in our sample while public order offences are 18 times more common than physical assault, and 95 times more common than sexual assault in the past month, over a lifetime this ratio drops to 3 times and 6 times respectively. Similarly, the proportion of those experiencing physical or sexual assault over their lifetime are quite similar, at 36.4% and 38.9%. Given the deeply damaging and traumatic potential of such incidents, this suggests a need to look at patterns of targeting both in terms of short-term causes and patterns, but also the broader social patterns and causes which make much wider populations susceptible to such crimes in the long run.

We also asked respondents how frequently they were targeted on the basis of personal characteristics. Fig. 13 shows the frequency of targeting for those with experience of each form of hate crime or identity-based criminal targeting. This reveals that victims of disability and transgender-identity based hate crime are more likely to experience frequent targeting, and that a majority of these groups felt that they were targeted frequently or very frequently. Next, gender-based criminal targeting, and race hate crime, occurred reasonably frequently, with only 23.5% and 27.9% reporting that such incidents occurred rarely, or very rarely. On the other end of the spectrum, age-based criminal targeting was reported as the least likely to recur, although 20.3% of victims nonetheless reported that such experiences occurred frequently or very frequently.

Broken down by groups, those of African (11.5%), Pakistani (11.8%) and various "other" non-white ethnic backgrounds were the most likely to say they were frequently targeted on the basis of race, while the large majority from English, Welsh, Scottish and Northern Irish backgrounds (93.1%), and those of "other White" backgrounds (85.18%), said they were rarely targeted. On religion, Muslims (11.1%) were the most likely to report being frequently targeted[8] with 5.35% saying they were very frequently targeted, while large majorities of Hindus (100%), those identifying as Atheist/Agnostic (95.75%) and Christians (87.4%) reported rarely being targeted. For gender-based targeting those with non-binary/gender-non-conforming, or transgender identities (53.6%), and women (12.6%) reported frequent targeting (vs. 2.19% of men), while 93.4% of men reported they were rarely targeted. Finally, by age, only the 25-34 age bracket reported rates of frequent targeting above 10% (at 11.1%)[9] .

In terms of recency and frequency, gendered patterns are particularly revealing. While 62.5% of women reported having received threatening or demeaning comments from strangers, versus 80.7% of men, women were more likely to have experienced this recently – with 27.4% of women reporting such experiences within the last month, and 10.7% within the last week, as opposed to 20.4% and 8.0% of men, respectively. This gendered gap in recency exists for all the forms of criminal targeting we asked about, except for criminal damage, and

[8] 15% of Jews also said they were "frequently' targeted", (0% saying they were very frequently targeted) but when broken down by frequency of targeting, there were fewer than 10 Jews reporting frequent targeting – falling below our threshold for statistically meaningful comparison.
[9] 11.8% of those in the 55-64 bracket also reported frequent age-based targeting, but as with Jews above, there not enough individual responses within these categories to draw meaningful conclusions.
[10] This comparison also excludes sexual assault, where there was not enough data on male victims to make a useful comparison.

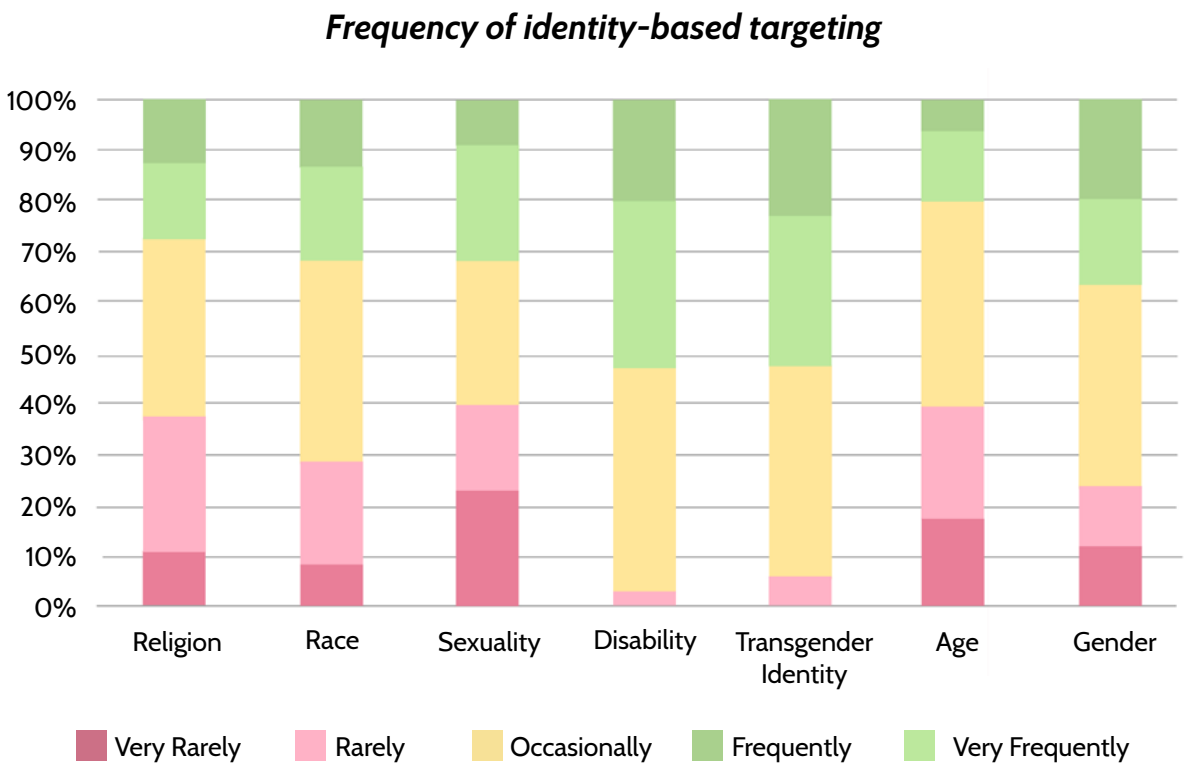

Figure 13: Reports are on an individual basis.

for threats of violence, where rates were roughly the same for men and women[10].
The fact that women report more recent experiences of targeting strongly suggests that these women are experiencing these forms of crime more frequently; if a larger proportion of women are being targeted each month or each week, we can also expect that it is more likely that women will become repeat victims over the course of a year or lifetime.

Our data on reported frequency, however, contradicts this: when asked how often they faced threatening or demeaning behaviour towards them based on the different characteristics protected within hate crime law, women on average reported being targeted less frequently than men for every characteristic except disability and gender.

This gap between recency and frequency has two possible explanations. It may be the case that there has been a recent increase in the extent to which women have been targeted – so that women as a group disproportionately have recent, but not long-term, experience of targeting. The CSEW, however, reveals that in terms of crime in general, the ratio of male to female victims has remained relatively steady over the last decade (Ministry of Justice 2017). Alternatively, this gap may reflect a tendency for women to normalise hate crime more frequently than men – so that they recall recent incidents but more readily forget or mischaracterize less recent experiences and the overall frequency of the targeting they face. Indeed, criminologists have demonstrated that "recall of victimization experiences deteriorates exponentially even over the relatively short period of a year" (Farrell et al 2001: 243). Victimization studies also suggest that while men are more likely to be victims of crime in general, women are more likely to experience repeat victimization (Gabor and Mata 2004; Warnken 2014), and that this may especially be the case for ethnic minority women (Matos et al 2014).

Taken together, this evidence suggests normalization as a more likely explanation. Indeed, women in the focus groups highlighted how early, often formative experiences impressed upon them the idea that gendered targeting and a corresponding sense of powerlessness, were simply normal (see also 4.1 below):

> *One of the things that hit me, is it becomes so ingrained because it starts so young... when I first experienced sexual violence I was in foster care, and seriously – the foster care mother read my diary, where I detailed what had happened, and then brought me into a room with him to ask, and then when I said 'no', because obviously I was in the room with him, and I was twelve, I was accused of having lied. And they tried to bring it up with the police, and press charges against me, for slander – in my diary! And that was considered normal, and the police officers read my diary, and no one even decided to ask me about it. And that's with children! So it just goes to show – there's no protection against any of these things at any stage, and like it becomes so ingrained in your life, from day dot, which makes it ten times worse.* - (Focus group, Newcastle)

2.5 Impacts of targeting

To understand the consequences of targeting for victims, we asked participants to think of any experiences they have had of being targeted based on their identity in the last year, and to select all the impacts they had experienced. Those without such experiences in the last year were asked to skip this question. Fig. 10[11] summarises these results, with percentages given as a proportion of all those who responded. On a general level, the proportion of victims reporting severe impacts is striking. For instance, 12.1% of victims reported suicidal thoughts in the past year, as opposed to an average of 5.4% who had experienced the same within the general English population (McManus et al 2016). Similarly, at 61.8%, reported rates of anxiety were much higher than those in the general population, 5.9% for those with symptoms of generalised anxiety disorder (ibid).

Research on the comparative psychological impacts of hate crime demonstrates that the psychological impacts of hate crime are more pronounced than the comparative general form of crime – e.g. for gay men (Cramer et al. 2012; and see also cross-group studies in: Iganski and Lagou 2014; Lader 2012; McDevitt et al. 2001). Using existing studies on the psychological impacts of various crimes, it is possible to draw rough comparisons of our own. Analysing CSEW data, Lader (2012) found that 39% of hate crime victims felt fearful afterwards, versus 14% of those who experienced non-hate crime. 64.3% of our sample reported experiencing fear in the aftermath of a hate crime experienced in the past year. Similarly, for instance, research on physical assault victims suggests that 14.9% report suicidal ideation, measured against a general-population baseline of 6.8% (Kilpatrick et al 1985). In a separate study 92 out of 414 victims of assault (22.2%) reported suicidal thoughts, planning or attempts (Simon et al. 2002). In contrast, in our sample, among those who had experienced physical assault hate crimes in the last year, 47.1% responded that "the experience made me suicidal".

[11] Some participants responded to this question on the personal impacts of hate crime experience, despite reporting that they have never experienced hate crime. As such, the results here are only for those with self-reported or survey-measured victimization experience, rather than for all those who responded to this question.

Leaders from Greater Manchester Citizens welcome representatives from the Law Commission to their public hearing

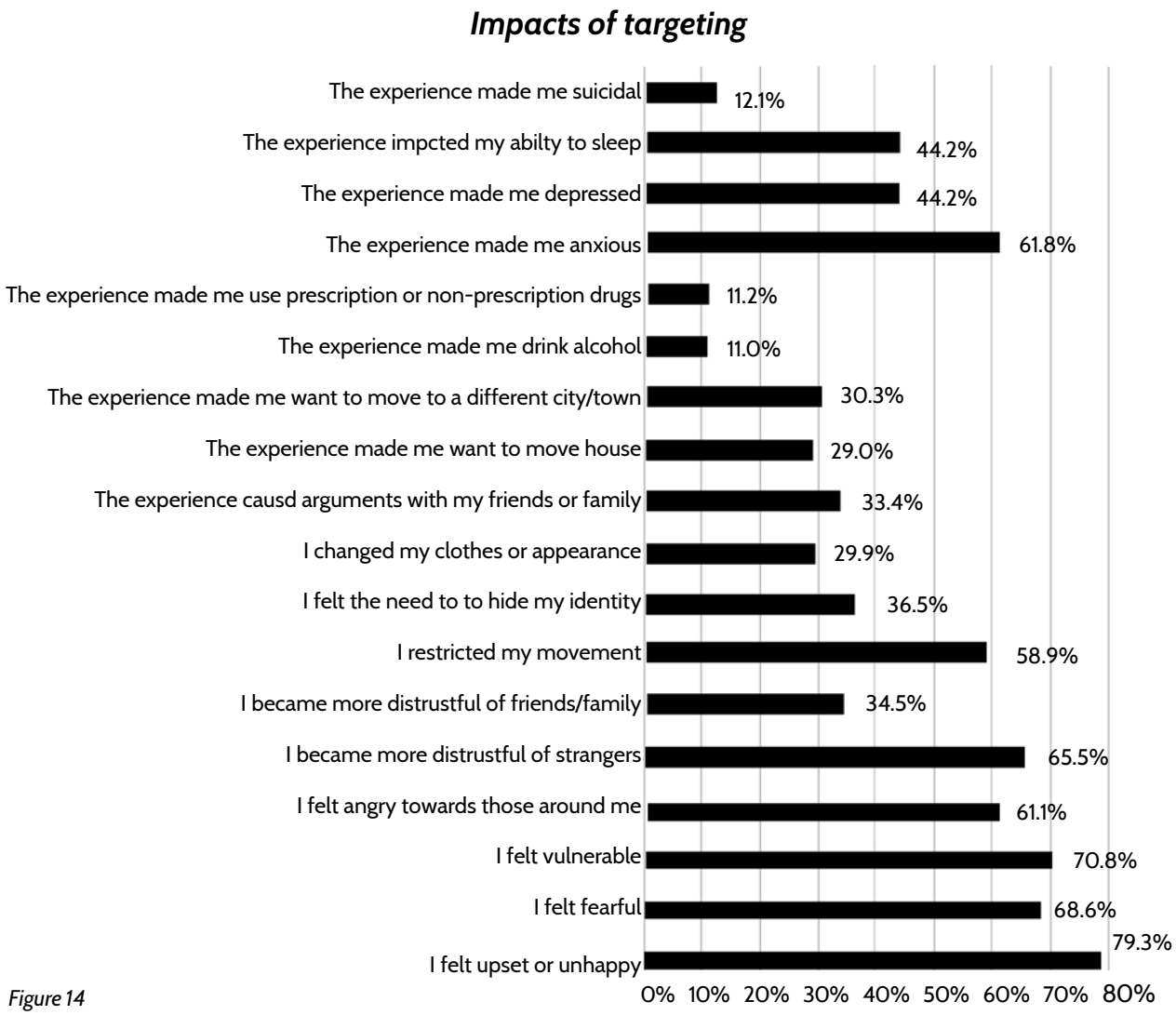

Figure 14

Different forms of hate crime tended to generate different rates of impact. On average, across all measures, those who experienced hate crime motivated by disability, transgender status, and sexuality had the highest rates of impact, at 67.0%, 64.6% and 58.1% respectively. In general, however, impacts varied across personal characteristics. For example, men were significantly more likely than women to report feeling the need to hide their identity (46.5% vs 25.8%), while women were more likely than men to report becoming distrustful of friends/ family (38.0% vs 24.5%). Likewise, Muslims (41.9%) reported the highest rates of depression, but only the fourth highest rates of anxiety (58.8%) after Christians (61.9%), "other"religious groups (76.5%) and Jews (85.7%)[12]. Transgender participants and those with disabilities had especially high rates of impact across most measures.

Those who reported being criminally targeted on the basis of multiple protected characteristics under current hate crime law, tended to experience higher rates of impact. For example, those who experienced race hate crime, which was additionally perceived as motivated by either their religion, sexuality, disability or transgender identity, 80.7% reported restricting their movement, versus 74.4% of those who reported being targeted on the basis of their race alone. Being targeted for multiple characteristics was associated

[12] Once again, for those groups with 10 or more participants answering this question.

Robyn Ashworth-Steen of Jackson's Row synagogue shares experiences of how misogyny and Anti-Semitism intersect, at a Law Commission hearing

with higher impacts resulting from race hate crime for all impacts except for alcohol use and becoming distrustful of friends/family. On average, being targeted on an additional factor was associated with a 2.6% increase in the rate of impact from race-motivated hate crime.

Looking at gender and age, as additional motivating factors in instances of hate crime, we find that both are associated with increases in impact. For gender, on average there was a 4.6% increase in the rate of impact from the base impact rate for all cases of hate crime[13], with the change in particular impacts ranging from a 10.5% increase in feeling vulnerable, an 8.5% increase in anxiety, and an 8.2% increase in depression, to a 1.2% decrease in suicidal feelings. For age there was a 6.3% increase in the rate of impact, with the change in particular impacts ranging from a 15.6% increase in rates of depression, a 14.1% increase in rates of impacted sleep, and a 10.1% increase in people changing clothes or appearance, to a 2.1% decrease in suicidal feelings.

The average rate of impact for gender-based criminal targeting (53.1%) and age-based criminal targeting (52.1%) was similar to that of existing forms of hate crime, with disability hate crime at 67.0%, race hate crime at 54.9%, religious hate crime at 52.3%, sexuality hate crime at 58.1% and transgender hate crime at 64.6%. If the impacts of hate crime tend to be above those of non-identity-based crime (Iganski and Lagou 2014; Lader 2012; McDevitt et al. 2001), then these similar rates suggest that this is also true for gender and age-based targeting. Each of these forms of targeting, however, was also associated with partially distinct patterns of impact. For example, alongside gender (see above), disability and transgender hate crime were particularly associated with heightened feelings of vulnerability. Likewise, while the prevalence of certain impacts, such as feelings of fear or vulnerability, were similar for both racial and religious hate crime, in other cases such as becoming distrustful of friends/family or developing feelings of anxiety, race hate crime had higher impact rates. These variations in impact point to how each form of targeting operates in distinct ways.

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[13] Here, the comparison for both gender and age is for all cases of hate crime where one or more perceived motivating characteristics were identified.

Young leaders from South London Citizens are interviewed following their public action at Lewisham Police Station in July 2018

2.6 Covid-19, hate crime and everyday vulnerability

The Covid-19 pandemic and related lockdown measures have majorly transformed the ways in which hate crime and other forms of identity-driven targeting are perpetrated and experienced.

Certain groups, such people of South- and East-Asian backgrounds have become more frequent targets for hate crime. This increase in incidents has been connected to the Covid-19 pandemic, with many incidents evoking on racist stereotypes which associate people of Asian background with the virus or its spread (Beever 2020; Grierson 2020b).

Other forms of identity-motivated targeting, which currently do not count as hate crimes, have also increased. For instance, calls to the government-funded revenge-porn helpline doubled around the start of lockdown, while the National Domestic Abuse helpline saw a 25% increase in calls, and the website for the helpline saw a 150% increase in visitors over a similar period (Grierson 2020b; Kelly and Morgan 2020). A survey of one thousand 14-21 year old girls conducted by the children's charity Plan International UK (2020) found that 19% of girls have experienced street harassment during lockdown, and 18% of those targeted feel harassment has gotten worse during the lockdown period. Qualitative accounts suggest a similar increase in street harassment, not only for girls but for all women, despite the more confined circumstances of lockdown (Bates 2020). Likewise, the first three weeks of lockdown saw the rate at which women were murdered by men shoot up to double the long-term average rate (Grierson 2020a; Smith 2020).

Having conducted our own survey and focus groups for this report during 2019, we thought it was important to update our understanding of hate crime and other forms of identity-based targeting to include an understanding of how the pandemic has impacted people. To do so, we organised a video-conference focus group in July 2020 with Citizens UK members from across the country, which attracted 31 participants. In addition, members of the research team also conducted one-to-one conversations with a number of leaders within Citizens UK member institutions.

These conversations revealed that some Muslim groups had experienced an increase in verbal assault and harassment in public, often based around the prejudicial belief that Muslims were defying lockdown measures to gather communally and so were spreading the virus. As such, mosque leaders expressed anxiety around re-opening when this was legally permitted, fearing the targeting of congregants outside. Likewise, leaders from charities supporting migrant and undocumented groups reported an increase in public targeting for many of their members and clients.

Most of our respondents, however, did not report any experiences of hate crime during the pandemic or lockdown period. Instead, they highlighted how Covid-19 and the lockdown had exacerbated many forms of everyday vulnerability, especially for women. Respondents highlighted heightened challenges around financial security, and mental and physical health. There were reports of increasing workplace exploitation, where increased workloads and other uncontracted demands were imposed by using threats of firing or furlough as a lever. Others struggled to find work, with charities noting that pregnant women were being especially discriminated against. These challenges could feed into mental health issues, which were already being exacerbated by the lockdown.

Multiple past victims of hate crime mentioned that mental health issues stemming from or made worse by their experience of victimization were now posing a further challenge during lockdown. Finally, challenges with employment and furlough, issues with the Free School Meals programme, and inaccessibility of other relief programmes such as that for period poverty, all had meaningful impacts on people's physical health.

What's notable about these challenges is that while most of them did not stem directly from experiences of hate crime or identity-based targeting, they often compounded the consequences of such experiences, or else led to similar outcomes. For instance, mental health issues or a loss of financial security, and, so, confidence, could lead people to curtail their movements, or to become increasingly anxious.

Many of our respondents had experienced some form of identity-based targeting or hate crime in the past, and were now experiencing similar impacts, but for different reasons. Meanwhile, everyday vulnerabilities during Covid-19 were especially pronounced for women and members of minority groups. In other words, our follow-up conversations revealed how experiences of hate crime and targeting often intersect or compound with other experiences of identity-related disadvantage or vulnerability, to produce an encompassing and taxing set of constraints and harms.

> *"Late evening someone posted a photo [of some graffiti] of the chilling words "Die Jewish" on our Birmingham Nisa Nashim WhatsApp group.The support from our Muslim sisters was immediate. I shared it to the Citizens UK WhatsApp group and again got immediate support.*
>
> *By planning on WhatsApp, by 2pm the next day around 10 of us congregated there. I'd phoned the local MP who came over too. And one of the local police team came happy to test the new graffiti removal kit. We put up bunting and left a message in chalk.*
>
> *It was a shock to see this on the streets of the city I love but it really felt that the Jewish community wasn't alone in saying there's no room for hate in Birmingham.*
>
> *-Community Leader in Birmingham"*

3.0 Framing hate – who should be protected?

Because hate crime is a concept which emerged gradually from campaigning, law, media and politics, it has always been a slippery concept, often taking on multiple meanings, and with different groups contesting the definition and validity of hate crime.

This section begins by reviewing several recent attempts to re-think what hate crime should entail in the UK. Drawing on the fact that all existing attempts to define hate crime relate to targeting on the basis of identity – even if they sometimes attempt to move beyond this – we then ask what it is about identity-based targeting that is distinct, across different groups.

We find that above and beyond any group identity or demographic characteristic, it is experiences of systematic oppression which provide the strongest predictor for increased criminal targeting and heightened impacts from identity-based targeting. This leads us to suggest a framework for thinking about hate crime that centres oppression, in determining who should be protected and how. Given the close relationship between hate crime and such oppression, how might we reimagine hate crime laws to protect the most vulnerable?

3.1 Existing approaches

In the UK, scholarship attempting to re-envision hate crime law has prominently clustered around the work of Neil Chakraborti and Jon Garland, initially both at the University of Leicester, and Mark Austin Walters, at Sussex University, with both clusters attempting to rethink what hate crime is and who should be protected. Other work attempting to rethink hate crime has come from scholars including Aisha K. Gill and Hannah Mason-Bish, Nathan Hall, and Loretta Trickett.

Chakraborti and colleagues have prominently called for hate crime laws to be reimagined around understandings of vulnerability and difference (e.g. Chakraborti and Garland 2012; 2014). They have highlighted that "hate crime victims can be targeted because they are seen as being especially vulnerable or 'different' in the eyes of the perpetrator through the interplay of multiple identity characteristics, situational factors and prevailing social and economic conditions within different micro-spaces" (Chakraborti and Hardy 2017). In this framework, cultural conceptions of difference, informed by popular stereotypes, ideas and feelings, make victims broadly identifiable to perpetrators, often in negatively coded ways. Then, within particular instances, vulnerability emerges from how "hate crime perpetrators view their target: as weak, defenceless, powerless or with a limited capacity to resist" (Chakraborti and Garland 2012: 507). This perception of victims as vulnerable can come from multiple sources, including personal characteristics, popular stereotypes or forms of stigma, socioeconomic factors and situational considerations.

Humaira Saleem, Headteacher at Iqra Primary School, and leader with Lambeth Citizens addresses the Law Commission

Photo: Jean Jameson

Chakraborti and colleagues have used this framework to argue for widening hate crime laws, so that perceptions of difference and – especially – vulnerability are considered in addition to, or instead of, a given list of protected characteristics. They claim that this would be logistically straightforward: "Many states use forms of bias motive as a factor that can result in a penalty enhancement for a criminal offence. Targeting someone because of their vulnerability could be one such factor that is incorporated into penal codes without overhauling existing hate crime laws" (Ibid: 508). They have argued that this approach puts needed emphasis on differences in experience, both within already-protected groups, and at the intersection of multiple forms of difference, and that it widens the lens on who deserves protection, pointing for instance, towards older people, deprived communities, and, in particular, subcultural groups.

Garland (2010, 2014) has argued for the protection of subcultural groups on the grounds that subcultural identity creates both heightened individual harms and collective vulnerability: "their subculture is a central and vital part of their lives... It involves high levels of long-term commitment that generate a sense of solidarity and community... Attacks... therefore do impact on their wider community and can therefore 'hurt more', just as hate crimes... also do" (Garland 2010: 173). In addition, Chakraborti and Hardy (2016) have also argued for parity between different protected characteristics and hate offences.

Mark Walters and colleagues have outlined a more detailed set of options for law reform, based on a recently completed project assessing the application of hate crime laws and sentencing provisions in England and Wales, which drew on case analysis and interviews with a range of actors across the legal process. Based on this, they advocate expanding the CDA to cover all protected characteristics, and ideally a wider range of offenses, or else creating a new Hate Crime Act, where all statutory crimes can be charged as an aggravated offence, leading to a mandatory sentencing uplift within existing sentencing maxima, for all protected characteristics (Owusu-Bempah et al. 2019; Walters et al 2017b; 2018).

They also advocate replacing the need to prove either hate-based motivation or a demonstration of identity-based hostility with a "by reason" test, where prosecutors would be required to demonstrate that victims were targeted on the basis of a protected characteristic. They stress, however, that this approach "is not an attempt to make vulnerability central to prosecuting hate crime" (Walters et al 2018: 983), and that this test should remain linked to a list of protected characteristics which identify disadvantaged groups. They argue such groups merit protection on the basis that they are subject to historical patterns of exclusion and collective stereotypes about their worth as human beings, and who, as a result, both are more vulnerable to further victimisation and experience group-level impacts (see e.g. Patterson et al 2019; Walters et al 2019), such as heightened vulnerability or fear, when individuals are targeted on the basis of their identity.

Walters and Tumath (2014) have also argued for the inclusion of gender as a protected characteristic within UK hate crime law, on the basis that patterns of targeting, perpetration and impact fit those of other hate crimes, and fundamentally because gender-driven crimes, such as rape, are motivated by or target the stereotyped, collective dimension of women's identities (their gender) and as such have collective consequences for women as a whole.

Women leaders from Greater Manchester Citizens address the Law Commission

Gill and Mason-Bish (2013) have also explored the potentials for making gender a protected characteristic within hate crime law, through interviews with activists, professionals and volunteers within organisations working around violence against women. They note the mixed and complex responses they received, which nonetheless tended towards general support for making gender a protected characteristic. They conclude that this would be a "logical and coherent application of the hate crime concept" with the potential to highlight, challenge and redress some of the targeted victimisation women face. In assessing this case, they also highlight "both the impact of intersecting axes of marginalisation... and the broad structural processes that lead to women being seen as 'normal' targets of abuse" (ibid: 10), which they argue are not sufficiently considered within current hate crime laws, or within the broader process of criminal justice. Mullany and Trickett (2018) have likewise argued for recognising gender as a protected characteristic within hate crime law, based on their evaluation of the Nottinghamshire policy, where the police agreed to recognise misogyny as a hate crime (see Ch 4 below).

Finally, a number of scholars looking at experiences of hate crime victims across the justice system have made an argument for a more joined-up and multi-dimensional response to hate crime. In terms of criminal law, they have emphasized the need for more clarity, but also tended to emphasize measures beyond the current criminal justice system, including community-based education and preventative measures, and a restorative justice approach as an alternative or supplement to traditional criminal sentencing (Hall 2012; Trickett 2016; Walters 2014; Walters et al 2018).

3.2 What determines targeting?

In order to be able to explore which groups might be left out of hate crime protections, our survey asked all respondents, irrespective of background, questions about experiences of crime, as well as questions about a range of everyday experiences and views. One of our concerns in designing these questions was to be able to understand the patterns behind how and why people were targeted.

One question we wanted to understand was how hate crime related to everyday patterns of oppression (see 3.3 below). The term oppression can sometimes imply a relationship of intentional domination, such as in cases of conquest or slavery. This is not our intended use here. Rather we use the term to point to unequal and systematic relationships of

[14] At a p-value of $p<0.005$, although few characteristics were even significant at $p<0.05$ (see Appendix Y).

power, prejudice and exclusion, where some groups are more able than others to act freely, be judged positively or to pass without being judged, and to take part in society. Such relationships of oppression may emerge from conscious animosity, but they may also emerge from unconscious bias, inequalities in resources and capabilities, and institutional rules and patterns of behaviour. We use the term oppression to describe such relationships because it highlights the ways in which forms of bias, inequality and exclusion can become systematic, encompassing groups collectively, and because the term highlights the fact that for those who experience them, such relationships are experienced as a disempowering, external constrain on behaviour and choice.

To investigate this, we created an index of 11 everyday experiences and 13 views related to experiences of powerlessness or exclusion on the basis of one's identity. These followed the approach of Peggy McIntosh (1989) in identifying some of the everyday experiences that vary in meaningful ways between those with and without privilege. These included experiences such as having to avoid certain places to remain safe or having one's Britishness questioned, and views such as whether respondents would be treated fairly by the police, or whether respondents are often viewed as less capable than they feel they are. All experiences were scored on a 5-point scale in terms of recency, and views were scored on a 5-point agree-disagree scale (see Online Appendix A for the questions used). Individually, such experiences may occur due to chance and circumstance, and most individuals will have had some experiences in this vein. However, when such experiences occur more frequently and across a range of different domains, then this is more likely to relate to a systematic pattern. By constructing an index, we were able to measure the extent to which such experiences are systematic.

We ran regression analyses on a range of demographic traits – including all protected characteristics currently covered under hate crime law, age, and gender – to determine which factors correlated to both general experiences of criminal targeting, and to heightened impacts from identity-based targeting (see Online Appendix B for detailed results). Most variations in protected characteristics, age and gender were not found to predict either criminal experiences or the impacts of identity-based targeting[14] , with the exception of transgender identity for criminal targeting, and disability for the impacts of targeting. In other words, no racial, religious or sexual identity alone was found to be a good predictor of who faced heightened criminal targeting or heightened impact; experiences varied within these groups. Including measures for visible disabilities and for those who were visibly religious resulted in the same outcome. Our measure of oppression, however, was found to robustly predict both criminal experiences and the impacts of identity-based targeting, and to account for a significant extent of the variation in both outcomes (fig. 15 & 16).

Everyday marginalisation and frequency of criminal experiences

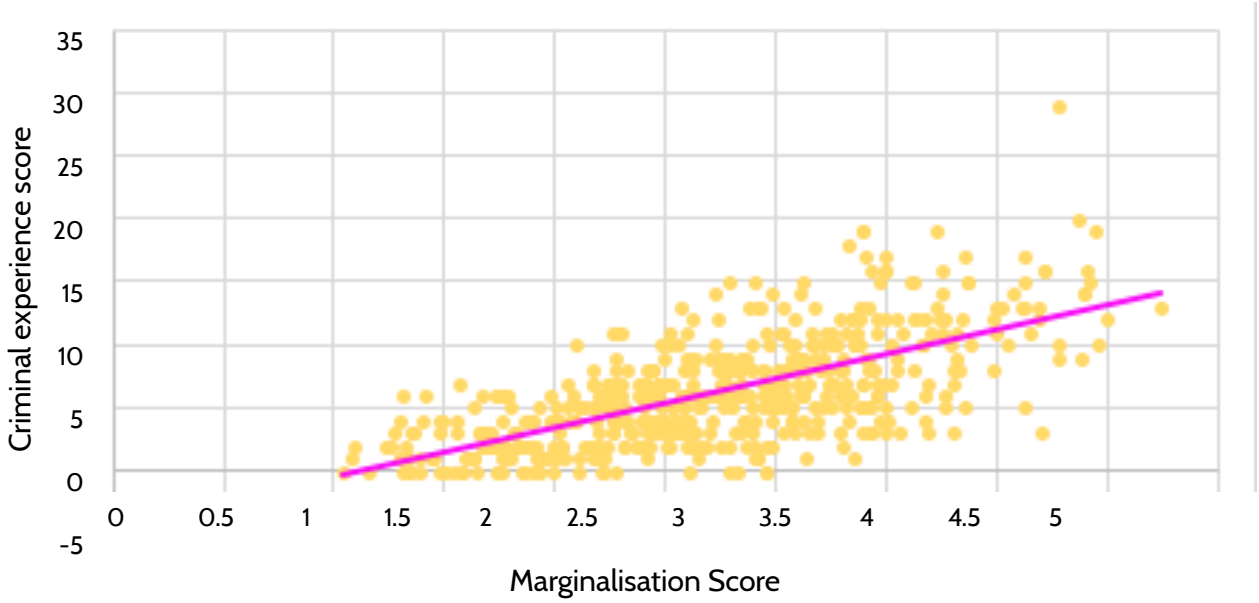


Figure 15

Everyday marginalisation and impact of identity-based targeting

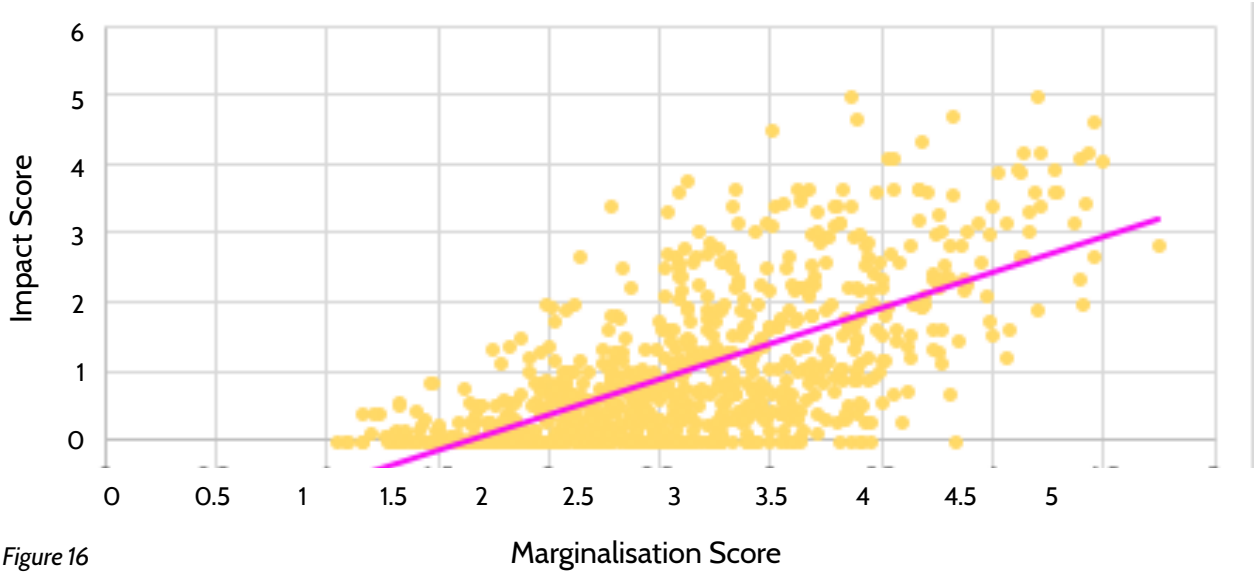


Figure 16

What this means is that while our data suggests that identity-based criminal targeting has higher impacts than ordinary crime, it also suggests that simply belonging to a group with a protected identity is not robustly associated with being targeted, or with experiencing higher impacts of identity-based targeting. Instead, our analysis suggests that it is fundamentally experiences of oppression which are linked to the harms of hate crime, both in terms of prevalence and impact.

This link between hate crime and more everyday forms of exclusion emerged not only through our quantitative analysis but from some of our focus groups as well, where participants highlighted everyday forms of hostility, prejudice and exclusion as existing on a continuum with criminal targeting, and often enabling it:

> *[W]hat I will say is that more recently I think people are a bit cleverer at saying it overtly, and that's a big problem in reporting it to police – because they seem to focus on 'did someone call you a p**i or a n****r or whatever'. But it isn't about that. The thing that gets me, even now is that look. You know, when someone's looking at you – because they don't want to sit next to you, or they don't want you to be – and articulating it to someone sounds like you're paranoid.*
>
> - (Focus group, Newcastle)

This may seem to suggest the need to move away from a list of protected groups towards a contextually-sensitive approach such as that advocated by Chakraborti and colleagues where hate crime laws protect all those who can demonstrate they were targeted on the basis of their perceived vulnerability. In our sample, however, outward markers of vulnerability such as old or young age, or being visibly religious or disabled, were not significantly associated with targeting or impacts. Rather, it was oppression which was most closely associated with both.

Oppression also has a contextual dimension – people may feel more powerless, unwelcome or discriminated against in some circumstances more than others – but it is arguably less contextually fluid than vulnerability, as oppression ultimately emerges from inequalities in power, capacity and social esteem. Whatever the challenges involved in determining perceptions of vulnerability on an ad hoc basis in the courtroom, then, the challenges in doing the same for oppression are likely to be even greater, both because patterns of inequality and exclusion are hard to identify concretely when looking only at individual cases, and because the relevant facts related to oppression and which are therefore linked to hate-based targeting, are in any case likely to fall beyond the scope of the offence in question.

This leads us to suggest that hate crime law retains its approach of protecting particular groups, on the basis of specified protected characteristics, but that it centres questions of oppression in determining who receives such protection. This suggestion aligns most closely with the work of Walters and colleagues, who suggest a list of protected characteristics but who also advocate determining culpability on the basis of a "by reason" test (see 3.1 above).

3.3 Oppression and a framework for protection

Oppression can take many forms, from racial stereotypes to economic exclusion. Often, for given individuals, forms of oppression may intersect in ways which either compound their impacts, or which give rise to distinct forms of impacts.

As opposed to ill-luck or circumstance, however, oppression is systemic, producing similar or related effects for the members of distinct groups, and is fundamentally a product of multiple, mutually-reinforcing forms of exclusion, stigma and/or constraint. Patterns of oppression may vary for different groups. In some cases, oppression may be predominantly cultural, where groups which include a range of economic backgrounds or social positions share a common experience of widespread prejudice, stereotypes or denigration. In other cases, economic, social and cultural factors may intersect. However, fundamental to different forms of oppression is the ways in which particular groups come to be systematically valued as lesser, in some way or another. Understood in relation to oppression, the argument that hate crimes have more pronounced and widespread impacts (see Chapter 2) can be understood as evidence that hate crime compounds oppression, further limiting individual freedom, security and wellbeing, normalising patterns of exclusion, and creating additional harms for collective groups.

To centre oppression within hate crime law, we suggest that protections be allocated on the basis of a 3-part test. Firstly, is the group the object of demeaning or exclusionary prejudices which are culturally widespread? The question of extent is crucial here – this test should focus on whether such prejudices can be shown to appear (normally to varying extent) across a meaningfully wide range of citizens and institutions.

Secondly, is the group defined by an identity which either:

> 1) Cannot easily be changed in the short term, in the eyes of a meaningful proportion of strangers or;
>
> 2) Is an identity which is fundamental to the enjoyment of basic rights? Another way to approach option b) within this question is by asking what the cost would be for members of this group to have to abandon or disguise this identity, in order to remain safe or in order to enjoy equal opportunities to others.

Third, is there a systematic pattern of criminal targeting based on this identity, demonstrable in group-level impacts, where group members feel incapable of, or significantly challenged in, enjoying basic rights for fear of criminal victimization?

Systemic patterns are always a matter of debate, but can be established through police and government statistics, as well as through the work of community and campaign groups who may be in the best place to identify and document such systematic patterns within certain groups.

This three-part test has particular implications for given groups under consideration within the current review of hate crime law (see table 1 below). For instance, it is unequivocally clear that in the contemporary UK black minorities, or Muslims are faced with a set of widespread prejudices. Likewise it is clear that they are defined by an identity that they cannot easily change in the eyes of others (race/ethnicity) or which relates to basic rights (religion), and that we can identify a systematic pattern of criminal targeting on the basis of this identity with rights-limiting, group-level impacts. Meanwhile, the same might not be as clearly the case for other groups.

Photo: Jean Jameson

Representatives from the Law Commission receive Citizens UK's "Missing Muslims" report on participation in public life among British Muslim communities

Test	Black ethnic groups	Muslims	Women	Homeless people	Older people	Identity-based groups (e.g. political party members)
1. The group is the object of demeaning or exclusionary prejudices which are culturally widespread..	✓	✓	✓	✓	✓	~
2. The group is defined by an identity which either a) cannot easily be changed in the short term, in the eyes of a meaningful proportion of strangers; or b) is an identity which is fundamental to the enjoyment of basic rights.	✓	✓	✓	✓	✓	~
3. There is a systematic pattern of criminal targeting based on this identity, demonstrable in group-level impacts, where group members feel incapable of, or significantly challenged in, enjoying basic rights for fear of criminal victimization.	✓	✓	✓	✓	~	x

Table 1

When it comes to age, these answers become more equivocal – in particular, reports of age-motivated targeting were not exclusive to either older or younger people, but was more distributed across age groups than may have been expected. This leaves matters unclear as to whether there is an age-related pattern of systemic targeting, with group-level impacts.

Even more equivocal are subcultural groups such as hippies, goths or those who champion political parties. Subcultural groups were not the focus of our own study, and so we cannot comment conclusively on them. However, while the academic scholarship arguing for the protection of subcultural groups does point to certain forms of animosity and targeting faced by such groups, this literature suggests that such animosity and targeting falls short of being a form of oppression and instead remains distinct in terms of the extent to which prejudices are

shared amongst a wide variety of individuals, in terms of the 'essential' nature of the identity at stake, and in terms of how systematic and widely constraining the targeting of such groups is (see e.g. Garland 2010).

In those instances where groups do not fall within this framework, we do not mean to suggest that they are undeserving of protection under the law. Rather we simply suggest that there is a meaningful distinction between those offences which become implicated in reinforcing systems of oppression, where the overall scope and depth of harms are difficult to adjudicate in court, therefore meriting categorical protection under hate cime law, and those which do not and which can be sentenced proportionally to harm caused under existing legislation.

Aligning with current scholarship, our findings have found that hate crimes are distinctive because they have more severe and widespread impacts, which curtail the exercise of basic rights, because they fit with and reinforce existing patterns of exclusion, stigma and discrimination, and because they become widely normalised for many of those who experience these. The next section looks at this picture of hate crime in relationship to the experiences of women in particular, and explores the case for making the targeting of women on the basis of their gender into a new hate crime.

4.0 Misogyny as a hate crime?

In 2016, Nottinghamshire Police became the first constabulary to begin recording hate crimes against women and girls, labelling such offences as "misogyny hate crime". Since then, three other constabularies have also adopted similar policies. The ongoing Law Commission review is considering the inclusion of sex or gender as a protected characteristic within UK law on hate crime, which currently protects 5 central characteristics: race; religion; sexuality; disability and transgender identity. Whilst "age" and "homelessness" are amongst other identity categories being debated over grounds for inclusion, this chapter focuses on gender-based victimisation, and explores the evidence and arguments for making it a hate crime.

4.1 The distribution and prevalence of gender-based targeting

In addition to targeting on the basis of existing protected characteristics within current hate crime law, our survey also asked about targeting on the basis of gender (see 2.4 above), which revealed that gender based targeting was in fact the most prevalent form of targeting within our sample. Even when excluding sexual assault and looking only at crimes in our survey which are currently covered as forms of racial/religious hate crime within the CDA, gender was identified as a motivation in 674 out of 1767 cases, or 38% of the time, followed by religion as the next most prevalent motivation, in 332 cases, or 18.8% of the time. Of these 1,767 cases, 396 (22.4%) were reported to be solely motivated by gender. Meanwhile, 33.5% of the 953 instances of race, religion, disability or sexuality-based crimes (i.e. current hate crimes, excluding those against transgender people[15]) within our study identified gender as an additional motivating factor. The question of whether gendered targeting should be a hate crime, then, needs to be examined both in terms of cases where gender is identified as the only motivating factor, and in cases where it is an additional motivating factor alongside other protected characteristics.

Participants also reported a high frequency of gender based targeting, with gender coming after only disability and transgender identity for frequency of targeting (see 2.4, fig 13 above). 53.6% of those with other gender identities and 12.6% of women reported being frequently targeted on the basis of gender, while 93.4% of men reported they were rarely targeted on this basis. As noted earlier (see 2.4), looking at the recency of identity-based targeting for women suggests that women may be broadly under-reporting the overall frequency of the identity-based targeting they face - meaning that these rates may likewise be an underestimate. Such underreporting may link to the ways in which gender-based targeting can simply become an everyday experience for many women, as some participants highlighted:

> *"I think some of us were really struggling to think of episodes or incidents that were a type of misogyny. But really I think the reason many of us were struggling to think of that is because it's become engrained... this type of behaviour, we've just grown up with it just to accept that, so we've all gone for the really big, shocking things, but what about the stuff we just live with, day in, day out, 365 days of the year?"* - (Focus group, Newcastle)

[15] In this chapter, we exclude crimes against transgender people from our comparative analysis, as our measure for this does not allow us to distinguish between instances where trans people may have been targeted specifically for their transgender identity, and instances where they may have been targeted on the basis of their gender identity (e.g. their perceived femaleness, maleness, or non-binary status) more generally.

Gender-based targeting disproportionately affects women. Whilst our survey found that, on average, men were more likely to be victims of existing forms of hate crime than women, gender-motivated criminal targeting was disproportionately experienced by women. 31.1% of all women sampled reported experiencing gendered-motivated criminal targeting, compared to 9.9% of all men. For men reporting gender-motivated criminal targeting, this was almost always as an additional factor, alongside targeting on the basis of other protected characteristics. There were only 3 instances where men reported being targeted solely on the basis of their gender, reported by 3 separate men comprising 2.1% of men in the sample.

In contrast, there were 411 instances of women reporting targeting solely on the basis of their gender, reported by 202 separate women, comprising 24.8% of women in the sample. If we again exclude sexual assault and look only at the subset of crimes in our survey covered under the CDA for racial/religious hate crime, there are still 192 individual women (23.6% of women in the sample) who reported crimes where they perceived gender as the sole motivation. In addition 103 individual women (12.7% of women in the sample) reported experiencing such crimes on the basis of gender as well as on the basis of race, religion, sexuality or disability - comprising 40.6% of all women with experiences of these forms of hate crime.

It is also clear that gender-motivated targeting entails distinct patterns and dimensions of victimisation. One might expect that gender-motivated targeting is largely related to threats or acts of sexual assault, which might appear to relate more obviously to gender than other offences. It is true that for sexual offences, gender was by far the most commonly given reason for why victims perceived they were targeted - at 64.4% for threats of sexual assault and 63.3% for sexual assault, with the next most prevalent reason, "other" reported by 18.6% and 24.3%, respectively. Likewise, those experiencing threats and acts of sexual assault report gender as a perceived motivation at higher rates than other offences. Out of a total of 227 individuals reporting threats of sexual assault, and 210 reporting experiencing sexual assault, 67.0% and 65.7%, respectively, reported gender as a motivation. In contrast, out of the 447 individuals reporting threats of violence and the 340 reporting physical assaults, 34.2% and 33.5% respectively named gender as a motivating factor. It is true, in other words, that offenses with a sexual dimension are disproportionately motivated by gender.

Photo: Jean Jameson

A leader from Greater Manchester Citizens takes part in a public hearing with the Law Commission

However, it is not true that gender-motivated targeting is confined to only sexual offences. When sexual assault is included alongside the CDA offences in our survey, there are 495 instances where participants reported being criminally targeted on the basis of their gender alone. As fig. 17 below shows, these instances are relatively evenly distributed across offences. In other words, our data shows that gender-motivated victimisation takes place across a range of offences. At the same time, our participants emphasised that many such offences contained a sexualised component:

"

I am frequently sexually harassed and occasionally physically assaulted. All of these incidents have happened in London within the last three years. In one, I was walking down a busy street in Camden in the early hours of the morning with a friend and an unknown man tried to drag me down a side street, gripping my arm very tightly. I had to scream and we both had to hit at him to get him to let go of me...Another time, I was walking... and was followed by a male stranger who kept asking me to show him around London, and grabbing my waist and arms. I kept telling him to stop following me, speaking to me and touching me and to leave me alone, and it wasn't until I got out my phone and told him I was dialling 999 that he left.

When I was in a bar and restaurant in Clapham Junction at 9pm on a weeknight with my friend, and a man kept coming over to our table trying to talk to us saying how pretty we were. We were polite at first but then I asked if he would leave us alone because I was trying to have a conversation with my friend and he turned round and started shouting at us in front of all the other guests that we were bitches, sluts and 'spunkbuckets' that he wouldn't waste his time on. The staff stood there and did nothing until I complained and asked him to be removed. He then came back into the same bar five minutes later and was laughing and joking with one of the waiters about what had happened. We left shortly afterwards as we did not feel safe.

I have also been on a busy tube train home from work at about 8am and a male stranger kept asking me where I was headed to and what my name was, calling me 'baby' and making 'mmm' noises. When I told him I was not interested in talking to him because I did not know him, he started yelling at me that I was a frigid bitch and he was only trying to start conversation. Everyone else on the carriage was silent the entire time; I was 24 then. I have also been pushed across the platform while trying to board the tube by a man who grabbed me by the shoulders and told me to 'fucking move, you bitch'. I have never been yelled at so loudly or aggressively in my life and was very shaken, which eventually led to a British Transport Police investigation for assault.

I have also been repeatedly groped in bars and clubs to the point where it is unusual if I am not groped on a night out. When I went out in Clapham for my birthday, a man tried to grab my bum and waist. When I told him to leave me alone, pulled away from him and kept walking away he shouted that I was a 'racist bitch who doesn't like chocolate men', and followed me around three different floors of the club, grabbing my arm harder. I had to find another man to intervene and pull him off me, and get a security guard, who threw the man out after questioning me over what happened because the man who assaulted me said that I had been harassing him.

I have also watched my friend get slapped in the face by a man in a club while students in Norwich, after he grabbed her breast. She pushed him away and he slapped her, saying 'she shouldn't dress like that if she didn't want to be touched'.

I think much of this has happened because I am a petite, blonde woman in her twenties and seem friendly and polite. I think while some of these incidents are motivated by sexual reasons, I have no doubt that they are also seeking to gain power over me because I am an unassuming woman - and the aggressive reactions and gender-specific insults when I've clearly refused them only strengthen this point. - (Survey response)

Distribution of instances of criminal targeting based on gender role alone

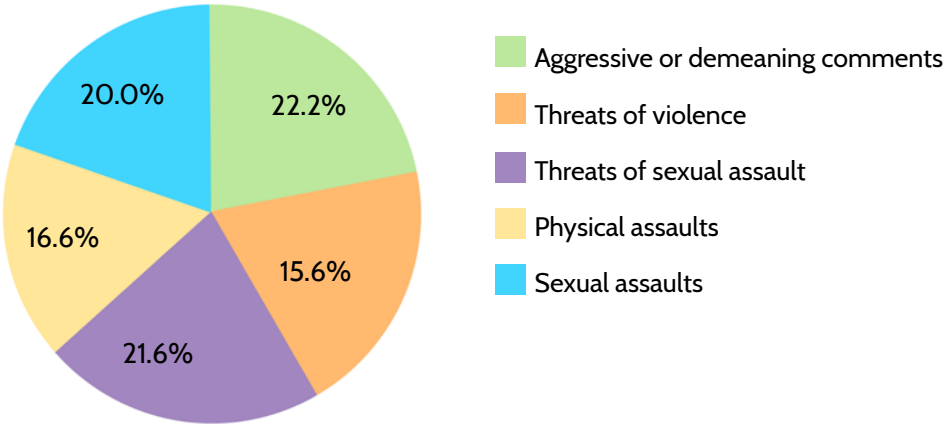


Figure 17

Currently, considerations around gender-based targeting within the criminal justice system are largely confined to sexual offences. Our data suggests that legislation designed only to protect against sexual offences risks failing the majority of victims who experience gender-based targeting - even if such legislation plays an important role in its own right.

In fact, it may be the case that the majority of sexualised targeting women face remains unacknowledged, or at least insufficiently acknowledged, within current legislation, insofar as it may constitute a dimension of other offences, rather than constituting the primary offence itself.

A growing body of research has come to emphasize that the sexualisation of women needs to be understood as a product of power and of culturally engrained, demeaning views of women, rather than as an expression of any well-meaning desire to connect (Marne 2017; Pratto and Walker 2004; Purcell and Zurbriggen 2013). In our study, every story shared by a woman relating to gendered targeting involved perpetrators – almost exclusively men – expressing a sense of entitlement to their bodies, personal space, attention or sense of identity. For the women in our study, then, gendered targeting was fundamentally linked to the sense of oppression they experienced on a day to day basis, where others held significant power over who they felt they could be or what they felt they could do. For many women, such entitlement was often expressed in sexualised terms – as reflected in the story above. As such, offences which may not have been perceived as primarily or entirely sexual, nonetheless often contained strong sexual elements. For example, aggressive or demeaning behaviour such as street harassment often involved sexualised demands, or comments on women's bodies or behaviours.

Women in our focus groups made clear that these incidents were not cases where men were sincerely trying to engage in conversation; the element of menace, entitlement or humiliation was clear. Reflecting this, in many of the stories women shared, declining verbal advances often quickly escalated into verbal or physical assault. Likewise, women reported responding to such sexualised targeting by restricting or changing their own behaviours in an attempt to ensure safety. Women reported not getting into taxis alone, fearing the night-time walk home, avoiding certain places and times, and constantly checking in on the safety of other women.

> *Since I was 11 or 12 I get comments, I get followed around in cars quite a lot by men of all different ages, throwing stuff out of their cars at me, often sexual approaches. I was at the bus stop at 5pm and 2 men were in a car and they drove up to the bus stop, trying to interact, they could see I wasn't comfortable, and when I had the confidence to say "I'm not comfortable, please leave me alone" and they proceeded to drive off and call me a dumb fat slag. When I speak to my black female friends they all have had the same experiences. If police understood – we would know where to go with these stories, where to bring car registration. But now, I'm stuck – where do I go for that help? It happens every day, I don't have the energy to seek justice, not just for myself but for every woman around me.*
>
> - (Focus group, Manchester)

4.2 Intersectionality

With over a third of all incidents of existing hate crime in our study also identifying gender as a reason why victims felt they were targeted, it's clear that gender plays an important role in the experiences of those who face other forms of hate crime. The question of whether or not to recognise gender as a protected characteristic, then, partly involves a question of what sort of difference gender makes in experiences of hate. This section considers the "intersectional" impact of gender. Our use of the term intersectionality here refers to the ways in which gender interacts with other forms of oppression, including those currently held as protected characteristics within existing hate crime law, in order to produce distinct effects. One focus group participant succinctly illustrated this dynamic:

> *I have the woman side of me, and the black side of me, and the Muslim side of me, so sometimes I feel like I'm battling all at once and sometimes I feel like I'm battling one at a time.*
>
> - (Focus group, Birmingham)

One issue involving intersectionality concerns what Walters et al. (2018) refer to as the "justice gap" around hate crime. This is where the estimated number of hate crimes in the UK is much higher than those brought to the police, referred to and taken up by the CPS, brought to court, and successfully prosecuted - with cases falling out at each stage of this process.

One issue, highlighted by them and by other scholars (Cronin et al. 2007; Grattet and Jenness 2005; Nolan et al. 2007; Owusu-Bempah et al. 2019), is the potential ambiguity surrounding perpetrators' language or actions. Such ambiguity can make it difficult for victims to get police and other support agencies to take reports of identity-based victimisation seriously. Likewise barristers, judges and juries may also dismiss or challenge claims that crimes demonstrated hostility, on this basis.

In her work on the experiences of black women in the US, which coined the term intersectionality, the legal scholar Kimberlé Crenshaw (1989) highlighted how the distinct targeting of black women was often overlooked, as they did not fit neatly into legal frameworks for identifying and addressing either racism or sexism. Our study found a high proportion of existing forms of hate crime, where victims identified gender as an additional motivating factor.

Following Crenshaw, this suggests that these incidents may not be receiving due consideration within existing hate crime law, even simply as cases of racism, anti-religious hate and so on, if gendered dimensions are not being given due consideration. Tellingly, our focus groups revealed a wide range of stories from women who had existing protected characteristics but whose experience of hate crime also involved distinctly gendered components.

> *It was a Turkish student – she had her hijab pulled off by a 10 year old. And she just wasn't herself anymore, she couldn't leave the house anymore... And then the police, they didn't know how to react – you know a male officer came and he said 'well what does it mean to have your hijab or your scarf pulled off?' and I had to say, well 'it's almost like having your skirt pulled off'. He didn't know how to address the situation.*
>
> - (Focus group, Newcastle)

This last case in particular illustrates the fact that for many women with existing protected characteristics, the elements of hate offences which most clearly demonstrate hostility or which cause harm to the victim are often expressed in gendered terms. There is a risk then that the severity or even the very fact of hate crimes may come to be overlooked if gender is not recognised as a dimension of hate.

Conversely, recognising gendered targeting may help make other forms of hate crime easier for various bodies to recognise and to prove. This certainly seems to be the case for women themselves, in our sample. As noted above (2.2) around half of all women (49.2%) in our study appeared to normalise hate crime, and so fail to recognise experiences of criminal targeting on the basis of a protected characteristic as such. When participants report that they were targeted on the basis of their gender, however, these rates of misrecognition fall, to 42.0%. Greater recognition not only makes it more likely that women will report the existing forms of hate crime which they experience, but also that they are better able to seek support, and to stand up to perpetrators with more confidence. Indeed, a key finding from the evaluation of the Nottinghamshire police' adoption of misogyny as a category of hate crime, was that this policy allowed women to feel more confident to challenge unacceptable behaviour or to support others (Mullany and Trickett 2018).

Leaders from Citizens UK Birmingham attend a public hearing held with community members and the Law Commission

As noted above, the presence of gender-based targeting within existing forms of hate crime increased the overall rate of impact felt from hate crimes by 4.6%. However, the effect of gendered targeting was uneven, heightening some impacts more than others, and even leading to a decrease in the proportion of victims restricting their movements, and feeling suicidal. Having gender as an additional factor was associated with an increase of above 5% in feeling vulnerable (+10.5%), anxiety (+8.5%), depression (+8.2%), becoming distrustful of strangers (+7.6%), difficulty sleeping (+6.4%), feeling fearful (+6.3%), drug use (+6.2%), feeling the need to hide one's identity (+6.1%), becoming distrustful of friends or family (+5.5%), causing arguments with family or friends (+5.4%) and feeling upset or unhappy (+5.2%).

These increases in impact also varied based on what other characteristics gender intersected with, in victims' perceptions of why they were targeted. For example, gender was associated with less of an increase in impact for offences motivated by sexuality than for offences motivated by race or religion.

> *I was walking down the street. I wear a kippah. Two men behind me started saying "we need you to run our business". I didn't understand, I said "what?" They grabbed me and said it again. Then they said, well if you're not going to run our business you can at least fuck me. I was terrified, they had grabbed me... I feel when I'm identified as Jewish, the amount of harassment and misogyny I get is much more, and it tends to be much more racial and much more sexualized.*
>
> - (Focus group, Manchester)

4.3 Gender as a sole motive

As noted above, over 1 in 5 cases of criminal targeting in our sample were perceived to be solely motivated by gender. The impact of this form of targeting can be traced by comparing it to other forms of single-characteristic targeting for specific offences. Perhaps unsurprisingly, sexual assault and threats of sexual assault have very few instances where gender was not identified as a motive. However, public order offences, and both threats and actual instances of physical assaults have enough instances which participants reported as being motivated by different single characteristics, so as to allow for comparison. Picking race and sexuality as comparison categories, the average rate of impact when gender is the sole motive for these offences is similar to the average rate of impact for race and sexuality as a sole motive (although in all cases the impact rate drops when selecting only for sole-motive identity-based crimes). For public order offences (threatening or demeaning comments), targeting on the basis of gender leads to an average impact rate of 38.3% as compared to 37.0% for race and 38.9% for sexuality. For threats of physical assaults, the average impact rates are 44.9%, 57.3%, and 50.6% while for physical assaults they are 45.2%, 46.7%, and 52.0%. For public order offences and physical assaults, then, the average impact rate for gender-based targeting is closely comparable to that of race and sexuality, in the first instance, and race in the second. In general, while revealing its own distinct pattern of heightened and lessened harms, the impact rate of gendered-targeting remains close to that of other hate crimes (see fig 18).

4.4 Long term and group-level impacts

Written responses in our survey, alongside findings from our focus groups, further highlight that the harms of gendered targeting come not only from individual offences but from the cumulative impacts of ongoing targeting. These responses suggest that despite the rough parity between gender-based targeting and other forms of identity-based targeting, that there is a further dimension to gendered targeting that often becomes normalised, and so is not felt acutely, even if it is recognised as disempowering or met with frustration. These long-term impacts were described both by those who had experienced intersectional forms of targeting and targeting on the basis of gender as a sole motive. As a survey participant put it:

> *Impacts from specific incidents may be temporary, but the above questions don't take into account that people who are used to being targeted for specific reasons frequently overhaul the way they do certain things entirely. e.g. I restricted my movement -- doing that all the time regardless of whether there were specific incidents recently, so, if there's a specific incident that just means extra restrictions rather than no incidents meaning no restrictions.*
>
> *- (Survey response)*

Impact of public order offences, for sole-motive gender, race- & sexuality-based targeting

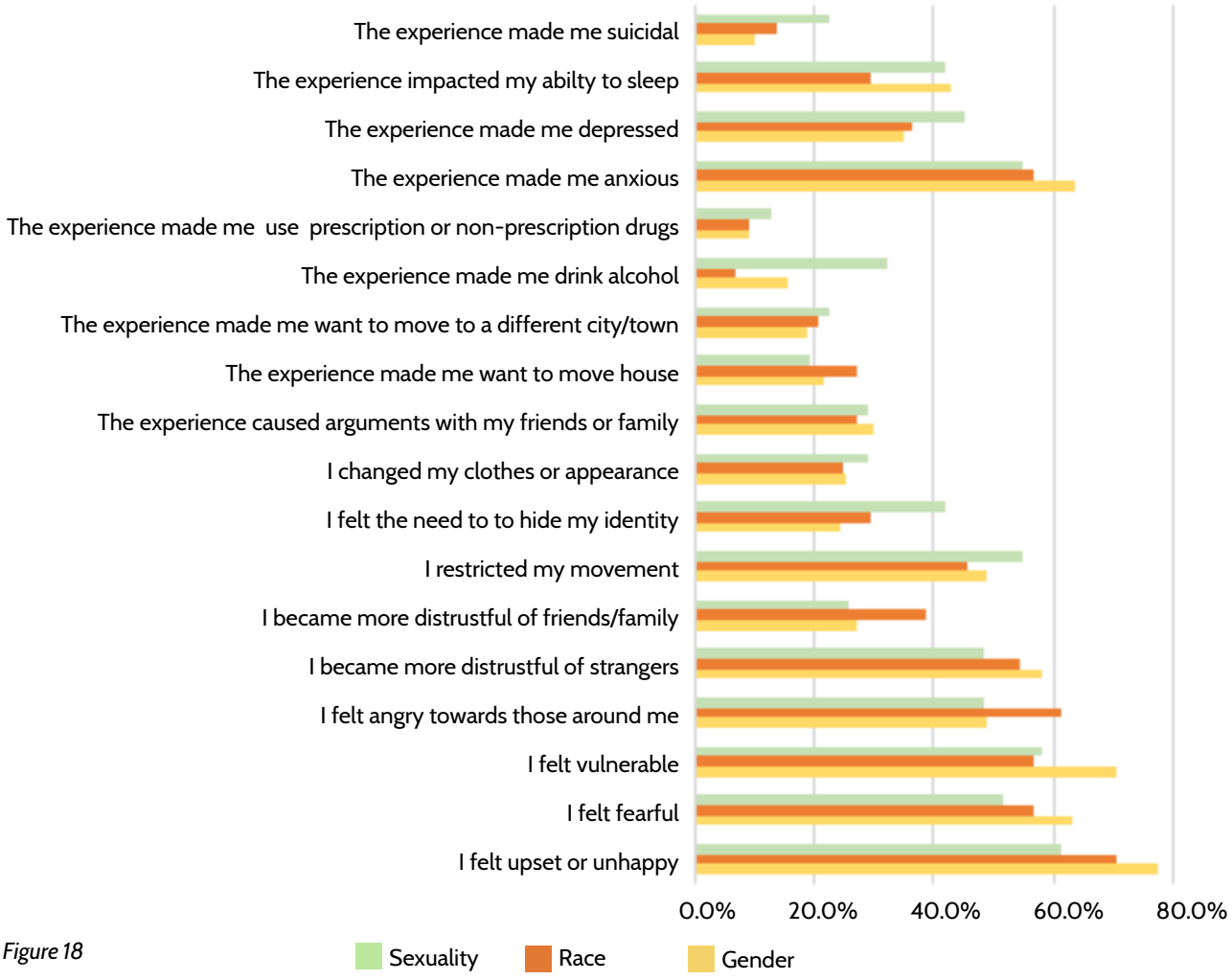
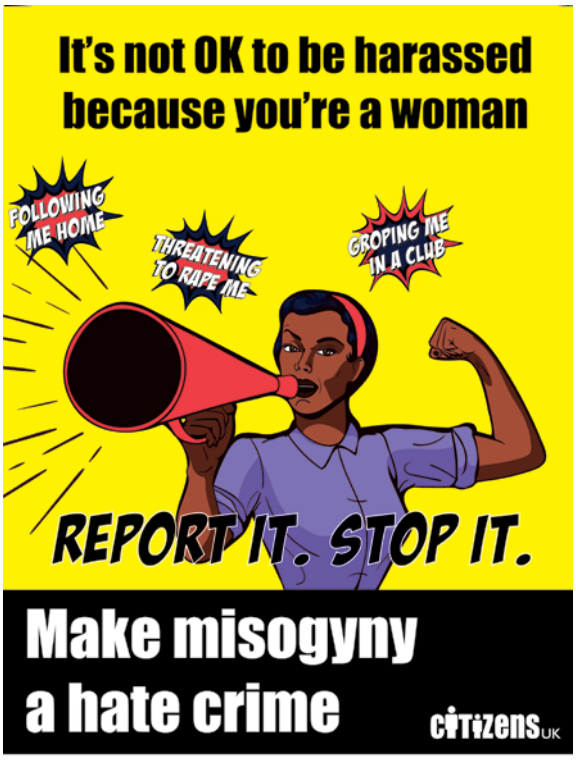


Figure 18



A poster designed by Nottingham Women's Centre and Nottingham Citizens raises awareness of the fact that Nottinghamshire Police have become the first police force in the UK to classify misogyny as a hate crime

In Greater Manchester, the local Citizens UK chapter, supported by the Royal Geographical Society, conducted an independent local study of the impacts of misogyny in Manchester, gathering 520 survey responses (Bostock 2019). This local study just how pervasive and normalised forms of misogynistic targeting could be. For example, 83.3% of women in the sample reported being harassed in a public place, while 75.6% reported being groped, 50.0% threatened with violence, and 64.1% sexually harassed. These high figures coupled with a widespread sense of insecurity, which centred around particular places, with women highlighting public spaces, and transportation at night as major areas of concern. For instance, over half of women reported feeling unsafe in taxis, in Ubers and other independent-driver platforms, and on busses at night. On top of this, women in Manchester reported significant barriers to accessing support, ranging from active sexism and dismissal by police officers, to the reluctance of transport operators or passengers to intervene.

Taken together, the Manchester study reflected how misogynistic targeting could often be woven across women's lives, which in turn could lead to long term mental and physical health challenges, as well as to feelings of exclusion, insecurity and a lack of agency.

We previously noted (2.0) that one of the strongest justifications for having hate crime as a categorical criminal offence was that it was not simply a crime whose full impacts could be assessed in court so as to allow for proportionate sentencing. Rather, the harms of hate crime were often long term, emerging or taking their toll over time, and were often experienced at a group level by others who share the victim's identity. Our findings suggest that gendered targeting strongly fits this pattern of impact. First of all, the impacts of gendered targeting can take time to be fully felt or acknowledged, in part because of the ways in which such targeting can become normalised:

> *"It has created anxiety, unease, anger, trauma - which I only became aware of later on. These become what you think is a normal part of life when you are bullied or routinely abused."*
>
> - (Survey response)

In addition, however, the impacts of gendered targeting accumulate, leading to more severe consequences over time. Responses from the survey and focus groups highlighted how anxiety, isolation, mistrust and vulnerability not only emerged from single incidents, but from long term experiences, where gendered targeting has become all too familiar:

> *"I avoid all incidental social contact, specifically with strangers. I have developed strategies throughout my life which help minimise potential interactions -- wearing headphones even when not actively listening to anything, wearing sunglasses as often as possible to not catch someone's eye by accident (though that can make certain people aggressive), changing routes I take, etc. Avoid telling people my name as much as possible as neither my first nor last names are "English" sounding and it invites comments."*
>
> - (Survey response)

> *Most of my incidents are social media but I did have a few outside but not directly near my home. I do however get kids throwing things at my windows because they know a disabled woman lives alone here. Only 2 days ago they kicked a ball and missed my windows so immediately did it again... I wish I could send you screenshots. Calling me diaper head. Raghead because of my veil. My Islam called a cancerous ideology. Remarks about my disability being benefit fraud...I have removed my veil because my husband is not here [in the country] yet and I cannot defend myself. This week I called the police because of racial abuse on social media but when I have worn my veil I have had it grabbed from my head more than twice. I do not leave my house very often anymore. Last time I went out was February. 6 months ago. I go to a doctor in a taxi every month and do all shopping online now because I cannot defend myself and I am alone.* - (Survey response)

Finally, participants also reported group level impacts. In our focus groups, women in particular mentioned that it was very common to for friends or family to share stories of the targeting faced by other women, and for women to limit their own behaviour in response, avoiding certain areas, people, establishments or situations out of a sense of heightened fear, and continually checking in on one another. These consequences could accumulate over the long term to alter how women lived their lives:

> *Every day in the news we see stories of women killed or kidnapped or gone missing etc. And it's like no one cares and nothing is done about it. It makes me resent being a woman, it's ruined my self-esteem and given me anxiety and depression for a long time.* - (Survey response)

4.5 Centring misogyny and restorative solutions

Gender-based targeting is an issue which effected the women (and, it should be noted, the non-binary and gender-non-conforming people) in our study at a much higher rate than men, with this especially being the case in instances where people were targeted solely on the basis of gender.

Our focus groups and survey comments also revealed a particular pattern of gendered targeting faced by women, where:

1) Such targeting took place across a range of seemingly-innocuous everyday contexts, such as commuting, being present at school or university, or interacting with others online.

2) The targeting faced by women was marked by key themes, including: frequently sexualised language and actions, including sexual demands or threats; comments and behaviour which invoked a sense of women being inferior; comments and behaviour which judged women on their relationship towards particular imagined forms of femininity; and exertions of dominance over women's identities or bodies that were belittling or outright threatening. Many women's experiences combined several such elements.

3) Women, and especially minority women face significantly greater challenges of normalisation when compared to men, where such women struggle to recognise and name experiences of hate crime as such. In contrast our survey reveals that the gendered targeting of men is more limited, and that such targeting is almost always wrapped-up in how men are targeted for other characteristics already protected within hate crime law. In addition, the limited qualitative data we have on the gendered targeting men face suggests that such targeting may revolve more narrowly around how men are seen to measure up to ideals of masculinity, and that a significant

proportion of such targeting is faced by gay men. Collectively this suggests the need to centre the targeting of women in any policy which aims to address gendered hate crime.

There are three important dimensions, each highlighted by our study participants, to how the gendered targeting of women might be redressed.

The first is through the naming of the problem as misogyny – understood as the systematic oppression of women on the basis of their gender – much in the same way hate crime around race is addressed primarily to the issue of racism. The emphasis here would be on the policy measures which support any broad legislation, which could ensure that training, education, publicity, recording and monitoring all name and focus on misogyny. Participants highlighted overt naming as important both for empowering individual women to respond to situations of targeting, as a way of overcoming normalisation, and as a way of ensuring that institutions were able to fully recognise and address the distinct patterns of targeting faced by women.

> *I want to share my experience of street harassment and being groped. I've heard men shout harassment to me all the time, especially out of car windows. Things like "spread your legs, love" and "fancy a fuck". I've been wearing a tracksuit and timberland boots. On another occasion a man hid in a bush ahead of me. Because I saw him I went and hid for 10 minutes in a pizza place and then ran home. I stopped going to nightclubs because I'd be groped by men every time I went out. Another time a man put his hand between my groin and repeatedly slammed his hand in my private area. He did not have consent. The impact on me has been huge. I don't want to go out. I have changed my behaviour to not go to places to try and keep myself safe. I've never reported these sexual assaults to police for fear I'd not be taken seriously or blamed. I believe making misogyny a hate crime category would go a long way to name a dynamic and make women feel more respected. It's time for society to take the oppression of women against hate-based crime as seriously as other groups.*
>
> - (Focus group, Manchester)

In this regard, participants suggested that naming misogyny may be especially important for challenging normalisation. In their evaluation of the Nottinghamshire misogyny hate crime policy Mullany and Trickett (2018) recommend renaming such polices as addressing 'gendered hate crime', on the basis of unfamiliarity and confusion surrounding the word 'misogyny'. However, our participants suggested that this unfamiliarity could also be productive, necessitating a more significant investment in education and public conversations around the oppression and targeting faced by women. Conversely, this implies that the risk in centring the language of 'gender' is that understandings of such crimes too easily fall within taken-for-granted understandings, which include assumptions that such targeting is simply normal, and undeserving of challenge or support. Naming misogyny, in other words, points to (much of) the systematic pattern underlying gendered targeting. We have argued (3.2 and 3.3) that it is in addressing such systematic patterns that hate crime law gains the most legitimacy. The importance of recognising such patterns was also stressed by some participants:

> *Violence against women and girls [should] be treated not just as a hate crime but as a trend, each act a part of the bigger picture. If any other distinct group of people was raped, beaten and murdered by another distinct group of people at the rate women are by men, more cohesive action would be taken. But because its only women, powerful men don't care.*
>
> - (Survey response)

As noted above (2.0) evidence on the ability of criminal law alone to change attitudes is limited, but not very promising. However, it is not necessarily criminal law itself, but the downstream measures which such law might incentivise and join up with, that participants suggested could create wider cultural change. Participants expressed a widespread desire for education, community-support, preventative and community-based policing strategies and other locally-centred measures in relation to misogyny. A particular emphasis here was on police behaviour, with many women noting that when they had gone to the police over what were genuine criminal offences, where they were targeted on the basis of their gender, it seemed as if the gendered element led the police to dismiss victims' claims more easily. Others highlighted experiences of having the police themselves act in a belittling or demeaning way towards them, on the basis of their gender, or talked about the insecurity they felt in seeing inadequate police responses to the targeting of other women. Collectively, many participants emphasized the need for institutional change, which started from, but did not end with better laws:

> *I'm feeling really sad, because I've spent 40 years taking about every 'ism' you can think of, in every bloody place you can think of, and to me, it's getting worse. It's not getting better — and my heart's broken, because I don't know what else to do. I'm not a person for sitting back and letting anything go. I'll speak out, I'll shout about it, I'll argue about it. But I don't know what else I can do... we can change the law, but the law's only as good as the people who apply it, so that, you know, all of us could have used what we've currently got, but we've already heard it, it's only as good as the police officer, or the individual that you report it to... why do the metro passengers or the bus passengers just sit there, and let us be abused! I don't understand it!* - (Focus group, Newcastle)

In an interview with Susannah Fish, the former Chief Constable of Nottinghamshire Police who introduced Nottinghamshire Police's policy of recording of misogyny as a hate crime, she revealed some of the downstream measures which had emerged from this policy.

Prior to the policy, Nottinghamshire Police's night-time economy strategy centred on drunk driving and male-on-male violence. It took the recording of misogyny as a hate crime to realise that the physical and sexual harassment of women was also a systematic problem on nights out. Nottinghamshire Police were able to record hotspots of gendered targeting, build relationships with key stakeholders such as bouncers and venue managers, and increase patrols in unsafe areas in order to disrupt this pattern.

Interactions with the police were also able to support broader measures supporting cultural change in a range of contexts. For example, Chief Constable Fish recalled how one woman reported a case of a construction worker shouting misogynistic abuse at her from his work site. Nottinghamshire Police responded by contacting the company, who then opted to work with the police to organise a workshop providing education on women's experiences and the impact of street harassment for all its workers.

Cultural change could apply to individual behaviours and attitudes. Mullany and Trickett's (2018) report highlighted how victims of misogyny hate crime often acknowledged the difficulty in

identifying individual perpetrators, but nonetheless appreciated the support and sympathy from the police that the policy facilitated. The act of following up on reports of misogyny hate crime, even those normalised instances previously internalised by victims as unworthy of police time, legitimised victims' experiences and concerns. Mullany and Trickett also reported women feeling more empowered to challenge threatening behaviour, even if they hadn't reported a crime themselves.

Third, and again related, although individual views around retributive versus restorative justice varied, overall participants put significant emphasis on restorative measures in tackling gendered hate crime – though participants also emphasized the need to punish the most severe offenders, as a matter of fairness, deterrence and victim-protection.

> *"Punishing individuals and preventing instances of hate speech is not enough. Hate crime/speech is a systemic problem that flows from prejudice. We need concrete, positive measures to combat hate itself: discussions of e.g. gender identity in the classroom, as well as in places of worship. Also, positive programs bringing community groups together and tackling problems such as social isolation, internet addiction and unemployment, might help prevent young people (particularly young men) from being 'radicalised' by groups with hateful agendas."*
>
> - (Survey response)

> *"We get mixed messages. For young women to develop confidence and resilience, it's not enough for just schools to be safe places. If then, outside of school, doesn't in any way mirror what they're being taught in school, then we're lost really. In school we teach them, you're worthy of respect, you're as good as anyone else. But if what they get outside of that world is different, we're on a hiding to nothing. If they're not protected in law in a way that enables them to be confident, the opportunity for the youth of today to have that life is hopeless because they won't believe in it enough, because that won't be what their lived experience will be. The law today doesn't have that understanding of what it is to live as a woman today."*
>
> - (Focus group, Manchester)

Halley Academy students from South London Citizens demand stronger protections from hate crime at a meeting in Parliament

5.0 Islamophobia and everyday hate

Muslims were the most-represented faith group within the survey, with 491 participants identifying as Muslim, and 341 (69.5%) noting that they would consider that their appearance would identify them as visibly Muslim in public. 87.9% of Muslim participants and 94.1% of those who noted they were visibly Muslim were female, giving us a particular insight into the experiences of Muslim women[16].

When asked about different experiences of criminality, and why they may have occurred, Muslims reported the highest rates of targeting based on both race and religion out of any religious group[17]. 23.0% of Muslims reported instances of race-based criminal targeting, and 33.2% reported religion-based criminal targeting. This compares with 16.4% of non-Muslim people of faith (or 13.0% of all non-Muslims) who reported race-based criminal targeting, and 11.0% of all non-Muslim people of faith (and 7.6% of all non-Muslims) who reported religion-based criminal targeting, meaning that Muslims were targeted on the basis of their religion at three times the rate of other people of faith. For those who are visibly Muslim, the rate of race-based targeting was slightly lower at 21.7%, but the rate of religion-based targeting was slightly higher at 35.5%.

Muslims not only report proportionately greater targeting, they also report that such targeting is more frequent. 10.8% of Muslims report frequent race-based targeting, versus 7.6% of non-Muslim people of faith (and 5.5% of all non-Muslims). For religious targeting this gap widens to 11.1% of Muslims reporting frequent religious targeting, versus 2.8% of non-Muslim people of faith (and 2.1% of all non-Muslims).

For both racial and religious targeting, about half the Muslims who reported frequent targeting, or just over 5% of Muslims in general, said that this happens "very frequently". Frequent targeting is more prevalent amongst those who are visibly Muslim, with 12.1% of visible Muslims reporting frequent targeting and as a subset of this 6.8% reporting very frequent targeting. The particular challenges faced by those who were visibly Muslim was also emphasized in our focus groups:

> *"I've not always been a Muslim and I have not always been a hijabi. And my experience is from kind of being called 'smelly P**i, turned into quite horrific Islamophobic attacks – where a year and a half ago, my car, I was nearly a victim of hijack, where there were about five or six youths who surrounded the car, and luckily I had my car doors locked. But I do believe I was a victim of that because I was easily identifiable, I was wearing the hijab. And this is just one of many things. You know, public places, GPs surgeries, supermarkets, places like that. You know, I can't even walk from my house to the corner shop without facing some sort of harassment, discrimination, being called a Taliban, go back where you come from, 'we fought it', Brexit, and like 'dog'. They bring out the worst in you, these people. And you think we live in the west end of Newcastle, and it's quite a diverse area, but we're living with a lot of hostility."*
>
> - (Focus group, Newcastle)

[16] No Muslims in the survey identified as gender identities other than male or female.
[17] As always, between those groups with 10 or more members who reported such incidents.

Muslim women in particular struggled to recognise this targeting as hate crime, with roughly half of Muslim women (49.6%) who had experiences which would constitute hate crime under current law reporting that they had not experienced hate crime, or that they were uncertain. Although 78.6% of Muslim men who had experiences of hate crime were able to identify this, this is nonetheless significantly below the rate for non-White[18] non-Muslim men in general, of whom 90.9% were able to recognise hate crime as such, suggesting that different issues around disproportionate normalisation exist for both men and women.

Sufia Alam of East London Mosque welcomes the Law Commission to Citizens UK's public hearing in East London

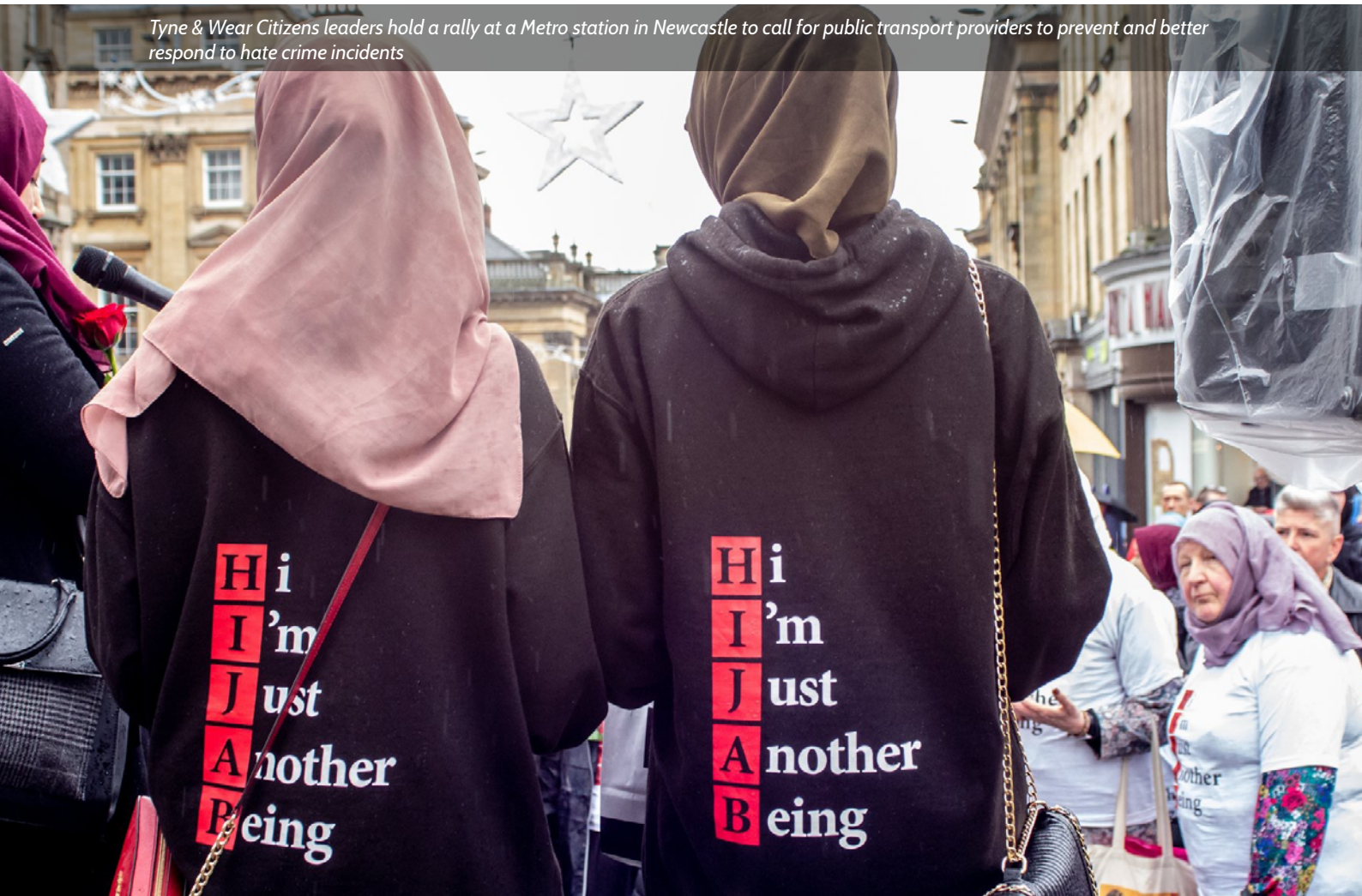
A growing body of academic research has highlighted the ways in which Islamophobia has become an 'everyday' occurrence for Muslims (see e.g. Allen 2017; Ahmed and Matthes 2017; Dunn and Hopkins 2016; Garner and Selod 2016; Hopkins 2009), with forms of such prejudice emerging from a range of institutions, from the job market to the media. Such work has also cast a spotlight on the distinct patterns of scrutiny and targeting faced by Muslim women, and particularly by visibly Muslim women, who often face forms of targeting and that bring together gendered and anti-Muslim forms of hate or bias (Allen 2014; Mason-Bish and Zempi 2018; Perry 2014; Zempi and Chakraborti 2014).

Our focus in this chapter is not on the scope or the nature of Islamophobia in the UK, but more specifically on the impacts of anti-Muslim hate crime and particularly on the possible solutions voiced by Muslims within our study. However, these hopes and experiences need to be understood in a wider context. The British Muslims who took part in this study experienced higher rates of targeting, and more frequent racial and anti-religious targeting than other religious groups, and than non-Muslims in general. These elevated rates are best understood within the broader context of everyday, institutionalized Islamophobia in the UK. Perhaps unsurprisingly, the solutions imagined by these Muslims likewise focus on the institutions which shape everyday life in the UK.

[18] There was only one Muslim man who identified as English, Welsh, Scottish or Northern Irish.

5.1 Variations and impacts for Muslims facing hate

Within the higher rate of targeting faced by Muslims, our survey suggests that there is some stratification in the experiences of Muslims experiencing hate crime, with some reporting relatively milder impacts, and others reporting heightened ones. When asked about the impacts of any identity-based targeting they have experienced in the last year, Muslims as a whole report a lower average impact rate (38.2%) than non-Muslims (46.3%). This gap in average impact rate for Muslims versus non-Muslims grows even wider amongst who report that they are infrequently racially targeted or infrequently religiously targeted, at 28.5% vs 43.2% and 26.4% vs 44.7% respectively. However, for the remainder of Muslims, who say that they experience racial or religious targeting occasionally or frequently, this gap vanishes (see fig. 19 for religious targeting).



Tyne & Wear Citizens leaders hold a rally at a Metro station in Newcastle to call for public transport providers to prevent and better respond to hate crime incidents

Impacs of hate crime, grouped by frequency of targeted based on religion

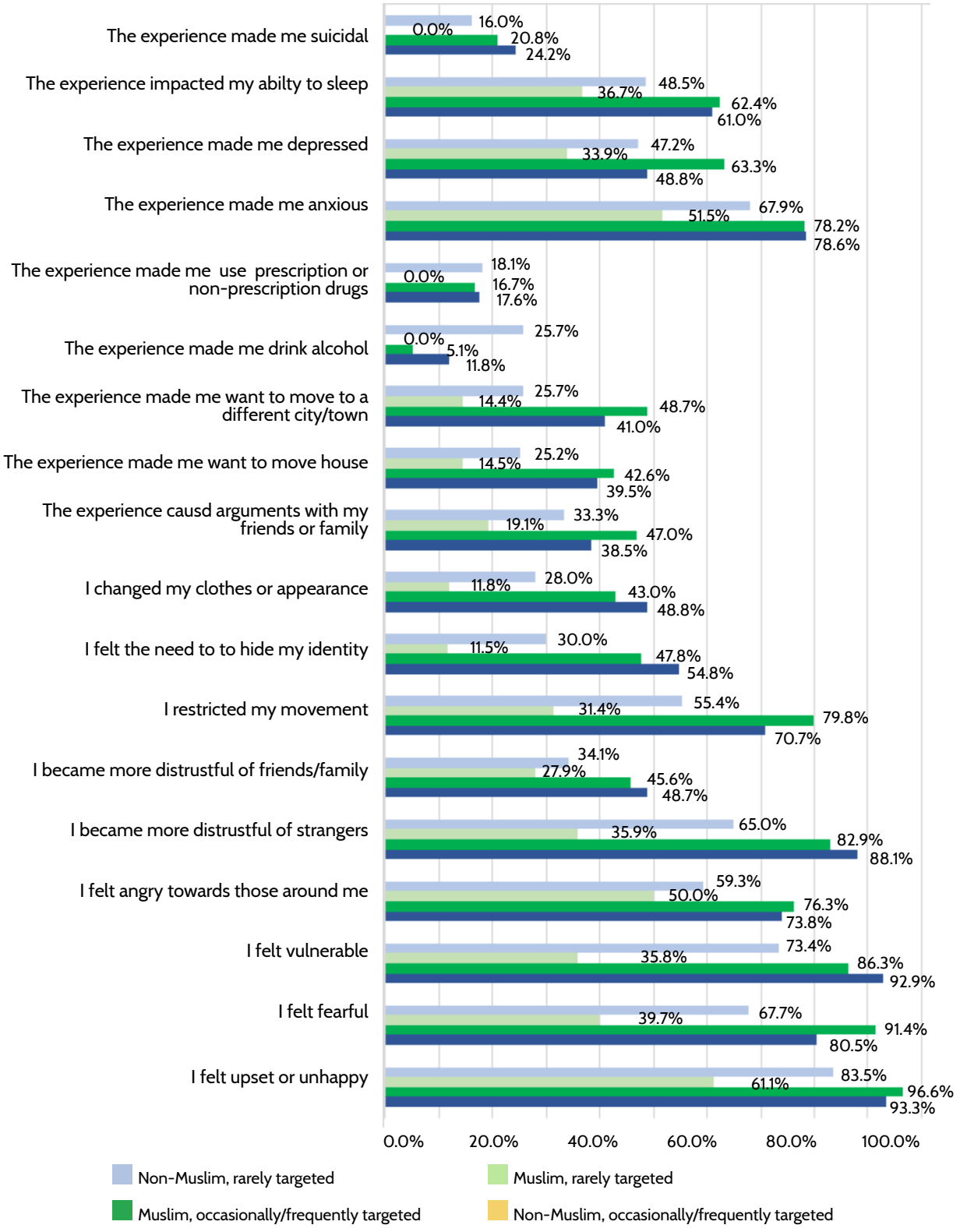


Figure 19

For Muslims, then, the harms of hate crime are especially associated with more frequent targeting, where those who experience frequent or occasional targeting on the basis of race or religion experience significantly greater impacts than those who experience this only rarely. There is also a distinct pattern to these impacts. While some impacts for Muslims are similar to those for people from other backgrounds who also experience frequent racial/religious targeting, as well as to hate crime victims as a whole, other impacts are especially salient for frequently targeted Muslims. In particular, depression, wanting to move home or city, experiencing arguments with family or friends, fear and restricting one's movement are heightened for those Muslims who experience hate crime more frequently. Tellingly, many of these impacts involve, or suggest, self-imposed limits on everyday rights and freedoms.

Previous work by Citizens UK (2017) has highlighted the challenges Muslims in the UK face in becoming involved in civic life, and has pointed to hate crime, discrimination and stereotypes as significant discouraging factors for Muslims, who may come to fear that taking part in public life, or indeed simply leaving safe areas at all, may increase the risk of being confronted with hate crime or hateful incidents. Conversely, and pointing to a vicious cycle, our findings, alongside a range of other academic work (Abu-Raiya 2011; Awan and Zempi 2016; Funnell 2014; Modood et al 1997; Zempi and Chakraborti 2014), demonstrate how experiences of hate crime can lead Muslims to become isolated, in terms of their everyday movements, their feelings of belonging and their trust towards others. In turn, social isolation has been linked to depression amongst British Muslims (Chaudhry et al. 2012; Funnell 2014).

Impacts such as depression, wanting to move home or city, or restricting movement are only those which frequently-targeted Muslims experienced disproportionately to other frequently targeted victims. However, there is a further set of impacts which are likely to have distinctly painful consequences for all Muslim victims. Of those Muslims who reported that experiences of hate crime made them change their clothes or appearance, 72.4% were visibly Muslim. For many Muslims, religious attire or grooming can form an essential part of religious self-expression. For this set of visibly-Muslim victims, then, it is likely that their experiences of hate crime did not simply impact on their ability to express their identity or style through their clothes, but more deeply limited their right to practice and express their faith. The same is potentially true for the 25.6% of all Muslims (or 47.8% of frequently targeted Muslims) who reported feeling the need to hide their identity, of whom two thirds (66.3% or 66.1% of those frequently targeted) were visibly Muslim. The right to religious expression for Muslims is not only being limited by fears of targeting, however, but also by direct attacks on such expressions. 1 in 10 of visibly Muslim participants (10.1%) reported that "someone has grabbed or tried to remove my clothing in public".

5.2 Muslim perceptions of oppression

As we noted above, there is a significant relationship between oppression and both the experiences of targeting and the impacts of hate crime (see 3.2). This same relationship continues to be true for the Muslims within our study, although in effect while measures of oppression continue to be positively associated with experiences of crime and impact, this association is slightly weaker than it is for non-Muslims (see the different angles of the Muslim vs non-Muslim trendlines on fig 20).

This weaker association relates to the segmentation of the Muslim population between those with more and less frequent experiences of targeting, discussed above. Those with

less frequent experiences of targeting were also less likely than non-Muslims who also experienced infrequent targeting to report views and experiences indicative of oppression in our index. However, there were also distinct views of oppression shared amongst Muslims with infrequent and frequent experiences of targeting. In our study, Muslims felt more negatively about larger-scale and external factors, such as how they were represented in the media, than they did about those factors which were more local and/or where they may have had more scope to exercise choice, such as feeling safe when going out alone.

Everyday oppression and frequency of criminal experiences

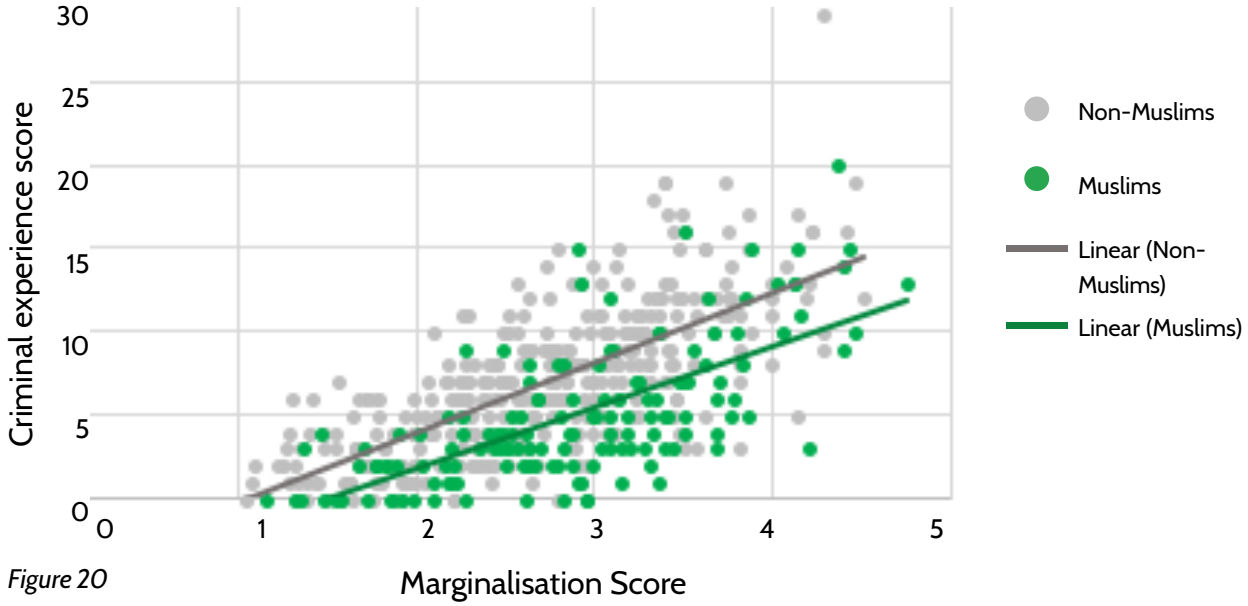
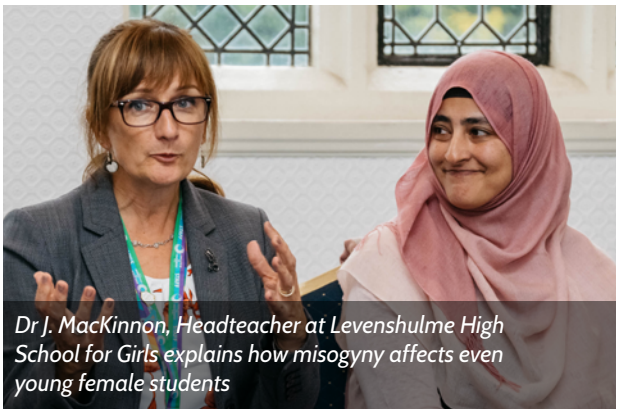


Figure 20

Muslims who experienced racial or anti-religious targeting infrequently, tended to share much more positive views than their non-Muslim counterparts in a response to a range of questions pertaining to belonging, inclusion and empowerment. For instance, only 14.2% of Muslims who were infrequently targeted disagreed with the statement "I can choose to wear what I like, without fear of aggressive or sexual comments from strangers" as opposed to 42.5% of non-Muslims who disagreed.

The one exception, however, was in relation to the statement "It is typical to have to take safety precautions when out on my own", where a greater proportion of infrequently-targeted Muslims (61.0%) agreed with this statement than infrequently-targeted non-Muslims (58.5%). Meaningful proportions also agreed they often saw negative depictions of people like them in the media (39.1%) and said they did not feel comfortable going out alone (28.9%) – although these proportions were lower than the proportions of non-Muslims responding similarly (49.6% and 30.9%, respectively). Likewise, our survey asked a range of questions (not used in our oppression index) about feelings of safety in a range of everyday spaces. Fewer than 10% of infrequently-targeted Muslims reported feeling unsafe in any particular space, with the one exception in this case being public transport (where 22.0% felt unsafe).



Dr J. MacKinnon, Headteacher at Levenshulme High School for Girls explains how misogyny affects even young female students

Meanwhile Muslims who were targeted more frequently also tended to respond more strongly to measures of oppression, and more negatively about safety in everyday spaces. However, this group continued to paint a distinct picture of oppression from non-Muslims who were also targeted frequently. Comparing amongst those who were more frequently targeted, significantly more Muslims than non-Muslims reported having their Britishness questioned (77.7% vs 51.0%) , disagreed that the government or government officials tended to act in ways which made them feel welcome and "normal" in the UK (55.7% vs 39.2%), that the police would treat them fairly (46.2% vs 37.3%), that their presence in public could make some people uncomfortable (65.9% vs 35.3%), that they were often viewed with suspicion (63.6% vs 33.3%), and that people like them were often depicted negatively in the media (78.6% vs 70.6%).

In contrast they were less likely than non-Muslims to express negative views about being able to wear what they like without fear (42.4% vs 56.9%) and about feeling comfortable to go out alone (36.9% vs 42.0%), and were less likely to say that it was typical to have to take safety precautions when out on their own (although the proportion of Muslims agreeing was nonetheless quite high, at 72.7% vs 86.3%). In terms of feelings of safety in everyday spaces for those who faced frequent targeting, Muslims were generally more likely than non-Muslims to report feeling unsafe in more public or institutional spaces, such as going to school (23.5% vs 9.8%) or being at school (13.6% vs 11.8%) and on public transport (69.7% vs 66.0%), but less likely to feel unsafe in more local or familiar spaces, such as going to (23.5% vs 25.5%) or being at the homes of friends or family (14.4% vs 17.6%), or in their local neighbourhood (34.1% vs 37.3%).

Taken together, the experiences and views of Muslims around oppression paint a portrait where Muslims often start from a point of feeling greater inclusion, security, belonging and empowerment, but where many of these feelings diminish in association with frequent targeting. With frequent targeting Muslims no longer feel secure in many public spaces and identify a narrower sphere of more-familiar and more local spaces where they do feel safe, corresponding with the fact that 79.8% of more-frequently targeted Muslims reported restricting their movements in response to hate crime. For all Muslims, there is a broadly shared sense that the media plays an outsized role in generating feelings of oppression, while more frequently targeted Muslims also highlighted the roles of a range of other external actors, such as government, police and transport authorities. This focus on wider institutions and accepted forms of culture in creating oppression was also a prominent theme amongst Muslim participants in our focus groups. In discussing the extensive community and outreach work his mosque does, one focus group participant remarked:

> *"This is an overcompensation for the climate that we live in... so that we can be looked at as normal human beings, so that we can we can humanize ourselves. When I look at my family, and my children, am I teaching them the overcompensations I do, as a normality? And the overcompensations I teach my family as a normality is a scary place to be. And that's why we have to get this right in the law, at the foundation."* - (Focus group, Birmingham)

Even for those Muslims who do feel safe in a wider range of spaces, safety is a qualified feeling, with significant proportions of both frequently and infrequently targeted Muslims saying that it is typical to have to take safety precautions when out alone. More generally, our findings suggest that Muslims may be internalising responsibility for their own safety,

locally, even when the threats to their safety have more to do with the behaviour of those around them, rather than their own behaviour. This is suggested not only by the high rates of Muslims reporting taking routine safety precautions, or restricting their movements after being targeted, but also by the parallel fact that despite feeling the need for such precautions Muslims continue to express relatively positive or ambivalent attitudes towards their ability to make choices without fear or defend themselves. For instance, 34.2% of Muslims disagreed with the statement: "If I receive unwanted attention from a stranger, I can ask them to leave me alone, and they will listen", as opposed to 49.8% of non-Muslims who disagreed. However, the greatest proportion of Muslims, at 46.7% responded that they neither agreed or disagreed with this (as opposed to 32.1% of non-Muslims). Likewise 52.8% of Muslims agreed with the statement: "I can choose to wear what I like, without fear of aggressive or sexual comments from strangers" (as opposed to 42.3% of non-Muslims). These partial expressions of confidence or ambivalence, coupled with a heightened sense of caution, and, for those who face more frequent targeting, a greater distrust of external institutions and more limited everyday geographies, collectively suggest that the confidence Muslims do feel in making choices and defending themselves may exist within the context of the more restrictive choices they feel they face in the first place.

Law Commission representatives respond to the testimony and asks for change put to them by Greater Manchester Citizens leaders

5.3 Muslims perceptions of hate crime and desired changes

Participants in both the survey and focus groups were asked about their perceptions of current hate crime law and policy and the changes they wished to see. Muslims collectively reported a poorer understanding of hate crime, with 34.6% of Muslims agreeing that: "I clearly understand what does and does not count as a hate crime within UK law" versus 40.6% of non-Muslims. With this, as with most other questions around perceptions of hate crime, Muslims were highly ambivalent, with the largest proportion tending to say they "neither agreed or disagreed (fig. 21).

Tyne & Wear members of different backgrounds join forces at their October 2018 public action

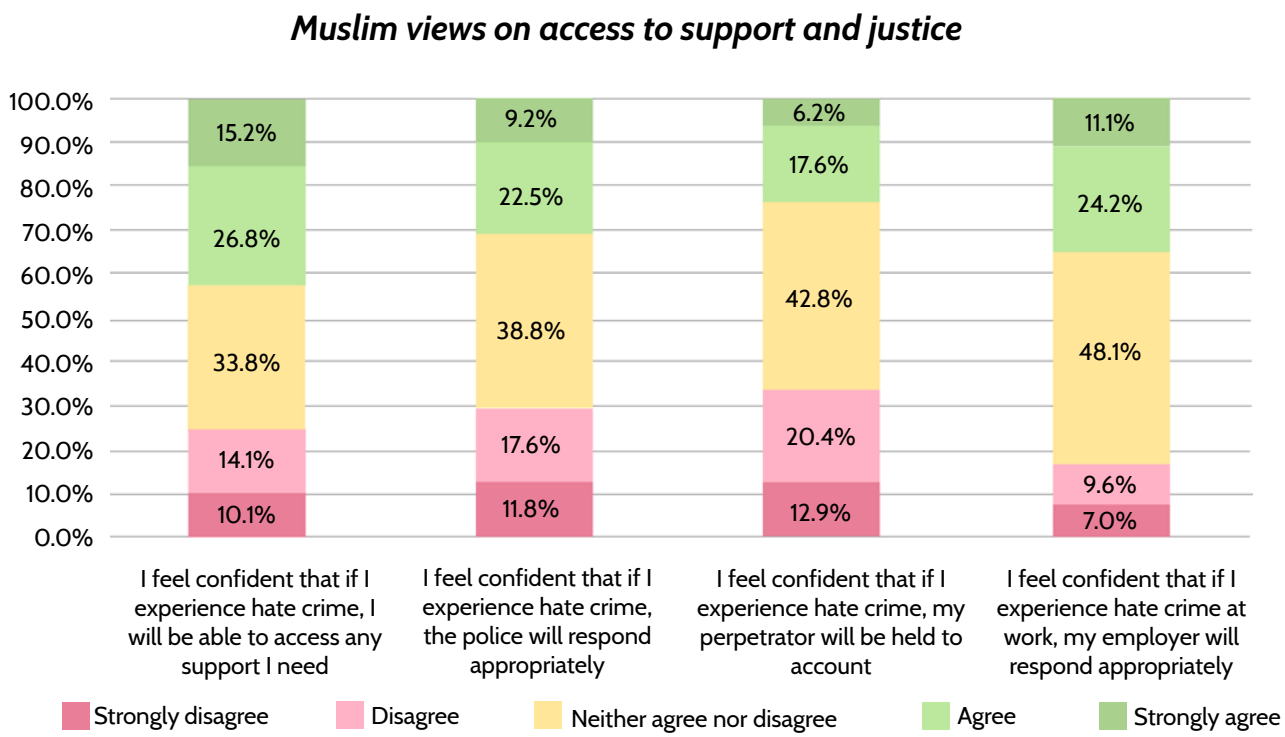


Figure 21

Muslims were on average more likely than non-Muslims to agree that following hate crime they could access needed support (42.0% vs 34.5%), the police would respond appropriately (31.8% vs 27.8%), and that their perpetrator would be held to account (23.9% vs 14.6%). For those who were more frequently targeted, however, Muslims felt relatively less able to access needed support (25.0% vs 34.7%), and less confident the police would respond appropriately (16.5% vs 30.0%), although they retained a greater belief that their perpetrators would be held to account (11.7% vs 6.0%). Stories from our focus groups suggest that these differences may relate to the fact that those with more frequent experiences of targeting are likely to also have dealt with police and support institutions more extensively, and, for many Muslims these experiences are often unsatisfying. Participants shared numerous stories of incidents of racially- or religiously-motivated targeting, where police neglected to ask about these potential motivations, dismissed them when they were raised, made victims feel under scrutiny themselves, and failed to refer them to support services. For example, in Birmingham, a community leader told how:

> *"In 2017... I live around the corner from here, this June afternoon, a mum who lives just over there... was trying to come home with her children, and at the traffic lights she was punched in the face and she had some things thrown at her. And she was really upset about it, her children were upset, and she went home and she called the police and reported to the police and they said well, someone will call you in two days time. And that story got shared in the neighbourhood, because people know each other, and in the mosque, and then we found out, from the... investigation that there were other incidents, similar, where women had been attacked because they look Muslim. And there were five other incidents. So the thing that sticks with me was that as she bravely reported it was that the police response was that 'we'll contact you in two days time'... after seven days, someone was arrested and someone was prosecuted, but it took lots of people to make that happen."* - (Focus group, Birmingham)

In our focus group and survey responses, poor institutional responses to Islamophobic attacks were repeatedly highlighted as compounding the harms of these crimes, as the story below, from our focus group in Cardiff, illustrates:

> *As you can see, I am visibly Muslim woman wearing the Niqab as an act of faith. I used to have an Asian clothing store in Newport city centre. Working every day to support my family. One day as I was going to my store, a man passed by and torn off my niqab. I was shocked and frightened; I couldn't believe what happened. I fell on the ground crying and shaking like a leaf and nobody came to assist me or comfort me. Just imagine if someone torn off your daughter, your mother or your wife clothes. How would you feel?!*
>
> *With support of a local organisation, I was encouraged to report this to the police. The police came and could identify the person on my store's CCTV and luckily he was still in the area and he was caught but then the next day he was released without any penalties as the police said he didn't have a criminal record! I wasn't happy about this decision and so I called up the police. The police woman said to me 'what do you want me to do? To put him in jail?' She was challenging me and making me feel like I had done something wrong [...] This experience has affected me a lot and lowered my self-esteem, I became so scared to go to the shop so much so that I had to close it down. For 6 months, I didn't leave the house almost ever, I was so afraid.* - (Focus group, Cardiff)

Muslims in our study took a dual view of the causes of hate crime. We asked participants whether they agreed or disagreed with the statements: "Hate crime is mostly a problem to do with individual perpetrators" and "Hate crime is mostly a problem to do with the media, government, and public institutions". These questions were asked consecutively, and 19.0% of non-Muslims agreed with the first statement, and 44.2% of non-Muslims agreed with the second. In comparison to Muslims, non-Muslims were more likely to treat these statements as mutually exclusive, with those who agreed with the first being more likely to disagree with the second, or vice-versa. In contrast, Muslims not only agreed with both statements at higher rates – with 27.0% agreeing hate crime mostly had to do with individual perpetrators, and 58.0% agreeing that it mostly had to do with the media, government and public institutions – but they were also more likely to agree with both statements at once. In other words, the Muslim view of hate crime in our sample seems to tend towards one where it is more readily identified as a widespread public issue, emerging from the language of the media and government and the behaviour of public officials and institutions.

Reflecting this, Muslims were less likely than non-Muslims to disagree that: "Preventing hate speech is an important way of reducing other forms of hate crime" (5.5% vs 9.6%), and more likely to agree that police incentives needed changing ("Stronger laws against hate crime are needed for the police to take hate crime seriously enough" at 76.0% vs 67.6%). At the same time Muslims were nonetheless more likely to highlight hate crime as something to do with particular individual perpetrators, suggesting that they while they took a structural view of the roots of hate crime, they also felt that perpetration was carried out unevenly, by some individuals more than others.

Muslims took a strong view that hate crime laws needed to centre around existing patterns of targeting, with 71.0% agreeing that: "Hate crime laws should be constructed around the experiences of those who face the most targeting", vs 62.8% of non-Muslims.

Sizable majorities of Muslims in our survey agreed that: "Crimes motivated by hostility towards women and girls should qualify as a form of hate crime", at 76.2%, with only 6.2% disagreeing. Likewise, 80.1% of Muslims agreed that hate crime ought to be able to be reported and prosecuted on the basis of multiple protected characteristics, with only 2.4% disagreeing. Perhaps most significantly, however, both in our survey where we asked for other changes that people might want to see, and repeatedly across our focus groups, Muslims put the emphasis on the need for ground-up change, expressing the most enthusiasm not for punishing perpetrators, but for reforming local and national institutions, from schools, to the media, to the education system, to public transport, in order to help prevent hate crime in the first place.

> *"One of my good colleagues was offended in a doctor's surgery by an elder white woman, um, with no recourse – there is no understanding of what hate crime is at that particular doctor's surgery, or I suspect in other public spaces like that. There's no teaching... if someone were to throw hate crime at someone in the office plant, that person would probably be marched off the premises (snaps) that same day. And if it was a member of the public harassing someone in the business, they'd be marched off and they'd be banned from ever coming back again. In a doctor's where you think we would have safety – or a dentistry, or a school – clearly they should be at the forefront of good practice, and they're at the latter end of good practice, if good practice even exists... Perhaps they need a bit more education on hate crime, as it's equally damaging to health as someone going in with a broken foot, and it's longer term."*
>
> - (Focus group, Birmingham)

> *"Government should not allow for its members or staff to promote in any way material or information that may lead to hate crime against any individuals or groups. The police need to be have a dedicated lead on hate crime for groups that are known to under report i.e. Muslims and more specifically Muslim women. People who have faced crime sometimes need an outlet so that they do not go down the wrong path i.e. self medicating or feeling helpless...The local council should have an active councillor under the portfolio of hate crime who can engage on a regular basis with communities and convene meetings to get an idea of how to tackle this. The local council should release information packs such as help guides without any partner organisations who may lack credibility within the community they are approaching."*
>
> - (Survey response)

> *"The criminal response is often a bit of a band aid for underlying problems."*
>
> - (Focus group, Birmingham)

6.0 Recommendations

The findings of this report point towards a range of needed reforms relating both to hate crime law, but also to the policies of statutory bodies such as local councils and the police. This final section outlines a set of recommendations, in relation to the evidence analysed above. This report has attempted to develop a holistic picture of hate crime, while also offering a more detailed focus on gendered targeting and the targeting faced by Muslims. We have demonstrated that hate crime is associated with more severe impacts than similar crimes without the element of hatred, including long-term and group-level impacts. These impacts collectively help justify the existence of hate crime laws as categorical offences, since the full extent of their harms cannot easily be demonstrated within court in a way which would simply allow for proportional sentencing without the existence of categorical offences.

However, the nature of these impacts also points to the need for the justice system to address hate crime in a similarly extensive way. As such, although our recommendations here are presented independently, we also intend them as mutually reinforcing measures, which collectively speak to the scope of the challenges identified in this report.

6.1 Ensure hate crime law is focused on oppressed groups

Recognising that the concept of hate crime is both contested and evolving, we recommend that as hate crime laws develop, the question of who is protected under such laws, and the question of how protections and punishments are devised and implemented, both remain focused on oppression.

We recognise that as the scope of hate crime law widens, there is a potential that this widening out diminishes the scope of punishment, and related policy measures which become justifiable under hate crime law. For example, categorical offences which apply additional punishment or prompt further policy responses for the targeting of individuals based on vulnerability, are likely to diminish the level of additional punishment and policy intervention considered justifiable, given the highly contextual and often widespread nature of vulnerability, as well as the fact that considerations of vulnerability already exist to some degree within existing sentencing measures and social policies. However, we also recognise that at present there are groups who face the same patterns of targeting and impact as those who are protected under hate crime law, but who do not currently enjoy such protection. To ensure the inclusion of such groups, we recognise the need for hate crime law to be grounded in a robust principled framework.

Dilowar Khan, Executive Director, and Shaykh Mahmoud, Senior Imam, at East London Mosque join TELCO's public hearing on hate crime

Building on our findings in this report, that it is not group membership per se that leads to increases in criminal targeting or in the impacts of identity-motivated crime, but rather that it is underlying patterns of oppression which have the strongest association with such experiences, we have outlined a three-part test.

1) Is the group the object of demeaning or exclusionary prejudices which are culturally widespread?

2) Is the group defined by an identity which either a) cannot easily be changed in the short term, in the eyes of a meaningful proportion of strangers or b) is an identity which is fundamental to the enjoyment of basic rights?

3) Is there a systematic pattern of criminal targeting based on this identity, demonstrable in group-level impacts, where group members feel incapable of, or significantly challenged in, enjoying basic rights for fear of criminal victimization?

This test sets out a principled basis for determining whether groups should or should not be protected under hate crime legislation, which centres oppression and the disproportionate personal and societal impacts of hate crime. This test enables legislators, campaigners and others to have an ongoing conversation about who ought to be included within hate crime law, allowing the list of protected groups to expand or contract in relation to changing social circumstances. We recommend that this test is adopted as the principled foundation for hate crime law.

Drawing on this test alongside the evidence within our survey, we find strong evidence for making gender-based targeting into a hate crime (see below), but more ambiguous evidence in relation to age. While both age and gender-based targeting have elevated rates of impact, consistent with other forms of hate crime, age-based targeting was found to be the least recurrent form of targeting and was rarely reported as the sole motive behind criminal targeting. Reports of age-based targeting were also fairly evenly distributed across a number of age groups, including not only those who were below 18 and above 65 but those in their 20s and 30s as well. Although age was not a primary focus of our report, these findings point away from there being a systematic pattern of age-based targeting. As such we suggest that further research is needed around age, as well as around other potential protected characteristics. We recommend that such work follow the framework we have set out here.

6.2 Make misogyny a hate crime

Our data reveals the significant impacts of gender-based targeting on those who have faced it, both in terms of individual instances of criminal targeting, but also in terms of how such criminal acts are both motivated by and compound existing patterns of oppression. We recognise that existing principles of equal protection in hate crime law, and within equalities law more broadly may justify a legislative focus on "gender" within hate crime law itself. However, we argue that the policy measures and any civil law provisions which support such laws need to name and centre misogyny as the most prevalent dynamic within gendered targeting. These measures might include guidelines for judges, juries, prosecutors, police and support agencies, training programmes for police and other statutory agencies, and efforts to educate the public on the nature and unacceptability of gender-based targeting.

We recommend naming and centring misogyny not as a means of excluding other forms of gendered targeting, but as a recognition that the targeting of women for being women

represents the most prevalent pattern gendered targeting evident today, and that hate crime law and policy ought to address itself significantly towards such prevailing patterns. Forms of misogynistic targeting were reported by women in our study from a range of backgrounds, ages, and localities. Recognising misogyny serves as a means of starting to challenge the common underlying basis of these painful experiences.

In our survey, we asked specifically about whether they thought the targeting of women should be a hate crime. Out of our 1030 participants, there was very significant support for this – 83.5% of all participants agreed that this should be the case, while only 4.1% disagreed. In the Manchester study, conducted by the local Citizens UK chapter (Bostock 2019), 89.8% of all participants expressed support for recognising misogyny as a hate crime, with 76.9% saying they would actively support steps to introduce such a policy, themselves. More tellingly, while 90.6% of all respondents felt that under existing laws women lacked adequate recourse to justice, when faced with criminal targeting, 76.5% felt that there would sufficient recourse to justice if misogyny were to become recognised as a hate crime.

6.3 Allow for intersectional reporting and prosecution

Many instances of gender-motivated targeting in our study where those were gender was perceived to be an additional motivation for criminal targeting, alongside other protected characteristics. Such instances were associated with heightened impact. The same was true for all cases in general where victims were targeted on the basis of more than one characteristic. These impacts strongly suggest the need for hate crimes to be able to be recorded and prosecuted on the basis of multiple protected characteristics.

Our qualitative findings strongly suggested that in the absence of intersectional reporting, there may be key elements of cases that go overlooked by police, the legal system and support agencies. In some cases the most "offensive"' or damaging elements of racially or religiously-hateful crimes were expressed in gendered terms, while in other cases offenders moved frequently between different offensive terms, targeting victims on the basis of several protected characteristics at once.

The current system, which requires victims to report and prosecute crime on the basis of only one protected characteristic risks not only diminishing the severity of these offenses, but also making it practically harder to prove and evidence cases, and to justify support, when demonstrations of hatred on the basis of any more than one characteristic may be considered extraneous to the case at hand.

We asked survey participants whether they supported being able to report and prosecute hate crime under multiple categories, providing them with a neutrally worded explanation of the status quo. 84.1% of all participants expressed support for an intersectional approach to hate crime, while only 2.3% disagreed with this.

6.4 Join-up the criminal justice process to other statutory and civil law solutions

A recurrent theme in both our focus groups and survey responses was the inadequacy of criminal law solutions when taken on their own. Victims with repeated experiences of identity-based targeting expressed frustration with the police and support, but also strong feelings that punitive solutions were insufficient on their own to redress systemic patterns of

targeting. Both women and Muslims, who we focused on in respective chapters in this report, vocally expressed the need for a more joined-up approach to hate crime. Our own analysis of the harms of hate crime in this report has highlighted both the long-term freedom-limiting impacts on direct victims, as well as community level patterns of secondary victimisation for those sharing targeted characteristics. It is not clear that an uplift in punitive sentences would provide adequate or proportional redress to these longer-term and community-level harms.

A general desire for joined up change was also reflected in our survey data. For instance, while a majority (64.4%) of participants agreed that: "Stronger laws against hate crime will help prevent people being targeted", even greater proportions agreed with the statements: "Stronger laws against hate crime are needed for the police to take hate crime seriously enough" (71.6%) and "Preventing hate speech is an important way of reducing other forms of hate crime" (71.2%). Taken together, these results suggest that participant's interests lie not simply in the strengthening of punitive measures, but in the ways in which law might operate to motivate other actors, and in so doing work to prevent hate crime in the first place, or else to improve institutional responses to it.

Martin Wimpole, Lawyer at the Law Commission for England and Wales, addresses Citizens UK leaders at a public hearing

For criminal law itself, such a joined-up approach could entail sentencing guidelines which incorporated community sentencing and restorative approaches, particularly in relation to hate-based aggravation. Similarly, guidelines for the CPS could work to highlight different pathways for justice to victims, and to support victims in pursuing different outcomes based on their needs. Finally, the language and structure of criminal legislation, and sentencing and prosecution guidance should aim to align with that used by the police, and by statutory agencies.

More broadly, however, we recommend that the introduction of new criminal provisions be accompanied by a further set of civil-law and policy measures collectively designed to prevent hate crime and mitigate harms. We recognise that one concern around the reforming of hate crime law – for example to include new protected characteristics – is that such measures might place an undue burden on the justice system, expanding the number of cases brought forward. The same concerns might create perverse incentives against improving victim recognition of offences, and reporting of hate crime, even though this is widely acknowledged to be a problem.

We argue that a joined-up approach would help mitigate these issues by making it clear to victims that they have a range of institutional responses available to them, and in so doing alleviating the pressure on any one set of actors. We would also argue that a joined-up approach is a matter of access to justice; hate crime laws which offer new protections or punishments, but which are not connected to provisions for public awareness, victim support and crime prevention mean that only some victims will recognise their situation as

deserving of legal redress, and fewer still will feel capable of pursuing this redress, even if they so desired.

One possible solution to facilitate such a joined-up approach could be through the creation of a national hate crime commissioner, who would have responsibility for identifying and sharing best practice in terms of downstream policy, as well as for reviewing the implementation and adequacy of such policy, both in terms of victim support and outcomes and in terms of fit with the legal system and ongoing jurisprudence.

6.5 Create a statutory responsibility for public bodies to prevent, monitor and report hate crime

Alongside the desire for a more joined-up approach, participants in the study emphasized the need for everyday solutions to be prioritized in tackling hate crime. For instance, the Muslims who took part in this study put significant emphasis on the need to prevent hate crime before it happened, through educational, community-building and regulatory approaches. Hate speech was identified both by Muslims and non-Muslims alike as a significant factor in driving hate crime, and while some of this was associated with large-scale institutions such as the media, our focus groups also highlighted the failings of local institutions such as schools, universities, GP surgeries and public transport providers in allowing hate speech to go unchallenged or even to become normalised within particular contexts.

To address the everyday foundations of hate crime, then, we propose a statutory responsibility for public bodies and those in receipt of public funds who deliver public goods to prevent, monitor, and facilitate reporting of hate crime in contexts for which they are responsible. This would be a duty which would have to be tailored for specific types of institutions, so for instance it might be deemed more appropriate for schools to collaborate with police around monitoring, prevention and education measures, above those which criminalize students, whereas, in contrast, it may be more appropriate for universities to put relatively greater emphasis on solutions with a criminal justice element. In addition for such a measure to succeed, it would have to allow sufficient room for adaptation to local contexts. As such we recommend that this policy should be one where institutions are responsible for developing their own prevention plans, and for monitoring outcomes and iterating their plans accordingly. A potential hate crime commissioner could then play a role in assessing and sharing best practices, without the need to impose a one-sized fits all approach.

Our expert interviews with local authority officers, schoolteachers and heads, and current and former members of the police revealed widespread support for this policy. In general practitioners felt that such a measure would help distribute responsibility for responding to hate crime more evenly, enable collaboration between local institutions, open up additional forms of support, and help reduce the number of criminal incidents institutions had to deal with. Experts emphasized, however, that the success of its measure would depend on its ability to foster coordination between actors at different levels. For example, in schools, dedicated support from safer schools' police officers, as well as reforms to teacher training and the national curriculum were seen as necessary for schools to enact this policy successfully. Experts also emphasized that the savings this measure might produce for the police, judicial and health systems would not necessarily reach those tasked with implementing the measure. We would recommend that such a measure be supported by a national, ring-fenced fund, which could work to even out this imbalance.

6.6 Conclusion

Hate crime continues to pose a significant challenge in the United Kingdom today. Although CSEW statistics suggest a decline in hate crime, methodological limitations to the CSEW as well as patterns of normalisation especially prevalent amongst specific groups suggest that the full scope of hate crime continues to go unrecognised. This is coupled with the fact that certain groups, such as women, face patterns of identity-based targeting very similar to that of other hate crimes, and likewise experience similar heightened impacts, when contrasted to victims of normal crime. Hate crimes are distinct offences which produce heightened impacts, forms of group-level secondary victimisation, and longer-term consequences for both individuals and the groups they belong to. In order to address them effectively, we need first to recognise the full extent of hate based targeting that occurs within the UK today, as well as its devastating impacts both for victims and for social trust and wellbeing within the nation as a whole.

Redressing these harms requires a joined-up approach. Within criminal law, it requires the recognition of the targeting faced by women and others on the basis of gender, as well as the ability to report and prosecute hate crime intersectionally. Ensuring adequate justice may also require a more multifaceted approach to the law that opens up greater possibility for community-sentencing and restorative approaches. There is also a greater need for the alignment of guidance, training, monitoring and policy measures between different statutory agencies, and for public bodies to play a greater role in preventing, monitoring and reporting hate crime, and for such approaches to remain harmonious with legal solutions.

Leaders from Citizens UK Birmingham hold a roundtable discussion with representatives from the Law Commission

Appendix A

Everyday experiences of hate

Thank you for filling out this survey. This survey is run by Citizens UK. Citizens UK organises communities to act together for power, social justice and the common good. This survey explores the everyday experiences of targeting and discrimination experienced by ordinary citizens from a range of different backgrounds. By taking part in this survey, you are helping our communities to change and strengthen the law around hate crime.

This survey takes around 15-30 minutes to complete. You can save your progress and return to this survey at any time, by using the 'Resume later' option found on the top-right corner of each page.

This survey discusses difficult experiences, including violence and assault, and might provoke an emotional response. You may want to find somewhere quiet and private to complete the survey. If you are struggling with any experiences raised in the survey, please see the list of resources here (http://report-it.org.uk/organisations_that_can_help).

All survey responses are kept anonymous, meaning you will not be personally identifiable in our records. Survey data will be stored securely by Citizens UK, and may be used in publications, media and communications.

You are welcome to fill in this survey on behalf of someone else, as long as you have their permission to do so, and as long as they are still the one supplying the answers If you would like a printed copy of the survey, or if you have other accessibility needs, please get in touch.

If you have any questions, please contact Andy May (andy.may@citizensuk.org) or Farhan Samanani (samanani@mmg.mpg.de)

There are 32 questions in this survey.

Introductory Questions (pg 1/6)

Where in the UK do you live (city/town)? *

Please write your answer here:

What are the first three characters in your post code?

Please write your answer here:

It is important for us to be able to understand how experiences vary across different places. By only asking for the first three characters in your postcode, we can identify the broad area in which you live, while maintaining your privacy.

Which age range do you fall in?

Choose one of the following answers
Please choose **only one** of the following:

- ◯ Younger than 12
- ◯ 12-18
- ◯ 19-24
- ◯ 25-34
- ◯ 35-44
- ◯ 45-54
- ◯ 55-64
- ◯ 65-74
- ◯ 75-84
- ◯ 85+

Are you currently in education? If so, at what level?

Choose one of the following answers
Please choose **only one** of the following:

- ◯ No
- ◯ I am in school (primary, secondary, or sixth form)
- ◯ I am in higher education (University etc.)

Which gender best describes you?

Choose one of the following answers
Please choose **only one** of the following:

- ◯ Female
- ◯ Male
- ◯ Genderfluid or gender non-conforming
- ◯ Other

Does your current gender identity match the gender you were assigned at birth?

Please choose **only one** of the following:

- ◯ Yes
- ◯ No

Were you born in the UK?

Please choose **only one** of the following:

- ◯ Yes
- ◯ No

Were any of your parents or grandparents born outside of the UK?

Please choose **only one** of the following:

- ◯ Yes
- ◯ No

Do you have a disability?

Please choose **only one** of the following:

- ◯ Yes
- ◯ No

If you answered 'Yes' to the previous question:

Is your disability visible to others?

Please choose **only one** of the following:

- ◯ Yes
- ◯ No

What is your religion?

Choose one of the following answers

Please choose **only one** of the following:

- ◯ Atheist/Agnostic
- ◯ Buddhist
- ◯ Christian
- ◯ Hindu
- ◯ Jewish
- ◯ Muslim
- ◯ Sikh
- ◯ Other

Do you wear any clothing which identifies you as visibly religious in public?

Please choose **only one** of the following:

- ◯ Yes
- ◯ No

e.g. A hijab, kippah, jilbab etc – but not something non-visible, such as a cross worn under the shirt

Which ethnic group best describes you?

Choose one of the following answers

Please choose **only one** of the following:

- ◯ English / Welsh / Scottish / Northern Irish / British
- ◯ Irish
- ◯ Gypsy or Irish Traveller
- ◯ Any other White background
- ◯ Mixed: White and Black Caribbean
- ◯ Mixed: White and Black African
- ◯ Mixed : White and Asian
- ◯ Any other Mixed / Multiple ethnic background
- ◯ Indian
- ◯ Pakistani
- ◯ Bangladeshi
- ◯ Chinese
- ◯ Any other Asian background
- ◯ African
- ◯ Caribbean
- ◯ Any other Black / African / Caribbean background
- ◯ Arab
- ◯ Latin American
- ◯ Other

What sexual orientation best describes you?

Choose one of the following answers

Please choose **only one** of the following:

- ◯ Heterosexual (straight)
- ◯ Gay or Lesbian
- ◯ Bisexual
- ◯ Other

Everyday Experiences (Part 2/6)

Below is a list of different scenarios. For each, please indicate whether you have experienced this scenario, and when your most recent experience was.

Please choose the appropriate response for each item:

	Within the last week	Within the last month	Within the last year	Within my lifetime	I have not experienced this
Someone in a position of authority has talked down to me	◯	◯	◯	◯	◯
Someone has implicitly or explicitly questioned whether I am 'really' British	◯	◯	◯	◯	◯
I have received persistent, uninvited attention from a stranger	◯	◯	◯	◯	◯
A stranger has made aggressive or demeaning comments towards me	◯	◯	◯	◯	◯
Someone I know has made aggressive or demeaning comments towards me	◯	◯	◯	◯	◯
A stranger has watched me in public in a way that was threatening or demeaning	◯	◯	◯	◯	◯
A stranger has followed me	◯	◯	◯	◯	◯
I have avoided certain places in order to remain safe	◯	◯	◯	◯	◯
I have avoiding going out at certain times in order to remain safe	◯	◯	◯	◯	◯

	Within the last week	Within the last month	Within the last year	Within my lifetime	I have not experienced this
I have avoided certain forms of transportation in order to remain safe	◯	◯	◯	◯	◯
I have been photographed, or have had photographs of me shared, without my consent in a way which was threatening or demeaning	◯	◯	◯	◯	◯
I have been threatened with violence	◯	◯	◯	◯	◯
I have been threatened with sexual assault	◯	◯	◯	◯	◯
I have been physically assaulted	◯	◯	◯	◯	◯
I have been sexually assaulted	◯	◯	◯	◯	◯
I have been touched without my consent, in a way which was threatening or demeaning	◯	◯	◯	◯	◯
Someone has grabbed or tried to remove my clothing in public	◯	◯	◯	◯	◯
I have had my property (car, home, etc) vandalized or otherwise damaged	◯	◯	◯	◯	◯
I have been harassed on social media or elsewhere online	◯	◯	◯	◯	◯

How often do you experience the following?

Please choose the appropriate response for each item:

	Very Frequently	Frequently	Occasion-ally	Rarely	Very Rarely
People are threatening or demeaning towards me because of my religion	◯	◯	◯	◯	◯
People are threatening or demeaning towards me because of my gender	◯	◯	◯	◯	◯
People are threatening or demeaning towards me because of my race/ethnicity	◯	◯	◯	◯	◯
People are threatening or demeaning towards me because of my age	◯	◯	◯	◯	◯
People are threatening or demeaning towards me because of my sexuality	◯	◯	◯	◯	◯
People are threatening or demeaning towards me because of my disability	◯	◯	◯	◯	◯

Are there any places that are part of your lifestyle or daily routine, where you feel unsafe or uncomfortable due to your religion, gender, sexuality, ethnicity/race, age, or disability status? Please select all that apply:

Check all that apply

Please choose **all** that apply:

- [ ] Buying groceries
- [ ] On public transport
- [ ] Going to/from my place of worship
- [ ] At my place of worship
- [ ] Going to/from the homes of certain friends or family
- [ ] At the homes of certain friends or family
- [ ] Going to/from work
- [ ] At work
- [ ] Going to/from my school, university or other place of learning
- [ ] At my school, university or other place of learning
- [ ] In the neighbourhood where I live
- [ ] In the town centre / on the high street
- [ ] Parks, cinemas, cafes or other places of recreation
- [ ] Night-time venues such as bars, pubs or clubs

- [ ] Other:

Everyday Perceptions (part 3/6)

To what extent do you agree with the following statements?

Please choose the appropriate response for each item:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I can choose to wear what I like, without fear of aggressive or sexual comments from strangers	◯	◯	◯	◯	◯
I could go out in public with my partner, or with a potential partner, without fear of harassment	◯	◯	◯	◯	◯
The government, and government officials, tend to act in ways which allow me to feel welcome and 'normal' in this country	◯	◯	◯	◯	◯
I will be treated fairly by the police	◯	◯	◯	◯	◯
I will be treated fairly by officials on public transport (bus drivers, rail security etc.)	◯	◯	◯	◯	◯
I often encounter negative images or descriptions of people like me in the media	◯	◯	◯	◯	◯
My presence in public can make some people uncomfortable	◯	◯	◯	◯	◯
People often view me as less capable than I am	◯	◯	◯	◯	◯
People often view me with suspicion	◯	◯	◯	◯	◯

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I feel comfortable going out alone	◯	◯	◯	◯	◯
If I get upset or concerned, I am dismissed as being too emotional or aggressive	◯	◯	◯	◯	◯
If I receive unwanted attention from a stranger, I can ask them to leave me alone, and they will listen	◯	◯	◯	◯	◯
It is typical to have to take safety precautions when out on my own	◯	◯	◯	◯	◯

This question follows up on experiences and beliefs asked about in earlier questions. *If* you have had a certain experience, or *if* you agree with a certain belief, please tick any relevant reasons why. If a question is not relevant to you, please leave it blank.

Answer relative to all of the different experiences you may have had, and not only your most recent experiences.

Please tick all reasons that all that apply:

This question asks why you think others have behaved in certain ways towards you. This behaviour may have more to do with your perceived identity than your actual identity. For example, some Hindu or Sikh people get called Muslim and attacked in public because people may (wrongly) *perceive them* as Muslim.

	Because of my perceived) gender	Because of my (perceived) ethnicity /race	Because of my perceived) religion	Because of my perceived) sexuality	Because of my perceived) age	Because of my perceived) disability	Another reason	I don't know
Someone has implicitly or explicitly questioned whether I am 'really' British	☐	☐	☐	☐	☐	☐	☐	☐
I have had a stranger or someone I know make aggressive or demeaning comments towards me	☐	☐	☐	☐	☐	☐	☐	☐
I have avoided certain forms of transportation in order to remain safe	☐	☐	☐	☐	☐	☐	☐	☐
I have been threatened with violence	☐	☐	☐	☐	☐	☐	☐	☐
I have been threatened with sexual assault	☐	☐	☐	☐	☐	☐	☐	☐
I have been physically assaulted	☐	☐	☐	☐	☐	☐	☐	☐
I have been sexually assaulted	☐	☐	☐	☐	☐	☐	☐	☐

	Because of my perceived) gender	Because of my (perceived) ethnicity /race	Because of my perceived) religion	Because of my perceived) sexuality	Because of my perceived) age	Because of my perceived) disability	Another reason	I don't know
I have been harassed on social media or elsewhere online	☐	☐	☐	☐	☐	☐	☐	☐
I do not feel able to wear what I like, without fear of aggressive or sexual comments from strangers	☐	☐	☐	☐	☐	☐	☐	☐
The government, and government officials, do not make me feel welcome or 'normal' in the UK	☐	☐	☐	☐	☐	☐	☐	☐
I do not feel that the police will treat me fairly	☐	☐	☐	☐	☐	☐	☐	☐
People often view me as less capable than I am	☐	☐	☐	☐	☐	☐	☐	☐
If I get upset or concerned, I am dismissed as being too emotional or aggressive	☐	☐	☐	☐	☐	☐	☐	☐
I feel uncomfortable going out on my own	☐	☐	☐	☐	☐	☐	☐	☐
I feel that it is typical to have to take safety precautions when out on my own	☐	☐	☐	☐	☐	☐	☐	☐

Are there any other reasons, beyond those listed above, why you may have been targeted within your everyday life?

Please write your answer here:

Do you have any other experiences of being targeted on the basis of your identity that you can share? If you can, please share what happened, when and where, and why you think you were targeted?

Please write your answer here:

Personal Impacts (part 4/6)

Think of any experiences of being targeted that you have had in the **last year**. Did you experience any of the following, and, if so, how long did each impact last?

If you did not experience any form of targeting within the last year, please leave this question blank.

Please choose the appropriate response for each item:

	For a short while, up to a few days	For a week	For 2-4 weeks	For a few months	For 6+ months	I did not experience this
I felt upset or unhappy	◯	◯	◯	◯	◯	◯
I felt fearful	◯	◯	◯	◯	◯	◯
I felt vulnerable	◯	◯	◯	◯	◯	◯
I felt angry towards those around me	◯	◯	◯	◯	◯	◯
I became more distrustful of strangers	◯	◯	◯	◯	◯	◯
I became more distrustful of friends/family	◯	◯	◯	◯	◯	◯
I restricted my movement (e.g. by staying indoors more than usual, avoiding certain areas, or avoiding going out at certain times)	◯	◯	◯	◯	◯	◯
I felt the need to hide my identity	◯	◯	◯	◯	◯	◯
I changed my clothes or appearance	◯	◯	◯	◯	◯	◯

	For a short while, up to a few days	For a week	For 2-4 weeks	For a few months	For 6+ months	I did not experience this
The experience caused arguments with my family or friends	◯	◯	◯	◯	◯	◯
The experience made me want to move house	◯	◯	◯	◯	◯	◯
The experience made me want to move to a different city/town	◯	◯	◯	◯	◯	◯
The experience made me drink alcohol	◯	◯	◯	◯	◯	◯
The experience made me use prescription or non-prescription drugs	◯	◯	◯	◯	◯	◯
The experience made me anxious	◯	◯	◯	◯	◯	◯
The experience made me depressed	◯	◯	◯	◯	◯	◯
The experience impacted my ability to sleep	◯	◯	◯	◯	◯	◯
The experience made me suicidal	◯	◯	◯	◯	◯	◯

Were there any other impacts you experienced from being targeted that were not listed above?

Please write your answer here:

How, if at all, do you feel that your experiences of being targeted based on your identity have changed how you live your life?

Think not only of your most recent experiences, but of the different experiences of being targeted you may have had throughout your life, and how these have collectively effected you.

If you don't feel that being targeted has impacted how you live your life, please leave this blank.

Please write your answer here:

Hate Crime (pg 5/6)

Have you experienced any hate crime? *

Choose one of the following answers
Please choose **only one** of the following:

- ◯ Yes
- ◯ No
- ◯ I don't know

If you answered 'No' skip the next three questions.

Only answer this *if* you answered yes to the previous question:

Do you report your experiences of hate crime to the police?

Choose one of the following answers
Please choose **only one** of the following:

- ◯ Always
- ◯ Sometimes
- ◯ Never

Only answer this question if you said you ‘Always’ or ‘Sometimes’ have reported hate crime to the police.

When you have reported hate crime to the police, what motivated you to do so? Please select all that apply:

Check all that apply

Please choose **all** that apply:

- [ ] I needed practical support
- [ ] I needed emotional support
- [ ] It was a serious crime
- [ ] I think it is important to report all experiences of crime
- [ ] I think it is important to report all experiences of hate crime
- [ ] I wanted the offender(s) to be punished
- [ ] I wanted the offender(s) to be rehabilitated
- [ ] I wanted to help prevent it happening to anyone else
- [ ] I wanted to help protect myself from being targeted again
- [ ] I had been targeted before and I was fed up
- [ ] I was hoping to get my property back
- [ ] I needed to report it in order to support an insurance claim
- [ ] Other:

Only answer this question if you said you have ‘Never’ or ‘Sometimes’ have reported hate crime to the police.

When you did not report hate crime to the police, what motivated you not to report? Please select all that apply:

Check all that apply

Please choose **all** that apply:

- [ ] I did not think the police would take it seriously
- [ ] The police would not have been able to do anything
- [ ] I did not want to deal with the police
- [ ] I have previously had bad experiences with police
- [ ] I did not personally feel it was serious enough to go report
- [ ] I did not know what reporting would accomplish
- [ ] I did not want to deal with the experience any more than I had to
- [ ] I dealt with the situation myself, or with help of others
- [ ] I did not want to explain the experience
- [ ] I did not want the police to know about my identity or legal status (e.g. sexual orientation, asylum seeker status etc)
- [ ] I was worried that the offenders would retaliate, or that reporting would make matters worse
- [ ] I reported it to another organization or official instead
- [ ] I did not know I could report it
- [ ] Other:

To what extent do you agree with the following statements?

Please choose the appropriate response for each item:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I feel confident that if I experience hate crime, I will be able to access any support I need	◯	◯	◯	◯	◯
I feel confident that if I experience hate crime, the police will respond appropriately	◯	◯	◯	◯	◯
I feel confident that if I experience hate crime, my perpetrator will be held to account	◯	◯	◯	◯	◯
I feel confident that if I experience hate crime at work, my employer respond appropriately	◯	◯	◯	◯	◯
I feel confident that if I experience hate crime at my educational institution, the institution will respond appropriately	◯	◯	◯	◯	◯
Hate crime laws do enough to prevent hate speech	◯	◯	◯	◯	◯
Threatening or demeaning language and images about certain groups lead to criminal behaviour targeted against members of those groups	◯	◯	◯	◯	◯

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Hate crime is mostly a problem to do with individual perpetrators	◯	◯	◯	◯	◯
Hate crime is mostly a problem to do with the media, government, and public institutions	◯	◯	◯	◯	◯
I feel well protected by existing hate crime laws	◯	◯	◯	◯	◯
I clearly understand what does and does not count as a hate crime within UK law	◯	◯	◯	◯	◯

Desired Change (pg 6/6)

Please state whether you agree or disagree with the following statements:

Please choose the appropriate response for each item:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Crimes motivated by hostility towards women and girls should qualify as a form of hate crime	◯	◯	◯	◯	◯
Crimes where someone is targeted based on their age should qualify as a form of hate crime	◯	◯	◯	◯	◯
Preventing hate speech is an important way of reducing other forms of hate crime	◯	◯	◯	◯	◯
Stronger laws against hate crime will help prevent people being targeted	◯	◯	◯	◯	◯
Stronger laws against hate crime are needed for the police to take hate crime seriously enough	◯	◯	◯	◯	◯
Hate crime laws should be constructed around the experiences of those who face the most targeting	◯	◯	◯	◯	◯

Currently, people who have experienced hate crime based on multiple parts of their identity (e.g. their religion and their race) are required to report their experience based on just one category (e.g. as anti-religious hate crime or as racist hate crime).

Should be able to report hate crime under multiple categories?

Choose one of the following answers

Please choose **only one** of the following:

- ◯ Strongly agree
- ◯ Agree
- ◯ Neither agree nor disagree
- ◯ Disagree
- ◯ Strongly disagree

What other changes would you want to see to help prevent hate crime or to improve the experiences of victims? These can be changes that happen nationally, or locally, within your own area.

Please write your answer here:

Thank you!

Thank you for your participation! Your contribution well help us to better understand hate crime and other harassment in the UK, as well as to push for better protection and support for those who face such experiences. To learn more about Citizens UK and the work they do, visit www.citizensuk.org (http://www.citizensuk.org)

If you are struggling with any of the experiences discussed in the survey, support is available. The national Victim Support helpline provides a free and confidential listening and support service. Victim Support can also help you find face-to-face counselling and other resources in your area. To contact them, call 01708 765200, or email info@supportline.org.uk (mailto:info@supportline.org.uk). A longer list of resources is also available here (http://report-it.org.uk/organisations_that_can_help#sexual_orientation), including resources for specific groups, such as Muslims, LGBT+ people and Gypsy/Roma and Travellers.

Share the survey:

People speaking out will be essential to create change, and win better protections against hate crime. Help spread this survey as widely as possible, and give others a chance to share their experience, by sharing the link below:

https://survey3.gwdg.de/index.php?r=survey/index&sid=977831&lang=en (https://survey3.gwdg.de/index.php? r=survey/index&sid=977831&lang=en)

You can also contact your Citizens UK community organizer, or one of the contacts provided at the start of this survey, for printed copies.

Speak out about your personal experience:

Testimony can play a powerful role in getting politicians and other decision makers to listen the experiences of ordinary citizens and to create changes in policy. If you are happy to share further details about your experiences of hate or targeting with Citizens UK, please fill out your contact details by going to bit.ly/testimonyLC. This information is stored separately, and cannot be connected to your survey responses, so your survey responses will always remain anonymous.

Appendix B

RACEPOSS [ASK IF RACEMOT = DK]
SL

Was there anything about the incident that made you think it might have been RACIALLY motivated?

1. Yes
2. No

YRACEMOA-
YRACEMOI [ASK IF RACEMOT = YES OR RACEPOSS = YES]
SL

Why do you think it [was/might have been] RACIALLY motivated? DO NOT PROMPT
CODE ALL THAT APPLY

1. Racist language used (comments, abuse, etc.)
2. Because of victim's race/country of origin
3. Because of offender's race/country of origin
4. Because offence only committed against minorities (e.g. doesn't happen to anyone else)
5. Because some people pick on minorities
6. Because it has happened before
7. Some other reason

HATEMT3A-
HATEMT3I [ASK ALL]
SL

WHITE SHOW CARD V1
Looking at the things on this card do you think the incident was motivated by the offender's attitude towards any of these factors? CODE ALL THAT APPLY

1. Your religion or religious beliefs
2. Your sexuality or sexual orientation
3. Your age
4. Your sex
5. Any disability you have
6. Your gender identity (transgender)
7. Don't Know
8. None of these

Source	SS	df	MS
Model	4902.0613	22	222.820968
Residual	4314.71396	462	9.3392077
Total	9216.77526	484	19.0429241

Number of obs	485
F(22, 462)	23.86
Prob > F	0.0000
R-squared	0.5319
Adj R-squared	0.5096
Root MSE	3.056

criminal_exp_score	Coef.	Std. Err.	t	P>|t|	[95% Conf.	Interval]
age_c						
1	.7725817	.9285839	0.83	0.406	-1.05219	2.597353
2	-.5497276	.4719444	-1.16	0.245	-1.477151	.3776961
3	-.1791578	.4460793	-0.40	0.688	-1.055754	.6974379
5	.4332499	.4431042	0.98	0.329	-.4374994	1.303999
6	-.4158736	.5695864	-0.73	0.466	-1.535175	.7034274
7	-1.090399	.6581561	-1.66	0.098	-2.38375	.2029514
8	-1.159617	1.216729	-0.95	0.341	-3.550625	1.231391
religion_c						
2	.1981809	1.295745	0.15	0.879	-2.348102	2.744464
3	-.4617464	.3953057	-1.17	0.243	-1.238566	.3150737
4	-3.315694	3.136427	-1.06	0.291	-9.479125	2.847737
5	-.3656096	.7893573	-0.46	0.643	-1.916785	1.185566
6	-1.731392	.5467506	-3.17	0.002	-2.805818	-.6569655
7	.4108028	.5656067	0.73	0.468	-.7006778	1.522283
8	-.4570915	2.23635	-0.20	0.838	-4.85177	3.937588
gender_c						
1	-.2580896	.3428619	-0.75	0.452	-.9318517	.4156724
2	1.08625	1.408081	0.77	0.441	-1.680787	3.853287
4	1.019423	.7435329	1.37	0.171	-.4417024	2.480549
2.non_white_c	-1.005736	.4651055	-2.16	0.031	-1.919721	-.0917518
2.non_straight_c	.7880499	.4030546	1.96	0.051	-.0039974	1.580097
disability_c	.1915065	.4119203	0.46	0.642	-.617963	1.000976
trans_wo_anti_c	-3.468667	.8707444	-3.98	0.000	-5.179777	-1.757557
exp_view_index_bal	3.917087	.212396	18.44	0.000	3.499705	4.334469
_cons	-.2178742	1.253069	-0.17	0.862	-2.680296	2.244548

Source	SS	df	MS
Model	475.071457	23	20.6552807
Residual	521.979578	827	.631172404
Total	997.051036	850	1.17300122

Number of obs	851
F(23, 827)	32.73
Prob > F	0.0000
R-squared	0.4765
Adj R-squared	0.4619
Root MSE	.79446

impact_score	Coef.	Std. Err.	t	P>|t|	[95% Conf.	Interval]
age_c						
1	.0364571	.1035931	0.35	0.725	-.1668793	.2397935
2	-.1134984	.1209811	-0.94	0.348	-.3509645	.1239676
3	-.1652541	.1143443	-1.45	0.149	-.3896932	.0591851
5	-.2369624	.1136155	-2.09	0.037	-.4599711	-.0139537
6	.0599564	.1413132	0.42	0.671	-.2174183	.3373311
7	-.3022029	.1687676	-1.79	0.074	-.633466	.0290603
8	-.4862569	.3146797	-1.55	0.123	-1.103922	.1314079
10	.1038034	.3400997	0.31	0.760	-.5637568	.7713636
religion_c						
2	.1650573	.3114137	0.53	0.596	-.446197	.7763116
3	-.0910587	.0916365	-0.99	0.321	-.2709261	.0888087
4	-.2180052	.2613952	-0.83	0.405	-.7310813	.2950709
5	.0971401	.1985814	0.49	0.625	-.2926428	.4869229
6	-.0154757	.1052674	-0.15	0.883	-.2220984	.1911469
7	-.0190061	.1377971	-0.14	0.890	-.2894792	.251467
8	-.0282765	.2985526	-0.09	0.925	-.6142865	.5577336
gender_c						
1	-.1031832	.085738	-1.20	0.229	-.2714729	.0651064
2	-.1997483	.2831277	-0.71	0.481	-.7554817	.3559852
4	-.3709106	.1865752	-1.99	0.047	-.7371272	-.0046939
2.non_white_c	-.2588279	.0931001	-2.78	0.006	-.4415681	-.0760876
2.non_straight_c	.1804315	.0850818	2.12	0.034	.0134298	.3474333
disability_c	.352929	.0978607	3.61	0.000	.1608445	.5450136
trans_wo_anti_c	.0397589	.2046879	0.19	0.846	-.3620101	.4415279
exp_view_index_bal	.9818237	.0439316	22.35	0.000	.8955932	1.068054
_cons	-2.03202	.3007985	-6.76	0.000	-2.622438	-1.441601

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