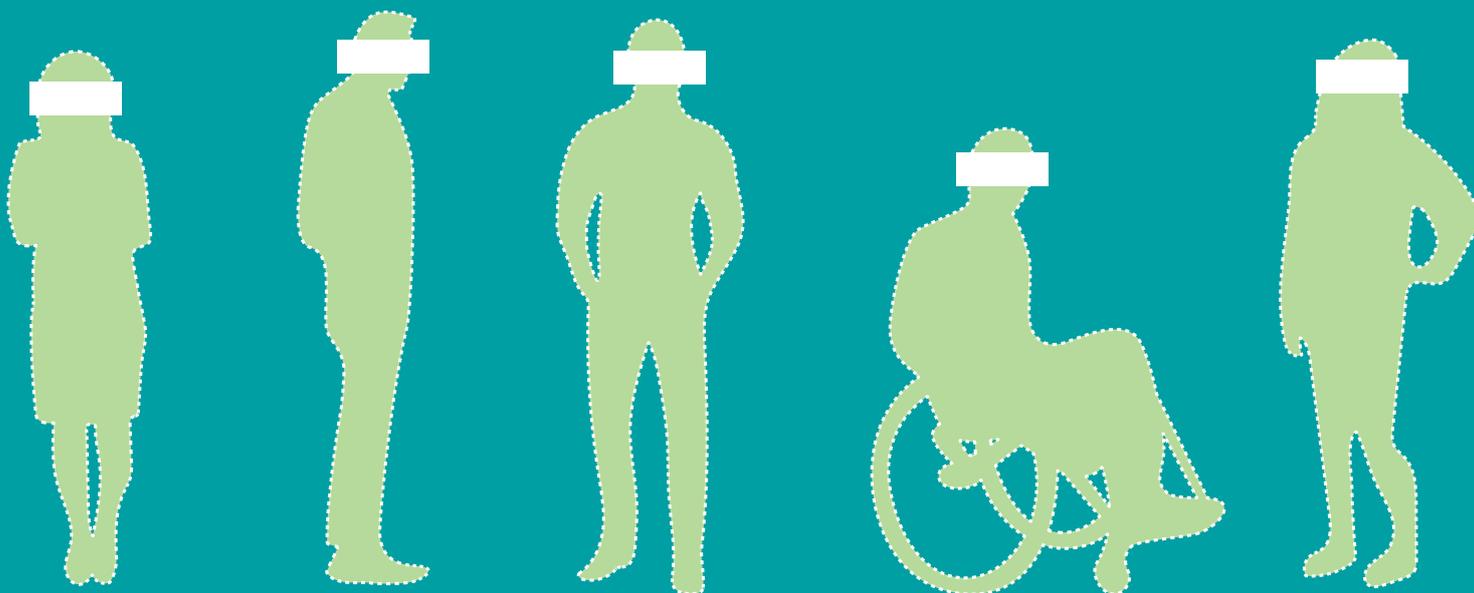


Gender-Based Hate Crime



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Gender-based hate crimes are a consequence of gender inequalities and disproportionately affect women, as well as anyone perceived as not complying with prevailing gender norms. Gender-based hate crimes often seek to intimidate and suppress ways of life or expressions of identity that are perceived as not complying with traditional gender norms. They have a significant, long-lasting impact on the victims, and undermine security and social cohesion by perpetuating gender inequalities. The existence of such crimes also underscores wider trends of intolerance towards other groups. Everyone has a role to play in countering this and all forms of intolerance.

What Is Hate Crime?

**Criminal Offence
+ Bias Motivation
= Hate Crime**

- Hate crimes comprise two elements: a criminal offence and a bias motivation.
- First, hate crimes require a base offence to have occurred. In other words, the act committed must constitute an offence under criminal law. If there is no underlying crime, there is no hate crime.
- The second element of a hate crime is that the perpetrator must commit the criminal act with a particular bias motive or motives (such as a bias against a victim's disability, religion, ethnicity, colour and/or their gender). The presence of a bias motive is what differentiates hate crimes from ordinary crimes.
- A hate crime has taken place when a perpetrator has intentionally targeted an individual or property because of one or more protected characteristics, or expressed hostility towards the protected characteristic(s) during the crime.

What are Gender-Based Hate Crimes?

Gender-based hate crimes are **criminal offences motivated by bias against a person's gender**. Such crimes target people, property or associations connected with people or groups due to their actual or perceived gender. Laws that address crimes motivated by bias and that cover gender as a protected characteristic differ as to whether the term sex or gender is used.

One of the motivating factors behind this type of crime is the perpetrator's perceptions of gender norms. The victims of such crimes are often targeted due to their perceived deviation from gender norms, including on the basis of their sexual orientation and gender identity. Gender-based hate crimes may also target people or property due to their association, professional affiliation with or activism on gender issues, such as women's rights groups and civil society organizations working with victims of violence.



ODIHR's events bring together civil society representatives, policymakers, criminal justice actors and others to improve understanding of hate crimes, including those motivated by a gender-based bias. (ODIHR/Piotr Markowski)



Victims of gender-based hate crimes may be selected solely due to their gender, or on the basis of multiple identity traits, such as their gender, ethnicity and/or religion.

Any individual or group, regardless of their gender, can be a victim of gender-based hate crime. However, gender-based hate crime disproportionately affects women and girls. Victims may be selected solely due to their gender, or on the basis of multiple identity traits, such as their gender and religion.

Some cases of **gender-based violence** can be treated as gender-based hate crimes. However, the perpetrator must have demonstrated a gender bias during the incident for it to be considered a hate crime.

How to Recognize Gender-Based Hate Crimes

There are a number of indicators that can help to identify a gender bias in a potential hate crime. Such indicators, known as “bias indicators”, can prompt authorities to investigate a crime as a gender-based hate crime, enabling a tailored response.

The following questions can help identify gender-based hate crimes:

- Do the victims or witnesses perceive the incident as motivated by bias based on the victim’s gender?
- Were there comments, written statements, gestures or graffiti that indicate bias? This can include the use of gender-based insults, tropes, stereotypes and prejudices, such as those related to women’s roles in the public or private spheres.
- Was the targeted property a place of professional, legal, cultural or health significance, such as a women’s rights organization, an LGBTI association, a family

planning clinic and/or other places that might be frequented by individuals of a specific gender?

- Was the property previously targeted in a gender-based hate incident or crime?
- In the case of an attack against property, was an object or symbol left at the scene that can be perceived as offensive or threatening on the basis of gender?
- What was the nature of the violence? Were symbols representing a specific gender targeted?
- Does the suspect belong to a hate group that targets people based on their gender? This could include movements characterized by misogynistic views (such as “incels”), violent men’s rights activists and groups advocating intolerance against people based on their gender. Does the suspect’s background or criminal record show that they have committed similar incidents in the past?
- Was the victim a women’s rights, feminist or LGBTI activist, or a human rights defender dealing with the protection and safety of specific groups on the basis of gender?
- Did the incident take place on a date of significance either for the perpetrator or the affected communities (e.g., International Women’s Rights Day or during the 16 Days of Activism against Gender Based Violence Campaign)?
- Is there any other clear motive? The lack of other motives is also a reason to consider a bias motivation.

Gender-based hate crimes should be monitored and recorded as a separate category of crimes. Where a crime is committed with multiple bias motives, each of these biases must be recorded and addressed during

investigation and prosecution. Data on gender-based hate crimes should be collected and gender disaggregated, to better understand the extent to which women, men and others are affected by such crimes, and to identify appropriate measures to counter gender-based hate crimes. When investigating and addressing gender-based hate crimes, it is important to consider the possible multiple identities of the victim (such as religion and ethnicity or gender), as this can have significant ramifications for individual victims.

Reporting Gender-Based Hate Crimes

Gender-based hate crimes, like all hate crimes, are under-reported. The reasons for this are numerous: gender-based hate crimes may not have been widely defined in either law or practice, while the gender element is often overlooked in hate crimes motivated by multiple biases. Under-reporting makes it difficult to obtain an accurate picture of the problem.

Effective access to justice remains a critical challenge for victims, and one that OSCE participating States need to address. Governments have a central role to play in ensuring access to justice, from the initial assessment of victims’ needs by police officers to developing support mechanisms for victims. Failure to effectively investigate hate crimes – including those motivated by a gender bias – can have a detrimental effect on the victims and society at large.

To be effective, police responses and government policies to counter gender-based hate crimes must be evidence-based and draw on official hate crime data, as well as on reports from civil society and international organizations. Increased public awareness of hate crime, hate crime recording by states, measures to encourage reporting by victims, and civil society monitoring and reporting will all help reveal the scope of the problem in more detail, enabling policymakers to identify appropriate responses.

Examples of Gender-Based Hate Crimes

- Two women working with an association that assists hate crime victims were repeatedly subjected to misogynist insults and death threats online.
- A Jewish feminist activist working with women from minority communities was repeatedly subjected to anti-Semitic and misogynist insults and death threats via social media.
- The campaign office of a woman candidate for elected office was vandalized with graffiti containing sexist insults.
- A woman was stabbed multiple times with a knife by a man who self-identified as an “incel” (involuntarily celibate). The woman and her eight-month-old baby sustained injuries.
- Three men dressed as women and one woman were subjected to gender-based and misogynist insults, threatened, slapped and punched in the face, eyes and nose on the night of International Women’s Day.
- A young woman was attacked and beaten in public by three men for wearing a skirt.

What Can You Do?

There are a number of organizations that can assist victims of hate crime. Victim Support Europe, Victim Support United Kingdom, Assistance for Victims of Crime in Canada and the United States, Equality bodies, ombuds institutions addressing discrimination and civil society organizations play a central role in countering hate crimes. They serve as vital links between victims, communities and local authorities. You can contact these organizations, your local support association or your ombuds institution to find out more about gender-based hate crimes:

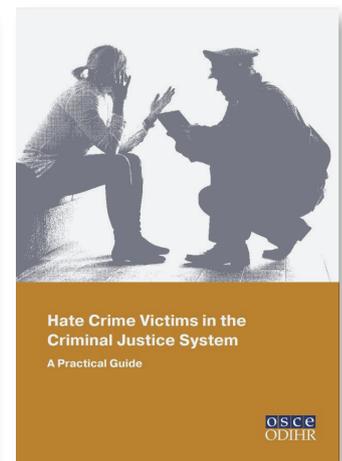
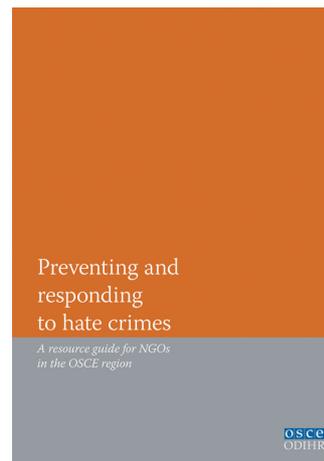
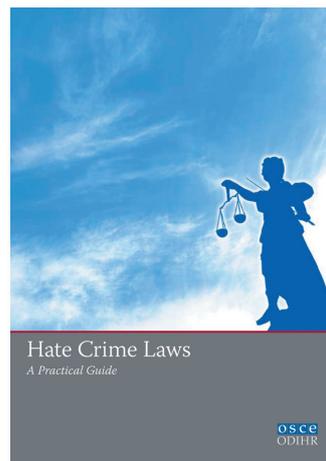
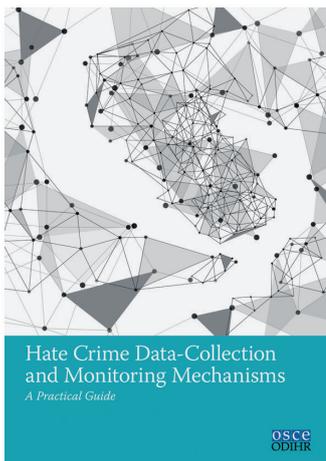
- Victim Support Europe: <https://victimsupport.eu/>
- Victim Support United Kingdom:
<https://www.victimsupport.org.uk/help-and-support/get-help>
- Assistance for Victims of Crime, Government of Canada:
<https://www.canada.ca/en/services/policing/victims.html>
- Victim Connect Resource Center, United States National Center for Victims of Crime:
<https://victimconnect.org/learn/types-of-crime/hate-crimes/>

- Equinet- the European Network of Equality Bodies:
<http://www.equineteurope.org/>
- The International Ombudsman Institute (IOI): www.theioi.org
- The European Network of National Human Rights Institutions (ENNHRI): www.ennhri.org

ODIHR Guides on Hate Crime

ODIHR has compiled good practices from OSCE participating States on addressing hate crime and has shared these in a number of publications, available on our website at: www.osce.org/odihr/guides-related-to-hate-crime

Find out more about gender-based hate crimes and how civil society can report incidents to ODIHR by visiting our dedicated Hate Crime Reporting Website at: www.hatecrime.osce.org



More information:

For detailed information about ODIHR's hate crime initiatives and to view its full range of resources and publications, please visit:

www.osce.org/odihr/tolerance

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