

Should Misogyny be Considered a Hate Crime?

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Abstract

The objective of this article is to address the rising call from advocates and politicians for misogyny to be considered a hate crime under English and Welsh law. Specifically, it focuses on two main issues: 1. The potential inclusion of sex and gender as a protected characteristic for the purposes of hate crime legislation (that is, for aggravated offences under the Crime and Disorder Act 1998 and enhanced sentencing for hate crimes under the Sentencing Act 2020), and; 2. The inclusion of an offence for stirring up hatred on the basis of sex. In assessing these questions, the article pays attention to the current legal framework that addresses violence against women and girls (VAWG), explores the role that misogyny plays in VAWG (particularly in terms of domestic abuse and sexual violence), and concludes that a hate crime approach to these offences would not be beneficial, and would in fact cause more harm than good. It then considers the rise of online misogyny and its correlation with extreme acts of violence, paying attention to novel cases of terrorism, mass killings, and their links with online misogynist extremism, concluding that an introduction of an offence of stirring up hatred on the basis of sex would help to tackle this rising issue.

Key Words

Misogyny, Hate Crime, Violence against Women and Girls, Protected Characteristics, Misogynist Terrorism

1. Introduction

Psychological and physical violence against women and girls (VAWG) is a prevalent issue worldwide. According to the World Health Organization in 2021, approximately 1 in 3 women have experienced physical or sexual violence¹, and men are overwhelmingly the most common perpetrators². Such violence can manifest in the form of domestic abuse, sexual offences, and harassment. Many consider the cause of this violence to emanate from patriarchal structures, and the misogynistic values that are ingrained in society³. Because of this, there is a rising argument from scholars and politicians that misogyny should be considered a hate crime⁴.

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¹ Brenda Gutierrez and Campbell Leaper, 'Linking Ambivalent Sexism to Violence-Against-Women Attitudes and Behaviours: A Three-Level Meta-analytic Review' (2024) *Sexuality & Culture* 851, 851; World Health Organization, 'Violence against Women' (2024) <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>> accessed 25 November 2024

² Ibid

³ Gwen Hunnicutt, 'Varieties of patriarchy and violence against women: Resurrecting "patriarchy" as a theoretical tool' (2009) *Violence against Women* 553

⁴ JaneMaree Maher, Jude McCulloch and Gail Mason, 'Punishing Gendered Violence as Hate Crime: Aggravated Sentences as a Means of Recognising Hate as Motivation for Violent Crimes against Women' (2015) *Australian Feminist Law Journal* 177

Misogyny is defined by the oxford dictionary as the ‘dislike of, contempt for, or ingrained prejudice against women’. Kate Manne states in her book *Down Girl: The Logic of Misogyny* that we should understand misogyny as ‘a property of social environments in which women are liable to encounter hostility due to the enforcement and policing of patriarchal norms and expectations⁵ – patriarchy being a system of social structures and practices in which men dominate, oppress and exploit women.’⁶

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people,⁷ and are defined by the Government and police forces in England and Wales as “any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person’s disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity”.⁸ A hate crime is not an offence in itself; however, crimes motivated by, or involving hostility based on these protected characteristics are considered ‘aggravated’, and this must be identified and reflected in the sentence imposed.⁹ Whilst sex and gender are protected characteristics in England and Wales under the Equality Act 2010,¹⁰ for the purposes of protection from discrimination, they are not protected characteristics under hate crime legislation – namely the Crime and Disorder Act 1998, which deals with aggravated offences, and Section 66 of the Sentencing Act 2020, which allows prosecutors to apply for an uplift in sentence for those convicted of hate crime. Therefore, crimes against women, even those that are motivated by misogyny, are not treated as hate crimes.

‘Stirring up hatred’ offences are found under Part III of the Public Order Act 1986. Stirring up racial hatred is committed when someone says or does something which is threatening, abusive or insulting, and the person either intends to stir up racial hatred or makes it likely that racial hatred will be stirred up. Stirring up religious hatred or hatred on the grounds of sexual orientation is committed if a person uses threatening words or behaviour or displays any threatening written material and intends to stir up religious hatred or hatred on the grounds of sexual orientation.

This article examines proposals to add sex as a protected characteristic in hate crime legislation, and so references to ‘women’ relate to biological sex. This does not detract from the existing protection afforded to transgender identity under current hate crime law. The reform in question is related specifically to the addition of sex and biological gender in hate crime legislation.

This article seeks to answer the question ‘Should Misogyny be Considered a Hate Crime?’. It will focus on two main arguments:

1. Sex and gender should not be added as a protected characteristic under hate crime legislation for the purposes of aggravated offences and enhanced sentencing, and

⁵ Kate Manne, *Down Girl: The Logic of Misogyny* (OUP 2017) 19

⁶ Sylvia Walby, ‘Theorising Patriarchy’ (1989) *Sociology* 213, 214

⁷ World Bank, *Equality of Opportunity Lines* (World Bank, 2021) 116

⁸ Claire Brader, ‘Misogyny: a new hate crime?’ (*UK Parliament*, 2021)

<<https://lordslibrary.parliament.uk/misogyny-a-new-hate-crime/#:~:text=Disability%2C%20race%2C%20religion%2C%20sexual%20orientation%20and%20transgender%20identity%20are,crime%20in%20England%20and%20Wales>> accessed 6 November 2024

⁹ Sentencing Act 2020, s 66

¹⁰ Equality Act 2010, s 4

2. The law on stirring up hatred should be extended to include a new offence of stirring up hatred on the basis of sex.

The article will begin by exploring the current legal landscape of violence against women in the UK, addressing in particular how, whilst not recognising VAWG as hate crimes, the UK legislates crimes which predominantly affect women. It will then move on to how misogyny manifests in violence against women, focusing majorly on domestic abuse and sexual offences, as whilst there is a plethora of crimes which women are affected by, these two are the most major crimes against women we see in the UK. The article will then discuss why the UK should not include sex as a protected characteristic under hate crime legislation, and why doing so would be counterproductive. The article will then explore the issue of the rise of ‘incel’ ideology and the increasing risk of misogynist extremism and terrorism. It will argue that extreme acts of violence motivated by incel ideology and express hatred of women should be considered to be acts of terror and explain why a law criminalising stirring up hatred on the basis of sex is necessary to tackle this issue.

The discussion of sex and gender as a general protected characteristic in hate crime law will focus more on the most common forms of abuse women face, whereas the discussion of a specific crime of stirring up hatred on the basis of sex will discuss more novel events, such as mass killings and extremism. The reason for this is because common crimes against women which are concerned with misogyny rising from inherent social issues are of a completely different nature to incel ideology and extremism, which is focused on a rising cause of express hatred for women, which cannot be dealt with in the same way as other crimes against women.

2. The Current Legal Landscape of Violence against Women and Girls

In England and Wales, whilst sex is a protected characteristic under the Equality Act 2010 for the purposes of discrimination, sex is not a protected characteristic under hate crime legislation. Although this is the case, there are a number of statutes that address the most prominent forms of VAWG that occur in the UK. Statutes which legislate common forms of VAWG include the Domestic Abuse Act 2021, Protection from Harassment Act 1997, and the Sexual Offences Act 2003. These statutes govern some of the most predominant crimes against women that we see, such as domestic violence, sexual offences, and harassment.

Domestic Abuse

The Domestic Abuse Act was introduced in 2021 to improve protections for victims of domestic abuse and ensure that abusers are held accountable. The Act provides a comprehensive list of what can constitute “abusive” behaviour, including: physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; or psychological, emotional or other abuse. It does not matter whether the behaviour consists of a single incident or a course of conduct.¹¹ The Domestic Abuse Act protects both male and female victims of domestic abuse, however because women are disproportionately affected,¹² it can be said that the Act offers protection for women who experience VAWG in the form of domestic abuse. The Act was the first piece of legislation that comprehensively addressed the full spectrum of domestic abuse, recognising all elements of the offence, including

¹¹ Domestic Abuse Act 2021, s 3

¹² Office for National Statistics, *Domestic abuse victim characteristics, England and Wales: year ending March 2024* (ONS, 2024)

<<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2024>> accessed 25 November 2024

psychological and emotional aspects, reflecting society's growing understanding of the different ways in which both men and women experience abuse.

Sexual Offences

The Sexual Offences Act 2003 also provides protection for women against violence. It covers crimes such as rape and sexual assault, putting a focus on consent and the reasonable belief in consent as central elements of many sexual crimes. The act redefines consent, strengthens laws on child sexual abuse and exploitation, as well as criminalises abuses of positions of trust.¹³ As with the Domestic Abuse Act, women and girls are disproportionately affected by sexual crimes, so by strengthening the law on sexual offences, this act provides a stronger framework for which to protect women and girls from sexual violence.

Stalking and Harassment

The Protection from Harassment Act 1997 is designed to protect individuals from harassment, stalking, and abusive behaviour. This statute applies to anyone; however it plays an important role in protecting women, who are at a higher risk of harassment and stalking.¹⁴ The Act provides for two criminal offences: pursuing a course of conduct amounting to harassment; and a more serious offence where the conduct puts the victim in fear of violence. The Coalition Government also added two specific criminal offences of stalking to the 1997 Act.¹⁵ There are civil injunctions that can be imposed and damages which can be awarded by civil courts in these cases. It has been provided that stalking and harassment should be addressed within the overall framework of VAWG and human rights, as women can often fall victim to crimes of harassment and stalking, sometimes as an aftermath of an abusive relationship. The ability of victims to seek civil injunctions is another way in which VAWG is addressed under the existing legal framework of UK law.

Although all of these statutes are gender-neutral, in the sense that they protect people of all genders, these laws address forms of violence that disproportionately affect women and girls and so can be said to form a layer of protection over gender-based crime in England and Wales, albeit not with the specific label of hate crime.

Other Jurisdictions

Some other regions, however, take a different approach towards protecting women from VAWG. The United Nations expressed that they were deeply concerned that the global prevalence of different manifestations of the gender-related killing of women and girls (also known as femicide) is reaching alarming proportions.¹⁶ In response to this, and the general increase in VAWG, The Criminal Code of Canada made the move to include sex as a protected characteristic in hate crime legislation, making it an offence to advocate for genocide¹⁷ or incite hatred against an identifiable group,¹⁸ including on the basis of sex.¹⁹ The Canadian Criminal Code also considers hate motivation based on sex to be an aggravating factor in sentencing. Uruguay's Criminal Code criminalises the incitement to hatred or any form of violence against

¹³ Mental Health Law Online, 'Sexual Offences Act 2003' (MHLO, 2021)

<https://www.mentalhealthlaw.co.uk/Sexual_Offences_Act_2003#:~:text=It%20covers%20the%20non%2Dconsensual,and%20conclusive%20presumptions%20about%20consent.> accessed 12 November 2024

¹⁴ Office for National Statistics, *Stalking: findings from the Crime Survey for England and Wales* (ONS, 2024)

¹⁵ Pat Strickland, 'The Protection from Harassment Act 1997' (UK Parliament, 2017)

<<https://commonslibrary.parliament.uk/research-briefings/sn06648/>> accessed 25 November 2024

¹⁶ United Nations General Assembly, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women* UNGA Res 68/191 (2013) UN Doc A/RES/68/191

¹⁷ Canadian Criminal Code of Conduct, s 318(1)

¹⁸ Ibid s 319(1)

¹⁹ Ibid s 318(4)

a person or a group based on their sexual orientation or “sexual identity” and provides enhanced penalties for crimes motivated by these characteristics.^{20,21} Kosovo’s Criminal Code also criminalises hate crimes and hate speech against sexual and gender minorities and considers crimes committed on the basis of a person’s gender identity to be an aggravating circumstance.²²

In comparison to the approaches of other countries which include sex and gender in hate crime legislation, one could argue that the UK’s approach is insufficient because it does not address the unique nature of violence against women, and the role that misogyny plays in VAWG. There were talks in parliament²³ during the House of Lords committee stage of the Police, Crime, Sentencing and Courts Bill²⁴ of an amendment that would add ‘hostility because of sex or gender’ to the protected characteristics in the sentencing code, however this was not implemented.²⁵ The Law Commission also considered the inclusion of sex and gender as a protected characteristic in their 2021 report on Hate Crime,²⁶ however came to the conclusion that such an addition would provide more drawbacks than benefits.

3. How Does Misogyny Manifest in Violence Against Women and Girls?

The United Nations defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”.²⁷ It is important in this discussion to identify the correlation between misogyny and VAWG, in order to properly assess its potential status as a hate crime. Although VAWG comes in many different forms, this section of the article will focus on two of the most prominent and common crimes against women, namely domestic abuse and sexual violence.

Domestic Abuse

Dom²⁸year. These figures indicate that around 69% of victims are women as opposed to 31% being men. From these statistics we can see that whilst men make up a large portion of domestic abuse victims, women are²⁹. There are important and significant differences between male violence against women and female violence against men. For example, women experience higher rates of repeated victimisation and are much more likely to be seriously hurt or killed than male victims of domestic abuse.³⁰ likely to be seriously injured and report fear that their lives are in danger.³¹ It can be said that men do not experience domestic abuse as

²⁰ Uruguay, Penal Code (as amended by Law 17.677). 2003. Art 149bis

²¹ World Bank (n 8)

²² Kosovo, Criminal Code, Law No. 06/L-074. 2019. Art 70, para. 2

²³ Claire Brader (n 9)

²⁴ Police, Crime, Sentencing and Courts Bill now Police, Crime, Sentencing and Courts Act 2022

²⁵ Ibid

²⁶ Law Commission, *Hate crime laws: Final report* (Law Commission, 2021)

²⁷ Women’s Aid, ‘Domestic abuse is a gendered crime’ <<https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/domestic-abuse-is-a-gendered-crime/>> accessed 20 December 2024

²⁸ Office for National Statistics, *Domestic abuse victim characteristics, England and Wales: year ending March 2024* (ONS, 2024)

²⁹ Women’s Aid (n 32)

³⁰ Scott-Storey and O-Donnell et al, ‘What About the Men? A Critical Review of Men’s Experiences of Intimate Partner Violence’ (2023) *Trauma, Violence, & Abuse* 858, 864

part of embedded, structural inequalities against their sex, whereas domestic abuse perpetrated by men against women is rooted in women's unequal status in society and is part of the wider social problem of male violence against women and girls. The Women's Aid foundation found that sexism and misogyny set the scene for male abusive partners' coercive and controlling behaviours, as well as to excuse abusive behaviour by men in intimate relationships with women.³² It is important to recognise that men and women experience domestic abuse differently, and that the root cause of abuse often differs for male and female perpetrators, to help educate people and protect them from domestic abuse. However, it is also important to understand that whilst they may be different, male experiences of domestic abuse are no less serious than women's experiences.

Sexual Violence

In addition to domestic abuse, sexual violence is also a serious and major issue worldwide. Countries have varying definitions for what constitutes sexual violence, however the World Health Organization (WHO) provides a definition of sexual violence as "any sexual act or an attempt to obtain a sexual act, unwanted sexual comments, or advances, acts to traffic or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim in any setting, including but not limited to home and work".³³ According to the Office for National Statistics, 1 in 4 women have been raped or sexually assaulted since the age of 16. 1 in 2 rapes against women are carried out by a partner or ex-partner, and 6 in 7 rapes are carried out by someone they know.³⁴ The UK does not explicitly provide a legal definition of sexual violence, however the Sexual Offences Act 2003 covers a range of offences that would be considered sexual violence, for example rape and sexual assault, and causing a person to engage in sexual activity without consent. Rape can be said to be the 'psychological extension of a dominant-submissive sex-role stereotypes culture',^{35,36} and societal attitudes towards women and gender stereotypes are examples of how sexism and misogyny may be underlying motivators in cases of domestic abuse and sexual violence. Gender stereotypes are often internalised and can arise from the male dominated milieu,³⁷ and patriarchal structure of society. Hypermasculinity can also play a role in VAWG.³⁸ Hypermasculinity has been defined as engaging in activities that may be aggressive and dominating over others, especially toward women, while showing excessive masculine behaviour, valuing their own status.³⁹ Hypermasculinity often results in endorsing positions that subjugate and devalue women, engaging in violent fantasies about, and/or conducting aggressive behaviours toward women.⁴⁰ The concept of hypermasculinity suggests that the

³² Women's Aid (n 32)

³³ World Health Organization, *World report on violence and health*, Geneva, World Health Organization (WHO, 2002)

³⁴ Office for National Statistics, *Sexual offences prevalence and victim characteristics, England and Wales* (ONS, 2024)

³⁵ Martha R. Burt, 'Cultural Myths and Supports for Rape' *Journal of Personality and Social Psychology* 217, 229

³⁶ Gurvinder Kalra, Dinesh Bhugra 'Sexual violence against women: Understanding cross-cultural intersections', (2013) *Indian Journal of Psychiatry* 244, 246

³⁷ Ibid

³⁸ Bettina Rottweiler, Caitlin Clemmow and Paul Gill, 'A Common Psychology of Male Violence? Assessing the Effects of Misogyny on Intentions to Engage in Violent Extremism, Interpersonal Violence and Support for Violence against Women' (2024) *Terrorism and Political Violence* 1, 6

³⁹ Christian McGough 'The Impact of Hypermasculinity on Students' Development in Fraternity Organizations' (2019) M.A. in Higher Education Leadership: Action Research Projects 6

⁴⁰ Rottweiler, Clemmow, Gill, 'A Common Psychology of Male Violence? Assessing the Effects of Misogyny on Intentions to Engage in Violent Extremism, Interpersonal Violence and Support for Violence against

pressures of being a man or being ‘manly’ in modern society could cause a man to be inherently misogynistic or aggressive toward women, for example through domestic abuse or sexual crimes.

In addition to gender stereotypes and attitudes towards women, ‘rape culture’ and the normalisation of violence against women can contribute to VAWG.⁴¹ Rape culture is described as an environment in which rape is prevalent and in which sexual violence is normalised and excused in the media and popular culture.⁴² This environment can take shape in the form of misogynistic language, the objectification of women’s bodies, and the glamorisation of sexual violence.⁴³ The prevalence of rape culture provides for a wide acceptance of the existence of VAWG as a normal occurrence, and the inherent nature of misogyny in society. By normalising VAWG, or even glamorising it, we forget the impact that such violence has on victims, and why it is incredibly important to address and reduce the presence of VAWG in society.

Looking at these examples of how misogyny correlates with the commission of VAWG, it is clear that VAWG is caused by more of an inherent, subconscious misogynistic attitude towards women, rather than an express, active hatred of the female sex. In addition to this, it can be the case that because such structures are so deeply ingrained and normalised in society, one does not realise he is engaging in misogynistic behaviours or is being driven to act in a certain way because of hypermasculinity and societal gender roles. This is why it is incredibly important to ensure that resources are assigned to educating people about these issues and encouraging people to challenge gender roles and stereotypes.

4. Why Sex Should Not be a Protected Characteristic for the Purposes of Aggravated Offences or Enhanced Sentencing

The evidence indicates that misogyny plays an inherent and subconscious role in VAWG. However, considering VAWG to be hate crimes in all or certain incidents is not the answer. The law should not be reformed to include sex and gender as a protected characteristic for the purposes of hate crime legislation. This section will discuss the major reasons why it would not be appropriate to label violence against women (in particular domestic abuse and sexual offences) hate crimes, and why doing so would provide more drawbacks than potential benefits for women and girls. It will also address arguments and concerns provided by advocates for the reform, and counter these.

Legal Inconsistency

As discussed in the previous section, sexual offences and domestic abuse against women can be considered to be inherently misogynistic – some scholars, such as Campo-Engelstein argue that because of this, domestic abuse and sex crimes against women should be considered hate crimes, as there is always an underlying element of misogyny or hatred towards women in these crimes.⁴⁴ Their reasoning for this is that this would address the systemic nature of VAWG and

Women’ 6; Dorothy Ayers Counts, ‘Female Suicide and Wife Abuse: A Cross-Cultural Perspective’ (1987) *Suicide and Life-Threatening Behavior* 194

⁴¹ OurWatch, ‘The link between gender inequality and violence against women’ (*OurWatch*) <<https://www.ourwatch.org.au/link-between-gender-inequality-and-violence>> accessed 15 December 2024

⁴² Inside Southern, ‘Rape Culture, Victim Blaming, And The Facts’, (*Inside Southern*) <<https://inside.southernct.edu/sexual-misconduct/facts>> accessed 20 December 2024

⁴³ Amanda Kippert and Hannah Craig, ‘What is Rape Culture?’ (*domesticshelters*) <<https://www.domesticshelters.org/articles/in-the-news/what-is-rape-culture>> accessed 20 December 2024

⁴⁴ Lisa Campo-Engelstein ‘Rape as a Hate Crime: An Analysis of New York Law’ (2016) *Hypatia* 91

recognise the inherent role that misogyny plays in crimes such as rape and domestic abuse.⁴⁵ However, considering rape and domestic abuse to be ‘hate crimes’ only when committed against women poses several issues. Firstly, it could perpetuate the stereotype that sexual abuse against men is less serious than abuse against women. Whilst abuse may affect women disproportionately, punishing these cases more severely would create a legal inconsistency which sends the message that abuse against women is ‘worse’ than abuse against men. The same can be said for sexual crimes.

Proof of Hostility

On the other hand, if we were to use the same standard as for other protected characteristics, we would need to establish an element of hostility on the basis of sex or gender in addition to the crime itself, rather than just assume that there is one because the victim is a woman. Therefore, we would need to consider in each case of sexual violence or domestic abuse whether there is express evidence of misogyny. This would risk creating a hierarchy of crimes against women which are considered to be either ‘misogynistic’ or ‘non-misogynistic’, depending on whether the perpetrator expressed hatred in that instance. This would also undermine our understanding of the way that male entitlement to women and girl's bodies is a result of cultural and societal norms, systemic oppression, and not necessarily an individual's express hatred.⁴⁶ In addition to this, due to the fact that it is already difficult to establish whether a crime is motivated by hate, in cases where the misogyny is inherent rather than explicit, it would be almost impossible to assess whether the crime was motivated by hostility towards the victim because of her sex. On the other hand, if we were to consider all violence against women to be hate crimes, this would make it incredibly difficult to navigate non-heteronormative situations, for example instances of lesbian partner violence. Lesbian partner violence is an important social problem, and women who abuse other women may do so for similar reasons as those that motivate heterosexual male batterers, for example to gain and maintain control and dominance.⁴⁷ If motivations for both men and women who abuse women can be of a similar nature, even if this motivation was internalised misogyny, it would be inconsistent to claim that if it was committed by a man, then it must have been a hate crime, for the sole fact that he was a man. As well as this, punishing male perpetrators of violence against women more severely than female perpetrators because of an assumption of a hate element, would again promote outdated stereotypes that violence or abuse committed by women is less serious than abuse committed by men.

Rape Convictions

Charities such as Rape Crisis point out the fact that in cases of sexual violence, convictions are already incredibly hard to obtain.⁴⁸ During 2021-2022, of the 70,330 rapes reported to the police, only 1,378 led to a conviction – a conviction rate of less than 2%.⁴⁹ Proving hostility or prejudice on top of consent in sexual violence cases would make convictions harder to obtain, particularly given that most offences take place in private and therefore do not have any witnesses as to the motivations of the offender.⁵⁰ Most perpetrators of VAWG are known to

⁴⁵ Ibid

⁴⁶ Rape Crisis, ‘RCEW respond to Law Commission’s recommendations around hate crime legislation’ (*Rape Crisis England and Wales*, 2021) <<https://rapecrisis.org.uk/news/rcew-respond-to-law-commission-s-recommendations-around-hate-crime-legislation/>> accessed 20 December 2024

⁴⁷ National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual and Transgender Violence in 1998*, (1999) 25

⁴⁸ Rape Crisis, ‘Hate Crime & Misogyny’ (*Rape CRISIS Tyneside and Northumberland*, 2021) <https://rctn.org.uk/hate-crime-misogyny/#_ftn2> accessed 21 December 2024

⁴⁹ Crown Prosecution Service, *CPS data summary Quarter 1, 2, 3, 4, 2023-2024* (2024)

⁵⁰ Rape Crisis (n 52)

the survivor, and this would likely make it difficult to demonstrate hostility in a complex abusive relationship.⁵¹ The reality of this is that because it would be so difficult to prove hostility based on sex in cases of most sexual violence, misogyny as a hate crime would most likely only be relevant to sexual crimes committed by strangers. This would create an inconsistency in how sexual crimes are tried, and it also runs the risk of perpetuating the harmful myth that ‘some rapes are worse than others’,⁵² by providing harsher sentences for offences committed by strangers than those committed by intimate partners or family members. In addition to this, since around 90 percent of victims of the most serious sexual offences knew the perpetrator, this application of such a process would only be relevant to a minute number of cases.

Lack of ‘interchangeability’

Gender-motivated crimes are not merely based on intense dislike of an individual woman or a sub-group of women but work to enforce social hierarchies that are biased against all women.⁵³ In other words, they are more concerned with power, control, and gender, which are inextricably linked, than with hatred.⁵⁴ It can be said that hate crimes under UK legislation differ from other crimes because the choice of victim by the perpetrator is based on their membership of a particular group, such as their race or religion, rather than their individual personality. This assertion suggests that one member of such a group is interchangeable with any other. Acts of VAWG have fallen outside of the hate crime framework partly because of the reason that most victims are known to their offender,⁵⁵ hence they are not ‘interchangeable’ in the same sense that other victims of hate crime are. The large difference in motivation between VAWG and hate crimes against the existing protected characteristics is yet another example of why it would not be appropriate to legislate all crimes against minorities in the same manner.

Lack of Real Impact

Some critics of a hate crime approach to VAWG suggest that the idea of considering misogyny to be a hate crime is overestimated and will empower women only on paper,⁵⁶ and that including sex as a protected characteristic would only serve symbolic benefits, rather than practical ones. However, supporters of a hate crime approach to VAWG argue that not protecting women under hate crime legislation is a missed opportunity to collect data on crimes motivated by sex-based hostility, which could impact policy making and resource allocation. Some police forces already report hate crimes motivated by misogyny. Although this does not criminalise any behaviour that was previously legal, it does provide an opportunity to recognise women’s experiences and challenge men for their actions. Nottinghamshire Police started treating misogyny as a hate crime as part of a pilot scheme in the hope of addressing misogynistic behaviour and attitudes towards women and girls. This included criminal offences in addition to hate incidents, which were recorded where the report failed to meet the threshold

⁵¹ Rape Crisis (n 50)

⁵² Ibid

⁵³ Aisha K. Gill and Hannah Mason-Bish, ‘Addressing violence against women as a form of hate crime: limitations and possibilities’ (2013) *Feminist Review* 1-20 10

⁵⁴ Ibid 11

⁵⁵ Vulnerability Knowledge & Practice Programme, ‘VAWG (Violence Against Women and Girls) Strategic Threat and Risk Assessment underpinning and informing the 2024 VAWG Statement’ (*Vulnerability Knowledge & Practice Programme*, 2024) <<https://www.vkpp.org.uk/vkpp-work/violence-against-women-and-girls-vawg-analysis-and-research/strategic-threat-and-risk-assessment-of-violence-against-women-and-girls/>> accessed 15 December 2025

⁵⁶ Lewis, C. ‘Misogyny as a hate crime – Is it all that it seems?’ University of South Wales, Law Research Blog <<https://business.research.southwales.ac.uk/law-research/law-research-blog/misogyny-hate-crime-it-all-it-seems/>> accessed 18 December 2024

for a criminal offence. A misogynistic hate incident was one defined as ‘incidents against women that are motivated by the attitude of men towards women and includes behaviour targeted at women by men simply because they are women’.⁵⁷ Between April 2016 and March 2018, Nottinghamshire Police Force recorded that 174 women reported misogyny related hate crimes. Of those reported, 73 were classed as crimes and 101 were recorded as hate incidents – only one report resulted in a conviction.⁵⁸ The Nottinghamshire report is an example of how data collection can take place without making complete reforms to legislation. Although such data recording of ‘hate incidents’, such as verbal abuse, offensive jokes, and abusive phone or text messages, cannot necessarily result in convictions of a criminal offence, recording incidents as being motivated by hatred of sex can be useful data to educate people about the prominence of casual sexism, and confront people who engage in such behaviour.

There have also been arguments that hate crime legislation in itself is not adequate, and so the inclusion of sex and gender would not offer any practical benefits. In a survey carried out by Aisha Gill and Hannah Mason-Bish for their paper on the limitations and possibilities, one person noted that ‘hate crime status has not led to any benefits for those victimised – whereas [the] VAW label led to funding made available to Refuges, Rape Crisis Centres, Sexual Assault Referral Centres as well as positive policing strategies’.⁵⁹ It would be more beneficial to raise awareness of these organisations and to provide resources for people who have experienced VAWG, than to make unnecessary additions to an already inadequate legal framework.

Overall, England and Wales legislation already sufficiently legislates crimes which involve violence against women. The most common crimes that women are exposed to are those of domestic abuse and sexual offences, for which the UK already legislates. Whilst the inclusion of sex as a protected characteristic may offer a symbolic reminder that violence against women is ingrained in misogyny and is unacceptable, it risks perpetuating myths and hierarchies of abuse victims, as well as pose difficulties in securing convictions for abuse cases, which are notoriously difficult to provide anyway.

Alternative Approaches

An alternative approach to VAWG would be to improve education around the issue of VAWG, including teaching men and boys how misogyny is ingrained in the way society views and treats women, and how to overcome this and treat women with respect and humanity. It is more important to try and prevent VAWG from happening in the first place, rather than focusing on making unnecessary changes to the law which serve no practical benefits. Some effective ways in which this can be done is through school-based interventions to reduce sexual violence and violence in relationships. Research has found that students who participate in intervention groups show moderate increases in knowledge about dating violence, a lower acceptance of stereotypical ‘rape myths’, and moderate improvements in appropriately resolving conflicts in interpersonal relationships.⁶⁰ The World Health Organisation (WHO) reports that safe dating interventions increase knowledge about dating violence and improve attitudes towards the issue, and that their effectiveness appears promising at reducing levels of abuse towards females.⁶¹ Reducing alcohol availability and providing treatment for alcohol-use disorders has also been known to reduce incidents of VAWG.⁶² These are some examples of

⁵⁷ Baroness Kennedy, H. *Misogyny – A Human Rights Issue* (2022) 66

⁵⁸ Lewis, C. (n 60); Louise Mullany and Loretta Trickett, *Misogyny Hate Crime Evaluation Report for Nottingham Women’s Centre* (2018) 3

⁵⁹ Aisha K. Gill and Hannah Mason-Bish (n 57)

⁶⁰ College of Policing, *Interventions to reduce violence against women and girls (VAWG) in public spaces* (2022)

⁶¹ Rebekah Miller, *What Works to Prevent Violence Against Women and Girls: A Summary of the Evidence* (2020) 59; World Health Organization, *World Report on Violence and Health* (2002)

⁶² *Ibid*

ways in which we can focus on the prevention of violence against women altogether, instead of focusing on reforms to the law which could have an overall negative impact on the way we approach VAWG.

5. The Rising Danger of Misogynistic Terrorism and Why Reform of the ‘Stirring Up Hatred’ Offence is Necessary

This section of the article will discuss the rising danger of misogynistic extremism and terrorism, and why the UK Government must address this by extending the offence of stirring up hatred to include the stirring up of hatred on the basis of sex and gender. This discussion is separate from the discussion of hate crime protected characteristics, because it addresses novelty cases of mass murder and extremism. These incidents are of a completely different nature than the most common forms of VAWG, as whilst most domestic abuse and sexual crimes have links to inherent and subconscious misogynistic attitudes caused by societal issues, cases of misogynistic extremism and terrorism involve express and acknowledged hatred of women, which has been fostered through radicalisation. It is important to address different forms of VAWG separately, as there are different ways of addressing resolutions.

Internet Misogyny

The development of technology and growing use of the internet and social media has allowed society to become more informed and connected with each other, and has also benefited the prevention of VAWG. The internet can be a useful space to spread information and educate people on the issues surrounding VAWG and can also provide a space for victims of VAWG to seek advice or discuss their experience with other victims through forums. However, the internet is also a prominent feature in contemporary experiences with misogynistic victimisation.⁶³ The internet presents us with a plethora of online habitats home to misogyny and other forms of extremism, in the forms of websites, chat rooms, and online forums. It can also act as a breeding ground for extremism and can be a useful tool for radicalising isolated individuals.

The ‘manosphere’ is a term which refers to a network of online communities that reject the empowerment of women and who promote anti-feminist and sexist beliefs. Common themes among many manosphere communities include resentment and hatred towards women and girls, and encouragement of this.⁶⁴ These kinds of attitudes can vary from anti-feminism to the actual promotion and encouragement of violence against women and girls.⁶⁵ Manosphere communities are often of the belief that Western civilisation is under threat⁶⁶, and that women are the cause of this. They rely on both the cherry-picking of evolutionary psychology, and

⁶³ Marian Duggan ‘A Socio-legal Analysis of Gender-based Victimization, Misogyny and the Hate Crime Paradigm in England and Wales’ *Studies in Law, Politics, and Society* 101, 118

⁶⁴ Jessica Aiston, ‘What is the manosphere and why is it a concern?’ (*internetmatters*, 2021) <<https://www.internetmatters.org/hub/news-blogs/what-is-the-manosphere-and-why-is-it-a-concern/>> accessed December 12 2024

⁶⁵ Institute for Strategic Dialogue, *The “Manosphere”: an overview of extreme misogyny online* (2022)

⁶⁶ Debbie Ging, Shane Murphy, ‘Tracking the Pilling Pipeline: Limitations, Challenges and a Call for New Methodological Frameworks in Incel and Manosphere Research’ (2021) Annual Conference of the Association of Internet Researchers 1

support this by false pseudoscientific frameworks to justify their sexist and misogynistic narratives.⁶⁷⁶⁸

One of the most well-known manosphere circles is that of the ‘Incel’ community. Short for ‘involuntary celibate’, incels create a sense of identity around their perceived inability to form sexual or romantic relationships.⁶⁹ Their beliefs are reminiscent of patriarchal ideologies combined with misogynistic values.⁷⁰ Not only do incels blame feminism for their inability to form relationships, but they hold the belief that modern society is ‘gynocentric’, and so blame women for the oppression of men and the supposed power imbalance.⁷¹ The incel community is responsible for the spread of misogynistic and hate-fuelled discourse in online spaces, and has been linked to real, extreme acts of violence. One of the most prominent examples of this is the Isla Vista killings in 2014.

Real-life Violence

Elliot Rodger was a 22-year-old college student who on May 23, 2014, embarked on a ‘premeditated killing spree’,⁷² stabbing three people to death inside his apartment in California, before going on to commit a series of drive-by-shootings, deliberately striking numerous people with his car. This resulted in the deaths of three additional victims and the wounding of fourteen more. After engaging in gun battles with sheriff’s deputies, Rodger was wounded before ultimately taking his own life.⁷³ Prior to carrying out the attack, Rodger wrote a 141 page manifesto, describing his experiences of being bullied at school, his anger and resentment towards women, and his plan to attack women and others as a form of retaliation.

The case of Elliot Rodger is one of the most prominent examples of a horrific crime that was rooted in misogyny, and how the acceptance of hate speech on the internet leads to real life violence. Despite the horrific nature of the Isla Vista killings, some manosphere circles, in particular the incel community, praised Rodger for his actions, referring to him as a ‘saint’.⁷⁴ There have even been further mass shootings committed by members of the community, for example Alek Minassian, who used a rental van to kill 10 people and badly injure 16 on a sidewalk in Toronto in 2018, expressed admiration for Elliot Rodger and claimed his actions were part of the ‘incel rebellion’.⁷⁵

Another case of incel-related mass killing was the UK Plymouth shooting in 2021. On 12 August 2021 Jake Davison shot and killed five people, wounded two others and took his own

⁶⁷ Louis Bachaud, Sarah E. Johns ‘The use and misuse of evolutionary psychology in online manosphere communities: The case of female mating strategies’ (2023) *Evolutionary Human Sciences* e28 4

⁶⁸ *Ibid* 11

⁶⁹ Commission for Countering Extremism, *Predicting harm among incels (involuntary celibates): the roles of mental health, ideological belief and social networking* (2024) 6

⁷⁰ Marian Duggan (n 68)

⁷¹ Radicalisation Awareness Network, *The Incel Phenomenon: Exploring Internal and External Issues Around Involuntary Celibates* (2021) p 2

⁷² Santa Barbara County Sheriff’s Office, *Isla Vista Mass Murder May 23, 2014 Investigative Summary*, (2015), ‘Introduction’, pp. 1-2

⁷³ *Ibid*

⁷⁴ Branson-Potts, H. Winston, R. ‘How Elliot Rodger went from misfit mass murderer to ‘saint’ for group of misogynists – and suspected Toronto killer’ *Los Angeles Times* (26 April 2018)

<<https://www.latimes.com/local/lanow/la-me-ln-elliott-rodger-incel-20180426-story.html>> accessed 10 December 2024

⁷⁵ Leyland Cecco, ‘Toronto van attack suspect says he was ‘radicalized’ online by ‘incels’ *The Guardian* (Toronto, 27 September 2019) <<https://www.theguardian.com/world/2019/sep/27/alek-minassian-toronto-van-attack-interview-incels>> accessed 10 December 2024

life.⁷⁶ It was reported that Davison was fascinated by mass shootings, serial killers, and violent heroes of “incel” ideology, including Elliot Rodger. He expressed strongly misogynist views online, including in YouTube videos and comments, indicating that misogyny was a strong factor in what led him to commit the mass shooting.⁷⁷

Consideration of ‘Misogynist Terrorism’

Because of the rise in extreme cases which have links to the incel community, there have been calls to consider such cases as ‘misogynistic terrorism’. Policymakers and media outlets are keen to look more closely at factors such as ethnicity, religion, and political ideology when there is a suspected terrorist case. However, even in cases where misogynistic extremism appears to be a strong ideological motivation, such incidents are treated as ‘random acts of lunatics’ rather than as terrorism or violent extremism.⁷⁸ It appears that when political or ideological motivations are linked to misogyny, there is a reluctance to classify this as terrorism.

The Terrorism Act 2000 defines terrorism as the use of threat or actions that are designed to influence a government or international organisation, or to intimidate the public.⁷⁹ These actions (or threats) must be made for the purpose of advancing a political, religious, racial or ideological cause.⁸⁰ Section 2 of the act lays out the conditions which may cause an action to fall within the scope of terrorism, including acts which: involve serious violence against a person; endangers a person’s life (other than that of the person committing the action); or creates a serious risk to the health or safety of the public.⁸¹ The cases of Elliot Rodger and Alek Minassian took place in the US and Canada, where there is no legal definition for terrorism. There is also no agreed upon international definition for terrorism, due to differing perspectives among member states on its scope and application, however the United Nations General Assembly (UNGA) has referred to terrorism as ‘criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes ... whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them’.⁸²

Whether or not Elliot Rodger’s actions should be considered terrorism is a contested issue. It can be argued that his actions would not constitute terrorism, as his actions could be considered to be fuelled by personal grievances and hatred, and the delusion of furthering the incel ideology is more a result of severe and complex mental illness.⁸³ Whilst it is important to consider the warning signs of poor mental health and the link between vulnerability and radicalisation, attributing the cause of such a brutal incident to ‘personal grievances’ or ‘madness’ is dangerous and pivots the conversation away from any potential ideological or political influence. It is important to give young men struggling with mental health the support

⁷⁶ UK Parliament, *Plymouth Shootings*, House of Lords Hansard Volume 827 <<https://hansard.parliament.uk/Lords/2023-02-22/debates/62911F88-5524-4FE5-AF53-CD4542046B34/PlymouthShootings>> accessed 11 December 2024

⁷⁷ Steven Morris, ‘Plymouth shooter fascinated by serial killers and ‘incel’ culture, inquest hears’ *The Guardian* (18 January 2023) <<https://www.theguardian.com/uk-news/2023/jan/18/plymouth-shooter-jake-davison-fascinated-by-mass-shootings-and-incel-culture-inquest-hears>> accessed 11 December 2024

⁷⁸ Pablo Castillo Díaz, Nahla Valji ‘Symbiosis of Misogyny and Violent Extremism: New Understandings and Policy Implications’ (2019) *Journal of International Affairs* 37 42

⁷⁹ Terrorism Act 2000, s1(a)

⁸⁰ *Ibid* s 1(c)

⁸¹ *Ibid* s 2

⁸² United Nations General Assembly, *Measures to eliminate international terrorism*, UNGA Res 51/210 (1996) UN Doc A/RES/51/210, para. 13

⁸³ Sophia Moskalkenko, Juncal Frenandez-Garayzabal Gonzalez, Naama Kates, Jesse Mortion ‘Incel Ideology, Radicalization and Mental Health: A Survey Study’ (2022) *The Journal of Intelligence Conflict and Warfare* 1

that they need, in order to prevent them from falling into radical subcultures. However, only focusing on this rather than punishing people who promote these extremist opinions risks an imbalance where support mechanisms focus on the perpetrators' vulnerability while insufficiently addressing harm to women.

The fact is, even if the Isla Vista killings were committed as a result of personal grievances rather than actual political or ideological motivations, the incel community interpreted it as being the latter and praised him for furthering the 'cause'. If the consequences of a mass killing result in the promotion and furthering of an ideology which seeks to harm women, then it may not be logical to categorise their hatred for women as a personal grievance. According to the UNGA definition of terrorism, the Isla Vista killings should constitute terrorism, because his acts were criminal and were intended to provoke a state of terror in women for the ideological purpose of misogyny and to further the 'incel' cause.

There is, however, evidence of countries changing their approach towards incel ideology and terrorism. For example, in Canada in 2020, an attack on a spa in Toronto by a 17-year-old incel was found by a judge to be an act of terror inspired by the incel movement.⁸⁴ This was the first time that Canada had made a ruling of this kind. However, as of 2025, the UK has not officially classified anyone identifying as an incel to be a terrorist.

There were calls for the Plymouth shooting to be reclassified as a terror attack, however these calls were unanswered. The senior national coordinator for Counter Terrorism Policing said they concluded that the shooting was not a terror attack, their reasoning being that 'incel and of itself is not a terrorist ideology'.⁸⁵ However, this assertion has been challenged by critics. Laura Bates, a feminist writer and activist argued that "this is terrorism," and that "if news reports about the shooter are accurate, we are talking about an individual radicalised online into an extremist belief system who then acted on those beliefs to massacre people", which is terrorism, extremism, and radicalisation.⁸⁶ From a doctrinal perspective, it can be argued that Jake Davison's actions should be considered terrorism under the UK Terrorism Act 2000, because his actions caused serious violence to numerous people and were for the purpose of advancing an ideological cause.

Link Between Terrorism and Misogynist Extremism

Although not explicitly recognising incel ideology as a terrorism, there have been recent terror convictions in the UK with alleged incel inks, for example Gabrielle Friel in Scotland, who stated in his trial that mass shooting was a "fantasy" for him and that he had empathy for the incel mass murderer Elliot Rodger,⁸⁷ however the charge that he was motivated by incel ideology was not proven.⁸⁸ There was also Anwar Driouich from Middlesbrough, who was jailed for possessing an explosive substance. The court heard that Driouich trawled the internet reading about mass shootings, terrorist attacks, and "incels",⁸⁹ however, although he appeared

⁸⁴ Max Matza, 'Terrorism ruling first for Canada 'incel' attack' *BBC* (6 June 2023)

<<https://www.bbc.co.uk/news/world-us-canada-65829240>> accessed 11 December 2024

⁸⁵ Lizzie Dearden, 'Plymouth shootings were not terror attack, senior police officer says' *Independent* (28 September 2021) <<https://www.independent.co.uk/news/uk/crime/plymouth-shootings-incel-terror-attack-b1928366.html>> accessed 11 December 2024

⁸⁶ Jamie Grierson, 'Should the Plymouth shootings be declared an act of terror?' *The Guardian* (13 August 2021) <<https://www.theguardian.com/uk-news/2021/aug/13/should-the-plymouth-shootings-be-declared-an-act-of-terror>> accessed 11 December 2024

⁸⁷ BBC, 'Gabrielle Friel: Man guilty of weapons haul terrorism charge' *BBC* (15 December 2020) <<https://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-55317874>> accessed 20 December 2024

⁸⁸ *Ibid*

⁸⁹ BBC, 'Middlesbrough fantasist Anwar Driouich jailed for explosive substance', *BBC* (27 March 2020) <<https://www.bbc.co.uk/news/uk-england-tees-52071379>> accessed 20 December 2024

to have an unhealthy interest in incels, he was ultimately found to not have a “terrorist mindset”.⁹⁰

Many believe that incel-motivated violence has quickly evolved into a public security concern.⁹¹ The UK’s Prevent programme, a programme which seeks to prevent people from becoming terrorists or support terrorism,⁹² has seen an increase in referrals of individuals who fall under the category of ‘Mixed, Unclear and Unstable’ (MUU) threats, which includes ‘inceldom’.⁹³ According to the Commission for Countering Extremism, incels have been linked to 47 deaths since 2014, with extremist hatred resulting in real-world violence.⁹⁴ The law must be updated to reflect the rising number of individuals who are being radicalised and are going on to commit acts of severe violence and terrorism in the name of misogyny.

Introduction of a ‘Stirring up Hatred’ Offence

Currently, the Public Order Act 1986 prohibits acts which are intended or likely to stir up hatred on the basis of race, religion, or sexual orientation.⁹⁵ The offence can be committed through various acts, such as: using threatening words or behaviour (or abusive or insulting in the case of race); displaying, publishing, or distributing written material, or possessing inflammatory material, which are intended to stir up hatred against a group or create a situation where it is likely that hatred will be stirred up.⁹⁶ One of the proposals that the law commission gave in their 2021 report on hate crime reforms was to extend the offence of stirring up hatred to include stirring up hatred on the basis of sex or gender.⁹⁷ This would mean that incels who go online to promote threatening and violent behaviour towards women would be committing an offence. Whilst this will not completely eradicate the ideology, it is an important step to recognising that incels and other ‘manosphere’ circles are a real threat and should be treated as such. In addition to this, where the addition of sex as a protected characteristic for purposes of aggravated offences or enhanced sentencing would only deal with matters after VAWG has taken place, the introduction of a stirring up hatred offence would criminalise actions which seek to promote VAWG, hopefully preventing serious acts of violence against women from happening in the first place.

This reform would be beneficial to the protection of women and girls in the UK and would address the ‘incel’ ideology and its potential lead to acts of serious violence. The fact that the UK are recognising links between incel ideology and terrorism in the cases mentioned previously is a good indication that this dangerous phenomenon is being addressed, however, they must be more active in recognising extreme offenders with motivations stemming from the hatred of women to be terrorists. Misogynist extremism and extreme hatred for women should be treated as a terrorist ideology, and having a stand-alone offence of stirring up hatred

⁹⁰ Jamies Grierson (n 91)

⁹¹ Eviane Leidig, ‘Why Terrorism Studies Miss the Mark When It Comes To Incels’ (*International Centre for Counter-Terrorism*, 2021) <<https://icct.nl/publication/why-terrorism-studies-miss-mark-when-it-comes-incels>> accessed 15 December 2024

⁹² Home Office, ‘Get help for radicalisation concerns’ (*GOV.UK*, 8 June 2022) <<https://www.gov.uk/guidance/get-help-if-youre-worried-about-someone-being-radicalised#about-prevent>> accessed 15 December 2024

⁹³ Eviane Leidig (n 95)

⁹⁴ End Violence Against Women, ‘Law Commission recommendations underscore need to address gendered online harms’ (*End Violence Against Women*, 2021) <<https://www.endviolenceagainstwomen.org.uk/law-commission-recommendations-underscore-need-to-address-gendered-online-harms/>> accessed 8 December 2024

⁹⁵ Public Order Act 1986, part 3

⁹⁶ Public Order Act 1986

⁹⁷ Law Commission (n31)

on the basis of sex or gender is a good way to begin to treat less severe behaviours of such extremists as hate offences, before the potential commission of extreme violence against the public.

6. Conclusion

In conclusion, there is no need to add sex or gender as a protected characteristic in England and Wales law under hate crime legislation for the purposes of aggravated offences or enhanced sentencing. As previously discussed, the inclusion of such a characteristic, and the recognition of crimes such as domestic abuse and sexual offences when committed against women does not accurately reflect the nature in which misogyny is inherently ingrained in VAWG, as opposed to the express hatred that is present in hate crimes committed against other protected groups. This reform also risks perpetuating outdated stereotypes about sexual violence and domestic abuse, as well as creating unnecessary hierarchies of sexual crime. Current laws which legislate domestic abuse and sexual offences sufficiently cover crimes that predominantly affect women, and so the addition of sex as a protected characteristic would be unnecessary and only serve a symbolic purpose, rather than a practical one. Whilst the law is not in a position to consider misogyny a hate crime for the purposes of aggravated offences or enhanced sentencing, it is still important to recognise that hate towards women is unacceptable and should not be tolerated in society. The effectiveness of interventions to educate people on the prevalence of misogyny and the avoidance of intimate partner violence are a good example of how we can address the issue of violence against women without making unnecessary and problematic changes to the law.

The offence of stirring up hatred, however, should be extended to include stirring up hatred on the basis of sex and gender. This reform would address the rising issue of incel ideology and misogynistic extremism, as well as being a declaration of the fact that spreading hatred or promoting violence against women is unacceptable and should be a punishable offence. Such an addition to the law would provide an effective stepping stone in addressing the increase of hate fuelled discourse around women, which results in violence against women – a stepping stone which would prove more effective than adding sex as a protected characteristic for the purposes of aggravated offences or enhanced sentencing.