

# Gendering hatred – Adding ‘gender’ to the hate crime equation?

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## Abstract

Drawing on insights from human rights law, femicide laws, and hate crime studies, this article discusses the viability of including ‘gender’ in hate crime legislation, and the extent to which a legal approach of ‘gender-based hate crimes’ could serve a more efficient response to the global prevalence of violence against women than similar types of legal measurements. The article argues that although there are sound principal reasons for including ‘gender’ in hate crime legislation, its inclusion is complicated by substantial conceptual and practical challenges, motivating instead a plethora of legal and non-legal approaches to counter and combat systemic violence against women.

**KEYWORDS:** Hate crime, law, femicide, violence against women, gender-based crime.

In the early hours of a Sunday morning in February of 2022, nursing student Mia Skadhaug Stevn left behind the buzzing bars of one of the liveliest streets in Denmark after a night out with friends. Mia never returned home. Instead, her body was found a few days later, scattered in the nearby woods. In the wake of Mia’s murder, a national debate arose in Denmark about women, like Mia, that never return home because they are assaulted and murdered. On social media, this debate revitalized the popular hashtag #TextMeWhenYouGetHome that had spread after the murder of British Sarah Everard, approximately a year before. A Danish survey, made just days after Mia’s remains were found, indicated that 61% of female respondents fear getting assaulted if they are to return home alone after a night out, and that they generally avoid doing so (68%). Danish Minister of Gender Equality, Trine Bramsen, thus promised a political plan of action, stating that *“We have a problem with women being killed because they are women, and we have to do something about that”* (TV2 2022).

Notably, only a few months earlier, Danish lawmakers had passed a series of law changes that incorporated the terms of “gender identity”, “gender characteristics”, and “gender expression” into a number of Danish laws. Among these was an inclusion of the forementioned terms into the otherwise fairly limited number of explicated victim categories that enjoy protection against the type of offences popularly known as *hate crimes*; crimes that activate the aggravating circumstance clause in the Danish Criminal Code’s § 81.6 that allows for sentence enhancement when criminal offences *“have background in”* specific aspects of the victim’s identity, e.g. *“ethnic origin”* or *“sexuality.”* The decision to expand the hate crime provision had long been debated in Denmark, but eventually gained traction after a citizens’ proposal, supporting the inclusion of “gender expression,” had gathered the obligatory 50.000 public votes to proceed to mandatory deliberation in Danish Parliament. In addition to fulfilling this popular demand among the general public, the change was also commended by the Danish Institute for Human Rights as well as LGBT+ Denmark that had both advocated the change.

And yet, not everyone was entirely eager to celebrate the expansion of the Danish hate crime provision. Thus, renowned Professor of Law, Kirsten Ketscher, remained hesitant:

*This change does not make me rejoice (..) Had ‘gender’ instead been incorporated into the legal definition, it would have included a wider group of predominantly women that are subjected to hate crimes in the form of physical, psychological, and verbal assaults from men. But this group is continuously being overlooked*  
(DR 2022, author’s translation)

If it remains to be seen how the terms will ultimately be interpreted in Danish legal practice, Ketscher’s critique echoes a wider emerging concern of hate crime legislation: Namely that, whilst we see an increasing recognition of minority statuses in hate crime laws as part of a solidification of hate crime discourse across the world, it would appear that heterosexual and/or cis-gender women are, somewhat consistently, left out of this equation (Haynes & Schweppe 2020; Perry 2001; Mason et al. 2017). Hence, as noted by Mason-Bish (2014), although high profile cases of violence against women regularly demand popular attention, like the murder of Mia, the role of gender-based hatred as an element of such crimes has frequently passed *“unnoticed by the media and policy makers”* (Mason-Bish 2014, 170). Within hate crime scholarship, ‘gender’ has also remained largely on the margins, often left under-researched or entirely overlooked (Mason-Bish 2014, 170; Iganski & Levin 2015, 28). When gender is not ignored, opinions on whether to include the category are divided. Some scholars thus argue that crimes against women have comparable effects to that of already-recognized hate crimes, constituting a form of hatemongering (Card 1996) insofar that women sustain more severe injuries, are targeted by a wider array of crimes, and are regularly perceived easier victims (Mason-Bish 2014; Perry 2013; Iganski & Levin 2015; Benier 2016). Conversely, however, it is a common concern that the inclusion of ‘gender’ might “water down” hate crime

legislation as women make up half the population, thus hard to identify as a separate victim strand (Jacobs & Potter 1998, 167; Mason-Bish 2014, 176-177). While the jury is arguably still out on ‘gender’ within academic discussions, sociolegal realities are at least as indecisive, albeit in different ways. On the one hand, one can then observe a growing global awareness of gender-based violence as an area of legal policy, regularly presupposing public demands for explicitly legal responses to violence against women (Walklate et al. 2020). On the other hand, legal efforts have rarely proved adequately efficient and so the prevalence of violence against women remains (Smart 2019).

This returns us to the general question: Should hate crime legislation in fact entail protection of ‘gender,’ or even explicitly ‘female gender,’ to serve as a legal tool to handle violence against women? Hence, even if ‘gender’ is perhaps decreasingly overlooked as a source of victimization as evidenced by the Danish debates, we still have limited knowledge as to the viability of a hate crime approach as a legal response to structural violence against women. Even in countries like Denmark, characterized by high levels of gender equality, we are thus left with scarce insights into the extent and the implications of the particular threat that hate crimes pose to females (Perry 2013). This paper will therefore embark on a preliminary theoretical exploration of *gender-based hate crimes* as a legal response to the prevalence of violence against women in Denmark and beyond, collating insights on hate crime approaches with that of gender-specific legal responses, especially femicide laws. I argue that while there are indeed good principal reasons for including ‘gender’ in hate crime legislation, as this would serve a much-needed symbolic stance to condemn structural victimization of women, an array of challenges will inevitably arise. Namely, I identify two major sets of challenges, *conceptual* and *practical*, that will have to be taken into consideration if adding ‘gender’ to the hate crime equation; challenges that disclose overlapping intricacies of legal approaches to ‘identity’ as such, and to ‘gender’ in particular, and reveal a general conundrum of ensuring not

only *symbolic impact* but also *practical impact* of legal responses to systemic gender-based crime.

## The global prevalence of violence against women

The WHO estimates that, globally, one in three women is subjected to physical or sexual violence during the course of their lifetime, constituting “a major public health problem” (WHO 2021). The Academic Council on the United Nations System (ACUNS) concurs, establishing that violence against women poses “one of the most widespread violations of human rights”, affecting females from every race, every culture, and of every age (ACUNS 2014). According to Weil et al. (2018), although violence against women is thus largely recognized as a global human rights issue, the phenomenon has historically remained strangely invisible, and efforts of combatting it have often remained a low priority in practice (Weil et al. 2018, 2-5, 18). As such, the objective reality continues to be that many crimes against women go unpunished across the globe (ACUNS 2014).

In international lingua, violence against women is increasingly captured through the emergent term of *gender-based violence*. Hence, the UN Declaration on the Elimination of Violence against Women (1993) defines violence against women to be “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty” (UN 1993). As noted by Boyle (2019), although ‘gender-based violence’ is mainly equated with violence against women, the term has also occasionally been accepted to encompass violence against children (Boyle 2019, 19, 25-26). Another increasingly prevalent term is that of *femicide*, correlating female gender with homicide. Originally introduced in Latin America as the dual concepts of *femicidio*, denoting individual killings of females “motivated by hatred, contempt, pleasure, or a sense of woman ownership (...) because they are female” (Radford & Russell 1992), and *feminicidio*, specifically referring to states’ complicity in

the prevalence of such killings (Lagarde 2006), the general term of femicide has been gradually embraced worldwide (Neumann 2022, 140-141).

Naturally, a major focus point of the pre-occupation with ‘gender-based violence’ concerns the disproportionate victimization of females, but it also often involves an emphasis on the disproportionality of male perpetrators. Hence, as noted by the WHO, violence against women is generally committed by males (WHO 2021), and women are, habitually and consistently, murdered by men (Smith 2018, 168). According to Boyle, this implies a recognition of “*the broader social meaning of the abuse: that women are targeted because they are women*” (Boyle 2019, 23). Traditionally, *gender-based crimes* have been encircled by e.g. women’s vulnerability to sexual harassment (MacKinnon 1979), rape (Card 1996), and coercive control (Stark 2009). More recent areas of study include women’s vulnerability to anti-feminist assaults (Haynes & Schweppe 2020), honour-based violence (Gorar 2021), and technology-facilitated sexual abuse (Henry & Powell 2015). More than anything however, violence against women has been associated with *intimate partner violence*, encompassing sexual and non-sexual forms of violence perpetrated by the victim’s partner or former partner (Smith 2018, 161). This emphasis is by no means coincidental. Thus, the WHO notes that intimate partner violence affects approximately 27% of all females aged 15-49, with 38% of murders of women committed by an intimate partner (WHO 2021). A 2012 global study by the United Nations Office on Drugs and Crime (UNODC) likewise indicates that the vast majority of homicides committed in domestic settings involves female victims. Hence, nearly 50% of all homicides of females are committed domestically, as opposed to only 6% for males. This means that, every day, 137 women are killed by an intimate partner or family member (UNODC 2012).

Although violence against women is clearly a global phenomenon, it does vary regionally. In Europe specifically, 22% of women experience violence (WHO 2021). Markedly, while homicide rates are generally declining in Europe, the number of homicides of women remains fairly stable (Weil et

al. 2018, 11). As noted by Walklate et. al. (2020), violence against women thus apparently persists “*even in countries that enjoy high levels of gender equality*” (Walklate et al. 2020, 9-10). This is particularly visible in Scandinavia, often referred to as “*the Nordic Paradox*” (Rantala 2019, 130), where countries like Sweden, Finland, and Denmark consistently display high levels of societal gender equality yet this does not seem to significantly reduce the prevalence of violence against women. In fact, some have argued that higher levels of publicly recognized gender equality may even produce a backlash against women in domestic contexts (Smith 2018, 161). A 2012 survey from the European Union’s Agency for Fundamental Rights (FRA) thus also placed Denmark in an unfortunate 1st place among European countries with a staggering 52% of Danish females reporting to have suffered violence since the age of 15. Finland and Sweden placed 2nd and 3rd with respectively 47% and 46% (FRA 2012). Paradoxically, the same three countries simultaneously topped the European indexes on gender equality – and remain to do so (FRA 2012; EIGE 2021).

### Formulating legal responses to gender-based crime: From human rights law to femicide laws

If these data evidently show that violence against women, including the most fatal kinds, is a systemic issue of immense magnitude, both globally and in Europe specifically, another question is if its general definition as *gender-based crime* may meaningfully coincide with a formal legal definition of *gender-based hate crime*, as is the focus of this exploration. One of the key tasks here involves tackling the risk of both under-including and over-including, potentially stretching definitions too far, or not stretching them far enough (Boyle 2019, 28). Initially, it would appear that gender-based crimes, inasmuch that these target women “*because they are women*” (ibid., 23), readily tantamount with an effective denotation of hate crimes as “*targeted violence*” (Stanko 2001). However,

since few countries in fact monitor and report hate crime incidents explicitly against women (Perry 2013, 4-5), our knowledge on the possible correlation between female gender and subjection to hate crimes is somewhat vague. In Europe, the lack of legal uniformity has been attempted reduced by the Organization for Security and Co-operation in Europe (OSCE) through a joint European definition of hate crimes as constituted criminal offences motivated by “*intolerance, stereotypes, or hatred*” including that based on the victim’s “*gender*”. However, despite these efforts, approaches to ‘gender-based hate crimes’ vary greatly in individual European countries, and in many cases, ‘gender’ is entirely absent from European hate crime laws (Mason et al. 2017, 54; Mason-Bish 2014, 170). Denmark is no exception in this regard. Hence, hate crimes according to ‘gender’ have not traditionally been recorded by Danish police. Before the forementioned law change, Denmark was thus among the numerous European countries that, despite the OSCE definition, had not adopted ‘gender’ (in any form) in its national hate crime legislation. The country has also yet to join the group of countries that report gender-based hate crimes to the OSCE, which in the most recent OSCE report only counted around ten countries, two of them being non-European nations, Canada and the United States (OSCE 2020). This is although national surveys indicate that ‘gender’ is in fact the identity aspect that makes Danes feel the most vulnerable to crime, with Danish females generally feeling more vulnerable than males and more often taking precautions as to avoid victimization (The Danish Ministry of Justice 2019), and although far more Danish females report being victimized by gender-motivated crimes than Danish males, and more often report experiences of violence in relation to such crimes (COWI 2016).

If evaluations on gender-based hate crime approaches remain limited in Denmark and in many other countries, it is worth noting that these are neither the first nor the only potential legal response to violence against women. Thus, hate crime legislation is pre-dated by numerous other legal approaches to gender-based crime (Mason-Bish 2014, 173) which may contribute to an

illumination of the efficiency of specific legal responses to violence against women. Markedly, ‘gender’ itself serves as a site of pre-existing legal struggles, just as ‘law’ serves as a site of ongoing gender struggles. As once argued by Smart (1989), we should therefore recognize the legal domain as constituting just as much a discursive site upon which ‘gender’ is exposed and contested, as it does a pragmatic tool of legal reform that may be mobilized for gender-related causes (Smart 2019, x). Shepherd (2019) elaborates on this, noting that particularly processes of making and enforcing legislation involve continuous interpretation of ‘gender,’ constructing “*horizons of possibility*” of specific gendered issues. In effect, the legal realm of gender-based crime will then inevitably be “*a site of politics*” (Shepherd 2019, 3-4), habitually exhibiting interplays between states, international organizations, and political and social movements (Moral & Neumann 2018, 454-455).

One of the most evident legal approaches to protection of ‘gender’ can be found within *human rights law* where international and regional human rights treaties and conventions serve to specifically protect women against discrimination, abuse, and, on occasion, gender-based violence. These include the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1980), its Optional Protocol (Op-CEDAW), and the UN Declaration on the Elimination of Violence against Women (DEVAW) (1993). Regional documents include the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994) and The Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (2011), known as the Istanbul Convention. While it is true that human rights can provide a form of “*global script*” for domestic legal approaches (Moral & Neumann 2018, 456-457), it is, however, worth mentioning that human rights documents involve varying levels of legal obligation and enforceability. Namely, human rights documents are often only legally binding for the states that ratify them, or they are mostly declaratory forms of soft law (Moral & Neumann 2018, 457; Weil et al. 2018,

8). Accordingly, if international human rights approaches can certainly be symbolically important responses to ‘gender-based crime’, imposing an initial state responsibility, they are rarely adequate responses in and of themselves, seldomly stipulating the content of this responsibility (Moral & Neumann 2018, 453). Therefore, human rights approaches must generally be supported by domestic legal measures.

Among the most notable of such domestic responses to gender-based crime is, arguably, the adoption of so-called *femicide laws*, underscoring, according to Toledo (2019), “a growing conception that states themselves hold a significant responsibility for actively countering violence against women as an explicated form of crime” (Toledo 2019, 40). Over the past 10-15 years, the Latin American region has thus been the epicentre of a wave of specialized femicide laws that, in various ways, pose legal responses to the region’s excessively high numbers of violent crimes against women (Toledo 2019, 39; Moral & Neumann 2018, 452). Most of these laws impose stricter punishments on individual cases of femicidio, whereas a smaller number go further in legally addressing feminicidio (Neumann 2022, 140-141). The latter especially stems from mobilized efforts of local feminist movements that have petitioned for further state responsibility for the perpetuation of gender-based violence (Moral & Neumann 2018, 452). While femicide laws have been codified in almost 20 countries, including Argentina, Bolivia, Mexico, Chile, Brazil, and Columbia, the content of the individual femicide laws do however differ greatly and are generally inconsistent across the region (Neumann 2022, 140-141; Toledo 2019, 43; Moral & Neumann 2018, 453).

If most feminist organizations largely consider the introduction of femicide laws to be an outright triumph for women’s rights, the reality is, according to scholars, far more complex. In many cases, femicide laws have thus hardly had the effects that was originally hoped, often proving inefficient or insufficiently enforced (Toledo 2019; Moral & Neumann 2018). One of the key challenges is, according to Toledo, that femicide provisions fail to gain legal impact:

*Laws criminalising femicide often use words or expressions that are very difficult for legal practitioners, prosecutors, and the judiciary to interpret and apply. Some laws refer to a certain, specific mental state of the perpetrator, such as misogyny. Some say the crime is committed for gender-related reasons or because the victim is a woman. Some refer – as an element of the crime – to the context of unequal power relations between men and women. But all these expressions lead to serious problems of interpretation as they lack legal definitions and may not fulfil the precision required by the principle of legality. In practice, these difficulties may result in the laws not being implemented (Toledo 2019, 44-45)*

Alongside interpretative challenges, Toledo notes, prosecutors frequently lack the very incentive to litigate a case of femicide insomuch that it is typically harder to prove and more time-consuming to substantiate yet rarely results in significantly higher sentences than regular homicide (Toledo 2019, 46). Neumann (2022) also identifies that femicides are often only sporadically counted and reported and argues that some Latin American states have either deliberately or incidentally minimized their own femicide laws by failing to strengthen, in some cases even reducing, police efforts of investigating femicides under the guise of a formally heightened response (Neumann 2022, 150-152). Similarly, Moral & Neumann (2018) contend that the successes of femicide laws have often been short-lived or highly compromised as the laws’ “transformative potential has been perverted in practice” (Moral & Neumann 2018, 453). Although it cannot unequivocally be concluded that femicide laws have outright worsened social conditions for women, Toledo argues that conditions are not improving either, yet the passing of the laws has significantly lessened the previously strong public attention surrounding the issue (Toledo 2019, 50). In this sense, states have sometimes implemented femicide laws out of sheer political convenience, apparently supporting a popular cause but “without committing to any more fundamental changes”; Though

laws have given an impression of a strong political stance, they have then merely constituted a viable response “*on paper*” (ibid., 43).

### A principal defence of ‘gender-based hate crimes’

If neither human rights approaches nor femicide laws have been definitively efficient in handling gender-based violence against women, the question is if a gender-based hate crime approach would fare any better as a legal response in Denmark and beyond. Before turning to the legal challenges herein, I would argue that there are in fact very solid principal arguments for deploying a hate crime approach as a response to violence against women.

An initial argument in favour of a hate crime approach is in acknowledgement that gender-based crimes may be regarded messages of intimidation with corrective implications for women as such. In hate crime scholarship, there is thus consensus that hate crimes are, fundamentally, *message crimes* (Dixon & Gadd 2006) insofar that they send a message to not just the victim but also to the victim’s perceived group of association, reaffirming specific social hierarchies (Perry & Olsson 2009). In the case of violence against women, the prevalence of victimization may be viewed as messages of intimidation that aim at maintaining women in subordinated positions and serve to police their behaviours (Perry 2013, 5-6; Iganski & Levin 2015, 32-34; Haynes & Schweppe 2020, 281). Correspondingly, Card (1996) argues that rape and other forms of sexual violence against women are *instruments of domestication*, motivating females to seek male protection, deeply influencing their identities and behaviours, as well as a *terroristic instrument*, targeting not only the immediate victim but also other potential victims, motivating these to show compliance to avoid similar fates (Card 1996, 6-7, 11). Hence, if Danish women were more fearful of assaults after Mia’s murder, it may be explained by the *in terrorem* effects that hate crimes can cause in others than the immediate victim (Perry & Alvi 2012).

A second argument in favour of including ‘gender’ is that, like other forms of hate crime, gender-based crimes may be considered to be particularly *harmful*, therefore in need of expansive legislative approaches (Walters 2018, 56). Iganski (2001) famously argues that hate crimes produce “*waves of harm*”, creating “*a ripple effect*” that potentially extends from the immediate victim, over the victim’s neighbourhood, the general community, and all the way to society at large (Iganski 2001). The adoption of hate crime legislation is then also habitually justified by a common, albeit not always fully explored, conception that hate crimes hurt more than other crimes (Stotzer & Sabagala 2020, 252). According to Walters (2018), hate crimes thus impose “*an exceptional set of challenges*” likely to impact “*the emotional and physical well-being*” of both direct and indirect victims (Walters 2018, 56-59). Stotzer & Sabagala concur, contending that numerous studies substantiate the claim that direct victims of hate crimes are more likely to report greater physical and psychological injuries than victims of similar crimes, and that these harms often last longer, and persist regardless of whether victims were targeted for their actual identity or if they were mistaken for another by the perpetrator (Stotzer & Sabagala 2020, 252-261). Like direct victims, indirect victims may also experience a reduced sense of personal safety, increased fearfulness, and decreased trust in public systems and in the police (Walters 2018; Stotzer & Sabagala 2020; Iganski & Levin 2015). Consequently, indirect victims too may fundamentally change their behaviours in the wake of hate crimes – self-isolating, self-segregating, withdrawing from public society, or self-restricting personal movement (Perry & Olsson 2009; Perry 2013; Iganski & Levin 2015; Stotzer & Sabagala 2020). Reconsidering the results of the Danish survey conducted after the publicized murder of Mia, this can explain why one woman’s murder affects other women’s sense of personal security, even to the point that they alter their behaviour and take everyday precautions because of such fears.

What is arguably the common denominator of these two arguments is that including ‘gender’

as a victim category of hate crime legislation in Denmark, as suggested by Ketscher, would constitute an important symbolic recognition of the frequent risk of victimization, and the associated fear of victimization, that Danish women experience in the same manner as other vulnerable victim groups. Hence, Walters also maintains that one of the pivotal purposes of hate crime legislation is in fact to serve a symbolic message of condemnation to hate crime perpetrators (Walters 2018, 57); a communication on “*what is to be tolerated*” (Perry & Olsson 2009: 189). If hate crimes themselves thus constitute harmful messages of intimidation and correction to females, a recognition of gender-based hate crimes could conversely send “*an equally strong message*” (Mason-Bish 2014, 172), countering a historical tolerance of violence against women as ‘a natural condition’ (Card 1996, 14). Not too dissimilar from femicide laws, explicitly acknowledging gender-based hate crimes can thereby contribute to the important process of naming violence against women (Smith 2018, 162); of making these formerly invisible crimes plainly visible.

While there are then sound principal reasons to include ‘gender’ in hate crime legislation, as we have encountered in the Latin American femicide laws as well as more general human rights approaches, symbolic significance is, however, not identical to real-life efficiency. Hence, when it comes to law in particular, as Duff & Marshall (2018) rightly observe, good enough reason in principle does not always equate good enough reason in practice (Duff & Marshall 2018, 149). As part of this exploration of hate crime legislation as an alternative legal response to violence against women, I will therefore outline two major sets of challenges that each profoundly affect the viability of a gender-based hate crime approach.

### Conceptual challenges of ‘gender-based hate crimes’

In the case of femicide laws, Toledo and other scholars outlined a limitation of the laws to be a general lack of interpretative clarity, causing law

enforcement and legal practitioners to refrain from making efficient use of the provisions. Similarly, the first set of challenges that I want to emphasize in relation to a hate crime approach to gender-based crime is a comparable reality when circumscribing ‘hate crimes’. Thus, the concept of ‘hate crime’ is notoriously ambiguous, disclosing profound *conceptual challenges* that are only exacerbated when coupled with the much-disputed concept of ‘gender.’ Namely, to implement a viable legal strategy of gender-based hate crimes, we will both have to legally qualify the ‘hate’ in ‘hate crimes’ and then, secondly, qualify this elusive hate as ‘gender-based’ within an intricate web of competing gendered identity categories.

Noting the first challenge of conceptualizing ‘hate crime’, like femicide laws, hate crime legislation too originate in abstract human rights concepts (Chakraborti 2015). Beyond this, however, as noted by Mason et al. (2017), ‘hate crimes’ have no singular meaning. Rather, they rely on interpretations within specific criminal justice domains and popular contexts (Mason et al. 2017, 6). In academic conceptualizations, hate crimes generally revolve around the element of difference insofar that they are, according to Levin & McDevitt (2020), “*motivated either entirely or in part by a real or perceived difference between the perpetrator and the victim.*” In a formal legal setting, hate crimes are generally already-defined criminal offences, aggravated by some motivational relation to ‘hate’ or other biases (Levin & McDevitt 2020, 179-180). Relatedly, within hate crime scholarship, the concept of ‘hate crime’ has competed with similar terms such as *bias crime* or *targeted crime* (Hall 2005), yet ‘hate crime’ is clearly the one that has gained most popular traction (Mason et al. 2017, 29). When glancing over the Danish hate crime provision, alongside many other legal hate crime provisions, one will observe, however, that the term ‘hate’ is either completely absent, or it plays only a minor role. And there might be good reason for that since the ‘hate’ in ‘hate crime’ is heavily contested (Mason et al. 2017, 29). Hence, transplanting our common conceptions of ‘hate’ into a formal legal handling of criminal ‘hate crimes’ leaves both lawmakers and law enforcement with several



explanatory tasks: For instance, when does the ‘hate’ adequately prelude the violent criminal act, and how should law enforcement distinguish the myriad of negative emotions, that will likely occur in many intimate relations, from an outright ‘hateful motive’ (Levin & McDevitt 2020, 179; McCauley 2020, 45-46)? To accommodate this conceptual challenge, hate crime scholars have often defined the ‘hate’ in hate crime as a deliberate and conscious *motivation* rather than simply an *emotion*, as hate will usually denote “a motivational process driven by the goal of and desire to harming another” (Rempel & Sutherland 2020, 106, 113). However, according to Brudholm (2018), there may be good reason for remaining vigilant when it comes to the ‘hate’ in hate crimes altogether. In fact, the ‘hate’ may even potentially be a misnomer, misleading inasmuch that it “evokes the assumption that all hate crimes are motivated by or expressive of hatred,” although many crimes counted as hate crimes are “committed with little or no evidence of hatred” (Brudholm 2018, 53-54). Not too dissimilar from what has been observed by scholars in relation to femicide law enforcement, this lack of conceptual clarity affects the real-life interpretation of hate crime legislation in a variety of ways, including how hate crimes are identified, recorded, counted, and investigated (Mason et al. 2017).

As the Danish debate on the inclusion of ‘gender’ alludes to, it is, however, not only the concept of ‘hate crime’ itself that produces conceptual challenges to a gender-based hate crime approach to violence against women. It is also the addition of ‘gender’ specifically. Thus, when asked about Ketscher’s call for an explicit inclusion of ‘gender’, the political spokesperson of the governing party in Denmark responded that the inclusion of “gender identity” was devised to encompass the widest array of gender categories, including biological genders, meaning that women were not left out at all (DR 2022). This underscores that, inasmuch law always constitutes a site of politics, hate crime legislation is especially a site of *identity politics*. Hence, Jacobs & Potter (1998) also argue that hate crime legislation revolves around the mobilization of political support of including some identity categories over others, inherently a

process of inclusion and, particularly, of exclusion (Jacobs & Potter 1998, 165-166). When adding new victim categories to the mix, Mason-Bish notes, it will therefore typically engage “complex relationships between campaigners, policy makers and researchers” and political activism often plays a major role (Mason-Bish 2014, 170-175). Like femicide laws, hate crime legislations are then historically shaped by the successful, or unsuccessful, group advocacy of including certain identity categories rather than others (Mason et al. 2017, 51-52; Levin & McDevitt 2020, 181). When it comes ‘gender’ specifically, Ketscher is right to observe that both ‘gender,’ in general, and ‘female gender,’ in particular, have consistently struggled to gain inclusion. Mason-Bish thus notes that although gender is intuitively and popularly conceived an “obvious” intrinsic victim category, it is still continuously disregarded and exempted in many domestic hate crime legislations (Mason-Bish 2014, 169-170), often due to a lack political campaigning for its inclusion (ibid., 169-170, 178), a general conception that ‘gender’ is dealt with in other laws or by other identity categories (ibid., 171), or perceptions that women are not minorities, neither numerical nor communal (Mason-Bish 2014, 175-176; Stotzer & Sabagala 2020, 260; Haynes & Schweppe 2020, 78).

A very specific conceptual challenge that an inclusion of ‘gender’ in relation to responding to violence against women entails, is then also whether to emphasize ‘female gender’ specifically, or simply include ‘gender.’ Haynes & Schweppe (2020) discuss this particular challenge, arguing that while the exclusion of ‘gender’ in hate crime law remains “striking” (Haynes & Schweppe 2020, 278), one can observe a growing trend of advocating the inclusion of, explicitly, “misogynistic hate crimes” in several countries (ibid., 278-279). While Haynes & Schweppe agree that many crimes against women could legitimately be regarded misogynistic, when put into an explicitly legal context, an emphasis on female gender may collide with legal principles of equality in comparison with the content-neutral ‘gender’ (ibid., 284-290). In this sense, Haynes & Schweppe resonate potential conceptual criticisms of femicide law, insofar

the primacy of the ‘female gender’ of victims may impose an unfair presumption of guilt on those committing crimes against women (Toledo 2019, 46), but that it may also neglect other gendered identities of equally vulnerable victims. On the other hand, simply preferring ‘gender’ is by no means an unambiguously ideal alternative either if the aim is to combat systemic violence against women. Relevantly, Boyle argues that an equation of crimes against women with ‘gender-based crimes’ “*may appear as a compelling way to force such crimes into the public legislative agenda*” but runs the risk of disguising the specific role of ‘female gender’ (Boyle 2019, 23). To Boyle, the conflation of ‘female gender-based’ with ‘gender-based’ can thus erase “*important differences in terms of who is doing what to whom, in which contexts, to which effects, and to whose overall benefit*” (ibid., 32). When choosing how to conceptualize ‘gender’ in ‘gender-based hate crimes’, we are then faced with the difficult task of striking the right balance between naming the unfortunate “*everydayness*” of women’s experiences of violence without minimizing the severity nor the criminality of such experiences (ibid., 22).

### Practical challenges of ‘gender-based hate crimes’

Conceptual ambiguities do not in themselves warrant that hate crime legislation could not constitute a viable legal response to gender-based crime. In the case of femicide laws, scholars did, however, also emphasize that the inefficiency of femicide laws is evidenced by a practical inability, or disinclination, of legal practitioners to enforce the provisions. When considering a hate crime approach to violence against women, we may therefore note that hate crime legislation too is associated with recurring practical challenges that can profoundly reduce its efficiency and implementation, causing laws to be disregarded due to lack of resources, influence, or knowledge (Perry & Olsson 2009, 188). Namely, according to Walters et al. (2018), hate crime legislation is utterly plagued by a deep “*justice gap*” insofar that many hate crimes “*may*

*result in no justice at all*” (Walters et al. 2018, 58). But why this practical inefficiency? And would it potentially render gender-based hate crimes an inefficient approach too?

When dealing with ‘gender-based crimes’ in general, it is worth noting that these will impose specific constraints on legal practitioners. First, for a crime to be ‘gender-based’, this will have to be demonstrated beyond the purely speculative (Heinze 2018), making probable a credible link between diverse individual experiences of crime, encountered by specific women, and wider structures of gender oppression that justify criminal liability, without automatically assuming the primacy of gender inequality across individual cases (Sokoloff & Dupont 2005, 43-45; Smith 2018, 159-160). Second, any legal evaluation must be able to tackle the role that intimacy regularly plays in crimes against women, neither allowing pre-established relationships between female victim and perpetrator to serve as legal excuses, ascribing women partial complicity for the violence committed against them (Howe & Alaattinoglu 2019), nor denying that personal relationships will complicate a legal distinction of crimes as explicitly ‘gender-based’ (Sokoloff & Dupont 2005, 59). In hate crimes in particular, traditionally relying on a concept of *interchangeability* insofar that crimes target specific identities rather than specific individuals, it can be especially hard to prove that the committed crime could just as easily have been committed against another woman (Mason-Bish 2014, 174). Finally, legal practitioners will have to tackle realities of *intersectionality*, as much violence against women involves numerous cross-cutting vulnerabilities (Grossman & Lundy 2007). Hence, even in cases of domestic violence, where gender inequality is frequently privileged as a primary explanation, here too ‘gender’ may intersect with other biases (Sokoloff & Dupont 2005, 43); as such, what will typically have to be captured is then the compounding effect of ‘gender’ on other vulnerable identity statuses, or vice versa (Mason-Bish 2014, 177).

Turning to hate crime legislation specifically, it arguably shares with femicide laws that its enforcement is riddled with substantial *prosecutorial*

challenges. Hence, hate crime prosecution often ends up suffering from the same ailments as femicide laws as legal practitioners struggle to translate ‘hate crime’ into legal argumentation, or they end up not doing so for pragmatic reasons (Perry & Samuels-Wortley 2021; Grattet & Jenness 2008; Mason et al. 2017). In ‘easy’ cases, proving bias relies on the perpetrator’s demonstrated use of slurs or denigrative language in relation to the offence (Levin & McDevitt 2020, 184), motivating Jacobs & Potter to argue that a perpetrator can “avoid the hate crime tariff by committing his crime silently” (Jacobs & Potter 1998, 162). In the many cases where perpetrators do not use explicit language, however, prosecutors will instead have to engage in time-consuming processes of establishing other links that might result in only smaller sentence enhancements, if any (Levin & McDevitt 2020, 184). Since ‘gender’ introduces a broader and more complex category than most other hate crimes, a major challenge to a successful implementation of ‘gender-based hate crimes’ is then that cases of such crimes might only rarely end up actually litigated. In Denmark, as well as in many other countries, this challenge is only substantiated by the already relatively sparse number of hate crime convictions.

If prosecuting gender-based crimes can be difficult, investigating these motives can be at least as challenging. Notably, hate crime scholarship has also focused extensively on the recurring challenges associated with *policing* hate crimes (Mason et al. 2017, 53), exposing what Mason et al. (2017) refer to as “an implementation gap” between hate crime policies and real-world policing of such (Mason et al. 2017, 62, 50; Levin & McDevitt 2020, 183; Perry & Samuels-Wortley 2021, 68-70). Similar to femicides, policing hate crimes has been known to be notoriously difficult (Mason et al. 2017, 54, 62; Perry & Samuels-Wortley 2021, 68). Particularly two problems can be drawn out that might challenge an approach of gender-based hate crimes. First, police appear to generally struggle to identify and distinguish hate crimes, as they, much like prosecution, struggle to interpret motives of ‘hate’ or ‘bias’ (Mason et al. 2017, 17-18, 56-58). In many cases, police will then refrain from

investigating such motives because they lack training in how to do so, it is too time-consuming, they lack resources, or the unlikelihood of prosecution demotivates it (Perry & Samuels-Wortley 2021, 76). Second, hate crimes are also consistently under-reported (Perry & Samuels-Wortley 2021; Mason et al. 2017; Walters et al. 2018; Levin & McDevitt 2020). Thus, if popular conceptions of hate crimes are increasingly expansive, as victims and communities call for hate crime charges to be laid, police often deploy restrictive conceptions due to the low margins of prosecutorial success (Perry & Samuels-Wortley 2021, 75-76; Mason et al. 2017, 16-17). This might cause tensions, even trust deficits, between police and the public, further demotivating reporting on both sides (Perry & Samuels-Wortley 2021, 75-76; Mason et al. 2017, 57-58). Considering gender-based crimes specifically, if hate crimes are generally *under-policed*, crimes against women are particularly under-policed (Cunneen 2001). Due to the complex nature of gender-based violence, especially when committed in domestic contexts, one could also readily fear that policing gender-based hate crimes will simply be too complex a task for police to lift if they already struggle to efficiently identify, distinguish, and investigate hate crimes as is.

Therefore, even if an inclusion of ‘gender’ in Danish hate crime legislation would surely constitute an important symbolic recognition of women’s experiences with, and fears of, violence, when faced with these pre-existing ‘gaps’ of hate crime law enforcement, we must also consider the imminent risk that such recognition could become, like that of femicide laws, largely “on paper”. As noted by Grattet & Jenness (2008), when implementing hate crime legislation of any kind, measures cannot be purely symbolic. We must also ensure their *instrumental* impact for them to be an efficient legal response (Grattet & Jenness 2008, 520-521). If what has made femicide provisions inefficient responses is that they have rarely been enforced in practice, gender-based hate crime provisions could suffer the same potential perils. In my opinion, the concerning drawbacks are here twofold. First, unenforceable hate crime provisions may cause additional harms if crimes have

been committed de jure, yet victims experience that, de facto, they cannot obtain legal redress for such crimes (Stotzer & Sabagala 2020, 262-263). Second, similar to scholars’ concerns about femicide laws muzzling complicated debates about violence against women, simply subsuming gender-based violence under a hate crime approach could result in underlying issues and complexities to be overlooked – without laws simultaneously gaining real-life impact (Mason-Bish 2014, 176). Hence, if legislative approaches are increasingly expansive, but law enforcement approaches remain restrictive (Mason et al. 2017, 57), adding ‘gender’ to the hate crime equation could end up further alienating unfulfilled victims lost in-between the gaps.

### Adding ‘gender’ to the hate crime equation?

Violence against women is, indeed, a global issue and one that must ultimately be addressed globally (ACUNS 2014). However, locally as well as globally, formal approaches to violence against women increasingly take form of explicitly legal responses to gender-based crime. In part, this is a symbolic undertaking, contributing to a greater process of naming the historically invisible phenomenon of violence against women (Weil et al. 2018, 2), communicating condemnation of its prevalence. Yet, the task is also highly practical, since the responses we choose will affect how we handle, legislate, and respond to real-life violence (Boyle 2019, 20-22). Thus, if legal responses to gender-based crimes are only symbolic, and states implement them without being able or willing to enforce them comprehensively, they may become, as in the case of many femicide laws, “empty promises” (Moral & Neumann 2018, 453). And it would seem that legal responses to gender-based crime often fall into this exact pitfall; there appears to be a more general conundrum of ensuring not only symbolic impact of legal responses to systemic violence against women, but enduring practical impact as well.

This paper has suggested that, in the pursuit of qualifying gender-based hate crime legislation, such worries may be warranted. Hence, I have

argued that although there are very good principal reasons for implementing hate crime legislation that unequivocally includes ‘gender’, there are also substantial practical and conceptual challenges that, if left unrequited, might cause such a response to eventually prove inefficient. Since it is already an ailment of hate crime legislation that it is difficult to operationalize for police and legal practitioners, the broad and complex category of gender-based hate crimes could thus easily drop into the numerous gaps associated with hate crime law interpretation and enforcement. Despite an increasing public rallying around both general legal responses to crimes against women and around hate crime approaches especially, a vital question is then: Even if ‘gender’ is finally added to the hate crime equation, how do we ensure that such a measure gains instrumental impact?

A massive obstacle toward answering this question is that we know staggeringly little about gender-based hate crimes, as these are an under-examined area, undoubtably in Denmark but also in the rest of the world (Mason-Bish 2014, 178). Inasmuch the conceptual and practical challenges presented in this paper serve as waypoints, we lack empirical knowledge on how these challenges translate into concrete local challenges of interpreting, policing, and prosecuting hate crimes - particularly if adding ‘gender’ to the mix, just as we lack insights into the effects of hate crime legislation and its ability to grasp with the interpersonal contexts that frequently enclose violence against women (Jacobs & Potter 1998, 162; Walters 2018, 57; Rempel & Sutherland 2020, 109-125). Surely, data collection alone will not suffice to alter these realities, but we are certainly ill-equipped to produce efficient responses without them (Walklate et al. 2020, 3-11).

Furthermore, when collating hate crime legislation with other legal responses to gender-based crime, some overlapping intricacies of legal approaches to ‘identity’ as such, and to ‘gender’ in particular, are exposed. Namely, as we are increasingly aware, identity is far from static (Duff & Marshall 2018), and perhaps more than any other identity category, ‘gender’ is contested; in itself more of a continuous question to be asked than a definitive category to be implemented (Zalewski 2010). If

emphasizing ‘female gender’ in law generally risks the discrimination of cis-gender males (Haynes & Schweppe 2020, 279), hate crime legislation’s generic need for identifying neatly distinguishable identity categories can also come to reify oversimplified group distinctions (Jacobs & Potter 1998, 164; Mason-Bish 2014, 173), either overlooking or over-stressing non-binary gender identities. Yet, as we have seen, relying on neutral definitions of ‘gender’ might contrariwise contribute to masking the identifiable issue of violence against women. In this sense, defining ‘gender-based hate crimes’ can neither fix ‘gender,’ create false equivalences between gendered categories, nor ignore important links between them (Boyle 2019, 25-26). Therefore, this exploration also reaffirms Mason-Bish’s argument that the problem of ‘gender’ inspires a consideration of a more fundamental shift in our way of thinking hate crime legislation in the first place, ridding it of its singular focus on clear-cut identities (Mason-Bish 2014, 179), further acknowledging that victimization seldomly isolates itself to neatly identifiable categories (Garland & Chakraborti 2012, 49).

Insofar the underpinning of hate crime legislation itself is then a possible impediment for a fully adequate response to gender-based crime (Levin & McDevitt 2020, 180), one final question emerges: If neither femicide laws nor hate crime legislation pose ideal solutions, are legal approaches at all likely to be viable responses to violence against women? Will laws ever be able to sufficiently impact the real-life abuse of women across the world? Considering the relationship between law and feminism, Smart once argued that law reforms should not too readily be considered solutions to female suffering. In fact, laws can easily become “a non-fix solution” that preclude more efficient approaches (Smart 2019, xi). According to Smart, in the wake of many feminist-driven law reforms, tangible promises of change have been left unfulfilled, though inefficient laws have still managed to effectively silence mobilization around women’s rights in the sense that “*they had been given what they asked for and so had no legitimate reason to continue their complaint*”, waves of legal reform too often succeeded by “*deep troughs*

*of silence and passivity*” by the states (Smart 2019, xi). Following Smart, we should thus not expect legal interventions, by themselves, to resolve complex social issues of gender-based inequality (Smart 2019, xii, x; Smart 1989, 164). In the case of femicide laws, Smart’s concerns have certainly proved pertinent, as otherwise progressive laws have lacked the necessary instrumentality, sometimes even producing counterproductive results that have potentially worsened some women’s situations (Toledo 2019, 48; Moral & Neumann 2018, 455-457; Perry & Olsson 2009, 189-190).

Should we then not simply retreat from law altogether in order to find efficient responses to systemic violence against women? In my opinion, the answer is unquestionably no, nor does Smart imply a disqualification of legal approaches as important catalysts for change (Smart 2019, xii). Hence, law surely is, as noted by Howe & Alaattinoğlu (2019), a vital site for contesting “*historically mandated excuses*” for violence against women (Howe & Alaattinoglu 2019, 2). However, legislation can only be one part of a wider all-encompassing process of social change (Toledo 2019, 43, 49); simply changing or implementing laws will rarely be enough to combat underlying cultural attitudes (Heinze 2018, 94). And criminal law approaches in particular can be, as noted by Duff & Marshall, “*clumsy, crude, and expensive*” enterprises (Duff & Marshall 2018, 142). Accordingly, rather than “*getting too caught up in law reform*” (Howe & Alaattinoglu 2019, 2), responding to gender-based violence necessitates a plethora of approaches, not a singular legal response; Rather than searching for a decisive legal victory, we have to engage a variety of tools, and all of those tools require continuous scrutiny as conditions change and new insights are gained (Walklate et al. 2020, 4).

Though a gender-based hate crime approach should therefore not be discarded, it cannot be the only, perhaps not even the primary, response for us to resort to (Toledo 2019, 39; Smart 1989, 2). If it is to be a more effective response than femicide laws, it needs to be accompanied by supplementary legal approaches such as civil law tools (Duff & Marshall 2018), or restorative justice

tools (Walters 2018), alongside non-legal tools such as public education (Toledo 2019; Heinze 2018), communal and cultural approaches (Howe 2019), improved police training, and the addition of resources for hate crime investigation (Perry & Samuels-Wortley 2021; Walters 2018). What this exploration has unearthed is then that adding ‘gender’ to the hate crime equation is an entirely logical and principally sound legal stance to take.

However, it cannot be a symbolic gesture alone, nor can it stand alone. Thus, if ‘gender’ is to be, more consistently, added to protected victim categories of hate crime legislation, we must make profound considerations as to how this addition will gain practical impact; how the inclusion of gender can become not just a legal formality but a sociolegal reality as well. The equation will only ever make sense if the results eventually match.

## Literature

- ACUNS. 2014. *Femicide – A global issue that demands action*, Volume 2. Vienna: ACUNS.
- Benier, K. 2016. Global Terrorism Events and Ensuing Hate Incidents. In Scheppe, J. and Walters, M. eds., *The Globalization of Hate*. Oxford: Oxford University Press, 79-95. DOI:10.1177/0269758017693087
- Boyle, K. 2019. What’s in a Name? Theorising the Inter-relationships of Gender and Violence. *Feminist Theory* **20**(1), 19–36. DOI:10.1177/1464700118754957
- Brudholm, T. 2018. Hatred Beyond Bigotry. In T. Brudholm & B. S. Johansen eds., *Hate, Politics, Law – Critical Perspectives on Combating Hate*. Oxford: Oxford University Press, 53-75. DOI:10.1093/oso/9780190465544.001.0001
- Card, C. 1996. Rape as a Weapon of War. *Hypatia* **11**(4), 5-18.
- Chakraborti, N. and Garland, J. 2012. Reconceptualizing hate crime victimization through the lens of vulnerability and ‘difference’. *Theoretical Criminology* **16**(4), 499-514. DOI:10.1177/1362480612439432
- Chakraborti, N. 2015. Re-Thinking Hate Crime: Fresh Challenges for Policy and Practice. *Journal of Interpersonal Violence* **30**(10), 1738-1754. DOI:10.1177/0886260514548581
- COWI. 2015. Kortlægning af hadforbrydelser i Danmark.
- Cunneen, C. 2001. Assessing the outcomes of the Royal Commission into Aboriginal Deaths in Custody. *Health Sociology Review* **10**(2), 53-64. DOI:10.5172/hesr.2001.10.2.53
- Dixon, B. and Gadd, D. 2006. Getting the message? ‘New’ Labour and the criminalization of ‘hate’. *Criminology & Criminal Justice* **6**(3), 309-328. DOI:10.1177/1748895806065532
- DR. 2022. Ved årsskiftet blev flere beskyttet mod hadforbrydelser: ‘Jeg føler mig tryk ved at anmelde det nu’. *DR Politik*. [online]. [accessed March 12, 2022]. Available from: <https://www.dr.dk/nyheder/politik/ved-aarsskiftet-blev-flere-beskyttet-mod-hadforbrydelser-jeg-foeler-mig-tryk-ved>
- Duff, R. & Marshall, S. 2018. Criminalizing Hatred. In T. Brudholm & B. S. Johansen eds. *Hate, Politics, Law – Critical Perspectives on Combating Hate*. Oxford: Oxford University Press, 115-149. DOI:10.1093/oso/9780190465544.001.0001.
- EIGE. 2021. Gender Equality Index. *Compare Countries 2021*. [online]. [accessed March 12, 2022]. Available from: <https://eige.europa.eu/gender-equality-index/2021/compare-countries>
- FRA. 2012. Survey on violence against women in EU. *Data and Maps*. [online]. [accessed March 12, 2022]. Available from: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>
- Gorar, M. 2021. *Honour Based Crimes and the Law - Defining the Limits of Honour Based Violence and Abuse*. London: Routledge.

- Grattet, R. and Jenness, V. 2008. Transforming Symbolic Law into Organizational Action: Hate Crime Policy and Law Enforcement Practice. *Social Forces* **87**(1), 501-527.
- Grossman, S. & Lundy, M. 2007. Domestic Violence Across Race and Ethnicity. *Violence against Women* **13**(10), 1029-1052. DOI:10.1177/1077801207306018
- Hall, N. 2005. *Hate Crime*. Devon: Willan.
- Haynes, A. and Scheppe, J. 2020. Should hate crime legislation include misogynistic crimes? In Sternberg, R.J. ed., *Perspectives on hate: How it originates, develops, manifests, and spreads*. Washington D.C.: American Psychological Association, 277–297. DOI:10.1037/0000180-013
- Heinze, E. 2018. Toward a Legal Concept of Hatred - Democracy, Ontology, and the Limits of Deconstruction. In T. Brudholm & B. S. Johansen eds. *Hate, Politics, Law – Critical Perspectives on Combating Hate*. Oxford: Oxford University Press, 94-112. DOI:10.1093/oso/9780190465544.001.0001
- Henry, N. and Powell, A. 2015. Embodied Harms: Gender, Shame, and Technology-Facilitated Sexual Violence. *Violence against Women* **21**(6), 758-779. DOI:10.1177/1077801215576581.
- Howe, A. and Alaattinoğlu, D. 2019. *Contesting Femicide: Feminism and the Power of Law Revisited*. Milton: Routledge.
- Iganski, P. 2001. Hate Crimes Hurt More. *American Behavioral Scientist* **45**(4), 626-638. DOI:10.1177/0002764201045004006.
- Iganski, P. and Levin, J. 2015. *Hate Crime: A Global Perspective*. London: Routledge.
- Jacobs, J. and Potter, K. 1998. *Hate Crimes: Criminal Law and Identity Politics*. New York: Oxford University Press.
- Lagarde, M. 2006. Prefacio. In Radford, J. & Russell, D. eds. *La Política del Asesinato de las Mujeres*. México: Ceiiich/Unam.
- Levin, J. and McDevitt, J. 2020. Hate Crimes in Transition. In Sternberg, R.J. ed., *Perspectives on hate: How it originates, develops, manifests, and spreads*. Washington D.C.: American Psychological Association, 179-201. DOI:10.1037/0000180-009.
- MacKinnon 1979. *Sexual Harassment of Working Women: A Case of Sex Discrimination*. London: Yale University Press.
- Mason-Bish, H. 2014. We Need to Talk about Women: Examining the Place of Gender in Hate Crime Policy. In Chakraborti, N. and Garland, J. eds., *Responding to Hate Crime*. Bristol: Policy Press. DOI:10.1332/policypress/9781447308768.001.0001.
- Mason, G., Maher, J., McCulloch, J., Pickering, S., Wickes R. and McKay, C. eds. 2017. *Policing Hate Crime – Understanding Communities and Prejudice*. London: Routledge.
- Moral, P. and Neumann, P. 2018. The Making and Unmaking of Femicidio/Femicidio Laws in Mexico and Nicaragua. *Law & Society Review* **53**(2), 452-486. DOI:10.1111/lasr.12380
- Neumann, P. 2022. “If It’s Not Femicide, It’s Still Murder”. *Feminist Criminology* **17**(1), 139-159. DOI:10.1177/15570851211037271
- OSCE. 2022. What is hate crime. *Hate Crime Reporting*. [online]. [accessed March 12, 2022]. Available from: <https://hatecrime.osce.org/#participating-states>
- Perry, B. 2001. *In the Name of Hate: Understanding Hate Crimes*. New York: Routledge.
- Perry, B. and Olsson, P. 2009. Hate Crime as a Human Rights Violation. In Perry, B. and Iganski, P. eds., *Hate Crime as a Human Rights Violation Vol. 2*. Westport: Praeger, 175-191.
- Perry, B. and Alvi, S. 2012. “We are All Vulnerable”: The In Terrorem Effects of Hate Crimes. *International Review of Victimology*, **18**(1), 57-71. DOI:10.1177/0269758011422475
- Perry, B. 2013. Gendered Islamophobia: Hate crime against Muslim women. *Social Identities* **20**(1), 74-89. DOI:10.1080/13504630.2013.864467

- Perry, B. and Samuels-Wortley, K. 2021. “We’re Not Where We Should Be”: Enhancing Law Enforcement Responses to Hate Crime. *Canadian Journal of Criminology and Criminal Justice*, **63**(2), 68-98. DOI:10.3138/cjccj.2020-0057
- Radford, J. & Russell, D. 1992. *The Politics of Woman Killing*. Buckingham: Open University Press.
- Rantala, M. 2019. Finland on Trial. In Howe, A. and Alaattinoğlu, D. eds., *Contesting Femicide: Feminism and the Power of Law Revisited*. Milton: Routledge, 130-142.
- Rempel, J. and Sutherland, S. 2020. Hate: Theory and Implications for Intimate Relationships. In Aumer, K. ed., *The Psychology of Love and Hate in Intimate Relationships*. Switzerland: Springer, 105-129.
- Shepherd, L. 2019. *Handbook on Gender and Violence*. Elgar Online.
- Smart, C. 1989. *Feminism and the Power of Law*. London: Routledge.
- Smart, C. 2019. Preface. In Howe, A. and Alaattinoğlu, D. eds., *Contesting Femicide: Feminism and the Power of Law Revisited*. Milton: Routledge, ix-xii.
- Smith, K. 2018. Femicide. In Lombard, N. ed., *The Routledge Handbook of Gender and Violence*. Boca Raton: Routledge, 158-170.
- Sokoloff, N. and Dupont, I. 2005. Domestic Violence at the Intersections of Race, Class, and Gender. *Violence against Women* **11**(1), 38-64. DOI:10.1177/1077801204271476.
- Stanko, E. 2001. Re-Conceptualising the Policing of Hatred: Confessions and Worrying Dilemmas of a Consultant. *Law and Critique* **12**(3), 309-329. DOI:10.1023/A:1013784203982
- Stark, E. 2009. Rethinking Coercive Control. *Violence against Women* **15**(12), 1509-1525. DOI:10.1177/1077801209347452
- Stotzer, R. and Sabagala, A. 2020. ‘Message’ Crimes: Understanding the Community Impacts of Bias Crime. In Sternberg, R.J. ed., *Perspectives on hate: How it originates, develops, manifests, and spreads*. Washington D.C.: American Psychological Association, 251-276. DOI:10.1037/0000180-012
- The Danish Ministry of Justice. 2020. Udsathed for vold og andre former for kriminalitet - Offerundersøgelserne 2005-2018.
- Toledo, P. 2019. Criminalising Femicide in Latin American Countries – Legal Power Working for Women? In Howe, A. and Alaattinoğlu, D. eds., *Contesting Femicide: Feminism and the Power of Law Revisited*. Milton: Routledge, 39-52. DOI:10.4324/9781351068048-4
- TV2. 2022. Kvinder undgår at færdes alene i nattelivet – flertal frygter overfald, viser ny måling. *TV2 Nyheder*. [online]. [accessed March 12, 2022]. Available from: <https://nyheder.tv2.dk/samfund/2022-02-11-kvinder-undgaar-at-faerdes-alene-i-nattelivet-flertal-frygter-overfald-viser-ny>
- Walklate, S., Fitz-Gibbon, K., McCulloch, J. and Maher, J. 2020. *Towards a Global Femicide Index – Counting the Costs*. London: Routledge.
- Walters, M. 2018. Repairing the harms of hate crime. In Hall, N., Corb A., Giannasi, P., and Grieve, J. eds. *The Routledge International Handbook on Hate Crime*, 400-410.
- Walters, M., Owusu-Bempah, A. and Wiedlitzka, S. 2018. Hate Crime and the ‘Justice Gap’: The Case for Law Reform. *Criminal Law Review* **12**, 961-986.
- WHO. 2021. Violence against women. *WHO Fact Sheets* [online]. [accessed March 12, 2022]. Available from: <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>
- Weil, S., Corradi, C., and M. Naudi. 2018. *Femicide Across Europe*. Bristol: Policy Press.
- Zalewski, M. 2010. ‘I Don’t Even Know What Gender Is’. *Review of International Studies* **36**(1), 3-27. DOI:10.1017/S0260210509990489