



BRAINSTORMING PREVENTION

Conceptualizing gender-based violence as hate violence in the development of violence prevention efforts.

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WHO AM I?

- Victim Services Specialist in the Division of Civil Rights and Public Trust
- 20 years of working with victims of violent crime
- 13 years as a VSS in the Domestic Violence Unit
- BA in Sociology from the University of Delaware
 - Concentration in Social Welfare
 - Minor in Women and Gender Studies
- Master's in Social Work from West Chester University
- Member of a bunch of task forces, committees, and other fun things



TODAY'S OBJECTIVES

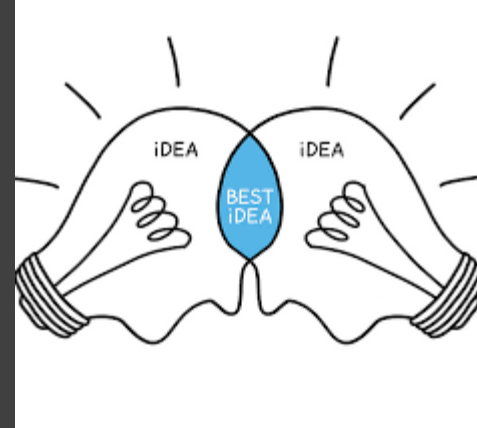
- Understand the definition of hate violence, hate incidents, and hate crimes.
- Understand how gender-based violence can be seen as hate violence.
- Discuss if this could help shape gender-based violence and intimate partner violence prevention work.

UNDERSTANDINGS AND WARNINGS

- Towards the end of the session there will be an interactive discussion about how this potential framework or understanding could shape your prevention work
- I am not any kind of expert; I just have a lot of experience. So do you, so please ask questions and engage
- There will be some talk about hate violence that could bring up intense feelings. Please take care of yourself.

TODAY'S COMMUNITY AGREEMENTS

- Don't be mean, but don't be shy.
- I want to hear from you!



UNDERSTANDING HATE CRIMES, VIOLENCE, AND INCIDENTS



WHAT ARE HATE CRIMES?

- Delaware law: 11 Del Code § 1304:

“Hate crimes; class A misdemeanor, class G felony, class F felony, class E felony, class D felony, class C felony, class B felony, class A felony.

(a) Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who intentionally does any of the following is guilty of a hate crime:

(1) Commits the crime for the purpose of interfering with the victim's free exercise or enjoyment of any right, privilege, or immunity protected by the First Amendment to the United States Constitution, or commits the crime because the victim has exercised or enjoyed a First Amendment right, privilege, or immunity.

(2) Commits the crime and is motivated in whole or in part by a belief or perception regarding the race, religion, color, disability, sexual orientation, sex, age, gender identity, national origin, or ancestry of a person or group, regardless of whether the belief or perception is accurate. [. . .]”

WHAT ARE HATE CRIMES?

- Interference with a person's civil rights
- Criminal acts committed due to the victim's perceived or actual race, sexual orientation, color, national origin, religion, or other designated protected class.
- Examples:
 - Spray-painting a swastika on a synagogue
 - Spitting on someone and calling them a monkey because they are Black
 - Threatening assault to someone because they're thought to be gay
 - Denying access to a polling place because the person appears to be Muslim



NATIONAL CASE EXAMPLES

- 16th Street Baptist Church Bombing: September 15, 1963. Birmingham Alabama
- The murder of James Byrd Jr.: June 7, 1998. Jasper, Texas
- The assault and murder of Matthew Shepard: October 12, 1998. Laramie, Wyoming
- The Tree of Life Synagogue Shooting: October 27, 2018. Pittsburg, PA

WHY DIFFERENTIATE HATE CRIMES?

- Hate crimes are “message crimes”. They cause harm to more than the individual
- Victims of hate crimes/identity-based crimes experience higher levels of physical and psychological harm.
- Most hate crime laws allow for punishment or legal severity enhancements
- The legal differentiation allows for the recognition that the harm created by these crimes is different because it's based in bias and immutable characteristics of identity

WHAT ARE HATE INCIDENTS?

- Hate incidents are acts of prejudice that is not involve violence, threats, or property damage (US DOJ)
- Some examples of hate incidents:
 - Someone develops an offensive pamphlet and leaves it on car windshields
 - White supremacy demonstrations outside a production of The Diary of Anne Frank
 - Anti-gay protestors at Pride events
- Not all hate incidents are hate crimes, but are they acts of emotional violence?

“A HATE CRIME AGAINST ANY ONE OF US IS A CRIME AGAINST ALL OF US” –JEFF BINKLEY

- Hate crimes are not only victimizing the individual(s) who experience the assault
- The point is to intimidate and terrorize the community they belong to that was the basis for the victimization
 - Researchers have labeled this the *in terrorem* effect of hate crime

“Hate crimes are meant to terrorize a community [. . .] to tell them you don’t belong here.” – Judy Shepard

GENDER-BASED VIOLENCE AS HATE VIOLENCE



WHAT IS GENDER-BASED VIOLENCE?

- Generally, gender-based violence is violence perpetrated against women and girls
- Gender-based violence is violence perpetuated to maintain the power structures of binary gender roles
- Research indicates that the more rigid the idea of binary gender roles, the more likely a person is to perpetrate GBV and the more likely a person is to be a victim of GBV

COMPARE AND CONTRAST

- Hate violence:
 - Perpetuated due to perceived or actual identity
 - Causes a form of harm (physical, sexual, psychological, all of the above)
 - *In Terrorem* effect on the community and likely to see a change in group behavior for protection
 - An attempt to maintain or assert social power dynamics
- Gender-based violence:
 - Perpetuated due to a person's gender
 - Causes a form of harm (physical, sexual, psychological, all of the above)
 - An attempt to maintain or assert social power dynamics and rigid binary gender roles.
 - Some instances will have an effect on the greater community

IS ALL GENDER-BASED CRIME A HATE CRIME?

- Legally there is already some distinction made for a lot of gender-based crime in most places
 - In Delaware, prior abuse of the victim is a SENTAC aggravating factor for the purposes of sentencing
- There is concern that using sentencing or charging enhancement via hate crime laws for every GBV case would undermine the “spirit of the law” for hate crime laws
 - Application of the statutes seems to be in cases of extreme violence

LETS TALK ABOUT IT!

DISCUSSION TIME

- Does seeing gender-based violence as hate violence change your view on the problem? How?
- Does seeing gender-based violence as hate violence change your view or strategy on prevention work? How?

QUESTIONS?





Thank You

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