

TRANSPHOBIC HATE  
CRIME IN THE  
DOMESTIC ABUSE &  
SEXUAL VIOLENCE  
SECTOR



2021-2022

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# About SAYiT Sheffield

SAYiT (Sheena Amos Youth Trust) is a registered independent charity, CIO number 1177477, which has been running in Sheffield since 1999. We are a lesbian, gay, bisexual, trans, plus (LGBT+) young people and sexual health/HIV charity and our core function is to transform the lives of LGBT+ young people and young people affected by HIV, up to the age of 25 through supportive group work, youth action, education and influence.

## The Call it Out Project

Call It Out is a project Improving access to support for LGBTQ+ survivors of domestic abuse and sexual violence across South Yorkshire. The project is currently funded to run until December 2021



# Hate Crimes

A hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's:

disability

race

religion

sexual orientation

**transgender identity**

A hate crime can include verbal abuse, intimidation, threats, harassment, assault and damage to property.

A hate incident (or hate non-crime) is an action perceived by the victim, or anybody else, to be motivated by hostility or prejudice on the above categories, which doesn't meet the criteria of a criminal offense. (Note: this may still be unlawful and constitute a civil offense – e.g. refusing to provide a service, employment discrimination etc.)'

Some actions, while not a *criminal* offence, may potentially be unlawful as a breach of Part 3 of the Equality Act 2010 which relates to discrimination in the provision of goods, facilities and services. This could include, a service refusing to support trans people.

# Protected Characteristics

Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. The 'protection' relates to protection from discrimination relating to one, or multiple characteristics.

They include identifiers which differ for those protected under Hate Crime legislation:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Some police forces also record other categories, such as misogyny or other protected characteristics, for monitoring purposes. However these categories are not currently classified as Hate Crimes and therefore the CPS can not issue an enhanced sentence.

# Transgender experiences of Hate Crime and Discrimination

Transphobic hate crime has risen **332%** in the last **6 years**  
*VICE (2021)*

**1 in 3** employers admit they're 'less likely' to hire a transgender person  
*Crossland (2018)*

only **1 in 7** trans people are reporting their experiences of Hate Crime  
*Galop (2020)*

**7 in 10** victims of transphobic hate crime felt that the police could not help them, **1 in 3** said that they experienced too many incidents to report them all  
*Galop (2020)*

**5 in 10** trans people have received transphobic abuse from a transphobic 'activist', & **2 in 10** had been targeted by a coordinated group  
*Galop (2020)*

**6 in 10** respondents had experienced transphobia online  
*Galop (2020)*

**73%** of transgender people have experienced transphobic harassment  
*Scottish Transgender Alliance (2010)*

Nearly **1 in 5** had experienced transphobic sexual assault or the threat of sexual assault  
*Galop (2020)*

# Transgender experiences of Domestic Abuse and Sexual Violence

Research on Transgender experiences of Domestic Abuse and Sexual Violence is limited, however it is widely accepted that, like all experiences of Domestic Abuse and Sexual Violence, that statistics underrepresent the reality and scale of many survivor's experiences.

**80%** of trans people stated have experienced emotionally, sexually, or physically abusive behaviour by a partner or ex-partner.

*Scottish Transgender Alliance (2010)*

**46%** of transgender people had experienced transphobic abuse within a domestic relationship

*Scottish Transgender Alliance (2010)*

The most common type of abuse experienced by trans victims is controlling behaviour (**80%**), physical abuse (**66%**) and (**72%**) experienced multiple types of abuse.

*Safe Lives (2020)*

Almost half (**48%**) of trans people in Britain have attempted suicide at least once; **84%** have thought about it.

*Stonewall*

**73%** of the respondents experiencing at least one type of transphobic emotionally abusive behaviour from a partner or ex-partner.

*Scottish Transgender Alliance (2010)*

Nearly **1 in 5** trans people experienced transphobic sexual assault or the threat of sexual assault

*Galop (2020)*

# WHAT DOES TRANS EXCLUSION LOOK LIKE?



2021-2022

# Transphobia as abuse

The domestic abuse and sexual violence sector is built on the values of believing survivors. However often, when presented with a transgender survivor, those within women's services abandon this theory of belief, and refuse to believe the survivor's fundamental right to define their own gender. That is, some don't believe trans women *are* women, and therefore don't believe that they are eligible for support from their women's service.

This lack of acceptance of a person's identity often fuels abusive behaviours that can be defined as Identity Abuse. Often, this identity abuse is perpetrated online. The persistent and continual nature of this Online Abuse becomes defined as Stalking and Harassment. When we understand transphobia as a tool of abuse it can be likened to so-called Honour Based Violence. In this context, 'dishonour' is seen to be inflicted against cisgender women who are assigned female at birth, who feel that the mere existence of transgender women is an affront to their definition of cisnormative womanhood.

As a result, we have found that those working in the domestic abuse and sexual violence sector who hold transphobic often use the same tactics to reinforce power and control against transgender women that abusive partners within intimate partner relationships do. In doing so, some cisgender women who are themselves victims of abuse, become perpetrators of abuse against transgender women.

Ultimately, this means that many services are not safe for trans survivors of domestic abuse and sexual violence. A trans survivor who has experienced abuse and violence in an intimate or familial relationship, may be re-victimised by the services designed to offer support. This also includes trans survivors of domestic abuse and sexual violence who may go on to work within the sector, who may face abuse, harassment and discrimination from their colleagues, or others working in the sector.

# Types of Abuse

These are common types of abuse which people with transphobic values often use to target trans survivors:

## Online abuse

Online abuse is any type of abuse that happens on the internet. It can happen across any device that's connected to the web, like computers, tablets and mobile phones. And it can happen anywhere online, including: social media, text messages and messaging apps. Often transphobic abuse is perpetrated via social media and utilises the mainstream media to target trans individuals on a public scale.

Doxxing is a form of abuse often perpetrated online. It is the act of publicly revealing previously private personal information about an individual or organisation, such as their gender identity or medical records.

## Identity Abuse

Identity Abuse is where an abuser uses a part of the victim's identity (such as their sexual orientation, **gender identity**, ethnicity or age) against them. This could include the threat of 'outing' someone, deliberately misgendering people or policing their appearance by how well a person "passes".

# Types of Abuse

These are common types of abuse which people with transphobic values often use to target trans survivors:

## Stalking & Harassment

Stalking can be defined as persistent and unwanted attention that makes you feel pestered and harassed. It includes behaviour that happens two or more times, directed at or towards you by another person, which causes you to feel alarmed or distressed or to fear that violence might be used against you. Transphobic stalking and harassment often occurs online, and targets people's social media accounts. Often however we see an escalation where trans survivor's workplaces, families or networks also harassed. Usually the motivation behind this is to get them fired based on their identity.

## Honour Based Violence

So-called 'Honour'-Based Violence is defined as an incident or crime "which has, or may have, been committed to protect or defend the 'honour' of a family and/or a community." Dishonour against a community of women can often be identified as the motivation, excuse or justification behind a range of violent acts against transgender people who are perceived to bring shame to a cisnormative perception of what it means to be a woman. Trans people who work within or seek support from domestic abuse and sexual violence services may be seen to bring dishonour to the sector.

# Trans Exclusion in Women's Services

## True or False

To access a women's refuge a Trans woman must have undergone gender confirmation surgery?

**FALSE!**

To be protected under the Equality Act a person must have **proposed** to, be **undergoing** or have **completed** any process to change their gender.

This **doesn't** have to be medical or surgical transition.



# LGBT+ and the law: A guide for service providers

This factsheet aims to support domestic abuse providers delivering single sex services to become more accessible to survivors with LGBT+ identities. It is an introduction to the relevant Equality Legislation which can feel complex to navigate when you are trying to comply with legislation and develop services to meet best practice.”

In addition to being good practice to make your service inclusive and accessible to all service users, LGBT+ people have specific rights under the law which your service should comply with.

## Who is and isn't protected?

The **Equality Act 2010** protects people from discrimination on the basis of a number of characteristics including:

Sex	Sexual Orientation	Gender Reassignment
<p>This means you cannot discriminate against someone on the basis of them being male, female, or intersex.</p> <p>There are some limited permitted exemptions.</p> <p>See below re: Single Sex Exemptions</p>	<p>This covers any sexual orientation e.g. gay / bi / pan / asexual</p> <p>Specific sexual behaviour is not covered by the act</p> <p><i>e.g. You would be protected from discrimination on the basis of being gay, but not due to having a foot fetish</i></p>	<p>Gender reassignment protections cover anyone who propose to, has started or has completed a process to change gender.*</p> <p>There is no explicit protection under the act for non-binary people, however they may be protected in some instances due to also undergoing or being perceived to be undergoing gender reassignment.</p>

\* Note: There is no requirement to have undergone any medical procedure or obtained a GRC (Gender Recognition Certificate) to be protected under this category.

**Note:** All of the above protections apply to **actual or perceived** characteristics.

*E.g. If you discriminated against someone on the grounds that you thought they were gay, it would not matter if they are actually gay or not, they would still be protected*

All of the above characteristics and others protected under the act (Age, Disability, Marriage / Civil Partnership, Pregnancy / Maternity, Race, Religion or Belief) have equal status under the law.

## Single Sex Exemptions

**Under normal circumstances, in the case of single or separate sex services, trans people should be treated in accordance with their gender and access the services most appropriate for them.**

However, in limited circumstances, there are exceptions to this. Guidance to the limited situations where this may be applied are given in “*Services, Public Functions and Associations: Statutory Code of Practice*” (EHRC, 2011) which states that *service providers can provide a different service, or exclude a trans person, but this will only be lawful “where the exclusion is a proportionate means of achieving a legitimate aim”*. To clarify the nature of this exception, it says, *“any exception to the prohibition of discrimination must be applied as restrictively as possible and the denial of a service to a transsexual person should only occur in exceptional circumstances”*.

*Inclusion should be the standard; any exceptions should only occur in exceptional circumstances. It would not be ‘proportionate’ or ‘legitimate’ to have blanket bans on access, any exception should be looked at on a case by case basis and only used as a last resort where other options have been exhausted. The EHRC guidance also states “the provider will need to show that a less discriminatory way to achieve the objective was not available”.*



# LGBT+ and the law: A guide for service providers

## Other Legislation

In addition to the Equality Act 2010, LGBT+ people have other legal protections including:

### Sex Discrimination (Gender Reassignment) Regulations 1999

The act which made it illegal to discriminate on grounds of gender reassignment in the areas of employment and vocational training.

### Equality Act (Sexual Orientation) Regulations 2006

Outlaws discrimination in the provision of goods, facilities, services, education and public functions on the grounds of sexual orientation.

### Sex Discrimination (Amendment of Legislation) Regulations 2008

Amendment to the protections to cover discrimination in goods, facilities and services.

### Criminal Justice and Immigration Act 2008

Amended the Public Order Act 1986 to include hatred on the grounds of sexual orientation.

### Gender Recognition Act 2004

The act which allows trans people to amend the gender on their birth certificate via the acquisition of a Gender Recognition Certificate.

Note: All other documents including passports and driving licences can be changed without the need for a Gender Recognition Certificate.

### Policing and Crime Act 2017

Granted pardons for those convicted of the historic abolished offences of buggery, sodomy and/or gross indecency between men.

## Best Practice

It is important to recognise that the law has some way to go in offering full legal protection from discrimination, especially for non-binary and/or intersex people who currently have minimal legal recognition or protection. In terms of best practice for working with LGBT+ people (as with other groups) they should be approached from a perspective of respect, inclusion and reasonable adjustment where necessary, rather than legal minimums.

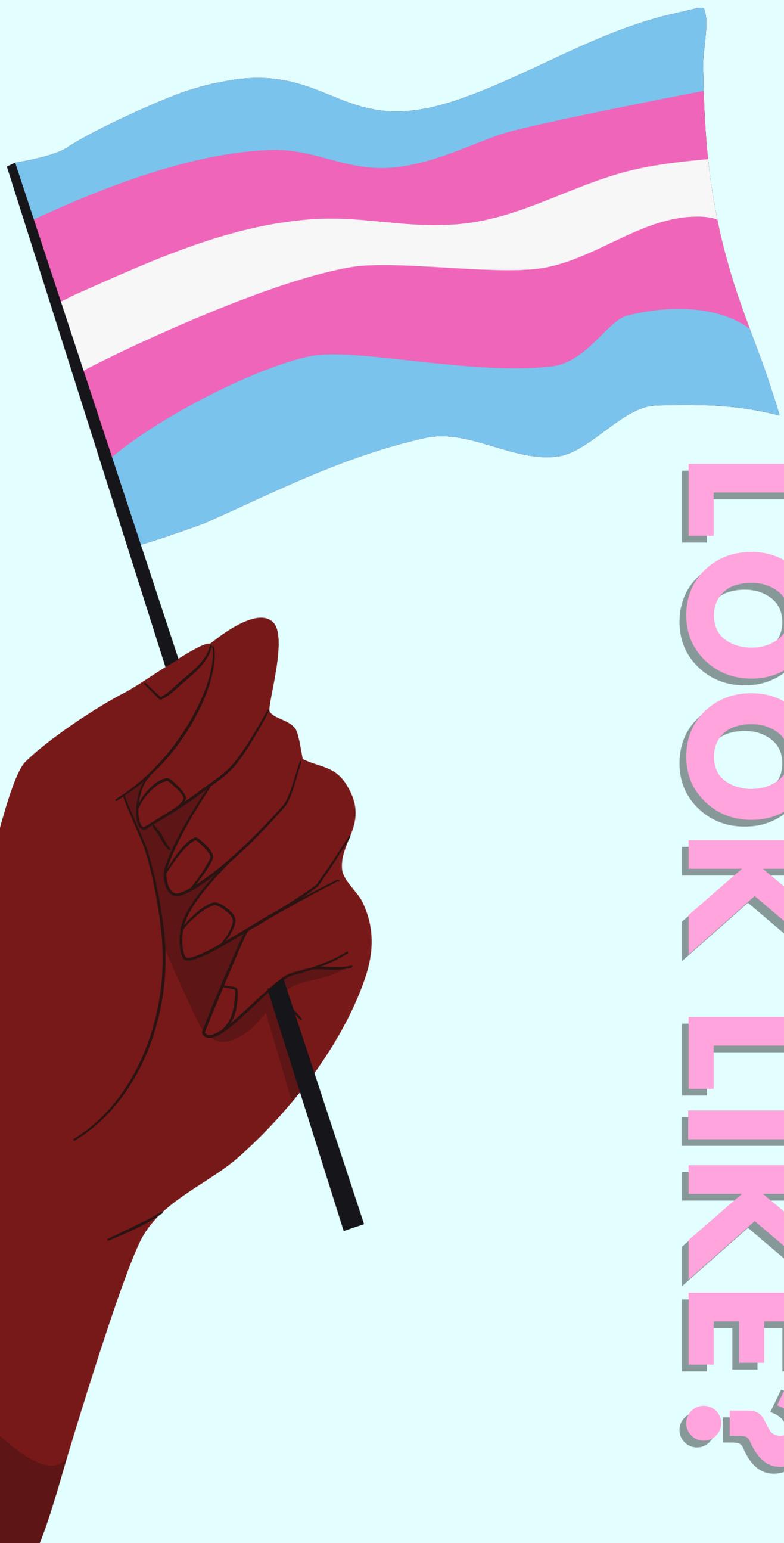


[www.sayit.org.uk/callitout](http://www.sayit.org.uk/callitout)



Doncaster Council

# WHAT DOES TRANS-INCLUSION LOOK LIKE?



# I'm a professional working in the VAWG sector - how do I ensure my practice is Trans-Inclusive?

- Ensure you have an updated Trans-inclusion policy that is cemented in an intersectional framework.
- Develop a discrimination policy, that protects trans service users and staff against transphobia, includes safe reporting processes and holds perpetrators (including staff and service users) of transphobic abuse in your sector accountable,
- Encourage staff to include their Pronouns on their email signatures and name badges, update forms to include pronouns and ensure pronouns are being asked in support sessions/groups,
- Ensure LGBT+ training is embedded into your practice, and that this training is trans-inclusive
- Re-examine any groups your service may provide. Are they Trans-inclusive, or are Trans-specific groups needed?
- Display LGBT+ visible material around your service that signals to trans-survivors that your service is safe for them.
- Provide Gender neutral toilets in your building
- Embed LGBT+ community outreach that seeks to connect and consult with the transgender community as standard practice

# I'm a domestic abuse and sexual violence survivor - how do I know this service is safe for me?

Accessing support from any service is likely to be an overwhelming and confusing process for a survivor of domestic abuse and sexual violence. Navigating services which you may not be sure are safe for you as a trans survivor, can compound this complexity. Here are some key things to look out for, or ask to see when accessing a service, that can signal an organisation is committed to working towards Trans-Inclusion:

- Staff ask you for your pronouns, introduce themselves with their pronouns and pronouns are visible on email signatures, name badges, referral forms etc,
- When you enter a service, LGBT+ visible material is visible and trans-inclusive
- A service has trans-specific groups available for you to access, or their gendered groups are trans-inclusive
- The service has a trans-inclusion policy
- Upon entering the service, you notice there are gender neutral toilets are available in their buildings
- A service has an LGBT+ Kite Mark or other form of accreditation that signals that they are working towards achieving LGBT+ inclusion

# I'm a victim of a Transphobic Hate Crime - how do I access support?

If you have experienced a transphobic hate crime from within or outside of a domestic abuse or sexual violence service, you don't have to suffer alone. There are many options services who will support you to make a decision that feels right for you, whether that means making a formal report, logging the incident or accessing emotional and advocacy support.

## Helplines

### **Stop Hate Crime Against Young People**

[www.callhateout.org](http://www.callhateout.org)

Helpline: 08088010576

Textline: 07717989025

### **Karma Nirvana**

[www.karmanirvana.org.uk](http://www.karmanirvana.org.uk)

Helpline: 0800 5999 247

### **Victim Support**

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

Helpline: 08081689111

### **StopHate UK**

[www.stophate.uk.org](http://www.stophate.uk.org)

24 hour helpline:

08001381625

### **Galop**

[www.galop.org.uk](http://www.galop.org.uk)

[hatecrime@galop.org.uk](mailto:hatecrime@galop.org.uk)

Helpline: 02077042040

### **ManKind Initiative**

[www.mankind.org.uk](http://www.mankind.org.uk)

Helpline: 01823 334244



# Factsheet: Key Definitions and Terminology

## Domestic Abuse

According to the UK Home Office, domestic abuse is defined as 'any incident or pattern of incidents of controlling, coercive, threatening behaviours, violence or abuse between those aged 16 or over who are, or who have been, intimate partners or family members regardless of gender or sexuality'. Domestic abuse can encompass, but is not limited to psychological, physical, sexual, financial, and emotional and also includes so-called 'honour'-based violence, forced marriage and female genital mutilation (FGM).

## Sexual Orientation and Gender Identity Terms

**Bi or Bisexual** is an umbrella term used to describe an emotional, romantic and/or sexual orientation to more than one gender.

**Cisgender or cis** Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

**Gay/Lesbian** Refers to a man or woman who has an emotional, romantic and/or sexual orientation towards men/women.

**Gender Identity** A person's innate sense of their own gender, whether male, female or something else, which may or may not correspond to the sex assigned at birth.

**Intersex** A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

**LGBT+** The acronym for lesbian, gay, bi, trans people and all other minority gender and sexual identities.

**Non-binary** An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

**Sexual Orientation** A person's emotional, romantic and/or sexual attraction to another person.

**Trans** An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer, gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, two-spirit, bi-gender, trans man, trans woman, trans masculine and trans feminine.

**Transition** Some trans and non binary people may undertake a social transition (e.g. changing names, presentation, documentation etc.) and/or medical interventions (hormones and/or surgeries) but not all trans / non binary people want/need this or are able to access it.

[www.sayit.org.uk/callitout](http://www.sayit.org.uk/callitout)



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Council

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