



Commissioner for **Older People**
for Northern Ireland

19 January 2026

Mr Paul Frew, MLA,
Committee Chair,
Committee for Justice,
NI Assembly,
Parliament Buildings,
Stormont.

By email: [REDACTED]

Dear Mr Frew,

I am writing to you regarding the Sentencing Bill.

I believe the upcoming Sentencing Bill, which includes provisions relating to hate crime, is now in the final stages of development and is due to be introduced to the Assembly shortly. I have been informed that the Bill will not include age as one of the characteristics protected under its hate crime provisions.

I received confirmation of the Department's intentions during a hearing of the Committee for Justice, which you chaired on 27th November 2025. During that session, Department officials made it clear that although the Bill will make provision for hate crime, those provisions will not extend to all of the protected characteristics set out in Section 75 of the Northern Ireland Act 1998. In particular, age will not be included among the characteristics covered by the hate crime provisions in the draft Bill.

This is a deeply concerning matter, and as Chair of the Committee, I would ask that you take note of the inconsistencies and the potential legal and social consequences that may arise from this decision.

As you will be aware, my office has engaged extensively on issues of crime against older people. Through a range of reports and consultation responses produced over recent years, COPNI has consistently highlighted that older people are more vulnerable to crime, that the impact of crime on them is often more severe, that they experience poorer outcomes in their interactions with the criminal justice system, and that there is insufficient monitoring of crime affecting older people.

- [A Different Crime. Offending Against Older People](#)
- [Growing Concern: Older Victims of Domestic Abuse in Northern Ireland](#)
- [Beyond Good Intentions: A Review of the Adult Protection Bill as Introduced](#)
- [Crime and Justice: The Experience of Older People in Northern Ireland](#)
- [Improving the Effectiveness of Hate Crime Legislation in Northern Ireland. Response from the Commissioner for Older People for Northern Ireland](#)

Through the years, my office has provided recommendations to improve justice outcomes for older people and increase their legal protections in all areas of life. As part of this work, we contributed to, and supported the recommendations of the inquiry conducted by Judge Marrinan appointed by the DoJ *Hate Crime Legislation in Northern Ireland Independent Review*. Judge Marrinan's review found it necessary to include age among the characteristics protected by hate crime legislation in Northern Ireland.

*All current protected characteristics in Northern Ireland – race, religion, disability and sexual orientation should continue to receive protection under the proposed model set out in Recommendation 2, together with the new recommended protected characteristics of age, sex/gender and variations in sex characteristics.*¹

Regrettably, it seems that this expert recommendation which arises from the Department's own commissioned research has not been heard by the DoJ. During the Committee hearing of 27th November, I listened to the reasons for the Department's decision to exclude several protected characteristics from the hate crime provisions including age, which could be summarised as follows.

1. There is a lack of evidence of the prevalence/existence of hate-based crimes against the excluded protected characteristics (i.e., there are no crimes “motivated” by hatred towards such protected characteristic).

“We looked at sex as a potential protected group. The truth of the matter was that there was not a lot of evidence that people were motivated to assault or attack someone purely out of hostility or hatred driven by the fact that they hate that person purely because they are a woman or because they are a man.”

Mr Michael McAvoy, Department of Justice. Committee for Justice, 27th November 2025.

There is a substantial body of evidence demonstrating the existence of age-based hate crime, including academic research,² as well as formal recognition of its existence in other parts of the UK³ and by European institutions.⁴

In addition, Department officials suggested repeatedly as exemplified in the above quote that “hate crime” requires that a crime is “motivated” by hostility or hatred towards a person's group identity, but this is not an accurate reflection of its common definition. The Crown Prosecution Service's (CPS) definition of hate crime goes beyond motive alone and includes situations in which hostility towards a protected group is “demonstrated” in the course of committing a crime.

¹ Marrinan, D. (2020) [Hate Crime Legislation in Northern Ireland: Independent review \(Final report\)](#), Northern Ireland Department of Justice; page 19.

² Goosey, S. (2021) 'Ageism as a Hate Crime: The Case for Extending Aggravated Offences to Protect Age Groups', *Oxford journal of legal studies* 41(3), pp. 612-637.

³ Scotland included age as a protected characteristic to the Hate Crime and Public Order (Scotland) Act in April 2016. See Scottish Government. (2024). [Hate Crime and Public Order \(Scotland\) Act: factsheet](#).

⁴ 'The European Commission, with the support of the European Parliament, would like to widen the scope of the prohibition to include other protected characteristics, such as gender, sexual orientation, age and disability.' See Immenkamp, B. (2024). [Criminalisation of hate speech and hate crime in selected EU countries](#) (EPRS Briefing No. 766.226). European Parliamentary Research Service; page 1.

A similar argument is made by Judge Marrinan in his report, when he argues that the Criminal Justice (No. 2) (Northern Ireland) Order 2004, which can be considered to be a predecessor of hate crime legislation, ‘enables a sentence to be increased where it is proven that the basic offence for which a person has been convicted was **motivated by hostility against** one of the currently protected characteristics (race, religion, sexual orientation or disability), **or where the offender demonstrated hostility** against one of those characteristics, either at the time of committing the offence, or immediately before or after it’.⁵

Therefore, even if the Department’s questionable assertion that there is a lack of evidence for crimes motivated by age-based hate was accepted, this alone would not be sufficient to justify the exclusion of age from the list of protected characteristics.

2. The existence of the statutory aggravating factor of vulnerability is sufficient for older people.

“The Bill will provide that, where a person is convicted of any offence, the fact that the victim is a vulnerable person will become a statutory aggravating factor. The definition of a ‘vulnerable person’ will include a child and a person whose ability to protect themselves from violence, abuse, neglect or exploitation is significantly impaired by physical or mental disability, illness, old age or any other reason.”

Mr Andrew Dawson, Department of Justice. Committee for Justice, 27th November 2025.

While I welcome the statutory aggravating factor of vulnerability, it does not address cases in which hostility is specifically directed towards older people as a group. Relying on vulnerability alone would imply that any crime committed against an older person is motivated solely by their perceived vulnerability, as if all older persons were vulnerable. It would also suggest that crimes motivated by perceived vulnerability are incompatible with hatred toward a protected group. This approach is inconsistent with the treatment of “disability” as a protected characteristic, where it is properly recognised that disabled people can be targeted because of their vulnerability and/or their group identity, and that hostility may be demonstrated toward them for this reason.

3. The possibility of including other protected characteristics (including age) at a later date through secondary legislation is sufficient.

What is the rationale for those categories not coming in? (Emma Sherin MLA)

It is about introducing the statutory aggravator, and starting with the four existing protected groups, and you will be aware from the details provided on the provisions that there is a second provision to introduce additional protected groups through secondary legislation at a later date.

Mr Michael McAvoy, Department of Justice. Committee for Justice, 27th November 2025.

⁵ Crown Prosecution Service. (n.d.). [Hate crime](#).

I also welcome possibility of including age at a later stage; however, it is unclear why, if the need to protect older people is recognised through this provision, age is not included at this stage. If the Department acknowledges the necessity of including age as a protected characteristic through secondary legislation, this appears inconsistent with point 1 (lack of evidence).

Department officials referred during the Committee hearing to a “lack of time” as a reason for excluding some protected characteristics including age. This does not constitute a reasonable legislative basis for withholding legal protection from any social group. In the case of older people, excluding age at this stage would effectively deny them protection for the foreseeable future. Even if secondary legislation was eventually introduced to address age-based hate crime, this is a process that could take years, leaving older people unprotected for a significant period of time and without any guarantee that this omission would be rectified through secondary legislation.

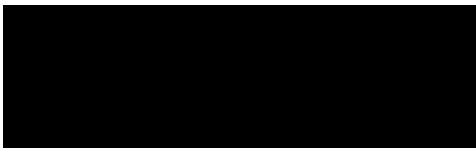
In sum, the existence of age-based hate crime is evidenced in research, and it is recognised across other jurisdictions. There is also ample evidence including the one produced by my office showing how crime affects the lives of older people more severely than to other age groups.

This is a unique opportunity to offer meaningful protection to our older population. Northern Ireland lags behind other regions and countries in the rights and protections of older people, as illustrated by the current exclusion of age from legislation on discrimination in goods, facilities, and services. Excluding older people once again this time from hate crime provisions would constitute a further setback, reinforcing a perception that many older individuals have that legislators are not committed to their legal protections.

I urge you and the rest of the members of the Committee to look deeply and seriously into this matter prior to the Bill being introduced to the Assembly.

If you require further information, do not hesitate to contact me.

Yours sincerely,



Siobhan Casey
Commissioner for Older People for NI