

**From:** [REDACTED]

**Sent:** 05 May 2026 09:30

**To:** + [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** Sentencing Bill

Dear Kathy

Please find attached written evidence from the Equality Coalition, co-convened by CAJ and UNISON, in response for the call for evidence on the Criminal Justice (Sentencing Bill).

The evidence focuses on Part 6 of the Bill – re aggravated offences and the potential for a ‘misogyny aggravator’ to be added to these provisions.

The evidence is not confidential and we are happy for the Committee to publish same.

We would be grateful if it could be relayed to the Committee that the Co-Conveners would be happy to provide oral evidence to the Committee in relation to this matter.

Grateful if you can confirm safe receipt. Regards, [REDACTED]

[REDACTED] Director CAJ (on behalf of Equality Coalition Co-Conveners, [REDACTED]  
[REDACTED] CAJ and [REDACTED])

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## **Written Evidence to the Justice Committee on the Criminal Justice (Sentencing etc) Bill from the Equality Coalition: Part 6 of the Bill – aggravated offences and a ‘misogyny aggravator’**

1. The Equality Coalition is co-convened by the Committee on the Administration of Justice (CAJ) and UNISON. It is a network of over 100 non-governmental organisations and trade unions that cumulatively work across all nine equality categories within Section 75 of the Northern Ireland Act 1998 (as well as on other protected equality grounds). The Equality Coalition provides a forum for unity between multiple sectors when campaigning for equality. The Coalition has a body of work on hate crimes and misogynistic crimes.
2. The Criminal Justice (Sentencing etc) Bill (‘Sentencing Bill’) was introduced into the Assembly on the 3<sup>rd</sup> of March 2026, the second stage was held on the 16 March 2026.<sup>1</sup> It is now at Committee Stage and the Committee for Justice has issued a call for evidence.<sup>2</sup>
3. This written evidence is a response to that call. At a recent meeting between Equality Coalition and Women’s Policy Group members there was common desire for Part 6 of the Sentencing Bill to be augmented to include a misogyny aggravator, following the Scottish model. This is the focus of this evidence, which can be summarised as follows:
  - Part 6 of the Sentencing Bill takes forward a series of ‘aggravated by hostility’ offences that were recommended by the Independent Review of Hate Crime Legislation in NI (Marrinan Review, 2020), which cover the existing four grounds in hate crimes law (racial group, religious group, sexual orientation and disability).
  - The Equality Coalition had held a conference in Queen’s University Belfast in 2017 addressed by former Justice Minister Clare Sugden, focusing on incitement to hatred offences, that included a specific session on misogynistic incitement. The Marrinan Review subsequently consulted on an additional protected ground and in early 2022 DoJ specifically consulted on including misogyny in hate crimes laws.
  - At this stage, considerable work in Scotland had been taken forward led by Baroness Helena Kennedy QC on criminal law measures to tackle misogyny. The 2022 report ‘Misogyny- a Human Rights Issue’ included a recommendation for a statutory misogyny aggravator. The Scottish Government have consulted on proposed clauses.
  - In December 2022 the Equality Coalition held an event with Baroness Kennedy in the Stormont Senate Chamber, sponsored by Alliance, the DUP and Sinn Féin in which there was broad support for the Scottish model.
  - Taking forward legislation following the hate crimes review has been repeatedly delayed. The current Sentencing Bill does not include the misogyny aggravator.
  - Given the acute levels of misogynistic violence against women and girls in NI, most gravely measured by 30 murders in recent years, we would urge the Committee to recommend the addition of a Misogyny Aggravator to Part 6 of the Sentencing Bill.
  - This recommendation is made in the knowledge that the inclusion such provisions has already been consulted on twice, and that model clauses have been developed in Scotland (the clauses are included in this evidence).

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<sup>1</sup> [Criminal Justice \(Sentencing etc\) Bill](#)

<sup>2</sup> <https://consult.nia-yourassembly.org.uk/justice/sentencingbill/>

## The Sentencing Bill and aggravated offence model

4. Part 6 of the Sentencing Bill would implement the Marrinan Review<sup>3</sup> recommendation for an *aggravated offence* model for hate crimes (rather than the current aggravated sentence model).<sup>4</sup>
5. This aggravated offence model in the Sentencing Bill ('aggravated by hostility') is on the grounds of either *motivation* (e.g. racist assault by someone with obvious far right connections) or *demonstration* (e.g. shouting racist abuse at time of assault).
6. There are separate provisions re aggravation by *vulnerability* or for assaults on public sector workers also in Part 6.
7. This is hate *crimes* legislation and not hate *speech* (incitement to hatred, stirring up offences) legislation. The provisions therefore attach to existing criminal offences that do not relate to speech (save for criminal offences that include speech, e.g. threatening to kill someone).
8. The current model in the Sentencing Bill relates to the same four protected characteristics that are in both the current aggravated sentence model [Criminal Justice (No. 2) (Northern Ireland) Order 2004] and the stirring up hatred offences [Public Order (Northern Ireland) Order 1987, Part 3]. These are: racial group, religion, disability and sexual orientation.

## A Misogyny Aggravator

9. The CAJ submission to the DoJ consultation on the hate crimes review in March 2022<sup>5</sup> advocated adding a protected characteristic linked expressly to misogyny. This followed the publication of the report of the Working Group on Misogyny and Criminal Justice in Scotland, 'Misogyny – A Human Rights Issue' in March 2022.<sup>6</sup>
10. The Working Group had been chaired and report authored by Baroness Helena Kennedy QC. Whilst the Hate Crime and Public Order (Scotland) Act 2021 had left open the possibility of adding 'sex' through secondary regulation as an additional protected characteristic the Working Group instead recommended tailored legislative provisions as follows:
  - a. Create a new **Statutory Misogyny Aggravation**;
  - b. Create a new offence of **Stirring Up Hatred Against Women and Girls**;
  - c. Create a new offence of **Public Misogynistic Harassment**; and
  - d. Create a new offence of **Issuing Threats of, or Invoking, Rape or Sexual Assault or Disfigurement of Women and Girls online and offline**.

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<sup>3</sup> <https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review>

<sup>4</sup> This means a person charged with a basic offence, for example assault, can be charged with a 'racist assault' as well. If the racist assault charge falls the basic offence of assault can still be pursued. If the racist assault charge is proved, this can carry an additional sentence. Under the current aggravated *sentence* model, defendants are just charged with the basic offence, but the judge can add an additional sentence at the end if they think the crime was aggravated by hostility on a protected ground. This means in practice the PSNI and PPS may not investigate the hate element as it is not part of the original offence.

<sup>5</sup> [Submission-to-DoJ-hate-crime-consultation-March-22.pdf](#) see para 43 on.

<sup>6</sup> <https://www.gov.scot/publications/misogyny-human-rights-issue/>

11. The Working Group recommended standalone legislation covering these offences. This was subject to consultation by the Scottish Government, including the text of proposed clauses.<sup>7</sup> The Working Group also produced a working definition of misogyny to inform its work.<sup>8</sup> The proposed misogyny aggravator applied to all criminal offences, save those which are inherently misogynistic, such as rape. The exempt offences were set out in a schedule. The Scottish Government subsequently cited insufficient parliamentary time and did not proceed with the misogyny and criminal justice bill in the current (now concluding) mandate and but in the interim added, through 2026 regulations, the protected ground of sex to the Scottish hate crimes legislation.<sup>9</sup>
12. The Sentencing Bill deals with an aggravated offences model, where existing criminal offences are aggravated by hostility on specified protected grounds. It would appear straightforward therefore that the addition of a misogyny aggravator would be in ambit of the Sentencing Bill.
13. The Sentencing Bill does not deal with stirring up hatred or harassment offences, nor offences concerning threats.
14. Clause 35 of the Sentencing Bill includes a power for the Justice Minister to add further protected grounds by Regulation. Whilst there is some flexibility in the provision this appears designed to add an additional generic protected ground (such as sex) rather than the type of codified aggravator model that is proposed for misogyny (or indeed the hate crimes review recommendation for a sectarianism aggravator).

#### **Adding a Misogyny Aggravator to the Sentencing Bill**

15. The Equality Coalition held a seminar in the Stormont Senate chamber in December 2022, addressed by Baroness Helena Kennedy QC, on the proposed provisions. The event was sponsored by Naomi Long MLA, Alliance; Diane Forsythe MLA, DUP and Sinéad Ennis MLA of Sinn Féin.<sup>10</sup> This took place at a time when no ministers were in post. There was strong support for the proposed misogyny aggravator and other provisions to counter misogyny through criminal law.
16. The Marrinan Review consulted on an additional protected ground covering sex/gender and in early 2022 the Department of Justice (DoJ) consulted specifically on including misogyny in hate crimes laws.<sup>11</sup>

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<sup>7</sup> <https://www.gov.scot/publications/reforming-criminal-law-address-misogyny-scottish-government-consultation/pages/3/>

<sup>8</sup> "Misogyny is a way of thinking that upholds the primary status of men and a sense of male entitlement, while subordinating women and limiting their power and freedom. Conduct based on this thinking can include a range of abusive and controlling behaviours including rape, sexual offences, harassment and bullying, and domestic abuse." <https://www.gov.scot/publications/reforming-criminal-law-address-misogyny-scottish-government-consultation/pages/3/>

<sup>9</sup> The Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) (Amendment and Transitional Provisions) Regulations 2026, see <https://www.bbc.co.uk/news/articles/crxx31my24ro>

<sup>10</sup> A report on the event in *Just News* can be accessed here: <https://caj.org.uk/wp-content/uploads/2023/02/JN-Feb-23-FINAL.pdf>

<sup>11</sup> See paragraph 10.3 with DoJ seeking views "on the merits of including misogyny within hate crimes law as an alternative to including sex/gender (neutral)".

17. Despite the gravity of male violence against women and girls in Northern Ireland there are currently no plans to take forward the misogyny aggravator or related provisions through alternative legislation in the current mandate.
18. We would therefore urge the Committee to consider and recommend the addition of a misogyny aggravator, to the Sentencing Bill, along the lines of the model recommended by the Scottish Working Group.
19. The following is the text provided by the Scottish Government consultation for the statutory misogyny aggravator:<sup>12</sup>

#### **1. Aggravation of offences by misogyny**

- (1) An offence is aggravated by misogyny if—
  - (a) where there is a specific victim of the offence—
    - (i) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates contempt, or malice and ill-will, towards the victim, and
    - (ii) the contempt or malice and ill-will is based on the victim being or being presumed by the offender to be a woman or a girl, or
  - (b) whether or not there is a specific victim of the offence, the offence is motivated (wholly or partly) by contempt, or malice and ill-will, toward women and girls.
- (2) It is immaterial whether or not the offender's contempt, or malice and ill-will, is also based (to any extent) on any other factor.
- (3) Evidence from a single source is sufficient to prove that an offence is aggravated by misogyny.
- (4) In this section, a reference to women and girls (however expressed) includes a reference to women or girls (or both)—
  - (a) of a particular description or who are members of a particular group,
  - (b) who are presumed by the offender to be of a particular description or members of a particular group.
- (5) This section does not apply to the offences specified in schedule 1.
- (6) The Scottish Ministers may by regulations modify schedule 1 by—
  - (a) adding an offence, or
  - (b) removing, or modifying the description of, an offence for the time being mentioned there.
- (7) Regulations under subsection (6) are subject to the affirmative procedure.

#### **2. Consequences of aggravation by misogyny**

- (1) Subsection (2) applies where it is—

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<sup>12</sup> <https://www.gov.scot/publications/reforming-criminal-law-address-misogyny-scottish-government-consultation/pages/6/> The above does not include the schedule (covering exempt offences).

(a) libelled in an indictment, or specified in a complaint, that an offence is aggravated by misogyny, and

(b) proved that the offence is so aggravated.

(2) The court must—

(a) state on conviction that the offence is aggravated by misogyny,

(b) record the conviction in a way that shows that the offence is aggravated by misogyny,

(c) take the aggravation into account in determining the appropriate sentence, and

(d) state—

(i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.

**May 2026**