



**Response to**

**“Call for Evidence on the Criminal Justice  
(Sentencing etc) Bill”**

**May 2026**

## **1.0 INTRODUCTION**

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UNISON is the leading trade union in Northern Ireland (NI), representing over 52,000 members, and is the largest trade union in the UK with over 1.3 million members. Our membership includes public service workers in health and social care; the education and higher education services; library services; local government; youth justice; private companies providing public services; and the community and voluntary sector. 80% of our membership in Northern Ireland are women with over 1 million in the union as a whole.

We welcome the opportunity to respond to the Committee for Justice's call for evidence on the Criminal Justice (Sentencing etc) Bill. The Bill represents an important step in reforming sentencing law in Northern Ireland and improving consistency within the criminal justice system.

The Bill introduces provisions on aggravation by hostility (Part 6). We particularly welcome the inclusion of public service workers. Our campaign to protect them stretches over 3 decades with mounting concern at the growth in physical and verbal abuse of front-line workers in particular.

## 2.0 MISOGYNY AGGRAVATOR

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Over the last decade, [UNISON](#) has been consistently calling for misogyny to be recognised within hate crime legislation. We have argued that misogyny is not simply offensive behaviour but a systemic form of discrimination that limits women's safety, confidence, and freedom in workplaces and public spaces.

We have consistently linked misogynistic abuse to broader patterns of violence against women and girls, arguing that harassment, intimidation, and online abuse create the conditions in which more serious offences become normalised. We have given evidence, held public events, lobbied politicians and consistently campaigned for better protections for women and girls. There is a clear need for stronger hate crime protections that recognise the hostility and prejudice that women experience every day in Northern Ireland. Omitting misogyny as an aggravator in this Bill is a failure to women in our society.

Misogyny is a feature of many forms of abuse experienced by women, including workplace harassment, threats and sexual intimidation. Failure to recognise misogyny as an aggravator risks continuing the marginalisation of women's experiences of crime, particularly

harassment, threats, and abuse that may not result in physical injury but cause significant harm.

We support calls to avoid adopting a gender-neutral approach to hate crime legislation and instead to explicitly recognise women and girls as protected characteristics through the addition of a misogyny aggravator. Hate crime legislation is intended to respond to patterns of targeted hostility and discrimination experienced by marginalised groups, any approach that treats gender as a neutral or interchangeable category risks obscuring the reality that violence, harassment, intimidation, and abuse based on gender disproportionately impact women and girls and are rooted in misogyny.

We are concerned that a gender-neutral approach does not adequately reflect the lived experiences of women and girls or the inherently gendered nature of misogynistic abuse. In practice, there is little evidence of hate crime directed at men and boys because of their gender in the same systemic or structural way. By contrast, women and girls experience widespread misogynistic harassment, abuse, intimidation, and violence across public spaces, workplaces, online environments, and within interpersonal relationships.

We therefore believe that legislation should specifically recognise women and girls as a protected group through the addition of a misogyny aggravator and should acknowledge misogyny as a distinct motivating factor in offending. This would better reflect the social realities that hate crime legislation is intended to address and would send a clearer public message that misogynistic hostility is recognised as a serious form of harm.

We share the calls from the Equality Coalition and Women's Policy Group for Part 6 of the Bill to be strengthened to include a misogyny aggravator, similar to the Scottish model. We support the following from the Equality Coalition, of which we are co-convenors, submission to this call for evidence:

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).

### **The Sentencing Bill and aggravated offence model**

Part 6 of the Sentencing Bill would implement the Marrinan Review<sup>1</sup> recommendation for an aggravated offence model for hate crimes (rather than the current aggravated sentence model).<sup>2</sup>

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).

There are separate provisions re aggravation by vulnerability or for assaults on public sector workers also in Part 6.

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<sup>1</sup> <https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review>

<sup>2</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.

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).

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.

The CAJ submission to the DoJ consultation on the hate crimes review in March 2022<sup>3</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>4</sup>

The Working Group had been chaired and report authored by Baroness Helena Kennedy QC. Whilst the Hate Crime and Public Order

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<sup>3</sup> [Submission-to-DoJ-hate-crime-consultation-March-22.pdf](#) see para 43 on.

<sup>4</sup> <https://www.gov.scot/publications/misogyny-human-rights-issue/>

(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.**

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>5</sup> The Working Group also produced a working definition of misogyny to inform its work.<sup>6</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

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<sup>5</sup> <https://www.gov.scot/publications/reforming-criminal-law-address-misogyny-scottish-government-consultation/pages/3/>

<sup>6</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/>

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>7</sup>

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.

The Sentencing Bill does not deal with stirring up hatred or harassment offences, nor offences concerning threats.

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).

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<sup>7</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/crx31my24ro>

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

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>8</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.

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.

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.

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.

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<sup>8</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>

