

Women's Policy Group NI

WPG NI Response to Committee for Justice Call for Evidence on the Criminal Justice (Sentencing etc) Bill

May 2026

Contact:

Elaine Croy
Women's Sector Lobbyist



1. Introduction:

The Women's Policy Group (WPG) is a group of policy experts and practitioners who advocate collectively for women and girls by promoting gender equality through an intersectional feminist lens. We challenge systemic injustice and discrimination affecting women and girls by informing society and influencing policy and law. Our work is informed by women and girls' lived experiences and rooted in international human rights law.

The WPG is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBTQ+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals. Over the years this important network has ensured there is good communication between politicians, policy makers and women's organisations on the ground. The WPG is endorsed as a coalition of expert voices that advocates for women in Northern Ireland on a policy level.

If you have any questions or queries about this response, or would like to discuss this evidence further with the WPG, please contact Elaine Croy, Women's Sector Lobbyist at elaine.croy@wrda.net

This response was prepared by the following WPG members:

- [REDACTED] – Women's Resource and Development Agency
- [REDACTED] - Women's Resource and Development Agency
- [REDACTED] - Here NI
- [REDACTED] - UNISON
- [REDACTED] - NI Rural Women's Network

Please note that this response also includes evidence from other WPG work, compiled by a range of WPG members, and not all member organisations have specific policy positions on all the areas covered in this response.

1.1 Endorsements

The WPG would like to endorse the response submitted to this call for evidence by the Equality Coalition.

2. Past Consultations Responses, Evidence Submissions and Briefings:

The WPG has published a wide range of evidence through various evidence submissions, public consultation responses and specific briefings on issues relating to Justice and in particular with regard to the provisions of this Bill that relate to

hate crime and aggravated offences. Responses made by the WPG, and some of our members, in relation to these issues include:

- Women's Policy Group (WPG) NI Response to Hate Crime Legislation in Northern Ireland Independent Review (2020)¹
- WPG NI Response to Department of Justice Response to Hate Crime Review (December 2021)²
- WPG NI Response to Hate Crime Legislation Review Consultation (March 2022)³

2.1. Content from previous WPG Responses

From Women's Policy Group NI Response to Hate Crime Legislation Review Consultation (March 2022)

4.1 Findings from Scottish Working Group on Misogyny and Criminal Justice

Since our initial submission to the Hate Crime Legislation Independent Review in April 2020, there have been considerable increases in discussions on how to best address misogyny in our society, given vast increases in VAWG throughout the pandemic and growing levels of femicide. We would like to highlight the work of the Scottish Working Group on Misogyny and Criminal Justice and their recent report on 'Misogyny - A Human Rights Issue'⁴

In this report, the Working Group makes several proposals for reforming hate crime law. These include creating a Misogyny and Criminal Justice (Scotland) Act which would:

1) Create a new Statutory Misogyny Aggravation

¹ WPG NI Response to Hate Crime Legislation Independent Review (2020) Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710ede26e933355007bda88/1729162723542/WPG-Hate-Crime-Consultation-Review-Response-30.04.20-Updated-1.pdf>

² WPG Response to Department of Justice Response to Hate Crime Review (2021) Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e92f256fcd632d124278/1729161519587/WPG-Summary-Response-to-DoJ-Response-to-Hate-Crime-Review-Dec-2021-.pdf>

³ WPG NI Response to Hate Crime Legislation Review Consultation (2022) Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e7944342c24c5a1fd039/1729161109103/WPG-Response-to-Hate-Crime-Legislation-Review-Consultation-V2.pdf>

⁴ Baroness Helena Kennedy QC et. al. (2022), 'Misogyny - A Human Rights Issue', Working Group on Misogyny and Criminal Justice, Scottish Government: <https://www.gov.scot/publications/misogyny-human-rights-issue/>

2) Create three new offences, specifically to tackle:

a) Stirring Up Hatred Against Women and Girls

b) Public Misogynistic Harassment

c) Issuing Threats of, or Invoking, Rape or Sexual Assault or Disfigurement of Women and Girls online and offline.

Statutory Misogyny Aggravation

The Scottish Working Group argue that in the creation of a new Statutory Misogyny Aggravation, misogyny should not be defined in terms of 'hate' towards women, but rather in terms of prejudice, malice or contempt for women, as this more accurately reflects the motivation behind misogynistic crimes. This is consistent with Judge Marrinan's recommendation from the Hate Crime Review that the attitudes of bias, prejudice, bigotry and contempt, should be included as indicators of hate. The Scottish Working Group explain that:

"Ill-will does not describe what men feel when they abuse or degrade women. Our formulation introduces the word 'contempt' with its connotations of scorn, disrespect and disdain."

The Working Group recommend that this new Aggravation does not apply to crimes which are already considered inherently misogynistic, such as domestic abuse, rape, sexual assault and other sexual offences. Rather, they argue that it should apply to all other crimes such as "assault, criminal damage and offences such as threatening behaviour... so long as there is evidence of misogyny." To demonstrate this, they provide the example of a road-rage offence against a woman driver where there is a high level of sexist abuse and where she locks herself into her car for safety. However, in instances where a man has committed a crime against a woman, but there is no evidence of misogyny, this would not fall under this new Statutory Misogyny Aggravator.

Creation of new offences

The Working Group propose the creation of three new offences: (1) Stirring Up Hatred Against Women and Girls (2) Public Misogynistic Harassment and (3) Issuing Threats of, or Invoking, Rape or Sexual Assault or Disfigurement of Women and Girls online and offline. The WPG supports the creation of these new offences and recommends that a standalone misogyny offence is introduced in Northern Ireland to encompass these proposed offences and other related offences. The WPG believes that in order to tackle the issue of misogyny in hate crime law, the following should be introduced:

- Statutory Misogyny Aggravator

- Standalone Misogyny Offence

Language

The Scottish Working Group on Misogyny and Criminal Justice rightfully acknowledges that when it comes to policy and legislative decision-making, language is extremely important. The titles given to policy and legislation, and the terminology used within these documents, reflects the underlying motivation and intent behind them. This is why the Working Group are calling for the creation of a “Misogyny and Criminal Justice (Scotland) Act,” because they believe that the name in itself is a declaration of intent to address misogyny and directly acknowledge the experiences of women. The WPG believes that a similar approach should be taken in Northern Ireland and would like to see the importance of language in hate crime legislation being acknowledged so that new legislation tackles the root of the issues it seeks to address.

4.2 Women and Girls as a Protected Characteristic

In our initial response to the Hate Crime legislation Review in 2020, the WPG called for gender to be included as a protected characteristic under new hate crime legislation - but for this to be done through the recognition of misogyny as a form of hate crime rather than through a “catch-all” gender-neutral characteristic that doesn’t actually address the problem of violence against women and girls in Northern Ireland.

Although the WPG welcome Judge Marrinan’s recognition that gender should be considered to be included as a protected characteristic, the WPG remain concerned about the hesitancy by both Judge Marrinan and the Department of Justice to specifically recognise gender-based hate crime as a crime that disproportionately and overwhelmingly impacts women (as there is no existing evidence of hate crimes against men and boys in NI based on their gender), and one which is primarily caused by misogyny towards women.

In this previous response, the WPG specifically called on the Department to avoid taking a “gender-neutral” approach and to instead specifically recognise women and girls as a Protected Characteristic. The reasoning behind this recommendation was connected to the purpose of developing hate crime legislation. We would now go further and urge the Department to consider recommendations from the Scottish Working Group on Misogyny and Criminal Justice’s independent report.

Hate crime reinforces long-established patterns of discrimination and crime towards marginalised groups. Accordingly, hate crime legislation should be targeted to protect those groups experiencing such crime, including women and girls. Issues associated with adopting a “gender-neutral” approach are expanded upon in section 4.5. This is the first ask from the WPG and should be complimented by recognising misogyny as a statutory aggravator.

The WPG are aware of concerns raised by other human rights and equality organisations in Northern Ireland that giving specific protections to women and girls in hate crime law might infringe on the principle of equality before the law. This concern is specifically addressed in the Scottish Working Group's report on misogyny and hate crime. However, we share the view expressed by the Scottish Working Group that women and girls need specific legal protections from misogynistic conduct because it reflects the "inherently gendered nature of the problem."

4.3 Misogyny

The WPG shares the view expressed in the Department's Consultation Document that: "Our collective focus must always be on tackling the underlying prejudice which provides fertile ground in which hate and hate crime can flourish." The WPG considers misogyny to be the underlying prejudice which acts as a catalyst for hate crime against women.

Misogyny is defined as the dislike of, contempt for, or ingrained prejudice against women. These feelings and beliefs are motivators of hate crime against women, and the law should regard them as such. Misogynistic hate crime has particular impacts for women from ethnic minority backgrounds, LGBTQ+ women, and disabled women.

The Scottish Working Group on Misogyny and Criminal Justice define misogyny as follows:

"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 thinking can include a range of abusive and controlling behaviours including rape, sexual offences, harassment and bullying, and domestic abuse."

The WPG, alongside many of our colleagues in the women's sector and LGBTQI+ sector, have long campaigned for misogyny to be recognised as a motivator of hate crime in Northern Ireland. For instance, the Raise Your Voice project has successfully achieved cross-party support for a motion across a number of local councils in Northern Ireland which calls for misogyny to be recognised as a hate crime. Further, a motion was also unanimously passed in the Northern Ireland Assembly on 23rd March 2021 which stated:

"That this Assembly condemns violence against women and girls in all forms; notes with concern that Northern Ireland is the only place on these islands that does not have a specific strategy to tackle gender-based violence and abuse; regrets that the Executive is failing to meet its international obligations in this regard; and calls on the Executive to take immediate action to eliminate gender-based violence by introducing a Violence Against Women and Girls Strategy that

*is fully resourced and **underpinned by legislation to make misogyny a hate crime**, and to introduce standardised, comprehensive Relationship and Sexuality Education in our schools to eradicate sexist attitudes and build lifelong, positive relationships.⁵*

In line with the support for misogyny to be recognised as a form of hate crime across local councils and the NI Assembly, we are calling on the Department to formally recognise Misogyny as a Statutory Aggravator in Hate Crime Legislation in Northern Ireland and introduce a standalone misogyny offence.

4.4 Intersectionality

The WPG acknowledges that recognising intersectionality in hate crime legislation will be specifically dealt with in phase two of this consultation process. However, a sound understanding of intersectionality is crucial when discussing issues relating to misogynistic hate crime, therefore we have included some comments relating to intersectionality below, and will discuss these further in phase two of the consultation.

Within the initial WPG response to the Hate Crime Review, we advocated for the concept of intersectionality to be incorporated into hate crime legislation. The WPG welcomes that the Department has accepted recommendation number 11, that any new legislation will recognise the importance of intersectionality and will be included in the drafting of the new legislation, in recognition of victims who are subject to hate crime. In doing this, it is crucial that the definition of intersectionality accurately reflects multiple and intersecting levels of harm that victims face due to systemic structures of oppression, domination and discrimination.

Within our initial response, we highlighted the definition of intersectionality by Kimberlé Crenshaw, who originally coined the term. We would like to again share her definition of intersectionality, a definition that we believe the Department should employ in their work on hate crime legislation:

“American lawyer and scholar, Kimberlé Williams Crenshaw, introduced the theory of Intersectionality in 1989 and coined the term in 1993. This extremely influential theory explains how overlapping identities relate to systems and structures of oppression, domination or discrimination. The main argument behind this was that the experience of a black woman cannot be understood in terms of being black and of being a woman considered independently, but must include the interactions between the two, which frequently reinforce each other.

⁵ <http://www.niassembly.gov.uk/assembly-business/marshalled-list-of-amendments/23-march-2021/>

We believe that the above theory of intersectionality is crucial to understanding the experiences of hate crime victims, and marginalised groups more generally.

We also agree with the view that hate crime policy has emerged through an identity of politics which tends to over-simplify victim groups and does not necessarily take into account the diverse and intersecting experiences of victims and the nuances of the harms that they might suffer. It is crucial to understand that a hate crime can be the outcome of multiple prejudices and in recognising this, a clearer understanding of the experience of victimisation and the commission of the offence can be gained. This approach would also allow for more comprehensive monitoring and responses to hate crimes by both the police and the PPS.”

The factors which make someone a target of hate crime can be intersectional and may be related to multiple types of hostility towards a person’s identity. For example, an ethnic minority woman wearing a headscarf on the street might be attacked by an individual through prejudice or hostility relating to her race, religion and gender. We believe that intersectionality is crucial to understanding the experiences of hate crime victims, and marginalised groups more generally, and should be incorporated into new hate crime legislation. This would provide a clearer understanding of the experience of victimisation and the commission of the offence.

Judges should be able to apply multiple aggravating hostility-related factors at sentencing. For example, if a Muslim woman was attacked by a perpetrator motivated by both misogyny and islamophobia, adding “multiple group hostility” would not suggest that she was harmed more than someone attacked solely for their religion or gender; but that the intersecting harms of racism, misogyny, islamophobia and sectarianism means that their attack can be motivated by these multiple hostilities rather than just one. This approach better reflects the realities of motivations behind hate crimes and the impacts on victims. It would also support wider efforts to identify, through data collection, the most common intersecting areas of prejudice and better protect people from these types of crimes.

The WPG welcomes the acceptance by both Judge Marrinan and the Department of Justice of the inclusion of transgender identity as a protected characteristic in hate crime legislation (Section 13 of Department of Justice Response). The WPG believes that this provision should also specifically include non-binary and gender non-conforming people and we welcome the enhanced protections for these gender minorities. These groups should be given specific protections, rather than being protected generally under the category of ‘gender’.

The WPG would like to echo calls made by the Scottish Working Group on Misogyny and Criminal Justice that, in regards to including a specific misogyny offence, “no offence should be created that requires a woman to prove that she is a woman” and “the law should seek to protect as many people as possible.”

Incorporating intersectionality into hate crime legislation in this way would ensure the full and equal protection of transgender and non-binary people. A statutory aggravator of misogyny would protect both trans women and cis women because trans women can experience both misogyny and transphobia separately or together (through trans misogyny).

3. General Comments on the Justice (Sentencing etc) Bill Call for Evidence Consultation

The Women's Policy Group NI (WPG) welcomes the introduction of this Bill and the inclusion of some of Judge Marrinan's recommendations from the Hate Crime Legislation Review, particularly considering the long wait between the publication of Judge Marrinan's Review in 2020 and now, Spring 2026. With that said, we are disappointed by some key omissions from the Bill, which will be the focus of our response. These are:

- 1) The exclusion of misogyny from Part 6 of the Bill
- 2) The exclusion of transgender identity from Part 6 of the Bill
- 3) Adding "multiple group hostility" to allow for hate crime on the grounds of multiple identities, using an intersectional understanding

4. Response to select Consultation Questions

Part 5 of the Criminal Justice (Sentencing etc) Bill, covering clauses 24 to 27, proposes to introduce a statutory aggravating factor, adding a minimum of 30% to the notional custodial period, for failure to disclose the location of a victims remains or how a victim was disposed of. Do you agree with the introduction of this aggravating factor as an additional tariff to sentencing in "no body" cases?

Yes.

We support this in the hope that this will lead to those convicted of murder in cases where the victim's remains have not been located to reveal the necessary information, and therefore to enable their families and loved ones to process their grief and to ensure a dignified burial.

Do you have any further comments on Clauses 24 to 27 of the Bill?

The WPG had originally included in this section a piece on the need to support families who have lost someone to murder or voluntary manslaughter, allowing for the termination of parental responsibility where the person convicted of such an offence was convicted in respect of the death of the other parent of the relevant

child or children. We welcome the news that this will be legislated for and that as such an amendment to this Bill is not necessary.

Clause 33 introduces an aggravator to an offence if the offence is aggravated by the person's race, religion, sexual orientation or as a result of disability. Do you agree with this being an appropriate list of groups for the aggravators included in this Clause?

No.

We agree that the listed aggravators should be included, and we agree that the approach that involves moving from aggravated sentencing to statutory aggravators is positive and necessary. However, the WPG has argued repeatedly that it is not sufficient; misogyny and transgender identity must be included in the list of statutory aggravators. In addition, the law must be capable of reflecting when an offence is aggravated by a number of elements of an individual's identity.

Misogyny Aggravator

Over a period of years, and as outlined above in section 2 above, the Women's Policy Group and our constituent organisations have argued that we need a misogyny aggravator in any forthcoming reform of legislation considering reform. This issue has been consulted upon repeatedly, and our arguments have been coherent throughout. In addition, when a motion was passed on 23rd March 2021 which led ultimately to the Ending Violence Against Women & Girls Strategy, that motion specified that the Strategy must be "*underpinned by legislation to make misogyny a hate crime*". That motion received the assent of the Assembly, and nothing has changed since then - the success of the Executive Strategy still relies upon a legislative underpinning that this Bill has the opportunity to provide.

In the debate that took place at the second reading of this Bill⁶, Patsy McGlone MLA said:

"That lack of consistency in the approach to protected groups was compounded by the argument from the departmental official at the Justice Committee in November 2025 that officials had already looked at sex as a protected group but decided that incidents where: "*Aggravation was purely motivated by hate for somebody because of their gender was not as prevalent or as obvious to us as perhaps we might have thought when we started that work*"

6

<https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2026/03/16&docID=475858#5445229>

This is a direct quote from one of the officials who attended that meeting and presented evidence. Perhaps they were not looking carefully enough, or perhaps they need to widen the scope of what they are looking at or to liaise more with the police and community and voluntary groups to establish the extent and nature of that particular crime, as I suggest that it is.”

We agree with this argument, and in fact the WPG as a collective and as individual organisations have met repeatedly with Department of Justice officials in the period when the Assembly was not operational between 2022 and 2024 during which work was ongoing on forthcoming legislation, and we answered concerns about a lack of evidence at that stage, also.

One particularly relevant example that we have often raised was the case in October 2020⁷ of a man who, following a romantic rejection from a woman, cycled around Belfast attacking six women - strangers to him - stabbing five of them and assaulting all six. There is no doubt that this case spread fear among women in Belfast, not least because it took a number of days for the perpetrator to be identified and arrested. Following this fear there was a real anger among many of us that, not only was the perpetrator not able to be charged appropriately in a way that reflected his clearly stated motivation, and therefore not in a position to receive the appropriate interventions during his time in prison, but also that several years on the Department can claim that there is no evidence of misogyny as a motivator of crime, or as the Minister stated in her response to Patsy McGlone MLA “how much of the crime that we see happening on our streets could genuinely be said to be driven by misogyny”⁸. If we do not correctly classify such crimes when they occur, we are at an immediate disadvantage in arguing that they occur and that we need legislation that is appropriate to them.

Data is absolutely vital to this; we cannot give an accurate reflection of how prevalent any issue is without accurate data. This is why, for example, when discussing the issue of domestic abuse, we look both at reports to the PSNI and the numbers of people supported by services such as Women’s Aid, the Men’s Advisory Project, and so forth, and we caveat this with the now widely accepted knowledge that not every person living with this experience has yet made contact with support services or law enforcement. It is also why the PSNI began recording instances of hate crimes motivated by transphobia in recent years, and as such made it possible for the Minister to say, with authority, in the same debate “we have seen a massive increase in violence and hate crimes against those who are transgender”⁹. Without data, we cannot evidence a rise in these instances and are

⁷ <https://www.irishtimes.com/news/crime-and-law/man-who-stabbed-random-women-as-he-cycled-around-belfast-is-jailed-1.4841262>

⁸

<https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2026/03/16&docID=475858#5445229>

⁹ Ibid

reduced to listing examples, which places us at an immediate disadvantage. As a result, the reluctance to classify certain crimes as motivated by misogyny or to gather data to that effect cannot be the justification for refusing to legislate for it; that lack of data is a self-created issue.

Transgender Identity

We concur with the Justice Minister and her department with regards to the rise in violence and hate crime towards transgender people, and agree that hostility based on gender identity should have been included in this legislation, which we understand was the case before it was introduced at the Assembly. The evidence is clear and our argument then, as now, remains that this is a small but particularly vulnerable part of the community which has come under sustained scrutiny and criticism, a reality that may be contributing to the rising levels of crime that they experience. We deplore the misinformation that has been spread from many quarters about transgender people, and regardless of the cause the WPG cannot understand the argument that transgender people should not be recognised as a group that experiences these kinds of crimes.

In both instances, we support efforts to introduce amendments to this Bill in order to include crimes motivated by misogyny and those motivated by transphobia. We recognise that the Minister also referred to the Scottish Misogyny legislation that we hope to see introduced in the coming mandate, and have outlined again in question 2 our support of a similar approach in this jurisdiction, however:

i) part of that proposed legislation for Scotland involved making misogyny a statutory aggravator, and this legislation now before the Assembly is the correct opportunity to introduce these protections for Northern Ireland, not least because the proposed Scottish Misogyny Bill has itself not yet been introduced in the Scottish Parliament, much less a similar bill in Northern Ireland,

ii) while we support the approach proposed by Baroness Kennedy, we have yet to hear a clear statement of intent from the Justice Minister that she intends to introduce a similar law in Northern Ireland. As such, and because at the very least we cannot expect such legislation to be introduced much less completed in the current mandate, we cannot afford to wait to introduce a statutory aggravator for misogyny. We do support any future efforts by any future Minister to introduce Misogyny legislation addressing the remaining provisions as outlined in the Scottish report¹⁰.

We have sent a briefing to the Committee outlining the proposed text of a misogyny statutory amendment.

¹⁰ Baroness Helena Kennedy QC et. al. (2022), 'Misogyny - A Human Rights Issue', Working Group on Misogyny and Criminal Justice, Scottish Government: <https://www.gov.scot/publications/misogyny-human-rights-issue/>

Clause 34 sets out the consequences of aggravation by hostility. Do you agree with the consequences outlined in the Clause?

Yes.

Clause 35 provides the Department of Justice with the power to add, amend or revoke the kinds of hostility by which an offence may be aggravated if the hostility relates to a group or characteristic. Do you agree that the Department should be able to amend the groups for whom the aggravator applies?

Yes, with conditions. The WPG support the power to add further kinds of hostility, however as a group with a diverse membership, we have concerns that this Clause would be used to revoke/remove protections for groups with minoritised identities. Across the UK over the past year we have seen attempts to roll back on the rights of protected groups; the UK Supreme Court Ruling For Women Scotland v The Scottish Ministers marked a rollback in rights for transgender women, as we see women's organisations move to exclude women on the basis of their sex (e.g. [Girlguiding have changed their organisational policy following the Ruling](#)). As we see institutions succumb to pressure from a rise in right-wing lobby groups, it is important that the rights of minority groups are protected and not vulnerable to removal within legislation.

Therefore, the WPG support the power to add kinds of hostility, but not the power to remove them, within Clause 35.

Clause 36 introduces a new aggravator by reason of the victim being vulnerable, following a consultation which originally included older age and vulnerability as potential aggravators. Do you agree with including vulnerability as an aggravator in this Clause?

Yes.

5. Additional Comments

To conclude, we support in the strongest terms adding a statutory aggravator of misogyny, and additionally of transphobia, and urge the Committee to propose the relevant needed amendments.

ENDS

For any questions or queries relating to this submission, please contact:

- Elaine Croy, Women's Sector Lobbyist at WRDA: [REDACTED] or
- Meghan Hoyt, Women's Sector Lobbyist Policy Assistant at WRDA:
[REDACTED]