

<b>ORGANISATION</b>	TEO Racial Equality Subgroup
<b>DATE</b>	22.05.2026
<u>Response to Hate Crime Provisions - the Criminal Justice ( Sentencing etc.) Bill</u>	

**PART 6**

**CLAUSE 33**

- Inclusion of acts based on gender and particularly women to be included on the protected list.
- No definition of hostility on the bill.
- CPS in England & Wales defines what hostility is; NI proposal leaves this open to interpretation.
- Recommend that the Justice Committee ensures they are satisfied with approach of not defining hostility in statute and leaving it to courts to decide.
- All equality groups are covered and at least all those that are protected in statute are added to the bill with an ability to add groups as appropriate.
- Additional sentence be added to cover women as a group. Definition for women should be added that aligns with the Executive's strategy for EAWG.
- Ensure the Commission recommends that 33.2 a) that it should include 'and' as well as 'or' when referring to the list of groups, so that perpetrators can be held accountable by courts on the basis of more than one ground.
- 33.3 b) includes words such as 'or perception thereof' so that if the hostility is based on a perceived membership of a racial, religious or disability group.
- All protected groups should be included and listed in the same way in the bill as per the legislation.
- The term 'Sectarian Aggravator' should be included in the legislation now and not in phase two.
- The Roma community should be defined as an individual group in the same way as the Irish Traveller Community are.
- Fails Traveller and other minority groups due to perceived vulnerability, as the threshold is not set on the bill.
- Cases against certain vulnerable groups are less likely to be prosecuted due to structural issues and that people perceive that the likelihood of consequence is less when they perpetrate hate crimes against these groups or an institutional /subconscious bias may be at play
- The subgroup feels that this does not go far enough to set a threshold and protect these vulnerable groups, for example – Roma groups.
- (2) threshold for hate crime- Judge Marrinan recommendations should be included - Reduces vulnerability created by the fact that cases less likely to be persecuted- structural- 'by reason of' threshold.
- Does repeated racial hostility constitute an aggravating factor under the legislation?
- Are there any circumstances within the legislation that could result in a reduction, mitigation, or exemption from punishment?

#### **CLAUSE 34**

- No definitions of how the magnitude or the level of hostility will impact on the consequences for perpetrators where outcomes for victims are physical and/or mental impairment.
- No differentiation of severity – different penalties- magnitude of impact- differing degrees of hostility- sentencing according to severity/combination.
- Welcome the recognition of experiences of groups with hate crime due to a number of factors.
- The bill takes account of hostility of one or more kinds and that differing degrees will result in appropriate consequences.
- Recording of incidents of hostility and aggravators perpetrated by aggressors essential. Monitoring could be improved and more accurate.
- Consequences of aggravation and hostility should be clearly noted and monitored at all stages of the report and judicial process.
- Inclusion of intersectionality and multiplicity of factors that are aggravating the offence and the severity of the consequence.
- Legislative framework should set out how it should be recorded and monitored and detail the nuances involved.
- Monitoring of aggravation/PSNI - ensure all aggravators noted – making difference but this appears to be lost when cases move through judicial process. This needs to be improved to result in better outcomes and a deterrent for perpetrators.
- To what extent will online hostility, coordinated digital harassment, and verbal racial abuse be treated as aggravating factors during sentencing?
- How will the legislation ensure that verbal racial hostility and intimidation are properly recognised within judicial proceedings and reflected in sentencing outcomes?
- Would the application of the aggravating factor differ where the offender is a child or teenager?

#### **CLAUSE 35**

- The Commission recommends that all of the equality groups protected under the legislation are also groups covered in statutory provisions for aggravation by hostility and includes women.
- Departments' power to regulate maintains continuity with anti-discrimination legislation.
- Periodic, time-bound reviews of the legislation – ability to amend clauses as necessary once the bill is enacted.
- Press for a written commitment that the power will be used to add gender identity and gender characteristics after royal ascent and add a timeframe to look at it again.
- Department should be able to amend the groups to which the aggravator applies RESG would like information on how and when this will be done. What is the process?
- Power to remove groups? What is the mechanism to amend/remove groups?
- What is the framework for this?
- Linking the groups in the Hate Crime legislation to the groups in the Anti-Discrimination legislation for the purposes of amending or removing groups and decision-making.
- Need for proper safeguarding on the legislation regarding the addition or removal of groups.

### SCHEDULE 3

#### Part (e)

- Reason for crime is placed in correct category to ensure correct sentencing.
- Clear sentencing guidelines based on the intersectionality of groups and that the aggravator is correctly monitored and recorded.
- Sentences are defined and correctly labelled according to the aggravator behind the crime based on clause 33. Racial vulnerability or racial hostility.
- Ensure that Intersectionality of groups is correctly labelled and monitored.

#### Part (h) (i)

- It should be extended out to all protected characteristics and equality categories and then correctly labelled and monitored.

#### General Points

- Subgroup support the DoJ in developing this Bill and welcome the opportunity to be a key stakeholder of review for legislation relating to hate crime. We welcome direct engagement with DoJ to better understand the legal context and clauses moving forward.
- Feedback from victims should be key for achieving better outcomes and better sentencing.
- Victims should be at the forefront of any legislation.
- Inclusion of lived experience in decision-making process and subsequent legislation.
- Victims' Charter should also be considered and included as part of the process.
- Recording of data is not where it needs to be, especially in regard to the recording of evidence in the courts system. This has a significant impact on evidence that can be presented to the Committee.
- PPS say that evidence is recorded correctly but this is not reflected in the letters sent to victims.
- Concerns over communication with victims and that victims' concerns are dismissed.
- No indication on public records that a perpetrator will be identified as committing a racially motivated hate crime and there is a perception that perpetrators are getting more protection than the victims.
- Subgroup to ask the Committee to satisfy itself that the motivation for the crime is recorded at every stage of the process.
- Call for mandatory anti-Traveller training and guidance for police and judiciary and wider criminal justice system as well as all protected characteristics groups.
- Anti-Traveller racism is one of the last acceptable forms of racism and a 'blind eye' is turned towards hate crimes against the Traveller community. Public feel that they can get away with it.
- RESG welcome the opportunity to give evidence directly to The Committee
- RESG extend the opportunity to provide expert advice and guidance on relevant training, guidance that may accompany this legislative change to ensure it is effective and has victims at the centre of processes and procedures pertaining to criminal justice.