

Justice Committee - Criminal Justice (Sentencing etc) Bill

Women's Rights Network NI - Written Response September 2026

We would like to thank the Committee for their invitation to submit a written response in regard to the Bill. We have responded to the sections that concern us as a group and have also addressed issues that we would like the Committee to consider for scrutiny.

About Women's Rights Network Northern Ireland

Women's Rights Network Northern Ireland (WRN NI) is a voluntary, cross-community organisation of women concerned about the protection of women's rights and sex-based legal protections across Northern Ireland.

WRN NI forms part of the wider UK Women's Rights Network, a grassroots movement that advocates for the protection of women and girls on the basis of sex as recognised in law. WRN NI focuses on the distinct legal, political and cultural context of Northern Ireland while contributing to wider UK discussion on women's rights and public policy.

WRN NI recognises that criminal offending motivated by hostility can cause serious harm to victims and communities. WRN NI supports the robust investigation and prosecution of criminal conduct, including assault, harassment, intimidation, domestic abuse, sexual offences, stalking and coercive control.

However, WRN NI is concerned that any expansion of hostility-based hate crime provisions must be necessary, proportionate, legally clear and compatible with women's sex-based rights, safeguarding obligations and freedom of expression.

WRN NI does not support any legislative or policy change that would undermine the recognition of women and girls as a protected sex class in law, dilute sex-based rights, or create new routes by which lawful speech, protected belief, women's rights advocacy or safeguarding concerns may be reported, recorded or interpreted as evidence of criminal hostility.

Aggravation by Hostility

We note that currently there are four categories of aggravation by hostility in relation to race, religion, sexual orientation and disability.

It has been suggested that Hostility in relation to Sex be added

We see some good arguments for including sex as an aggravating category because we agree that many crimes against women are motivated or fuelled by women-hatred. Hostility to women is inextricable from all sexual crimes against women and most violent crimes against women. Most examples of sex discrimination and sexual harassment against women inherently exhibit hostility to women.

However, we are not confident that the addition of Hostility in relation to sex will usefully address shortcomings in the criminal justice system for women, who are very badly served by prosecution and conviction rates particularly of sexual crimes against them. At worst, its addition will be a distraction: hailed as a victory for women but making no or only slight difference to justice for female victims. We think it unlikely that it will act as a deterrent.

We are also concerned about unintended consequences, for example, its use against women in relation to crimes perceived to involve hostility to men in relation to their sex.

These may include:

- malicious prosecutions;
- the escalation of DARVO behaviour in domestic violence contexts;
- the interpretation of women's political speech and lobbying in relation to women's rights as hostility to men, and considered an aggravation should it be connected to an offence, or reported as and recorded as a hate incident in itself;
- and furthermore the interpretation of women's sex-based rights advocacy and speech as hostility to males claiming the protected characteristic of gender reassignment or who claim an "acquired sex".

Additionally, we are not confident that it is helpful to record the almost innumerable incidents of daily misogyny in our workplaces, streets and homes as hate incidents. By analogy with other hostility categories, the inclusion of hostility in relation to sex could lead to the advice/assumption that expressions of misogyny are a police matter. If this project were taken seriously, it would overwhelm both the police force and the female population.

It has been suggested that Hostility in relation to Gender Identity be added

We entirely reject the inclusion of an aggravating category such as sex/gender, or sex and gender, or gender, or transgender, or gender identity, or other gender variation. Ambiguous language and concepts must not be used in law.

Gender identity is a subjective, unverifiable category and anyone, purely on the basis of feelings, can seemingly elect into it at any time. Therefore, we absolutely reject its inclusion within any legislation. Gender identity has no status in UK/NI legislation. Gender identity is not a protected characteristic in the European Convention of Human Rights nor in NI law. There is no reference to gender in the ECHR.

Additionally, the justice system must recognise, as it has done in the past, that sexually fetishist behaviours such as exhibitionism, voyeurism and cross dressing are frequently features of sex offenders who escalate to more abusive crimes against women. Misogynistic predatory and fetishist behaviours such as exhibitionism, voyeurism, transvestism, and autogynephilia are sometimes hidden by predators under the guise of “gender identity” or “transgenderism”.

Enshrining, as an aggravation by hostility category, a “characteristic” which is so easily and deliberately used as a disguise and dispensation for active predation and abuse of women is misogynistic.

Prison Accommodation

We also wish to raise the issue of prison accommodation. We wish to address the current "case by case" guidance in relation to where in the estate trans identifying men are accommodated, which we consider unlawful. Any policy of **non** sex-segregated prison accommodation contravenes the Geneva Convention and NI prison legislation. Additionally it is in conflict with the recent *For Women Scotland v Scottish Ministers* Ill judgment (June 2026) which rules that the sex segregation of prison accommodation should follow a "bright line" (i.e. absolute) rule and that case by case guidance and policies in relation to the accommodation of transgender prisoners should be quashed.

We know that there have been men housed in the women's prison accommodation in NI during the past year which we would see as unlawful and would ask the Committee to seek answers on this. We have concerns for the safety and safeguarding of women in custody, most of whom are the most vulnerable in our society. Being housed with violent men, regardless of how they identify, is unlawful, dangerous and ignores basic safeguarding.

PACE Code of Practice

We wish to bring to the attention of the committee the unlawfulness, discrimination and safeguarding negligence of the **PACE Code of Practice Code C Annex L** (1 July 2026)

The **Police and Criminal Evidence (Northern Ireland) Order 1989** Article 56 (7) states: *A constable may not carry out an intimate search of a person of the opposite sex.*

Code C Annex L: Establishing the Gender of persons for the purpose of searching and other procedures outlines an approach whereby a “transgender” detainee with a “gender identity” or “predominant lifestyle” (“in line with” one sex or the other) can request to be searched by an officer of the opposite sex to that of the detainee.

The detainee and officer both must consent to the search. A police officer asked to consent thus is being asked to agree to operate outside the established same sex search law and protocols which protect both officer and detainee.

The option to refuse consent to conduct the search does not protect officers, particularly female officers, from the risks of this policy. Annex L has a disproportionately negative impact upon female officers.

The opposite sex search policy creates risks of both sexual predation and assault; and risks of unfounded accusations of sexual assault. Female officers being fewer in number are impacted more by Annex L than male officers. (i.e. required to do more same sex intimate searches and more opposite sex intimate searches). Female officers are impacted more by Annex L because offenders and sex offenders, including those who are trans identifying, are predominantly male.

Female police officers can be asked to consent to conduct the intimate search of a male detainee who may be a rapist, a fetishist or who has another sexual motivation or who enjoys humiliating women. Female officers may feel pressure to consent because they fear career

detriment, disapproval and hostility in the workplace and do not wish to be seen as difficult or troublemakers. Being asked by a senior officer to consent could be considered an abuse of power by the senior officer and forced compliance of the officer.

No female officer should ever be asked to consent to cross sex searching for any reason.

Annex L introduces confusion and, by involving officers in an ad hoc consent model, it removes them from normal legislative practices and protections. Annex L uses the terms “gender identity” and “predominant lifestyle” which have no legal foundation. Annex L is introduced in relation to the For Women Scotland (FWS) ruling and the question of whether the clarification that sex means biological sex applies in Northern Ireland. Despite stating that FWS means that “same sex” means “same biological sex” in the context of searches, Annex L pursues convoluted and potentially unsafe and discriminatory procedures to establish opposite sex intimate searches.

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