

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
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5 October 2026

Dear Kathy,

SENTENCING BILL – HATE CRIME PROTECTED CHARACTERISTICS

Thank you for your letter of 16 September 2026 seeking the Department's response to comments outlined in correspondence from the Chief Commissioner, Northern Ireland Human Rights Commission (NIHRC), Alyson Kilpatrick to the Committee regarding the hostility aggravator provisions in the Criminal Justice (Sentencing etc.) Bill.

Ms Kilpatrick's letter to the Committee suggested members seek clarification on how the Department intends to collect statistical data to capture multiple hostility motivations.

Please see the Department's response to the points raised below.

NIHRC cite Scotland and Ireland as models capable of recording multiple hostility motivations and provided details of the legislative provisions within the respective jurisdictions. The statutory requirements, thresholds and mechanisms for the collection and publication of statistical data for incidents and crimes with a hate motivation vary across the three jurisdictions of Northern Ireland, Scotland and Ireland, with each generating different data sets.

Northern Ireland

Currently the PSNI publish four quarterly and one annual statistical bulletin on police recorded crime with a hate motivation. PSNI Crime Recording is based on hate motivations, not aggravators. The PSNI crime recording software allows a single crime (or incident) to have multiple perceived motivations. PSNI presents data on the basis of each hate motivation individually.

Statisticians from the Northern Ireland Statistics and Research Agency are seconded to the Police Service of Northern Ireland and are responsible for ensuring that the statistics they produce comply with the Code of Practice for Official Statistics. Their hate crime publications contain the following note on incidents and crimes with multiple motivations:

Incidents and multiple motivations

A small number of incidents will have more than one type of hate motivation attributed to the incident. Due to this potential for double counting, the six hate motivation strands should not be added together and presented as overall hate incidents and crimes.

E.g. if a crime has both a race hate motivation and religious hate motivation, the crime will appear in both the race hate crime data series and the religious hate crime data series.

The PPS publish an annual statistical bulletin on charges and convictions using two separate data measures: PSNI Cases involving hate crime and PPS: Cases considered by a prosecutor to have involved hate crime which was 'aggravated by hostility'.

Scotland

Sections 14 and 15 of the [Hate Crime and Public Order \(Scotland\) Act 2021](#) place requirements on Scottish Ministers and the Chief Constable of Police Scotland to publish annual reports on: convictions relating to offences aggravated by prejudice/stirring up hatred, and police recorded offences aggravated by prejudice/stirring up hatred. As noted by the NIHRC in their letter, this includes the number of hate crimes recorded by the police with multiple aggravators.

It is important to note, that, unlike in Northern Ireland, in Scotland the term ‘aggravator’ seems to be used for both the hate perception for the purposes of crime recording and the evidenced charge brought before the Court.

Ireland

Section 77 of the [Policing, Security and Community Safety Act 2024](#) requires the Garda Commissioner to compile and store statistical information regarding offences, criminal proceedings, and the state of crime in Ireland. An Garda Síochána publish hate crime statistics annually. This includes data on the geographical / divisional breakdown of hate crimes and non-crimes (incidents); crime incident types (offences); and breakdown of discriminatory motives. Data published advises that a single incident may have more than one motive. However, it is not clear if/where disaggregated data for crimes with multiple aggravators is published. [Hate Crime Related Overview Table 2025 hatecrime_infographic_2025.png \(1080×1380\)](#)

Conclusions

The Criminal Justice (Sentencing etc.) Bill does not include provisions or guidance on requirements for the collection and the publication of official statistics on hate crime motivations. In his Review of Hate Crime Legislation in NI, Judge Marrinan did not make any recommendations on the issue of the publication of statistical data on hate crimes.

The Minister has confirmed that provisions in the Bill require the courts to record multiple hostility motivations regarding offences where proven.

The Department recognises the importance of the collection and publication of statistical data on hate crime to inform the public, monitor trends and inform policy and operational considerations. Data collection and any relevant IT changes will be considered as part of the Department’s implementation planning process for the Criminal Justice (Sentencing etc.) Bill as a whole. We envisage this process to commence presently with engagement and input from criminal justice partners and a range of branches from across the Department

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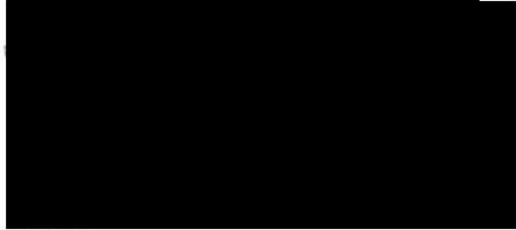
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Yours sincerely



DALO



**Northern Ireland Assembly
Committee for Justice**

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16 September 2026

Dear Fiona

**Criminal Justice (Sentencing etc) Bill – Northern Ireland Human Rights
Commission – aggravator models**

At its meeting on 10 September 2026, the Committee for Justice considered a response from the Northern Ireland Human Rights Commission (NIHRC) on the Criminal Justice (Sentencing etc) Bill regarding models to prosecute hate crimes that allow for multiple and intersectional hostility motivations.

The correspondence includes information on how data on aggravators is collected in Scotland and suggests that the Committee may wish to clarify how the Department intends to collect statistics in this regard. The Committee agreed to forward the correspondence to the Department for response to the points made.

I should appreciate a response by 2 October 2026

Yours sincerely

[Redacted signature]

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