



## **Women's Regional Consortium Response to Improving the effectiveness of Hate Crime Legislation in Northern Ireland**

28<sup>th</sup> March 2022

Dear Department of Justice

The Women's Regional Consortium is grateful for the opportunity to respond to your consultation on Improving the effectiveness of Hate Crime Legislation in Northern Ireland. We wish to endorse the response made by the Women's Policy Group of which we are a member. We are unable to provide a full response due to pressure of work but we wish to briefly highlight a number of issues that we feel are important in relation to this consultation and call for views.

### **The Women's Regional Consortium**

The Women's Regional Consortium consists of seven established women's sector organisations<sup>1</sup> that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion.

The Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all groups, centres and organisations delivering essential frontline services, advice and support. The Consortium ensures that there is a continuous two-way flow of information between government and the sector. It also ensures that organisations/centres and groups are made aware of consultations, government planning and policy implementation. In turn, the Consortium ascertains the views,

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<sup>1</sup> The seven groups are as follows: Training for Women Network (TWN) – project lead, Women's Resource and Development Agency (WRDA), Women's Support Network (WSN), Northern Ireland Rural Women's Network (NIRWN), Women's TEC, Women's Centre Derry and Foyle Women's Information Network (FWIN)

needs and aspirations of women in disadvantaged and rural areas and takes these views forward to influence policy development and future government planning, which ultimately results in the empowerment of local women in disadvantaged and rurally isolated communities.

### **Deadline for Responses**

We wish to raise concerns about the length of time available to respond to this consultation. While we welcome having the opportunity to respond to this important legislation we have concerns about the process in terms of the tight turnaround for responses with consultees only being given eight weeks to respond. This short deadline goes against all existing good practice on consultations: *When government consults it must build a realistic timeframe for the consultation, allowing plenty of time for each stage of the process.*<sup>2</sup>

This call for views came at a time when the women's sector and indeed the wider voluntary and community sector has come under significant pressure with the sheer volume of consultations ongoing. These consultations are significant in terms of their importance and many have particular implications for the women's sector so have required a significant investment of time and resources to produce detailed responses. This included a call for views on both a Domestic Abuse & Sexual Abuse Strategy and Violence Against Women and Girls Strategy.

Short deadlines put significant pressure on an already over-worked and under-resourced voluntary and community sector. With a deadline this short, combined with other consultation pressures and other work commitments, it is impossible to carry out meaningful consultation with women. We would refer the Department to the guidance on consulting with women produced by Women's Regional Consortium members WRDA<sup>3</sup> which advocates making time for accessible face to face engagement. We recommend a consultation process of at least 12 weeks to allow for genuine, meaningful consultation on the issues.

### **General Comments**

#### *International Obligations*

Government has obligations under the UN Convention on the Elimination of All forms of Discrimination Against Women (CEDAW). CEDAW's General Recommendation

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<sup>2</sup> nidirect <https://www.nidirect.gov.uk/articles/public-consultations>

<sup>3</sup> Women at the Heart of Public Consultation, A guide for Public Authorities and Women's Organisations, WRDA, November 2017

[https://wrda.net/wpcontent/uploads/2018/10/WRDA\\_WomenAtTheHeartOfPublicConsultation.pdf](https://wrda.net/wpcontent/uploads/2018/10/WRDA_WomenAtTheHeartOfPublicConsultation.pdf)

35<sup>4</sup> provides for a number of general legislative measures that the Committee recommends that State parties implement:

*“Ensure that all forms of gender-based violence against women in all spheres, which amount to a violation of their physical, sexual or psychological integrity, are criminalized and introduce, without delay, or strengthen, legal sanctions commensurate with the gravity of the offence, as well as civil remedies.”*

*“Ensure that all legal systems, including plural legal systems, protect victims/survivors of gender-based violence against women and ensure that they have access to justice and to an effective remedy, in line with the guidance provided in general recommendation No. 33.”*

In its Concluding Observations for the UK Government the CEDAW Committee welcomed the adoption of measures to combat violence against women and girls in England, Wales and Scotland but were *“concerned about the lack of uniform protection of women and girls from all forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of laws and policies to protect women in Northern Ireland.”*<sup>5</sup> CEDAW recommends that the UK: *“Adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party’s jurisdiction including Northern Ireland.”*<sup>6</sup>

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the ‘Istanbul Convention’) condemns all forms of violence against women and domestic violence. One of the stated purposes of the Convention is to *“protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.”* The Convention recognises that women and girls are exposed to a higher risk of gender-based violence than men.

The UK government is committed to ratifying the Convention. Article 40 of the Istanbul Convention states: *“Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a*

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<sup>4</sup> General recommendation No.35 on gender-based violence against women, updating general recommendation No.19, CEDAW/C/GC/35, July 2017, Para 29 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en)

<sup>5</sup> Concluding observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, Committee on the Elimination of Discrimination Against Women, Para 29 [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f8&Lang=en)

<sup>6</sup> Ibid, Para 30(b)

*person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.”<sup>7</sup>*

The head of UN Women, Sima Sami Bahous, said that *“violence silences women, renders them invisible, pushes them from public space.”<sup>8</sup>* This in turn directly hinders progress on the 2030 Sustainable Development Agenda, which aims to lift people out of poverty and create a more equal, sustainable world free from gender inequality. Sustainable Development Goal 5 on Gender Equality<sup>9</sup> has as a target: *“Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.”*

A misogyny aggravator would, therefore, be in line with international human rights standards and would help ensure Northern Ireland legislation is fully compliant with CEDAW.

### *Gender Equality Expert Panel Recommendations*

A report by the Expert Advisory Panel on a Gender Equality Strategy<sup>10</sup> has stated that: *“the lack of adequate legislation to deal with misogynistic crime and the lack of associated quantitative evidence means that the true nature, extent and impact of misogyny cannot be fully captured.”* The Expert Panel held that misogyny is deeply embedded in Northern Ireland and said: *“it is clear that Northern Ireland needs a consolidated form of Hate Crime Legislation that both includes misogyny and transmisogyny, and provides for a fully resourced educational campaign to address the normalisation of misogyny in Northern Ireland.”*

## **Call for Views Exploring Misogyny/Transmisogyny in Hate Crime Law**

### **Question 21**

**Of the options outlined as proposals for addressing violence against women and girls, which is your preferred option, if any (please tick one):**

- **Sex/Gender as a protected characteristic**
- **Misogyny (and transmisogyny) as a statutory aggravating factor**
- **Misogyny (and transmisogyny) as a stand-alone crime/specific offence**
- **No recognition of sex/gender for the purposes of aggravated offences and enhanced sentencing**
- **Other**

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<sup>7</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence

<https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>

<sup>8</sup> <https://news.un.org/en/story/2022/03/1113992>

<sup>9</sup> <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>

<sup>10</sup> Gender Equality Strategy, Expert Advisory Panel Report, December 2020

<https://www.communities-ni.gov.uk/system/files/publications/communities/dfc-social-inclusion-strategy-gender-expert-advisory-panel-report.pdf>

## Comments:

We agree with our colleagues in the Women's Policy Group that a gender-neutral approach to hate crime law must be avoided when trying to address hate crimes against women and girls as this will lead to hate crime legislation being a tool used against marginalised groups

Male violence against women and girls is at epidemic proportions. The seriousness of this issue has been highlighted recently in the media with coverage of a number of tragic murders including those of Sarah Everard, Caoimhe Morgan and Aisling Murphy. In 2021 alone at least 141 women in the UK have been killed by men including five from Northern Ireland.<sup>11</sup>

It is clear that a massive cultural shift is required to tackle the issue of male violence against women and girls. The everyday sexism that women and girls experience on a daily basis creates a culture where abuse and misogynistic behaviours are normalised in society. This makes it an issue which is significantly under-reported. Misogyny is at the root cause of violence against women and girls yet is often dismissed and trivialised.

We therefore believe that recognising misogyny as a hate crime is an important step in making progress on the extent of this problem, in ensuring that it is taken more seriously, in providing victims with greater confidence in coming forward and in acting as a deterrent. It will also provide benefits in terms of statistical recording which is crucially important. Proper recording of incidents and the availability of data on these crimes will help to determine the size and nature of the problem, help identify patterns and trends and the actions that need to be taken in this area. We want Government to be accountable for preventing and prosecuting men's violence against women. By naming these crimes as hate crimes it is an important first step in recognising how serious misogyny is.

The rise in transphobia particularly online and the abuse and harassment many trans people face means that there is also a real need for the inclusion of transgender identity as a protected characteristic in Northern Ireland hate crime legislation. We reiterate the above benefits to recognising transmisogyny as a hate crime in terms of making serious progress on this problem, acknowledging the seriousness of this issue, providing victims/perpetrators with a clear message that it will be taken seriously and providing benefits in terms of accurate data on the extent of the problem.

In terms of an answer to this question we agree with our colleagues in the Women's Policy Group who are concerned with the wording of this question which makes the above options seem as either/or when in reality, misogyny (and transmisogyny) as a statutory aggravating factor and misogyny (and transmisogyny) as a stand-alone offence can happen simultaneously - as is the recommendation of the Scottish Working Group on Misogyny and the Criminal Justice System. Therefore, we support the Women's Policy Group's recommendation of:

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<sup>11</sup> <https://kareningalasmith.com/2021/02/08/2021/>

1. **Misogyny (and transmisogyny) as a statutory aggravating factor and,**
2. **Misogyny (and transmisogyny) as a stand-alone crime/specific offence.**

Given the significant and increasing levels of violence against women and girls in our society including levels of online abuse we believe it is necessary for action to be taken on misogyny. It must be recognised that hate crimes are most often directed towards already stigmatised and marginalised groups. Therefore, hate crimes based on gender are targeted at women and girls (including transgender women and girls) and therefore, it is misogyny specifically which is the issue that must be addressed.

### **Question 22**

**Many of the issues surrounding misogyny are closely linked to sexual offences and domestic abuse. If misogyny is considered for inclusion as a hate crime statutory aggravator, do you agree/disagree that domestic abuse and sexual offences be excluded?**

Agree  Disagree  (with exemptions)

### **Comments:**

We endorse the recommendation from our colleagues in Women's Aid NI in relation to this question as outlined in the Women's Policy Group response:

***"it is therefore our recommendation that misogyny as a hate crime statutory aggravator should not be applied in intimate partner/known perpetrator crimes such as domestic abuse but should be applied in unknown perpetrator situations as misogynistic attitudes would be dominant motivator of the crime."***

We support the Women's Policy Group statement in their response that: ***"As well as recommending that these kinds of offences, where the victim is chosen solely on the basis of her gender, are included but that domestic abuse is not, we also recommend that particular attention be paid to the growth of online hate movements against women, especially the 'incel' movement in the VAWG Strategy."***

### **Question 23**

**Whilst evidence demonstrates the disproportionate experience of females, if misogyny is considered for inclusion in hate crime law, to ensure fairness in legislation, do you agree/disagree an act of misandry should also be considered to recognise the experience of male victims?**

Agree  Disagree

## **Comments:**

We strongly disagree that misandry should also be considered for inclusion in hate crime law. The question already states that evidence demonstrates the disproportionate experiences of females so this is yet another example of harmful gender-neutral policy making. Evidence clearly shows the high levels of men and boy's violence against women and girls and it is clear that women and girls are being negatively impacted by these actions. There is no evidence to suggest gender-based hate crime towards men and boys. It is time to address the systemic and deeply ingrained levels of misogyny in Northern Ireland and give this issue the focus and attention it deserves without distracting from what is the core problem.

We agree with our colleagues in the Women's Policy Group who advocate for specific safeguards in the Hate Crimes Bill which are linked to international standards such as CEDAW and the Istanbul Convention, which would assist in preventing the abuse of provisions and making "counter" provisions such as misandry in the absence of any evidence to support it.

### **Specific Comments on the Consultation**

Due to pressure of work we are unable to give detailed comment on each of the questions in the Consultation but we refer the Department to the comprehensive Women's Regional Consortium response to the Hate Crime Review which is available here:

<https://www.womensregionalconsortiumni.org.uk/wp-content/uploads/2021/04/April-2020-A-Response-to-Hate-Crime-Legislation-in-Northern-Ireland.pdf>

We also refer the Department to our detailed response to the call for views on a Domestic and Sexual Abuse Strategy and Violence Against Women and Girls Strategy which is related to this consultation:

<https://www.womensregionalconsortiumni.org.uk/wp-content/uploads/2022/03/Womens-Regional-Consortium-NI-response-to-DSV-VAWG-Call-for-Evidence.pdf>

If you have any questions about this response please contact Siobhán Harding at [policy@wsn.org.uk](mailto:policy@wsn.org.uk).

Kind regards

*Siobhán Harding*

Siobhán Harding

On behalf of the Women's Regional Consortium