

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY THE DEPUTY OF ST. JOHN
ANSWER TO BE TABLED ON MONDAY 25th NOVEMBER 2019**

Question

Would the Minister detail what initiatives, including consultations, are in place to introduce a Domestic Abuse Law in Jersey?

What does he see as the time frame involved in introducing legislation that would mirror best practice in other jurisdictions such as England, Wales, Northern Ireland and Scotland?

Answer

The development of domestic abuse legislation is one of my highest priorities. Following the completion of the [Domestic Abuse Strategy 2019-2022](#) by the Safeguarding Partnership Board in consultation with Government, I instructed officials of Justice and Home Affairs and Strategic Policy, Performance and Population to begin developing modern legislation which reflects best practice in other jurisdictions.

Numerous local bodies have been consulted in the course of developing an initial policy position earlier this year, including-

- Jersey Safeguarding Partnership Board
- Jersey Probation and After Care Service (JPACS)
- The Women's Refuge
- Victim Support
- Jersey Multi-Agency Public Protection Arrangements (JMAPP) Board
- Multi Agency Risk Assessment Conference (MARAC) Steering Group
- Sexual Assault Referral Centre (SARC)
- Independent Domestic Violence Advisor (IDVA) Service
- States of Jersey Police (SoJP)
- Liberate
- Disability Forum
- Defence Advocates

The initial consultation was intended to highlight any specific local concerns and to ensure that no considerations were missed. As the legislation is developed, there will be wider participation including a full public consultation.

The feedback from these discussions is that legislation is necessary to specifically address domestic abuse, that it should recognise that domestic abuse is an offence that is more complex and more damaging than simple violence, that it should recognise the effects of an abusive home environment on children, and that it should take account of patterns of coercive and/or controlling behaviour even where violence is not evident.

In addition, a very important function of dedicated domestic abuse legislation would be to make domestic abuse a clearly defined crime. This would mean that the perpetrator's criminal record would show that they had committed domestic abuse rather than simply record an assault, public order offence or similar.

I have no doubt that additional requirements will be raised during the development process, which I will do my best to accommodate. My intention is to bring a draft Law to the Assembly in 2020.

The current position and recent developments

While new legislation in this area is essential, members should note that in recent years the Assembly has approved significant improvements in the protection offered to victims of domestic abuse, and in the prosecution of abusers. The new provisions in the Criminal Procedure (Jersey) Law 2018 to allow evidence of hearsay and bad character will be of significant value in many domestic abuse cases, as will the improved provision for vulnerable witnesses to be brought into force in early 2020.

The Criminal Procedure (Bail) (Jersey) Law 2017 also offers improved protection to victims and witnesses by allowing bail conditions to be applied pre-charge to individuals arrested on the suspicion of domestic abuse.

In addition, the public order elements of the draft Crime (Prejudice and Public Disorder) (Jersey) Law 201-, which is currently under consultation, would provide that making threats to kill or cause harm are offences in themselves.

Lastly, the current guidance on prosecution of domestic abuse, issued by the Attorney General, recognises that *“Men, women and children can be victims of domestic abuse”*, and recommends that *“in cases involving an allegation of domestic abuse, if the evidential test is passed, the public interest will be generally in favour of a prosecution even if, for example, the injury was minor or the parties have reconciled.”* This reflects the gravity with which our Courts and Government treat this issue.