

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY S.Y. MÉZEC OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 2nd FEBRUARY 2016**

Question

What thought, if any, has the Minister or her predecessors given to introducing a new criminal offence for inciting racial or religious hatred? Would she be prepared to consider bringing forward legislation to introduce a new offence based on the one which currently exists in the U.K.?

Answer

I have asked officers to take steps to develop such legislation. Given that my current legislative priority is amending and updating the law on sexual offences, it is anticipated that this legislation will be progressed once that project is complete.

When developing Jersey's criminal law invariably consideration is given to models used in other jurisdictions and particularly elsewhere in the British Isles. Relevant UK offences might therefore provide a useful model for Jersey legislation.

In the interim it is worth noting that:

- Activity which might be charged as inciting racial hatred under the specific legislation which exists in England and Wales may still constitute an offence in Jersey, both contrary to customary law and under existing legislation.
- In their sentencing policy, the Jersey courts have made it clear that if an offence appears to the court to be racially motivated then that is regarded as a significant aggravating feature.
- On 1st April 2015 the States of Jersey Police introduced a new 'Hate Crime Policy' which places an increased emphasis on all crimes reported to the organisation that have any element, which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's (actual or perceived) race, religion, sexual orientation, disability, or against a person who is (or perceived to be) transgender. The policy ensures that dedicated supervisory oversight is immediately provided to all such reports, that the prosecution of any hate-crime is fast-tracked and that the 'hate' aspect of the offence is clearly highlighted in all police reports to the prosecution team. The Community Policing Chief Inspector is required to review all such crimes and to report accordingly to the SOJP Equality and Diversity Group, chaired by the Deputy Chief Officer.