

2016.11.15

4.6 Deputy S.Y. Mézec of the Minister for Home Affairs regarding progress towards making the incitement of racial hatred a crime in Jersey: [9715]

Following the launch by the States of Jersey Police of the True Vision reporting system for hate crime, will the Minister advise what progress, if any, is being made towards making and citing racial hatred a crime in Jersey and explain how such activity can currently be reported as a crime in the absence of such legislation?

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

Thank you. I am grateful to the Deputy for his continued interest in this important topic and I recall that he asked a similar question on this subject earlier this year and also asked the question of the Attorney General in relation to the matter. I must inform the Deputy, however, that the policy position has not changed since the beginning of the year. I have asked my officers to take steps to develop the necessary legislation and given that my current focus is on amending and updating the law on sexual offences, I expect this legislation to progress once the sexual offences project is complete. At the present time, I think, it is important to re-emphasise that activity, which might be charged as inciting racial hatred under specific legislation which exists in England and Wales, may still constitute an offence here in Jersey. In their sentencing policy, the Jersey courts have made it clear that if an offence appears, in court, to be racially motivated, then it is regarded as a significant aggravating factor.

4.6.1 Deputy S.Y. Mézec:

Supplementary. Could I just state on record that I do agree and support what the Minister is trying to do here and I do support this initiative that has been started. Can I just ask her a general question? With this initiative, and that she anticipates it to be the next piece of work she wants to do after the Sexual Offences Law has been updated, could she give any indication, just out of interest, of why the True Vision reporting system has been introduced now, before that legislation is in place, and is she aware of any statistics on hate crime in Jersey, at the moment, that might give her cause for concern and make her feel like it is something that needs to be pursued relatively soon in the agenda?

The Deputy of St. Peter:

Of course. I have asked the police for specific figures in this area but I have not yet received them, I am afraid, but early indications that we have been getting have been that we have not seen an increase in this crime, as has been seen in other places, which is a good thing. However, we do take it extremely seriously and it is important and the police felt it necessary to join the True Vision process. So, that is there for people to report this crime, which helps us to understand what is going on, if there is a need in the Island, which is important for us to develop a picture as we go forward and as we prepare legislation. I would also like to make it very clear to the Assembly that my department is not just working on the sexual offences legislation. They have also in train many other important pieces of work, such as the Independent Prison Monitoring Board, the Police Law, updated Criminal Procedure Law, Bail Law, marriage legislation, as well as the sexual offences project, but I do appreciate greatly the interest.

4.6.2 Deputy J.M. Maçon:

I am sure the Minister will be aware that hate crimes do not just extend to race and, therefore, in the Sentencing Guidelines for judges, can the Minister confirm whether it is the case, or not, that

crimes motivated by sexual orientation, religion and disability also carry the same weight as the crime which involves a racial element to it?

The Bailiff:

Would you like to reframe your question? There are no Sentencing Guidelines from the Executive to judges.

Deputy J.M. Maçon:

In the guidelines that the Minister refers to.

The Deputy of St. Peter:

Thank you for highlighting that, Sir, as I would have done the same. However, when we consider policy, I am sure we will be including in legislation the general remit of hate crime. However, as I have explained, we are in the early stages of developing this legislation.

4.6.3 Deputy J.M. Maçon:

So, is the Minister able to confirm that under the current situation whether those elements are given the same weight, or not?

The Deputy of St. Peter:

I believe that would be a matter for the courts.

4.6.4 Deputy S.Y. Mézec:

In a previous answer, the Minister said she had requested more information, but was still awaiting that. Could I just ask her, when she does get that information and, if it is appropriate, to share it with interested Members so that we can look forward to this legislation in a positive and constructive way?

The Deputy of St. Peter:

Of course. I will be most happy to and particularly with the Education and Home Affairs Scrutiny Panel, of which the Deputy is a member.