

**WRITTEN QUESTION TO THE MINISTER FOR JUSTICE AND HOME AFFAIRS
BY DEPUTY K.M. WILSON OF ST. CLEMENT
QUESTION SUBMITTED ON MONDAY 8th APRIL 2024
ANSWER TO BE TABLED ON MONDAY 15th APRIL 2024**

Question

“Following the recent changes in Scotland regarding hate speech and the introduction of [The Hate Crime and Public Order \(Scotland\) Act 2024](#), will the Minister advise whether it is her intention to develop similar legislation in Jersey?”

Answer

Work on the Draft Crime (Prejudice and Public Disorder) Law has been underway for some time and previously also incorporated what is now known as the Crime (Public Order)(Jersey) Law 2024, that was adopted by the Assembly earlier this year. In order to progress those public order aspects, the hate crime components were withdrawn and it is planned to progress these separately.

Unlike most jurisdictions, Jersey has not yet introduced legislation to address crime motivated by hatred or prejudice against groups of people, and there are no customary law offences which expressly cover this area. This is a gap that must be addressed in order for Jersey to meet its present international obligations.

Hate crime legislation has been in place in the UK since 1986, and is an established and well-tested aspect of law. On 1 April 2024, the [Hate Crime and Public Order \(Scotland\) Act 2024](#) came into force, which broadens the scope of Hate Crime offences. Alongside that new Act, Police Scotland has established a reporting system for non-crime hate incidents.

It is important that a modern, diverse society such as Jersey should provide adequate protection from such fundamentally unacceptable behaviour as hate speech and stirring up hatred or prejudice. Having appropriate legislation in place to address such behaviour would clearly re-enforce Jersey’s commitment to equality, reflected recently in the introduction and gradual extension of the Discrimination (Jersey) Law 2013.

That being said, Scotland’s expansion of the scope of the offences has meet with some public concern, and I am determined that anything that we do locally will be tailored to the needs of our community with appropriate defences where relevant. Very careful consideration will need to be given to the balance between the protection of free speech and any legitimate public interests the offence might pursue.