

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY S.Y. MÉZEC OF ST. HELIER
ANSWER TO BE TABLED ON MONDAY 14th DECEMBER 2015**

Question

Would H.M. Attorney General clarify the current law in Jersey governing the crime of inciting racial hatred and inform members whether there have been any prosecutions since it was introduced?

Answer

Under Jersey Law, there is no specific offence of inciting racial hatred. There have, therefore, not been any prosecutions.

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. For example, it is an offence contrary to Article 2 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 to use threatening or abusive words or behave in a threatening or abusive way and a person using racially inflammatory language in public may be prosecuted under that legislation. Such conduct might also be charged as a Breach of the Peace under Jersey customary law.

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.