

2025.06.24

3.12 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of H.M. Attorney General regarding delays in implementing domestic abuse guidance relating to coercive and controlling behaviour (OQ.140/2025):

Although I know that the Attorney General is not in the Assembly.

The Deputy Bailiff:

Yes, the question will be answered by the Solicitor, yes.

Deputy K.L. Moore:

Following the publication of the Violence Against Women and Girls Annual progress report, will the Attorney General explain why recommendation 4 regarding the publication of guidance on the application of the new offence of domestic abuse that was established by the Domestic Abuse Law 2022 in June 2023, in particular concerning what behaviour constitutes coercive control and controlling behaviour, has not yet been implemented?

Mr. M. Jowitt, H.M. Solicitor General (rapporteur):

A draft of the guidance is due to be completed this Friday, assuming it is in order and I anticipate it will be. It should be published on the Attorney's webpage shortly thereafter. The guidance will not only make clear, in accordance with recommendation 4 of the report, what kinds of behaviour constitute coercive and controlling behaviour, it will also make clear that economic abuse is covered within the offence of domestic abuse in line with recommendation 26, and will provide a definition of immigration abuse in accordance with recommendation 51. I hope that is helpful.

3.12.1 Deputy K.L. Moore:

Will the Solicitor General be able to explain why it has taken 2 years to achieve this?

The Solicitor General:

The progress report itself recognises that it was a work in progress. I am quoting from page 18 under the recommendations I have just mentioned, which states that: "By agreement the Law Officers' Department will be reporting on the progress of the above recommendations separately." It is a question, as with most departments, of priorities. Yes, undoubtedly issuing public guidance on this topic is very important but so too and possibly more so is prosecuting cases of domestic abuse. In the 24 months since the law came into force the department has brought 16 prosecutions for domestic abuse, 14 of which involved coercive and controlling behaviour. Of course domestic abuse is only one aspect of violence against women and girls. The department has been evermore involved and engaged in prosecuting serious sexual offending against women and girls over the last several years. Indeed I am just looking at the Legal Information Board, 2 rape cases were sentenced last month, a third were sentenced the month before, a fourth in March. There is always room for improvement, Madam, but the department has not been sitting on its hands where addressing violence against women and girls is concerned.

3.12.2 Deputy H.M. Miles of St. Brelade:

One of the findings of the V.A.W.G. (Violence Against Women and Girls) report was about changing the culture of misogyny that is so prevalent in Jersey. Does the Solicitor General agree that recommendations are a key element to changing this culture? Would he agree that

guidelines for people working in law enforcement, including the Honorary Police, around coercive and controlling behaviour should have been put further up the priority list?

The Solicitor General:

It is even further up the priority list. As I say, there is always room for improvement and if that could have been done earlier, well perhaps they should have been. But of course we recognise in the department the importance of all those working in law enforcement understanding the dynamics of domestic abuse and controlling behaviour. Guidelines in that sense are important, as indeed is the V.A.W.G. exercise that we are all engaged in.

3.12.3 Deputy H.M. Miles:

What training does the Attorney General and his department provide to users of the guidelines? Does he undertake any research to understand the impact?

The Solicitor General:

If I understand the question, we do not give training to members of the public but we do have training for our lawyers, and that occurs on a regular basis. It is conducted by and overseen by some often really very experienced criminal lawyers in this field from England and Wales; one is talking about King's Counsel and people who are leaders in their field. Within the department it is - I hope Members will understand - taken enormously seriously. We are always very keen to improve the quality of the service we are able to provide.

3.12.4 Deputy L.M.C. Doublet of St. Saviour:

What stakeholders were involved in the drafting of this guidance, please, or indeed what experts were involved? How will this guidance be kept under review?

The Solicitor General:

The guidance has had input from leading counsel in England. How will it be kept under review? I do not know at the moment the answer to that but it will be kept under review. I issue this invitation now to Members, it will be a public document; if Members of the Assembly want to express views on it we are always willing to listen and take that into account. I encourage that if Members feel sufficiently about it that they want to engage with us.

3.12.5 Deputy L.M.C. Doublet:

Would the Solicitor General commit to setting a date perhaps in a year's time or 2 years' time to review this guidance to see if it is being effective and to include local stakeholders and indeed experts in coercive control and controlling behaviour in this review?

The Solicitor General:

That is a matter I will raise with the Attorney General but I am not able, I think, to say that for myself.

3.12.6 Deputy K.L. Moore:

What regular interaction does the Attorney General and Solicitor General have with the relevant Minister in order to assist them with defining their priorities in work and also setting K.P.I.s with regard their delivery of reports and recommendations?

[11:30]

The Solicitor General:

I know that the Attorney has reasonably regular meetings with the Minister for Justice and Home Affairs. I myself have not been involved in those, and I am not sure I can assist further in terms of the extent of his involvement.