

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR
QUESTION SUBMITTED ON MONDAY 15th MARCH 2021
ANSWER TO BE TABLED ON MONDAY 22nd MARCH 2021**

Question

With reference to the public consultation on the Draft Crime (Prejudice and Public Disorder) (Jersey) Law that took place between October 2019 and January 2020, will the Minister advise –

- (a) how many responses were received; and
- (b) whether or not the Minister sought to obtain views from relevant stakeholders and the public relating to making gender a protected characteristic under the Law, providing the names of any stakeholder groups approached; and, if not, how he will ensure that this is done prior to any further work being undertaken to progress the Draft Law?

Answer

- (a) The public consultation on the Crime (Prejudice and Public Disorder) (Jersey) Law 201- was launched on 14 October 2019 (to coincide with National Hate Crime Awareness Week) and was scheduled to run for eight weeks until 9 December. In that time, 8 responses were received.

However, given the importance of the legislation I had hoped for greater engagement, so I instructed officers to extend the consultation to 10 January 2020 to allow additional submissions to be made, after Christmas if necessary. In this period, 5 additional responses were received.

In total, 13 responses were received.

- (b) The consultation was not directed to specific organisations but was publicised and made universally available.

Section 3 of the consultation (linked) addressed the scope of protection, and specifically addressed the question of inclusion of sex (identified as ‘sex’ to distinguish it from gender identification, which was included separately as a protected characteristic). The consultation recognises in the opening line on the subject that this “*is arguably the most contentious omission*” and notes that “*a number of jurisdictions are considering the question at this time and the debate is far from settled*”.

Question 8 asked, “Do you think that the Law needs to make crimes motivated by gender ‘crimes of prejudice’?”.

The consultation was made available to any party who wished to respond and was accompanied by requests for responses in both traditional and social media. In order to ensure that everyone who wished to respond had a chance to do so, I extended the consultation period as detailed above, and that extension was itself publicised in the same way.

Thus, any stakeholder groups could have responded, and the consultation not only gave the question significant priority but sought to create debate and discussion on this point by clearly identifying that this was a contentious issue and core question.