

23.03.21

**8 Deputy C.D. Curtis of St. Helier Central of the Minister for Home Affairs regarding the criminal justice process (OQ.49/2023)**

Will the Minister commit to undertaking a review of the criminal justice process regarding rape investigations, and if not, why not?

**Deputy H. Miles of St. Brelade (The Minister for Home Affairs):**

I share the concerns expressed about the number of successful rape prosecutions in recent years. Clearly, something needs to change. I note the Deputy's question is specifically about investigations rather than, for example, the judicial process. We do have a robust process in place for investigating rape and sexual assaults and I am confident that allegations are being investigated thoroughly. It is unfortunate that this is therefore not leading to more successful prosecutions but of course those decisions are taken by the courts which are independent of the Executive. As the Deputy will know, we have established a taskforce to look into issues about violence against women and girls. My understanding is that the taskforce will consider the matter when developing their recommendations. They are due to report their findings and submit their recommendations to Government in July this year. Until they have done so, and we have the benefit of those findings and experiences, I feel it would be premature to commence the kind of review the Deputy is suggesting.

**3.8.1 Deputy C.D. Curtis:**

I thank the Minister for her reply. Once that taskforce report is published, will the Minister consider conducting an analysis of the results and also include consideration of best practice from other jurisdictions?

**Deputy H. Miles:**

I thank the Deputy for her question. Yes, of course, the report that will be provided by the taskforce will comprise a series of recommendations and those recommendations will be analysed and an action plan will be developed, and we looked very broadly and internationally against best evidence to tackle the issues around gender-based violence.

**3.8.2 Deputy S.Y. Mézec:**

Is the Minister aware of the previous work done by a Scrutiny Panel on the Sexual Offences Law which proposed some changes that could have been made to the processes in court for sexual offences with the intention of building more confidence in that system which would of course have a knock-on effect into the investigations and people's willingness to come forward? Is she aware of the work of that Scrutiny Panel and what recommendations it made?

**Deputy H. Miles:**

I thank the Deputy for his question. In my previous life I was the policy director that was leading the work on the Sexual Offences (Jersey) Law 2018 and worked very, very closely with Scrutiny; in fact, hand-in-hand with Scrutiny in order to deliver that law. There were a number of recommendations that we chose not to include in that particular law but I am certainly not averse to following those up during my period of office.

**3.8.3 Deputy S.Y. Mézec:**

One of the recommendations that was made by that panel and I think, in fact, brought to the Assembly but defeated, was on the role of jury trials in proceedings for sexual offences. This is

something that was recently brought up, I think, in the media by campaigners on this subject. Is that something that the Minister would give consideration to, looking at what other jurisdictions do to provide for systems that are more likely to give people confidence that can lead to justice?

**Deputy H. Miles:**

Once again, I thank the Deputy for his question. The issue about jury trials was not brought to the Assembly in 2018 but it was left for consideration. Certainly in other jurisdictions, particularly Germany, the court has a panel of experts who would adjudicate on such matters. I am waiting to see what the taskforce recommends but I certainly would consider the possibility that we might move towards Jurat trials for offences of rape and serious sexual assault.

**3.8.4 Deputy M. Tadier:**

How does the Minister discern whether the low prosecution rate that she referred to for sexual offences is down to a failure in the mechanism somewhere, either from reporting those instances or failure to prosecute or other obstacles, or whether it could be a reflection of lower instances of sexual offences taking place?

**Deputy H. Miles:**

I thank the Deputy for his question. As the Deputy will know, the issue around rape and serious sexual offences is extremely complex. One of the main challenges that we have remains victim engagement with the criminal justice process per se. Certainly the States of Jersey Police and other agencies and voluntary organisations are trying to increase the level of trust and confidence to encourage victims of such offences to come forward.

**3.8.5 Deputy R.J. Ward:**

Does the Minister feel that the new facility - the newish facility now - the Sexual Assault Referral Centre, will assist in those initial investigations and the gathering of evidence to enable more prosecutions to happen when these assaults have been happening to people?

**Deputy H. Miles:**

Thank you for the question. The Sexual Assault Referral Centre has already had an impact on the trust and confidence of victims coming forward. As the Deputy will know, the Sexual Assault Referral Centre does not necessarily lead to police involvement. It means that people can come forward and receive the necessary support and care and also evidence gathering in order to give them time to decide whether or whether not they would like to pursue a police investigation.

**3.8.6 Deputy A. Curtis:**

Would the Minister agree that this is a matter of some urgency and will she prioritise this matter?

**Deputy H. Miles:**

Yes, we take the issue of rape and serious sexual assault very, very seriously, which is part of the reason that the Violence Against Women and Girls Taskforce has been established, so that we get a very accurate and in-depth picture of what is happening locally and how we can support the victims of that type of offending.