

**WRITTEN QUESTION TO THE MINISTER FOR JUSTICE AND HOME AFFAIRS
BY DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR
QUESTION SUBMITTED ON MONDAY 23rd SEPTEMBER 2024
ANSWER TO BE TABLED ON MONDAY 30th SEPTEMBER 2024**

Question

“Further to Oral Question [133/2024](#), will the Minister provide details of –

- (a) what areas her planned consultation on hate crime will be focused on;
- (b) whether she intends to uphold former Minister Connétable Len Norman’s 2021 commitment to include sex and gender as a protected characteristics in the proposed Crime (Prejudice and Public Disorder) (Jersey) Law;
- (c) her discussions with the Chief Officer of the States of Jersey Police in relation to hate crimes; and
- (d) whether the States of Jersey Police will be recording data on crimes motivated by hatred?”

Answer

- (a) The consultation has not yet been developed, but I expect that it will consider at least-
 - The proposed form and detail of the offences;
 - the protected characteristics and any specific exemptions to the activities that constitute hate crime in each case;
 - the balance of rights between free speech and harmful material; and
 - real or designed case studies intended to help clarify the meaning of the legal wording.

I hope that the widest possible cross-section of the public will share their views on the principles behind the legislation as well as the specific proposals, in order to allow us to gauge whether the planned treatment of hate crime is in line with expectations.

- (b) I have not yet reached a final decision on this point. I think that in principle, sex should be a protected characteristic because the expression of hatred against women or men, simply of the grounds of their sex, is as objectionable and harmful as hate acted upon or expressed on the grounds of any other characteristic.

However, I note that the Taskforce on Violence Against Women and Girls did not recommend including sex as a protected characteristic, although it made numerous recommendations for legislative improvements to protect women and girls, all of which I am progressing.

Furthermore, there are a number of complexities arising from the inclusion of both sex and/or gender, which need further careful consideration.

Members will appreciate that these are extremely complex questions which are still being worked through, and I will be very interested to see the consultation responses on these points.

- (c) I meet with the Chief Officer regularly to discuss a wide range of issues, and to be briefed on operational matters, including hate crime.
- (d) The States of Jersey Police record data for reported incidents and crimes that have occurred which feature a hate element.

This includes any criminal offence, or non-crime incident, which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's (actual or perceived) race, religion, sexual orientation, disability, or against a person who is (or perceived to be) transgender.

The control room when completing an ilog (reported incident log) will finalise the log with the relevant prejudice classification as below. This is taken from the National Standard for Incident Recording as defined by the Home Office which the States of Jersey Police follow as best practice.

Prejudice – Racial
Prejudice – Religion or Belief
Prejudice – Sexual Orientation
Prejudice - Transgender
Prejudice - Disability

Crime files where there is a hate related element also have flags that the Officer can select – these are contained within the victim nominal.

LGBT Motivated?
Faith Motivated?
Age Motivated?
Racially Motivated?
Disability Motivated?