

STATES OF JERSEY



DRAFT CRIME (STRANGULATION) (JERSEY) LAW (P.8/2025): AMENDMENT (P.8/2025 AMD.) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 6th February 2026
by the Minister for Justice and Home Affairs**

STATES GREFFE

CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	Deputy Mary Le Hegarat, Minister for Justice and Home Affairs
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister
Assessment completed by (if not completed by duty bearer):	Assistant Director, Justice
Date:	21/01/2026

1) Name and brief description of the proposed decision

The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the '**decision**'

- What is the problem or issue the decision is trying to address?
- Do children experience this problem differently from adults?

The purpose of the proposed Crime (Strangulation) (Jersey) Law is to create a new offence, with a penalty of imprisonment for a maximum term of 10 years or a fine, for someone intentionally strangling another person. This follows Recommendation 25 of the Violence Against Women & Girls (VAWG) Taskforce Report, which requires that "Non-fatal strangulation should be named as a standalone offence".

In line with other jurisdictions, and to properly respect the Human Rights of the accused, a defence is included where the victim consented to strangulation, and no serious harm was intended or occurred. The amendment makes a change to this limited defence by clarifying that to succeed it must be proven on the balance of probabilities.

Separately, once the legislation was lodged and available for public view, my officers were approached by academics from Exeter University who have undertaken research on the impact of standalone strangulation offences on preventing intimate partner homicides. Following a review of the proposition, these researchers suggested that the restriction of blood flow to the brain should be included in the definition of strangulation, as this is the most damaging aspect of strangulation. The amendment therefore expands the definition of strangulation to include deliberate actions that restrict the flow of blood to a person's brain.

2) Which groups of children and young people are likely to be affected?

Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children

All children and young people could potentially be affected by this decision.

3) What is the likely impact of the proposed decision on children and on their rights?

• Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC • Will different groups of children be affected differently by this decision?
This proposed Law will positively impact children and young people by highlighting the uniquely harmful effects of strangulation, which is becoming a more common sexual behaviour amongst young people, and overall, it is considered that young people are more likely to be protected by this legislation than prosecuted under it. The modification to the defence is primarily a clarification, but it may have the effect of marginally restricting the application of the defence, with a hypothetical effect on the conviction rate. The change in the definition will allow the harms resulting from restricting blood flow to the brain to be properly recognised by the law. Nothing in the amendment is expected to make a material difference to the rights of children in Jersey.
4) Is a full Children's Rights Impact Assessment required? If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion
No, for the reasons above.