

STATES OF JERSEY



DRAFT SEXUAL OFFENCES (JERSEY) AMENDMENT LAW 202- (P.5/2026): CHILDREN'S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 13th January 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
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister for Justice and Home Affairs
Assessment completed by (if not completed by duty bearer):	Justice Policy Officer
Date:	22/08/2025

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 primary purpose of amending the Sexual Offences (Jersey) Law 2018 is to include new offences of possessing, making, sharing, threatening to share, causing to make or share intimate images or deepfake intimate images without consent. Also, the amendments will create a new offence of sending unsolicited pornographic content and amend the existing voyeurism offence to remove the requirement to prove intent of "sexual gratification".

The purpose is to ensure that behaviours associated with intimate image abuse are captured, and offenders are held accountable.

These amendments are the result of a recommendation made by the Violence Against Women and Girls ("VAWG") Taskforce Report in 2023, which states:

The Government of Jersey should review and strengthen the current legal framework to better protect islanders from online and technology-facilitated abuse. In particular, we recommend that the following should be considered:

- The criminalisation of cyber flashing and the use of deep fakes.
- The problem and evidential burden of motivation thresholds that require proof of intention to cause distress or gain sexual gratification.
- The criminalisation of different forms of tech-facilitated abuse, including cyberstalking.

This recommendation was accepted by the Chief Minister in March 2024.

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?
The amendments to this Law will positively impact children and young people by criminalising intimate image abuse. The Protection of Children (Jersey) Law does not currently recognise some of the offences listed, such as threatening to share an intimate recording, causing a person to make or share an intimate recording, and sending unsolicited pornographic images or content, therefore the proposed amendments will protect children from these offending behaviours. The law does not specifically deal with indecent images of children, which are already addressed by the Protection of Children Law. Arguably, solicitation of such images would also be captured by the ‘Causing or inciting a sexual act’ offences in the Sexual Offences Law. However, the new ‘threats’ offences, concerning images given with consent or taken without consent, as well as the provisions concerning deepfake images, are directly relevant to children given the globally recognised issues around groups of young people making and sharing such images. Sharing intimate images amongst peer groups would seem to be captured, albeit inadequately, by the current offence of ‘improper use of telecommunications system’ in Article 51 of the Telecommunications Law. Hence, the introduction of the making and sharing offences should not actually widen the spread of potential offences amongst children. However, we do recognise that the ‘threats’ offences will represent net-widening, and the introduction of specific legislation may make prosecutions for these acts more common. In relation to Art 37 (inhumane treatment and detention) and Art 40 (juvenile justice), the intention of the legislation is not to criminalise young people that share intimate recordings in the context of positive and consensual relationships, and it does not automatically follow that children who engage in the associated unlawful behaviours will be criminalised, given the significant hurdle of passing the public interest test for such a prosecution. Overall, it is considered that children are more likely to be protected by this legislation than prosecuted under it.
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
Yes, because children will be affected, mostly positively, by this Law amendment.

If screening determines that a full CRIA is needed, complete Part 2

Part 2: FULL CHILDREN’S RIGHTS IMPACT ASSESSMENT

5) What will be the impacts (positive or negative) of the proposed decision on children's rights?			
For each of the UNCRC articles described below, click to identify any that may be relevant ☒			
Category	UNCRC Article	Impact? YES NO	
Guiding Principles	Non-discrimination (Art 2)	☒	☐
	Best interests of the Child (Art 3) to be a top priority	☒	☐
	Right to Life survival and development (Art 6)	☒	☐
	Respect for the child's views (Art 12)	☒	☐
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	☐	☒
	Right to an identity (Art 8)	☐	☒
	Freedom of expression (Art 13)	☒	☐
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	☐	☒
	Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations	☐	☒
	Right to Privacy (Art 16) including family and home life	☒	☐
	Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand	☒	☐
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	☐	☒
Family Environment and Alternative Care	Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5)	☐	☒
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	☐	☒
	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	☐	☒
	Family reunification (Art 10)	☐	☒
	Abduction and non-return of children abroad (Art 11)	☐	☒

	Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27)	☒	☐
	Special protection for children unable to live with their family (Art 20)	☐	☒
	Best interests of the child in the context of Adoption (Art 21)	☐	☒
	Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.	☐	☒
	Protection from violence, abuse or neglect (Art 19)	☒	☐
	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.	☐	☒
Basic Health and Welfare	Rights of disabled children (Art 23)	☐	☒
	Right to health and health services (Art 24)	☐	☒
	Right to social security (Art 26)	☐	☒
	Right to adequate standard of living (Art 27)	☐	☒
Education, Leisure and Cultural Activities	Right to education (Art 28)	☐	☒
	Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full	☐	☒
	Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities	☐	☒
Special Protection Measures	Special protection for refugee children (Art 22)	☐	☒
	Children and armed conflict (Art 38 and Optional Protocol #1) Governments must do everything they can to protect and care for children affected by war and armed conflict.	☐	☒
	Children and juvenile justice (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	☒	☐
	Inhumane treatment and detention (Art 37 (b)-(d)) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.	☒	☐

	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life	☐	☒
	Child labour and right to be protected from economic exploitation (Art 32)	☐	☒
	Drug abuse (Art 33)	☐	☒
	Sexual exploitation (Art 34)	☒	☐
	Abduction, sale and trafficking of children (Art 35)	☐	☒
	Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	☐	☒
	Children belonging to a minority or an indigenous group (Art 30)	☐	☒
	Optional Protocol on the sale of children, child prostitution and child pornography	☐	☒
	Optional protocol on the involvement of children in armed conflict	☐	☒

6) Information and research What evidence has been used to inform your assessment?		
Evidence collected (include links to relevant publications)	What did the evidence tell you?	What are the data gaps, if any?
VAWG Taskforce Report	The Violence Against Women and Girls Taskforce report findings identified the issue of online and tech-facilitated abuse and how this form of abuse can be just as harmful as offline violence with effects including declining health and well-being of women and girls experiencing it as well as social and economic impact. The VAWG report consultation was comprised of a public survey and engagement with victim-survivors whose evidence helped to	

	inform the recommendations to amend the law.	
Jersey Children and Young People's Report 2024	Secondary school students were asked if they had experienced ever received a sexual video or photo of someone online / on your mobile phone; over a quarter (28%) of young people reported receiving a sexual photo or video online. a third (30%) of females had received a sexual video or photo compared to a quarter (25%) of males over half (51%) of year 12 females have received a sexual video or photo compared to two-fifths (40%) of year 12 males young people from mixed sex schools (31%) were more likely to have received a video or photo of someone online compared to same sex schools (22%)	
Understanding-and-combatting-youth-experiences-of-image-based-sexual-harassment-and-abuse-full-report.pdf	A significant proportion of young people taking part in the consultation reported receiving unsolicited and unwanted images or videos of a sexual nature. 44% girls who took part in the consultation agreed or strongly agreed that they felt pressured to send sexual images of themselves. Compared to 45% of boys who strongly disagreed they felt pressured.	Report is based on research conducted in the UK so is not specific to Jersey. It does however support the findings of the VAWG Taskforce report

	In a Jersey context, these findings do support the recommendation of the VAWG Taskforce that legislation should be amended to criminalise such behaviours to protect women and girls.	
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7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?		
Groups consulted	How they were involved	What were the findings?
The VAWG Taskforce, consisting of PSHE teachers, youth workers, headteachers, and other professionals	The VAWG Taskforce contributed to the research by sharing the experiences of children and young people whom they teach and support.	That children and young people experience VAWG related behaviours, including intimate image abuse.
Focus groups on young people were used in the research in (6)	Qualitative and quantitative research conducted with 480 young people aged 12 to 18 years old.	Stated in (6) from Understanding-and-combatting-youth-experiences-of-image-based-sexual-harassment-and-abuse-full-report.pdf

8) Assessing Impact on children's rights Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children's rights identified in question 5)?		
Relevant UNCRC Articles (rights) identified in Q5	Describe the positive or negative impacts on these rights	Which group(s) of children are likely to be affected?
Article 2 (non-discrimination)	The Law will ensure that children's rights to dignity, privacy, and safety are upheld without discrimination of any kind, including on the basis of gender, age, disability, or appearance. Any child can experience intimate image abuse, but it disproportionately affects girls. By criminalising such behaviour, the Government is reinforcing its	All children

	commitment to treating all children equally and protecting them from unequal treatment and abuse.	
Article 3 (best interests of the child)	The Law aims to place making the children's best interests a primary consideration, ensuring adequate protection and care, and reinforcing institutional standards for safeguarding children from intimate image abuse. Recognising the harm that intimate image abuse can cause, such as fear, anxiety and distress demonstrates a proactive approach to safeguarding children's well-being, dignity, and development. It ensures that children's rights and safety are considered.	All children
Article 6 (right to life, survival, and development)	Exposure to intimate image abuse including unsolicited pornographic content can undermine a child's sense of safety, mental health, and freedom of movement. The Law will help to create safer environments, both online and in person, as the legislation is technology neutral, supporting healthy development.	All children
Article 12 (right to be heard)	Amendments to the Sexual Offences (Jersey) Law 2018 will raise awareness and empower children to feel safe and to recognise and report intimate image abuse behaviours	All children
Article 16 (right to privacy)	Intimate image abuse, often in the form of sending unsolicited pornographic images or threatening to share intimate images, is a violation of a child's right to privacy and often causes	All children

	guilt, shame or humiliation. The amendment will criminalise such behaviours, reaffirming children's right to be treated with respect and dignity.	
Article 17 (access to information)	Amending existing legislation to incorporate intimate image abuse behaviours would support the development of appropriate guidelines for the protection of the child from information and materials injurious to his or her welling such as protecting children from harmful online content for example "revenge porn" or deepfake intimate images.	All children
Article 19 (protection from violence, abuse, and neglect)	The Law will criminalise and therefore protect children from behaviours that are associated with intimate image abuse.	All children
Article 27 (right to an adequate standard of living)	Children who are victims of intimate image abuse often suffer from anxiety, depression, and social isolation. By further criminalising this behaviour alongside the existing protections in the Protection of Children (Jersey) Law 1994 the law will help protect their mental and emotional health, which is a key part of their overall standard of living. Including intimate image abuse in the law raises awareness and encourages education campaigns. This will help children recognise harmful behaviours early and seek help, contributing to a safer and more informed environment.	All children
Article 34 (sexual exploitation)	Behaviours such as sending unsolicited pornographic	All children

	content are often normalised, which contributes to a society which tolerates and minimises intimate image abuse. The amendment to the Law alongside the Protection of Children (Jersey) Law will create a zero-tolerance environment around child sexual exploitation and reinforces legal safeguards.	
Article 37 (inhumane treatment and detention)	The Law applies to all ages of offenders, which may criminalise young perpetrators. Children and young people should only be arrested as a last resort and must be treated with respect and care if they encounter the criminal justice system, regardless of the offending behaviour. Education and rehabilitation should take precedence over arrest and detention.	Any child who commits these behaviours
Article 40 (juvenile justice)	The Law applies to all ages of offenders, which may criminalise young perpetrators. It will be important to address the underlying causes of these behaviours and focus on rehabilitation, rather than punitive punishment of young offenders. Where children are alleged to have engaged in intimate image abuse, their rights under Article 40 must be upheld.	Any child who commits these behaviours
9) Weighing positive and negative impacts • If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact? • Could any positive impacts be enhanced?		
While the introduction of intimate image abuse legislation into the Sexual Offences (Jersey) Law 2018 has clear benefits for children's rights, it is important to address any potential negative impacts.		

Article 40 (juvenile justice) rights may be affected by this Law, should a child or young person engage in intimate image abuse behaviours, which will be considered an offence under the amendment. To mitigate these impacts, it is essential that enforcement agencies, such as police officers and professionals in the youth court, implement the Law amendment in a child-sensitive and non-discriminatory way. Emphasis should be placed on proportionality, ensuring that any interventions involving children are grounded in safeguarding rather than criminal justice.

Where children are alleged to have engaged in intimate image abuse behaviours, their rights under Article 40 and 37 must be upheld. This includes access to child-friendly justice processes, legal support, and, where appropriate, the use of restorative and educational interventions in place of criminal prosecution. Incorporating diversionary pathways into the enforcement model will avoid the unnecessary criminalisation of children, while still holding them accountable for harmful behaviour and providing opportunities for behaviour change; this will be supported by the Youth Justice Roadmap and aligns with the Building a Safer Community (BASC) framework, which both support a child-centred approach and seeks to ensure that anyone under 18 who is accused of a criminal offence is treated as a child first.

To enhance the positive impacts, education around the new offences such as sending or receiving unsolicited pornographic content will reinforce children's understanding of their rights under Articles 2, 3, 19, and 34. Education can also challenge harmful norms and empower children to speak out when they experience or witness intimate image abuse behaviours.

10) Conclusions

In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?

In conclusion, although some of these offences are duplicated in the Protection of Children (Jersey) Law 1994 it is important to consider the ongoing harms that will remain if these provisions are not passed. Whilst cross referencing the Protection of Children Law and the suggested amendments to the current Sexual Offences Law, gaps including threatening to share an indecent photograph of a child and sending unsolicited pornography content, “cyberflashing”, to children were identified.

The introduction of this Law amendment is likely to have more positive than negative impacts on the rights of children, particularly in relation to their protection from violence, abuse, and sexual exploitation. The proposed Law amendment strengthens the Government’s obligations under Articles 2, 3, 16, and 34 of the UNCRC by prioritising children’s best interests, safeguarding their dignity, and reinforcing protection from sexual harm.

This CRIA identifies potential risks to the rights of children under Article 40. To maximise the benefits and minimise the risks, a child-centred approach should be adopted, with restorative approaches to respond to young perpetrators rather than punitive approaches. This will ensure the meaningful contribution to upholding and advancing the rights of children and young people in Jersey.