

STATES OF JERSEY



DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202- (P.8/2026): COMMENTS

**Presented to the States on 9th March 2026
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

Background context

Within the Government of Jersey's 2024–2026 Common Strategic Policy, a stated priority is to implement the recommendations of the Violence Against Women and Girls ('VAWG') Taskforce report, which was published in November 2023. The Draft Crime (Strangulation) (Jersey) Law 202- (the 'draft Law') is one of five pieces of legislation lodged by the Minister for Justice and Home Affairs on 13th January 2026 to address some of the recommendations of that VAWG Taskforce report. The Minister for Justice and Home Affairs lodged the Draft Crime (Strangulation) (Jersey) Law 202- (P.8/2026): Amendment (the 'Amendment') to the draft Law on 6th February 2026. These Comments will address both the draft Law and the Amendment.

As set out in the report accompanying the proposition, the draft Law is specifically intended to address the first part of Recommendation 25 of the VAWG Taskforce report (which had two parts) namely:

- *Non-fatal strangulation should be named as a standalone offence.*
- *Guidance on the evidentiary basis for proving non-fatal strangulation should be issued alongside the offence.*

The Panel was initially briefed about the draft Law on 12th February 2025. A public hearing with a focus on VAWG was held with the Minister for Justice and Home Affairs on 16th July 2025. The Panel received a further briefing prior to the lodging of the draft Law on 17th December 2025.

What will the draft Law do?

Under the current legal framework in Jersey, incidents of strangulation are prosecuted as common assault or grave and criminal assault under customary law and the Panel was advised that this position did not fully capture the severity of the offence. The draft Law proposes to introduce a specific statutory offence of strangulation. For the purposes of this offence, "strangle" will be defined to include suffocating, choking, restricting a person's breathing by any means, or restricting the flow of blood to a person's brain by any means. The draft Law also confirms that the existing customary law offences will remain unaffected.

The draft Law will provide a defence for the defendant ('person A') if they can prove on the balance of probabilities that there was consent from the strangled person ('person B') for the strangulation and that person B did not suffer serious harm, or that B did suffer serious harm, but this was not intended and it was not induced recklessly.

Queries from the Panel

New standalone legislation

During the public hearing with the Minister for Justice and Home Affairs on 29th January 2026 the Panel asked why a standalone law had been developed for this offence and referenced a previous suggestion that it could have been incorporated as an offence into the updated Domestic Abuse (Jersey) Amendment Law. It was explained to the Panel that in the U.K., although the Domestic Abuse Act introduces the offence, it does

so by amending the Serious Crime Act 2015, meaning the offence does not ultimately sit within domestic abuse legislation. In Jersey, without an equivalent Offences Against the Person Act or other statutory structure for assault-related offences, placing the offence within this draft Law was regarded as the most straightforward operational approach.¹

Financial impact on Government provided services

The proposition report notes potential wide impact on Government services in the 'Financial and staffing implications' section, as it is indicated that "the criminal justice system is already under significant pressure"² and that the number of VAWG-related reported crimes has increased by 27% in the last 3 years.³ The re-issued proposition report notes that the demands on the system will increase as new legislation is brought forward and estimates that up to 369 additional crimes are likely to be recorded in the second year of implementation, resulting in a total revenue cost of £3 million - £7 million.

During the public hearing on 29th January 2026 the Panel had asked for more information on the financial implications and the Minister for Justice and Home Affairs indicated that development of an investment plan in relation to all the resources requires and all the services impacted was ongoing.⁴ The Panel asked for further details in writing following the hearing and the Minister responded to explain that:

Assumptions then need to be made about how many cases this will equate to in each part of the system, and how the increase will be seen in phases. This has recently (on Wednesday 11 February) been discussed at the Criminal Justice Systems Board (reconvened for the first time in some years, as previously discussed with the Panel), and members of the Criminal Justice Working Group are considering their respective requirements.⁵

In the letter dated 13th February the Minister also confirmed that "it is expected that most functions of the criminal justice system will need an increase in staff."⁶ Together with other anticipated investments and modernisations impacting digital storage, prison accommodation and court facilities.

The Minister for Justice and Home Affairs re-issued the report with the proposition on 9th March 2026 in order to reference updated financial analysis which had been undertaken to assess the impact of the draft Law and the other proposed legislative updates collectively. The table provided in the re-issued report details the range of cost which could be incurred through low / central / higher levels of offending and crime. The table is copied below for ease of reference:

¹ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p.13

² Report accompanying re-issued 'Draft Crime (Strangulation) (Jersey) Law 202-' [[P.8/2026](#)], p.6-7

³ Ibid

⁴ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 11

⁵ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

⁶ Ibid

	2027	2028	2029	2030
Low Range	1,701	3,039	3,193	3,327
Central	2,598	5,209	5,545	5,937
Higher Range	3,495	7,255	7,855	8,426

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The Panel also notes that the Government intends to create a demand-led funding model which will be included in the next Government Budget, for 2027 – 2030.

The Panel has also received confidential letters from the States of Jersey Prison Service, the States of Jersey Police, and sexual assault support services to provide further breakdown of detail in respect of the financial implications for each of those services.

Operational preparedness

During the public hearing with the Minister for Justice and Home Affairs, in response to a query about operational preparedness the Minister advised that:

I do not have the exact details because it is being managed on the Health side, but there does need to be, as I understand it, a clearly defined medical pathway for assessing the evidential arrangements for it if someone has been strangled.⁸

The Panel has not had direct correspondence with the Department for Health and Social Services about any operational guidelines that may impact its work when the draft Law is implemented so is unable to share further information with members in this comments paper. During the public hearing the Minister also referenced that the operational side for the States of Jersey Police remained in discussion.

Impact on children

In the Child Rights Impact Assessment (“CRIA”) accompanying the proposition it is highlighted that strangulation “is becoming a more common sexual behaviour amongst young people”⁹. Nevertheless, it explains that the intent of the legislation is not to criminalise young people who engage in the behaviour and summarises that young people are more likely to be protected by the legislation than prosecuted under it as the draft Law could create a positive impact by highlighting the uniquely harmful effects of strangulation.

The submission from the Office of the Children’s Commissioner for Jersey (“OCCJ”) did not raise any specific concerns about the draft Law in its response to the Panel’s review of the VAWG legislation. However, in referring to the VAWG legislative package as a whole (i.e. five pieces of lodged legislation), the OCCJ confirmed that:

⁷ Report accompanying re-issued ‘Draft Crime (Strangulation) (Jersey) Law 202-’ [P.8/2026], p.7

⁸ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p.13

⁹ [Child Rights Impact Assessment](#) for the Draft Crime (Strangulation) (Jersey) Law 202- [P.8/2026]

Overall, the OCCJ recognises the draft Laws as a major advancement in Jersey's approach to preventing violence against women, girls, and children. They collectively modernise Jersey's response to stalking, harassment, domestic abuse, image-based sexual abuse, sexual threats, and strangulation, all of which are behaviours which cause profound harm to children's wellbeing and development.¹⁰

Conclusion

The Panel supports the draft Law and considers that it will allow the criminal justice system to deal with cases of strangulation more effectively than the current framework, which relies on meeting specific thresholds to charge an individual under the customary law offence of common assault. The introduction of the law will also support the Government's Common Strategic Policy objective of addressing the VAWG Taskforce recommendations from 2023.

Statement under Standing Order 37A

These comments were submitted after the noon deadline as the Panel received the updated financial analysis information in the afternoon of Wednesday 4th March 2026 and morning of Thursday 5th March 2026. Combined with the earlier commencement of the States Assembly sitting (now expected on Monday 9th March 2026), we have not been able to process the information, finalise, and publish the comments by the deadline.

¹⁰ [Submission](#) – Office of the Children's Commissioner for Jersey – VAWG Legislation – 13th February 2026