

STATES OF JERSEY



DRAFT HARASSMENT AND STALKING (JERSEY) LAW 202- (P.6/2026): 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 Harassment and Stalking (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.

As set out in the report accompanying the proposition, the draft Law is specifically intended to address Recommendation 28 of the VAWG Taskforce report, which was that:

Stalking should be named as an offence in Jersey legislation.¹

The Panel was briefed about the early process to develop 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?

Harassment is an existing offence in Jersey under Article 6 of the Crime (Public Order) (Jersey) Law 2024, however, this article will be deleted, and the offence will be moved into the draft Law, which will also create the following new offences:

- Aggravated harassment, whereby the harassment, on more than one occasion causes another to fear that violence will be used against them, or if they are caused serious anxiety, alarm or distress which results in an adverse effect on the ability to carry out or participate in usual daily activities;
- Stalking, whereby harassment and stalking behaviour such as monitoring behaviour, intruding into personal or digital life, or disrupting, sabotaging or endangering the safety, well-being, reputation or livelihood of another (as per details in Article 4, paragraph 3 of the draft Law); and
- Aggravated stalking, whereby the stalking behaviour causes another to fear that violence will be used against them, or if they are caused serious anxiety, alarm or distress which results in an adverse effect on the ability to carry out or participate in usual daily activities.

Individuals found guilty of the harassment or stalking offences are liable to imprisonment up to a period of 5 years and to a fine. Penalties for the aggravated harassment or aggravated stalking offences will be imprisonment for up to 10 years and to a fine.

The draft Law will also introduce stalking protection orders (under Part 3). These are used in other jurisdictions such as England and Wales and are intended to allow early police intervention and provide increased protection for potential victims.

¹ ["It's a Hidden Problem" The issue of Violence Against Women and Girls in Jersey: A report by the Taskforce on Violence Against Women and Girls, November 2023](#)

Minor amendments will also be made to the Police Procedures and Criminal Evidence (Jersey) Law 2003, namely, to add stalking and aggravated stalking to the schedule of offences which are considered ‘serious offences’. Changes will also be made to the Crime (Public Order) (Jersey) Law 2024 to remove Article 6 (as detailed above) and replace a reference to the offences in the draft Law in relation restraining orders and the use of a motor vehicle, if relevant.

Queries from the Panel

Addressing a gap

During the public hearing the Panel asked the Minister for Justice and Home Affairs what impact the introduction of the new offences would have, and how important they were for Jersey. The Minister responded to say:

... From my perspective, there is a gap at the moment, so there is different offences. Of course, quite often people get confused about what is harassment and what is stalking and the differences between each. I think it is quite important that we have specific legislation for it because I think in the past it is not something that has been particularly well prosecuted.²

The Panel notes that the draft Law adopts a broader approach than that set out in VAWG Taskforce recommendation 28, but considers this to be consistent with, and supportive of, the wider intent of the Taskforce’s recommendations to address VAWG in Jersey.

Cyber-stalking

The Panel noted that the report accompanying the proposition states that the draft Law’s scope extended to cyber-stalking, however, neither this term nor any explicit reference to technology appears in the wording of the legislation itself. The Panel asked the Minister for Justice and Home Affairs to clarify the advice received about this, for example, to confirm that the drafting was sufficiently technology-neutral and ensure that such behaviour is appropriately captured. The Minister responded to the Panel to explain that the approach taken was to avoid references to specific technologies as far as possible in order to make the legislation ‘tech-neutral’. It was confirmed that:

only where novel concepts appear (e.g. ‘spyware’, ‘GPS tracker’ etc) is there any reference to the mechanism for stalking etc, otherwise the harms test rests on the acts of the perpetrator and the effects on the victim rather than the way in which the perpetrator commits the offence.³

Stalking protection orders

As referenced above, the draft Law will introduce the concept of a stalking protection order (‘SPO’) to Jersey, which is a mechanism designed to protect a victim at an early stage, before the alleged perpetrator has been charged. During a public hearing on 29th January 2026 the Panel asked about timescales for implementation, and it was explained that, as these were a new operational concept for Jersey courts, there would need to be

² [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 14

³ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

time allowed to develop and produce the necessary Criminal Procedure Rules and Rules of Court. It was further advised that the courts in Jersey were constrained by space and scheduling issues, which would impact closures for training etc.⁴

If the draft Law is enacted, the Panel wanted to know what the likely timescale was for the application and issue of a SPO and, where relevant, an interim SPO. The Minister responded to explain that the timings would ultimately be determined by the Court Rules, which were not yet completed. However, it was highlighted that “*the concept of an interim SPO is that it should be rapidly accessible to victims*”⁵ and therefore, “*the rapid completion of the process is a fundamental value to the tool.*”⁶

It is noted that other jurisdictions, such as the United Kingdom, concerns have been raised about delays in obtaining SPOs and interim SPOs, but the Minister advised that this was largely due to wider resourcing issues.⁷ The Panel is conscious that this is an aspect that could also impact Jersey, if the wider investment which the Minister has referenced is not addressed by the Government.

Evidential thresholds

The Panel asked the Minister to describe how the introduction of the draft Law would impact the evidential thresholds required to prove harassment and stalking behaviours. The Minister responded to clarify that there was no current evidential threshold for stalking, and it could only be classified as a form of harassment. However, it was explained that:

*The draft legislation does slightly expand the scope of the harassment offence by the inclusion of ‘anxiety’ as a potential harm that can result in the offence being committed. Ultimately, the interpretation of the legislation is a matter for the courts, and the breadth of the concepts within the offence such as anxiety, alarm or distress make legislation like this particularly sensitive to interpretation. The ongoing reporting cycle established for VAWG activity will allow focus to remain on the use of this new legislation, and necessary improvements will be highlighted where required.*⁸

The Panel is satisfied to note that the reporting cycle will allow this aspect to be examined further in future.

Impact on children and young people

In the submission received from the Office of the Children’s Commissioner for Jersey (‘OCCJ’) it was highlighted that during their briefings from Government about the draft Law during its development, it had been highlighted that it omitted specific reference to the Youth Court in dealing with matters relating to children and young people, which was “*a missed opportunity to build in child-centred safeguards and provisions to the*

⁴ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p.14

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

⁶ Ibid

⁷ Ibid

⁸ Ibid

legislation, in line with the principles of the Youth Justice Roadmap.”⁹ Whilst this had subsequently been addressed in another law (namely, the draft Domestic Abuse (Jersey) Amendment Law 202-), it has not been included in the draft Law.

The OCCJ submission highlights their concerns about the potential risk of criminalisation of children under various aspects of the draft Law, for example SPOs, which could be applied to children from the age of 16, stating that:

*The application of these orders to children risks drawing them prematurely into the formal criminal justice system. The breach of an order is a criminal offence, meaning that behaviour leading to the breach, which can sometimes be rooted in immaturity, trauma or unmet welfare needs, could escalate into prosecution or even detention. As such our view is that the application of these orders to children should be approached very cautiously.*¹⁰

The Panel also notes that, as referenced in the Children’s Rights Impact Assessment, there are various positive aspects for any children and young people who may have directly experienced, or be indirectly impacted by, stalking or harassment behaviour.

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 indicted that “the criminal justice system is already under significant pressure”¹¹ and that the number of VAWG-related reported crimes has increased by 27% in the last 3 years.¹² 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.¹³ 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.*¹⁴

⁹ [Submission](#) – Office of the Children’s Commissioner for Jersey – VAWG Legislation – 13th February 2026

¹⁰ Ibid

¹¹ Report accompanying re-issued ‘Draft Harassment and Stalking (Jersey) Law 202-’ [\[P.6/2026\]](#), p.10

¹² Ibid

¹³ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 11

¹⁴ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

In the letter dated 13th February 2026 the Minister also confirmed that “*it is expected that most functions of the criminal justice system will need an increase in staff.*”¹⁵ 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:

	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

16

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.

During the public hearing the Chief Officer of the States of Jersey Police highlighted the importance of training for the police with regards to the new legislation. It was also explained that there would be an impact on numbers of investigations and, also, how those were conducted, for example potentially requiring the collection of evidence through digital forensics:

*It is important to note that in the broader scheme of things, not just around harassment and stalking but rape and serious sex offences, I have said to this panel before the increases that we have had of V.A.W.G.-related crime up 27 per cent over the last 3 years. It will interest the panel to know that I have not already mentioned it before but for rape and serious sex offences 40 per cent of that increase is historic, so that means over a year old. First of all, that makes it harder for us to investigate because it is not as relevant, our witnesses, memory fades, et cetera, et cetera, the physical evidence is unlikely to be available. All of that needs to be put into the mix. The final element, which is not jumping across to wherever else the panel wishes to explore, of course, it is not just people, it is technical equipment. Because most of the evidence we find on stalking and harassment will probably be on someone’s phone.*¹⁷

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.

¹⁵ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

¹⁶ Report accompanying re-issued ‘Draft Harassment and Stalking (Jersey) Law 202-’ [[P.6/2026](#)], p.10

¹⁷ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 14

Timescale for implementation

If approved by the States Assembly, the Minister has advised that draft Law will require the Courts to develop the relevant Rules to outline court operations in relation to protection orders and, also that there will potentially be a training need for both the Courts and the States of Jersey Police around the new offences for stalking.

As per the comments made in relation to all of the proposed VAWG legislation, the Minister for Justice and Home Affairs has indicated that a phased approach to implementation in respect of the legislation may be required, together with further investment from Government across the criminal justice system.

Conclusion

The Panel is supportive of the draft Law and its intended effect to improve the criminal justice system's ability to respond to perpetrators of harassment and stalking and, importantly, improve the protection available for victims of these behaviours. The introduction of the law will also support the Government's Common Strategic Policy objective of addressing the VAWG Taskforce recommendations from 2023. However, as with the other items of VAWG legislation lodged by the Minister for Justice and Home Affairs, the Panel notes that the next Government Budget will need to address the matter of further funding across the criminal justice system in order to adequately deliver and implement the operation of the draft Law.

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.