

STATES OF JERSEY



DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202- (P.9/2026): 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):	Senior Policy Officer
Date:	8 th January 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 Amendment would expand the current offence of making threats to 'kill, rape or cause serious physical injury to any person' within the Crime (Public Order) (Jersey) Law 2024 (the "Law") to also capture threats relating to non-consensual sexual penetration, causing sexual acts, all sexual offences against children, and threats to carry out female genital mutilation offences. Although the Taskforce did not make an explicit recommendation to this effect, it has been noted that there is a gap between the well-established international understanding of what constitutes VAWG and the way in which our threats offence is constructed. Currently, threats to commit sexual offences that do not constitute rape would only be treated as criminal if they met the alternative threshold of 'serious physical harm'.
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 will be potentially 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's protection from discrimination (Art 2) by criminalising additional threatening behaviours. Most often, threats of this nature are experienced by women and girls, and perpetrated by men and boys, making this an offence which discriminates by gender. This amendment will ensure a positive impact for Art 3 (best interests of the child) by protecting them from harmful behaviours and ensuring they develop to

their full potential (Art 6). It will positively impact Art 16 (right to privacy) through protecting children from unlawful attacks that can harm their personal life, with any views or feelings will be taken seriously by those supporting them (Art 12). Art 34 (sexual exploitation) and Art 19 (protection from violence, abuse, and neglect) will be positively impacted by protecting children from threatening behaviours.

This Law amendment is not seeking to criminalise children who engage in the associated unlawful behaviours. The Policy intent has made it clear that the Courts should take a child's age into consideration when deciding sentences. Because of this, Art 37 (inhumane treatment and detention) and Art 40 (juvenile justice) have been considered.

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)	☒	☐
Basic Health and Welfare	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.	☐	☒
	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?
<u>VAWG Taskforce Report</u>	The VAWG Taskforce research comprised of a public survey which found that sexual harassment has a serious impact on the wellbeing of many women and girls within Jersey, including their perceived safety and everyday decision-making. The findings demonstrate how young people under 25 are amongst those most likely to experience sexual harassment. The Taskforce also undertook a separate, more targeted piece of research, with professionals, children and young people and victim-survivors. Anonymous comments made by the women and girls who participated in this demonstrate the impact that sexual harassment has on their everyday lives. See the <u>'It's Not Okay'</u> campaign for more detail. The Taskforce also conducted a gap analysis into Jersey legislation and found a gap in Law surrounding sexual harassment in public spaces.	

<u>Jersey Children and Young People's Report 2024</u>	Secondary school students were asked if they had experienced any inappropriate comments or unwanted attention of a sexual nature; females were more likely to have experienced this over male students. A third (30%) of females had received a sexual video or photo compared to a quarter (25%) of males.	
<u>Girlguiding's 2025 Girls' Attitudes Survey</u>	The research reveals 1 in 10 girls aged 11-16 have missed school to avoid sexual harassment and 86% of girls aged 11-21 have avoided going out when dark to keep themselves safe. Over half (56%) of girls and young women aged 11-21 say they don't feel safe on public transport on their own. A total of 2,640 girls and young women aged between 7 and 21 took part in the 2025 survey.	

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, victim services, and other professionals	The VAWG Taskforce contributed to the research by sharing the experiences of children and young people who they teach and support.	That children and young people are as likely as adults to experience threats of this nature in the same way as adults do.

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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 uphold children's right to be protected from discrimination of any kind, including on the basis of gender, age, disability, or appearance. Any child can experience threats of this nature, but it disproportionately affects girls and marginalised groups. By criminalising such behaviour, the Government is reinforcing its commitment to treating all children equally and protecting them from unequal treatment and abuse.	All children, potentially
Article 3 (best interests of the child)	The Law aims to place the best interests of children at the centre of public protection and criminal justice policy. Recognising the fear and anxiety that these threats can cause 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, potentially
Article 6 (right to life, survival, and development)	Exposure to sexual threats can undermine a child's sense of safety, mental health, and freedom of	All children, potentially

	movement. The Law will help to create safer environments, encouraging fuller participation in society and supporting healthy development, especially for girls and marginalised youth.	
Article 12 (right to be heard)	The amendment to the Law will raise awareness and encourage systems to take children's disclosures seriously, embedding their right to be heard in public protection responses.	All children, potentially
Article 16 (right to privacy)	Sexual threats are a violation of a child's right to privacy and often causes shame or humiliation. The Law will criminalise this conduct and reaffirms children's right to be treated with dignity and respect. This offence will help prevent unwelcome and intrusive behaviours that damage a child's sense of autonomy and personal boundaries, thereby supporting their right to honour and protection under the law	All children, potentially
Article 19 (protection from violence, abuse, and neglect)	The Law will criminalise behaviours that are associated with sexual and psychological abuse. As such, the Law will protect children from all forms of violence.	All children, potentially
Article 34 (sexual exploitation)	The amendment to the Law will help to create a zero-tolerance environment around child sexual exploitation and reinforces legal safeguards.	All children, potentially
Article 37 (inhumane treatment and detention)	The Law applies to all ages of offenders, which may criminalise young perpetrators. Children and	Any child who commits these behaviours

	young people should only be arrested as a last resort and must be treated with respect and care if they come into contact with the criminal justice system, regardless of the offending behaviour. Education and rehabilitation should take precedent over arrest and detention.	
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 this activity, 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 expansion of the threats offence has clear and substantial benefits for children's rights, it is important to consider and address any potential negative impacts to ensure the proposal is fully compliant with the UNCRC. Article 40 (juvenile justice) may be affected by this Law, should a child or young person engage in threatening 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 the relevant behaviour, 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 harmful behaviours associated with making threats of the nature captured by the expanded offence, 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 public sexual harassment.

Enhancing reporting mechanisms will further support children's right to be heard (Article 12) and to be protected from violence (Article 19). Introducing accessible, child-friendly pathways for reporting will enable more children to come forward, particularly those who may fear retaliation or not being believed.

Regular monitoring and review of the Law's implementation, including disaggregated data collection and engagement with youth organisations, will ensure that unintended consequences are identified early and that the offence continues to operate in a way that aligns with the best interests of children (Article 3).

10) Conclusions

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

It is worth considering how children's rights would be impacted if these provisions are not passed. 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 coercion, intimidation, and sexual exploitation. The proposed Law amendment strengthens the Government's obligations under Articles 2, 3, 16, and 34 of the UNCRC by promoting non-discrimination, prioritising children's best interests, safeguarding their dignity, and reinforcing protection from all forms of sexual harm.

The Law will also have the potential to advance children's rights under Articles 6, 12, and 19 by fostering safe environments and ensuring children's voices are heard and taken seriously in the reporting and prevention of threats.

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.