

STATES OF JERSEY



DRAFT SEXUAL OFFENCES (JERSEY) AMENDMENT LAW 202- (P.5/2026): 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 Sexual Offences (Jersey) Amendment 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 parts of Recommendation 11 of the VAWG Taskforce report, which was:

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.*

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?

Changes to the Sexual Offences (Jersey) Law 2018

In summary the changes proposed to the Sexual Offences (Jersey) Law 2018 by the draft Law include:

- Article 15 will be updated to change the offence related to the sexual grooming of a child. It will become an offence for an adult to plan to meet a child with the intention of carrying out a relevant offence. Under the current law, an offence is committed once the meeting or arrangements have taken place and the adult has travelled for the purpose of carrying out that meeting. Therefore, this change will provide the opportunity for earlier intervention and close a gap in the law where it is the child who travels to meet the adult.
- There will be new offences to address intimate image abuse. A new Part 8A of the draft Law will introduce seven new offences involving technology. These are:
 - Article 33B, the possession of an intimate recording without consent;
 - Article 33C, the making of an intimate recording without consent;
 - Article 33D, the making of a deepfake intimate recording without consent;

- Article 33E, the sharing of an intimate recording or deepfake intimate recording without consent;
 - Article 33F, the issuing of threats to share an intimate recording or deepfake intimate recording;
 - Article 33G, the sending of unsolicited pornographic images; and
 - Article 33I, the causing of a person to create or share an intimate recording.
- Article 36 will be amended to remove the motivational threshold relating to sexual gratification for the voyeurism offence, i.e. the perpetrator's specific intention in carrying out the act would not need to be proven, only that it was undertaken "*intentionally or recklessly*". The Minister confirmed that the purpose of this change was to widen the offence and close a gap in the law, as it was explained that currently, "*if a person commits 'what would be voyeurism', for the purposes of causing humiliation or distress, or to seek some non-sexual gratification, then the offence cannot be made out.*"¹

Changes to other legislation

The draft Law will amend the Protection of Children (Jersey) Law 1994, so that the age limit is changed from under the age of 16 years, to under the age of 18 years. The Panel was pleased to see this change, as it had been highlighted in a recommendation for action as part of the Panel's review '*What protection do children in Jersey have from online harms?*' [S.R.4/2025].

The draft Law will also update the Sex Offenders (Jersey) Law 2010 to incorporate the new Part 8A of the draft Law.

Panel considerations and queries

Online facilitated abuse

The Panel was interested to hear updates about the draft Law and development of protections against technology facilitated abuse as part of its recent review '*What protection do children in Jersey have from online harms?*' [S.R.4/2025]. One of the themes of the review found that it was difficult for legislation and policy to keep up with the development of technology. Therefore, when scrutinising the draft Law, the Panel asked the Minister what advice had been taken to ensure that the changes and new offences proposed in the draft Law were technology neutral and adequately 'future proofed'. The Minister responded to confirm that:

The advice was simply as far as possible not to mention technology. The intention is to provide a set of offences that courts can interpret in the context of the time, which do not rest on any specific technologies. For example, the definition of intimate image is specifically detached from 'the medium or device used to make the recording', and the core of the offence rest on concepts ('to make', 'to share' etc) that exist independently from the details of devices used, storage media etc.

The one area where it was felt essential to identify a technology was in the creation of 'deepfakes', as this introduced a new concept and some identifying

¹ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

word was required. The definition of being ‘created, manipulated or otherwise altered using technology’ should remain robust as time goes on.²

Deletion and removal of intimate images

During the public hearing with the Minister on 29th January 2026 the Panel asked if there was any overlap between the draft Law’s proposed intimate image offences and the proposed law relating to the removal of harmful online content, which was being developed by the Department for the Economy was currently out for public consultation. The content removal law was expected to include new requirements relating to the deletion and removal of intimate images. The Associate Director for Justice Policy advised the Panel that there wasn’t overlap between the two:

If you work it in mind, it is 2 halves of a thing, rather than things that overlap too much. The criminal justice legislation that we are working on targets the offender in the Act to try and provide restitution to the victims and, hopefully, stop people doing it in the future. The work that Economy is doing is more targeted at the relationship between the individual and the platforms and the hosts and the content hosts. We hope that our work will stop people doing things like showing intimate images of children and adults. But when they do, yes, they can be punished for that but no criminal justice system can move at the speed of the internet. Then you are out of your control of the individual and you are into dealing with hosting platforms and saying take it down. So they are 2 parts of the same general activity. There is not that much interconnection because they are targeted at quite different things.³

The Panel is content to see this separation of issues at a policy level, however, is mindful that further examination of the draft Law in practice and further scrutiny of the development of the legislation relating to the removal of online content will be essential in future.

Impact on children and young people

In respect of Article 7 of the draft Law, namely the proposed age change of 16 to 18 in Article 2A of the Protection of Children (Jersey) Law 1994, the Panel asked the Minister how many incidents this would impact per annum. The Minister advised that it had not been possible to isolate this specific information in time for providing the written response to the Panel, but that it may be possible in future as part of the ongoing analysis of data.

In a response to a request from the Panel for a submission from the Office of the Children’s Commissioner for Jersey (OCCJ), the Panel was advised that VAWG was “*unequivocally a children’s rights issue. Children can be direct victims of these types of violence and behaviour, or indirect victims as witnesses; in both cases, VAWG has profound and lasting impacts on their wellbeing and development.*”⁴ With reference to all of the VAWG legislation lodged on 13th January 2026 by the Minister for Justice and Home Affairs, the OCCJ confirmed that collectively this represented a

² [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

³ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 31

⁴ [Submission](#) – Office of the Children’s Commissioner for Jersey – VAWG Legislation – 13th February 2026

strengthening of the legal framework for protecting children for violence, abuse and exploitation and, importantly, improving alignment with the UNCRC and the standards required for the extension of the Istanbul Convention.⁵

However, the OCCJ highlighted a potential risk in relation to the draft Law which was that there could be unintended criminalisation of children in relation to aspects such as sharing intimate images, which was identified as a behaviour that children may engage in. As a way to mitigate this risk the OCCJ suggests that “*guidance, including a directive from the Attorney General, should be developed in relation to how children will be dealt with where they are subject to the draft Laws.*”⁶ This would ensure consistency and child-centred and proportionate interpretation by professionals where required. It was also highlighted that this would be in line with the Building a Safer Community Youth Justice Roadmap.⁷

Intimate recordings

The law includes various circumstances where intimate recordings are permitted, for example in certain medical or law enforcement scenarios. The Panel noted that in proposed Article 33C, paragraph (3) and Article 33E, paragraph (2), two scenarios are set out in which intimate recordings may be made legitimately. The Panel asked the Minister to confirm whether penalties would apply in cases of unauthorised distribution or insecure storage arising from these scenarios. The Minister responded to confirm that:

*In the case of unauthorised distribution or insecure storage which resulted in the sharing of images, if (as seems very likely) that sharing was not for the specified purposes, then, if the components of the offence were all met, an offence would be committed by the party sharing the images.*⁸

However, it was clarified that the draft Law did not include specific duties to the party storing the images “*as the focus of this work has been meeting the relevant VAWG Taskforce recommendations, which sought to address malicious activity, not issues such as data breaches etc.*”⁹ The Panel has not examined the matter of storage further, but is satisfied by the Minister’s response that the unauthorised distribution of such images resulting from such scenarios would likely be an offence.

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”¹⁰ and that the number of VAWG-related reported crimes has increased by 27% in the last 3 years.¹¹ 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

⁵ [Submission](#) – Office of the Children’s Commissioner for Jersey – VAWG Legislation – 13th February 2026

⁶ [Submission](#) – Office of the Children’s Commissioner for Jersey – 13th February 2026

⁷ Ibid

⁸ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

⁹ Ibid

¹⁰ Report accompanying re-issued ‘Draft Sexual Offences (Jersey) Amendment Law 202-’ [\[P.5/2026\]](#), p.11

¹¹ Ibid

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.¹² 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.¹³

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.”¹⁴ 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

15

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.

Consultation

¹² [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 11

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

¹⁴ Ibid

¹⁵ Report accompanying re-issued ‘Draft Sexual Offences (Jersey) Amendment Law 202-’ [[P.5/2026](#)], p.12

The Panel wanted to understand if any further consultation had been undertaken in respect of the draft Law. The Associate Director for Justice Policy advised that this had not been possible in the time available to the Government, however, the VAWG Taskforce work fulfilled the requirements to consult:

The timeline of a 2-year cycle with one year of drafting and 6 months' availability of the draft laws has not allowed us to go for the full public consultation that we would normally do. The justification for that is that that actually, the analysis of the principles and the analysis of the harm and the need, was done by the V.A.W.G. Taskforce. So we are effectively meeting the objectives to which the Government has already agreed.¹⁶

Timescale for implementation

If approved by the States Assembly, the draft law will be brought into force by Ministerial Order. The Panel was advised at the public hearing on 29th January 2026 that this approach was intended to ensure operational readiness. The Panel asked the Minister to confirm the anticipated timescale for commencement in writing and was advised that the draft Law would specifically require the States of Jersey Police to establish a process of the Digital Forensics Unit and, also, potentially address a training need in respect of intimate images.¹⁷

The Minister for Justice and Home Affairs also highlighted the potential wider impacts in the criminal justice system as a whole and that this would require longer term phased investment.¹⁸

Conclusion

The Panel is supportive of the draft Law and its intended effect to improve the criminal justice system's ability to respond to different forms of intimate image abuse and strengthen the existing offences related to the sexual grooming of a child. The Panel notes that 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.

¹⁶ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 10

¹⁷ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

¹⁸ Ibid