

STATES OF JERSEY



DRAFT DOMESTIC ABUSE (JERSEY) AMENDMENT LAW 202- (P.7/2026): 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
Assessment completed by (if not completed by duty bearer):	Senior Policy Officer
Date:	8 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 purpose of this decision is to amend the Domestic Abuse (Jersey) Law 2022 (the "Law") to introduce pre-conviction police and court orders, known as 'Emergency Barring Notices' (EBNs) and 'Emergency Barring Orders' (EBOs). This comes from recommendation 24 of the Violence Against Women and Girl (VAWG) Taskforce Report, which states:

"Emergency barring orders should be re-introduced into the Domestic Abuse (Jersey) Law 2022."

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

EBNs are police issued notices, which require an alleged perpetrator to leave the shared accommodation and avoid contacting a victim for 72 hours if domestic abuse is suspected. This is a similar provision to the UK, who have introduced Domestic Abuse Protection Notices, which aim to provide immediate protection for domestic abuse victims.

EBOs are court issued orders, which will order positive requirements and prohibitions to prevent a perpetrator from contacting a victim. EBOs last up to 3 months but can be renewed and varied by the court if it deems necessary to protect a victim.

Both EBNs and EBOs are pre-conviction orders and serve to offer immediate protection for victims, whilst a full domestic abuse case is being investigated. EBNs and EBOs can be issued to anyone above the age of 16 years-old to match the current legal age in the Domestic Abuse (Jersey) Law 2022 (which in itself is aligned with the age of legal marriage, and thus potential co-habitation).

Children may experience these amendments to the Law differently to adults, especially if one parent is ordered to leave the shared home and have restricted contact with the victim and their child(ren). Even though a child may not be a direct

victim of domestic abuse, witnessing abuse is victimisation in its own right, making these amendments necessary to safeguard child victims of domestic abuse. There is evidence to demonstrate that growing up in an environment where domestic abuse is taking place can harm children. A study by Holden (2003) observed that children were likely to be intimidated by abusers, and face abuse themselves. There is also an established link between domestic abuse and physical abuse of children (World Health Organisation, 2002).
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
Any child or young person affected or victimised by domestic abuse.
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 proposed amendment to the Law has the best interest of the child (Article 3) at the centre of the decision. EBNs and EBOs can provide immediate and longer-term protection from harm by removing an alleged perpetrator from the family home and restricting contact. This reduces children’s direct exposure to violence, intimidation, or coercive control (Article 6 and 19). By acknowledging that children experience domestic abuse directly, not just as witnesses, the framework strengthens their right to be heard and to recover from trauma (Article 12 and 39). Since EBNs and EBOs provide protection, this can help the non-abusive parent feel safer and more stable, which in turn enhances the caregiving environment for the child (Article 18). These amendments will benefit the child as a fundamental aim of the amendment is to hold perpetrators accountable and safeguard victims (Article 4). In addition, while there is no desire to interfere with the rights of the child or victim in domestic abuse cases, in practical terms it is often safest to separate the parties in a domestic abuse situation, and without any capacity to act against the perpetrator, the victim might be encouraged to leave the family home, often with the children, resulting in significant disruption to their lives. It is, however, important to note that this amendment to the Law may come with potentially negative impacts to children. A parent being removed from the home can be distressing, particularly if the child feels strong attachment to them. The sudden absence may cause grief, confusion, or feelings of loss (Article 9 and 16). This can be particularly distressing for children with disabilities, who may face communication barriers in understanding what has happened (Article 23). Children may feel conflicted between wanting protection and maintaining a relationship with

the perpetrator. This may lead to guilt, fear, or self-blame (Article 12 and 39). As well as this, removing an alleged perpetrator might affect household income or housing stability, which could indirectly reduce children's standard of living and have an indirect impact on their socioeconomic rights (Article 26 and 27).
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 victim to domestic abuse will be affected 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	Right to education (Art 28)	☐	☒
	Goals of education (Art 29)	☐	☒

Cultural Activities	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?

Protecting children from domestic abuse NSPCC Learning	Domestic abuse always has an impact on children. Being exposed to domestic abuse in childhood is child abuse. Children may experience domestic abuse both directly and indirectly. Domestic abuse undermines a child's basic need for safety and security. It can have a serious effect on their behaviour, brain development, education outcomes and overall wellbeing.	
Action for Children: Patchy, piecemeal and precarious: support for children affected by domestic abuse	Children's lives are often destabilised by domestic abuse, too. They and their families may have to move a number of times to stay safe, which can be extremely disruptive, particularly to friendships and schooling.	

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?
Children's Commissioner Jersey 2022 Report for the UN Committee on the Rights of the Child's examination of the United Kingdom under the United Nations Convention on the Rights of the Child (UNCRC).	Consultation and engagement with over 1700 children and young people in Jersey	During the Covid pandemic there was an increase in the number of children experiencing the impact of domestic abuse. There was an increase in the number of domestic abuse reports to the police and therefore an increase in the number of children witnessing abuse. Police figures show that the number of children exposed to high-risk

		domestic abuse has risen by 9% when comparing January-March 2019 with January-March 2020. In the survey, one young person expressed that they were “worried about people in abusive households with no escape”. Others spoke of concern over relationships at home, including parental ‘anger’ or ‘temper’.
Domestic Abuse Commissioner UK report: Victims in their own right? Babies, children and young people’s experience of domestic abuse.	A survey of 266 known service providers who support children. 97 social workers from across England and Wales. 130 teachers and Designated Safeguarding Leads (DSL) across England and Wales. 40 professionals from ‘by and for’ services in England and Wales. 100 Family Hub professionals from England and sought input from children themselves	Domestic abuse is considered an Adverse Childhood Experience (ACE) that will impact health risks and disease into adulthood. There is a substantial overlap between child maltreatment, neglect and domestic abuse and children are likely to be poly victimised. Being subject to domestic abuse among patients in Child and Adolescent Mental Health Services (CAMHS) is at least twice of that in the general population, with almost 50% of the patients in CAMHS reporting exposure to domestic abuse or child abuse, and 22% reporting double victimisation. Children and young people with a disability experience domestic abuse at a higher rate than those of their peers who do not have disability

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 3	The amendment to the Law to introduce EBNs and EBOs prioritise children's safety by removing an alleged perpetrator from the home to immediately safeguard the child from witnessing or experiencing abuse. By embedding children into the protective framework, the Law amendment affirms that their wellbeing is not secondary to adult victims, and their wellbeing is a primary consideration. If children's voices (Article 12) are not sought in decisions about EBNs and EBOs, there is a risk that the child's best interests are not listened to. This risk must be mitigated by the criminal justice system.	Any child affected by domestic abuse
Article 4	The introduction of EBNs and EBOs represents the state taking legislative steps to protect children from domestic abuse, directly advancing Article 19 (protection from violence) through Article 4's requirement for implementation. Amending the Law to embed protective orders into the Law reflects the state's commitment to using legal and administrative measures to safeguard children's welfare, as required by Article 4. However, legislation alone is not enough. If children affected by an EBN or EBO are not linked to counselling, advocacy, or housing support, the Government may be criticised for passing the Law but	Any child affected by domestic abuse

	failing to ensure practical implementation of children's rights.	
Article 6	The Law amendment is centred around safeguarding both adults and victims. Domestic abuse can escalate to severe violence or homicide. EBNs and EBOs are designed to provide emergency and longer-term safeguards, helping ensure children's right to life is protected. By removing perpetrators and reducing exposure to abuse, these measures create safer environments in which children can develop physically, emotionally, and socially. A safer home environment allows children to rebuild routines (education, friendships, play) that are vital for healthy development.	Any child affected by domestic abuse
Article 9	It is likely that the Law amendment will impact family life as a suspected perpetrator will be removed from the home. Even if abusive, the removed parent is often still loved by the child. Sudden absence can trigger grief, confusion, or loyalty conflicts. However, the safety of the child is paramount, and EBNs and EBOs will only be ordered if necessary to protect the child from harm. It should be noted that the removal of a parent can reduce income or housing security, affecting the child's broader right to family life and stability. Housing and economic support must be considered in relation to this amendment.	Any child affected by domestic abuse
Article 12	Article 12 will be upheld through ensuring that children's	Any child affected by domestic abuse

	experiences will be heard and factored into decisions in court proceedings for EBOs. However, since EBNs are police issued notices and are designed to be made quickly to offer immediate protection, Article 12 may be undermined by not consulting children in immediate decisions.	
Article 16	By excluding a perpetrator from the home, EBNs and EBOs can restore the child's right to a safe and private family environment free from violence and coercion. EBOs can include conditions that stop the perpetrator from contacting or harassing the child, directly safeguarding their personal privacy and correspondence.	Any child affected by domestic abuse
Article 18	This Law amendment will affect the family home by removing a suspected perpetrator. This will impact positively through supporting the non-abusive parent to provide a more nurturing and stable home environment. This amendment may lead to secondary negative impacts such as increased financial strain on the non-abusive parent. However, the victims' safety should take precedent, and the government should play a role in financially supporting victims when in hardship.	Any child affected by domestic abuse
Article 19	EBNs and EBOs are concrete legislative tools that help the government meet its Article 19 obligation by preventing children's exposure to abuse within the family home. The law acknowledges that seeing, hearing, or experiencing domestic abuse harms children, meaning Article 19's protection	Any child affected by domestic abuse

	against psychological violence is actively addressed. It must also be noted that police intervention (e.g., removing a parent) can itself be frightening or traumatic for children if not handled sensitively. Measures should be in place to ensure the welfare of children and that support is available.	
Article 23	Disabled children are often at greater risk of domestic abuse due to dependency on caregivers. The Law amendment ensures they receive the same legal protections as all children. It must be noted that if the abusive parent is also the primary caregiver, removing them could create gaps in care. Disabled children may face disruptions in essential routines, therapies, or support; these risks must be mitigated to ensure Article 23 is protected.	Any disabled child who has experienced domestic abuse.
Article 26	Where an EBN/EBO removes the perpetrator (who may have been the main earner), families may become eligible for social security benefits, ensuring the child's material needs are met. Economic abuse is common in domestic abuse cases, allowing for a victim to be financially stable and independent will support Article 26 of the UNCRC. However, there is a risk that the sudden removal of a parent can create financial instability. Without the adequate support in place, Article 26 may be at risk.	Any child affected by domestic abuse
Article 27	The amendment to the Law will positively impact the child by removing the perpetrator from the	Any child affected by domestic abuse

	home to create a calmer, more stable home environment that better supports the child's overall development. Stability will be rebuilt as EBOs can support continuity in school and daily routine, which are essential to a child's development.	
Article 39	Any child living in a domestic abuse household is a victim of abuse. This Law amendment ensures the removal of an abusive parent/household member to support a child's physical and psychological recovery.	Any child affected by domestic abuse
Article 37 and 40	Articles 37 and 40 are protected as EBNs and EBOs cannot be issued to perpetrators under the age of 16, so they will not be subject to the same criminal sanctions as adults, supporting age-appropriate proceedings and ensuring the child's liberty is safeguarded. Instead, appropriate rehabilitation and support should be provided to children who are displaying abusive behaviours towards family members.	Child perpetrators of domestic abuse

9) Conclusions In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?
To ensure the voice of the child is heard through all stages, the Building a Safer Community (BASC) 'Youth Justice Roadmap' seeks to create mechanisms to ensure the views and experiences of children are heard within the criminal justice system. One of the key principles of the Youth Justice Roadmap is victim participation. The principle highlights the importance of ensuring the child's voice is heard, their needs are met, and their views are heard with processes. This framework mitigates the potential risks to Articles 3, 12, and 19 as children, families, witnesses, and community victims recover and move on beyond the impact of the harm they have experienced. Since this Law amendment may involve the removal of an abusive parent from the shared home, there may be negative impacts on Articles 4, 9, 18, 23 and 26 due to instability to a

child's daily family life. These risks can be mitigated through wraparound services, including targeted government support for affected families. The Multi-Agency Safeguarding Hub (MASH) will allow for any concerns for a child's safety or welfare to be raised at a multi-agency level, allowing for appropriate interventions to support child safeguarding. These risks will also be mitigated through the outcomes laid out in the Children, Young People, and Families Plan for 2024-2027¹. This plan ensures that services and agencies who work with children, young people, and families are committed to improving outcomes for them, in particular those who are the most vulnerable. This shared approach enables the right help at the right time and from the right service. The amendment to the Law is a necessary step to strengthen protections for victims of domestic abuse in Jersey. While there are potential risks to children's rights, such as disruption to family life or financial strain, these can be mitigated through child-sensitive procedures, access to support services, and robust safeguards for vulnerable families. Ultimately, the protection and safety of victims must take precedence, and with appropriate measures in place, this amendment will enhance the ability of the criminal justice system to uphold children's rights, whilst ensuring immediate and effective protection from future harm.

¹ [Children Young People and Families' Plan 2024-27.pdf](#)