

STATES OF JERSEY



DRAFT HARASSMENT AND STALKING (JERSEY) LAW 202- (P.6/2025): 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 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?

In response to recommendation 28 of the Violence Against Women and Girls (VAWG) Taskforce Report, which reads:

"Stalking should be named as an offence in Jersey legislation",

the decision has been made by the Minister for Justice and Home Affairs to introduce a Harassment and Stalking Law (the "Law") into Jersey legislation, which was accordingly accepted by the Chief Minister in March 2024.

This recommendation was made due to the large body of research into the connection between stalking and intimate partner violence. Between 2016-2021, 192 reports of stalking were made to the States of Jersey Police, with only 2 cases being convicted.

Introducing this Law will ensure that behaviours associated with stalking are captured, offenders are held accountable, and the safety of victim-survivors is ensured. Children can be affected by stalking the same way in which adults can be.

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 affected by this decision.

Although harassment and stalking can be experienced by anyone of any gender, research shows that women and girls are at higher risk of experiencing harassment and stalking, particularly online. A survey conducted by Plan International, an NGO focusing on violence against girls, found that more than half of the 14,000 15 to 25-year-old women interviewed from 22 different countries had been cyberstalked, sent explicit messages and images, or abused online .

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 introduction of the Law will have positive and negative impacts on children and their rights under the UNCRC. There are several positive impacts which will ensure the opportunity for children and young people to realise their rights as described in the UNCRC. This includes stronger protections from violence, abuse, and exploitation (Article 19, 34, 36, 6) through introducing clear offences allowing early police intervention to reduce harms of stalking, including cyberstalking behaviours. Where the Law is applied in a child-sensitive way, it can promote the best interests of the child (Article 3), provide anonymity and privacy protections (Article 16), and enable children's voices to be heard in safety planning and protective measures (Article 12). It can also indirectly support rights to education, play, and development (Articles 28, 29, and 31) by reducing the disruption that stalking or harassment might cause to school attendance and social participation. In cases involving marginalised children, the Law can promote non-discrimination (Article 2) by ensuring equal protection under the Law. However, there may be potential negative and unintended consequences if the Law is not carefully implemented. Overly broad definitions of stalking could risk criminalising normal adolescent behaviour or peer conflicts, potentially infringing rights under article 37 and 40. Protective measures, such as stalking protection orders, might inadvertently restrict a child's right to education, freedom of expression, and freedom of association (Article 13, 15, 28, 29). This will be mitigated by increasing the age cap of stalking protection orders to sixteen years old to reduce the rights of the child being infringed. There is also a risk that in cases where the alleged perpetrator is a parent or family member, protective orders could disrupt family life (Article 9) without adequate safeguards to ensure the child's welfare and best interests. Additionally, the gathering and handling of evidence, particularly digital evidence, may pose risks to children's privacy (Article 16) if robust data protection measures are not in place. Finally, lengthy legal processes or repeated questioning can be retraumatising for child victims and witnesses, affecting their recovery and wellbeing (Articles 24 and 39).
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)	☒	☐
	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 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?
Jersey Children and Young People's Survey Report 2024	The JCYP Survey Report 2024 found that, on average, 53% of children between years 4 and 12 use internet chat rooms/social networking sites every day. Around one in six (17%) year 4 students had at least one social media account in their own	The JCYP Survey Report 2024 does not specifically mention stalking/online stalking in the survey. However, due to the high proportion of online activity amongst children and young people, it can be said

	name, increasing to nine out of ten (90%) by year 12. Overall, nearly three in ten females (28%) had received a message that scared or made them feel threatened, compared to one in five males (20%). Year 12 females were the most likely group to have received a message that scared or threatened them, with four in ten (39%) reporting to have experienced this.	that children may be at risk of online stalking in the same way adults are.
Violence Against Women and Girls Report 2023	The VAWG Report highlights how technology has created new opportunities for stalking to carry out cyber- or tech-facilitated stalking. Between 2016-2021, 192 reports of stalking were made to the States of Jersey Police, with only 2 cases being convicted, demonstrating the need for an offence to protect children (and adults) from stalking behaviours, both online and in-person.	Although the VAWG report does not specifically detail children's experiences with stalking, a BBC investigation highlighted how in the United Kingdom, children as young as 10 and 11 had been reported to police forces in England for suspected cyberstalking offences. This demonstrated how online monitoring is becoming normalised from a young age, and subsequently increasing risk of further harm if behaviours go unnoticed.

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?
Suzy Lamplugh Trust	Suzy Lamplugh Trust has carried out an online pilot survey with young people aged 16-24 to explore their experiences and awareness of potential stalking behaviours.	The research found that 77% of respondents to the survey had experienced at least one repeated harmful behaviour consistent with stalking, with this proportion rising to 87% among respondents who identified their gender as female, non-binary or other. Online behaviours were found to be particularly common with as many as 84% of respondents who had experienced behaviours consistent with stalking experiencing online behaviours in comparison with 70% who experienced in-person behaviours.

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 has been drafted to protect every child at risk from stalking, regardless of a child's or their parent's/legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. This aligns with article 2 by ensuring the Law is applied fairly without discrimination.	Any child at risk of stalking or directly/indirectly affected by stalking

Article 3 (best interests of the child)	The Law will positively impact Article 3 as it is designed to include measures to protect children who are victims or indirectly affected by considering their safety and welfare in the Law design.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 6 (life, survival, and development)	Stalking can escalate to serious violence and is a risk factor of domestic homicide. The Law will prevent harm and potentially save lives, directly supporting the child's right to life. Whether a child is a direct victim or the child of a victim, stalking can cause stress, anxiety, and trauma. The Law aims to protect a child's emotional well-being and healthy development.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 9 (separation from parents)	If a parent is stalking the child or stalking the other parent in a way that harms the child, the Law will introduce Stalking Protection Orders (SPO's), which can lawfully and appropriately restrict contact. This meets Article 9's requirement that separation is only permitted when necessary for safety and well-being.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 12 (respect for the views of the child)	The Law takes into consideration the voice of	Any child at risk of stalking or

	the child. During proceedings and decisions, the child's voice should be heard, embedding their right to be heard and respected in public protection responses. It is important that all processes are adapted to ensure that children understand what's happening during proceedings, for example, through child-friendly explanations or an independent advocate. This will ensure that all children are able to meaningfully participate.	directly/indirectly affected by stalking
Article 13 (freedom of expression)	If stalking is happening online or in person, the Law, including the introduction of Stalking Protection Orders (SPO's) can create a safer environment where the child feels free to speak, post, or participate without fear of harassment. The law can prevent a stalker from contacting or monitoring the child, allowing them to communicate freely without being pressured, threatened, or silenced. If an SPO restricts contact with a parent (i.e., if the parent is the respondent), an SPO may ban communication with a parent. Without exploring safe methods, it could limit the child's freedom to express themselves with that parent. This should be mitigated to	Any child at risk of stalking or directly/indirectly affected by stalking

	ensure a child can express themselves fully.	
Article 15 (freedom of association)	The Law will ensure that children can safely attend school, social groups, or extracurricular activities without fear of being followed, harassed, or intimidated. This supports their right to meet and associate freely.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 16 (right to privacy)	Stalking includes invasive, intrusive, intimidating, and unwanted behaviours. The Law will uphold Article 16 by preventing unwanted contact, surveillance, or interference in a child's personal or family life, protecting privacy and security. Protective measures like SPO's can ensure the child's home environment including online spaces, is safe and free from intimidation.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 19 (protection from violence, abuse, and neglect)	The introduction of the Law will allow for early intervention to prevent escalation of violence and abuse. Measures such as SPO's will support the protection of a child from stalking behaviours from an alleged stalker. SPO's will allow for protection both online and in-person, which will support the protection of the physical and psychological abuse that can occur in all forms.	Any child at risk of stalking or directly/indirectly affected by stalking

Article 24 (health and health services)	The Law ensures that alleged stalkers are dealt with appropriately by the criminal justice system. This will lead to reduced stress and anxiety of any victim of stalking, directly or indirectly, which will support the safeguarding of psychological health. Protective orders can prevent alleged stalkers from approaching or harming children online and in-person, lowering risks of injury and supporting their right to good physical health.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 28 (right to education)	The Law applies to children under the age of 18. The courts must carefully consider the appropriate sanction for children who have been alleged to carry out stalking behaviours. Equal access to education must be upheld.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 31 (leisure, play, and culture)	The introduction of the Law is likely to have a positive impact on Article 31. By strengthening protections against stalking, children and young people may feel safer in public spaces, online, and within their communities. This increased sense of safety can encourage greater participation in leisure activities, social groups, sports, and cultural events	Any child at risk of stalking or directly/indirectly affected by stalking

	without fear of harassment or surveillance. This will also reassure parents and carers, which may lead to more opportunities for children to access recreational spaces.	
Article 34 (sexual exploitation)	The introduction of the Law is likely to have a strong positive impact on protections against sexual exploitation. Stalking can be a precursor to, or a form of, sexual exploitation and abuse. By criminalising stalking behaviours, the law strengthens safeguards against individuals who target children for grooming, coercion, or ongoing harassment with the intent of sexual harm. This legal framework reinforces children's right to be protected from sexual violence, exploitation, and intimidation in both physical and digital environments.	Any child at risk of stalking or directly/indirectly affected by stalking
Article 36 (other forms of exploitation)	Similar to the above response, stalking can create situations where children are manipulated, controlled, or exploited in ways that undermine their welfare. For example, through intimidation, coercion, or repeated surveillance. Strengthening legal protections helps ensure children are shielded from these harmful behaviours, whether they occur in person or online.	Any child at risk of stalking or directly/indirectly affected by stalking

Article 37 (inhumane treatment and detention)	If children and young people themselves are prosecuted under the Law without age-sensitive approaches, there is a risk of unnecessary criminalisation and detention for children who engage in problematic behaviours without intent to exploit or harm. This could conflict with Article 37, which requires detention to be used only as a last resort and for the shortest appropriate time. Potential negative impacts could arise if the Law is not carefully applied to distinguish between harmful stalking behaviours and less serious peer conflicts. Misapplication may risk unnecessary criminalisation of children and young people who engage in immature or boundary-testing behaviours without exploitative intent; this will be mitigated through appropriate criminal justice responses.	Any child at risk of stalking or directly/indirectly affected by stalking Any child alleged to engage with harassment or stalking behaviours
Article 39 (recovery from trauma and reintegration)	The Law is likely to have a positive impact on Article 39. By criminalising stalking behaviours, the Law will identify and respond to children who are victims of harassment, stalking, and intimidation. This legal recognition can	Any child at risk of stalking or directly/indirectly affected by stalking Any child alleged to engage with harassment or stalking behaviours

	facilitate timely access to therapeutic support, counselling, and protective services, enabling children to recover from the trauma associated with stalking. Potential negative impacts could occur if children accused of stalking are treated punitively rather than supportively. Without age-appropriate interventions, these children may experience stigmatization, disruption to education, or social exclusion, which could undermine their ability to recover and reintegrate.	
Article 40 (juvenile justice)	The law provides a clear legal framework to address harmful behaviours, ensuring that children who engage in stalking can be held accountable in a structured and proportionate way. However, if children are prosecuted without age-sensitive approaches, there is a risk of over-criminalisation, including unnecessary entry into the youth justice system. This could conflict with Article 40 principles, which call for minimal intervention and rehabilitation-focused measures.	Any child at risk of stalking or directly/indirectly affected by stalking Any child alleged to engage with harassment or stalking 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?		

The introduction of the Law is expected to deliver significant positive impacts for children and young people by enhancing protection from harassment, exploitation, and abuse. It strengthens children's rights to safety, dignity, and participation in leisure and cultural life (Articles 31, 34, 36, 37, 39, and 40). However, there are identifiable risks if the law is applied without safeguards, particularly around the unintended criminalisation of children who may engage in harmful but non-exploitative or developmentally immature behaviours.

These risks can be mitigated by embedding clear statutory thresholds that differentiate between developmentally immature behaviours and harmful stalking, alongside prioritising diversionary and restorative approaches for children who come into conflict with the law. Ensuring that all professionals involved in the enforcement of the law receive child-sensitive training will further safeguard against disproportionate responses.

The risk of negative impact on a child's right to education has been mitigated by amending the age of Stalking Protection Orders to over 16 years old. This way, any child alleged to engage in stalking behaviours who attends the same school as the victim will still be able to access school and educational environments, whilst firstly safeguarding the victim.

Overall, the balance of impacts suggests that the Law will be a strong mechanism for advancing children's rights, provided that its implementation is proportionate, preventative in orientation, and firmly rooted in the best interests of the child.

10) Conclusions

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

Failure to introduce this Law would leave significant gaps in the protection of children's rights in Jersey. Stalking can cause long-term harm to children's safety, development, and wellbeing, whether they are direct victims, witnesses, or affected through family members. By addressing stalking explicitly, the Law will strengthen the government's duties under Article 6 (the right to life, survival, and development) and Article 19 (protection from all forms of physical and mental violence). It also reinforces children's rights under Article 39 by ensuring access to recovery and reintegration support where they have experienced harm. This Law upholds Article 3 by ensuring the best interests of the child are heard and promoted. The Law will advance Article 31 (the right to play, leisure, and participation in cultural life), which can be undermined when children restrict their movements or activities due to fear of being followed or harassed.

While the Law enhances protective measures, care must also be taken to uphold Article 40 (the rights of children in conflict with the law) and Article 37 (inhumane treatment and detention). Where stalking behaviours are carried out by children or young people, interventions should focus on prevention, education, and restorative approaches, recognising their evolving capacities and supporting rehabilitation. Overall, the Law is likely to have a positive and lasting impact on children's rights in Jersey. By addressing stalking in law, the Government affirms its commitment to creating safe environments in which children can grow, express themselves, and participate fully in community life, free from harassment and fear.