

Government of Jersey
Union Street | St Helier | Jersey | JE2 3DN

Deputy Catherine Curtis
Chair
Children, Education and Home Affairs Scrutiny Panel

By email only

13 February 2026

Dear Deputy Curtis,

Scrutiny Review: Violence Against Women and Girls ('VAWG') Legislation

Thank you for your letter dated 5 February 2026 regarding the review of the Violence Against Women and Girls ('VAWG') Legislation. We acknowledge your request and are pleased to provide responses to the questions outlined below to assist with your review. We note that this response will be published.

General queries

1. During the last quarterly public hearing with the Panel (on 29th January 2026) you indicated that the development of an investment plan in relation to all the resources required and services impacted was ongoing. Please could you provide this to the Panel or, alternatively, advise when it will be completed and provided to States Members ahead of the debate?

Detailed analysis of the impact of the new Laws, taking into account existing pressures and demands in the criminal justice system, is being developed. This is based on the assumed position that, taken together, the new Laws will, by the second year of implementation, generate about 275 – 300 new crimes. 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.

It is expected that the detailed position for the Ministerial functions (States of Jersey Police (SoJP), States of Jersey Prison Service, Jersey Domestic Abuse Support, Sexual Assault Referral Centre, and Jersey Victims First) will be shared with the Panel early next week (in response to the individual letters sent to these services by the Panel).

High level estimates of the requirements in relation to the non-Ministerial functions (Law Officers Department, Probation, Courts, Bailiffs Chambers and Viscounts) are being worked on, as is the potential impact on Legal Aid. This should be available to share with the Panel prior to the debate in the week of 23 February.

In broad terms, it is expected that most of the functions of the criminal justice system will need an increase in staff. The SoJP Digital Forensics Unit will need an increase in staff and a significant

increase in digital storage and systems, especially given the expected increase in prosecutions for online offences. The prison is expected to need new cell capacity reasonably soon, and there is also a likely requirement for more, and more modern, court facilities (which as the Panel will be aware is also a recommendation of the Laws Review).

We are also conscious that some of the recommendations in the recently published 'Laws Review' will require investment (in particular regular training on vulnerable witnesses across the system) and are taking that into account.

2. If approved by the States Assembly, each piece of legislation will be brought into force by Ministerial Order, and we were advised on 29th January 2026 that this approach is intended to ensure operational readiness. For each of these items of legislation, could you outline the anticipated timescale for commencement?

Most of the legislation has operational requirements which should be met before it can be implemented, although these vary considerably in terms of complexity and timing, and it may be sensible to consider phased implementation. As above, the new crimes will generate a requirement for investment in the criminal justice system which will also need to be phased.

A brief overview of the steps required to ensure operation readiness prior to implantation for each law is set out below.

Crime (Public Order) (Jersey) Amendment Law

- Probably no barrier to rapid implementation

Sexual Offences (Jersey) Amendment Law

- Establish processes for the digital forensics unit (SoJP)
- Potential training need re intimate images (SoJP)

Harassment and Stalking (Jersey) Law

- Rules to outline Court operations in relation to protection orders (Courts)
- Potential training need re stalking (Courts, SoJP)

Domestic Abuse (Jersey) Amendment Law

- Rules to outline Court operations in relation to protection orders (Courts)

Crime (Strangulation) (Jersey) Law

- Establishment of medical pathway to determine strangulation and preserve evidence (HSS)

3. During the hearing it was referenced that further detail was required in order to understand the impact on the courts and the timing for the development of the criminal procedure rules and rules of court (for example in relation to the introduction of pre-conviction orders). If possible, please could you provide an update on what timescale may be required for that to be in place?

The impact of the new Laws on the courts is being taken into account in the exercise referenced in answer 1, above. Discussions on the detailed work needed to develop the necessary supporting criminal procedure rules and rules of court have not yet commenced in detail and it is anticipated

that this will be taken forward by the relevant members of the Criminal Justice Working Group in the next few months.

4. Please could you confirm whether any aspects or recommendations arising during policy development or the law drafting process were not included in the draft legislation, and which may require further research or consideration before any future updates to the law(s) are proposed?

a. We understand that there was an original policy intent which included a higher penalty for offences that were motivated by sexuality or gender, however this has been removed. Please could you describe the reasons for that decision?

The original intentions for the amendment to the Crime (Public Order) (Jersey) Law 2024 included the development of new offence of 'sexual harassment/harassment based on a person's sex'. However, the final stages of legal review identified some difficulties.

Concerns were raised that the creation of this new offence would result in the creation of an odd structure of rights, with special protections for people who have experienced harassment on the basis of their sex, without creating comparable protections for people who have experienced harassment on the basis of their religion or race, for example.

In England and Wales, specific offences of public sexual harassment sit alongside Hate Crime legislation. Internationally, Hate Crime Laws do not usually include sex as a protected characteristic, so the public sexual harassment offence elevates the severity of the offence to approximately the same level as abuse based on a protected characteristic.

I have taken the position that we should not bring this new offence through the Assembly until such time as we are also ready to bring through the equivalent protections for harassment on the basis of religion and race (and potentially other characteristics) via the introduction of a new Hate Crime law.

As you may be aware, officers are already working to develop a consultation on that legislation, which will be proposed to the new Government as a matter of priority.

Although this does delay the introduction of the new public order (or equivalent) offence, it does mean that when new protections are introduced, they will be part of a wider and more robust package of protection for a range of groups that experience harassment on the basis of their characteristics.

Draft Sexual Offences (Jersey) Amendment Law 202- [P.5/2026]

5. Could you outline the advice received to ensure that the amendments proposed in the Draft Sexual Offences (Jersey) Amendment Law 202- are technology-neutral and adequately 'future-proofed'?

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

6. In proposed Article 33C, paragraph (3) and Article 33E, paragraph (2), two scenarios are set out in which intimate recordings may be made legitimately. Could you confirm whether penalties would apply in cases of unauthorised distribution or insecure storage arising from these scenarios?

In both scenarios, the exemption from the offence results from the purpose of the making or sharing being for legitimate medical or law enforcement purposes. 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. The legislation does not apply any specific duties to the party storing such 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.

7. With reference to Article 5 (namely the proposed changes to Article 36 of the Sexual Offences (Jersey) Law 2018 relating to voyeurism), please could you describe why the wording "for the purpose of obtaining sexual gratification" will be removed?

a. Please could you clarify if the intent of this is to widen the offence?

I think that it is fair to say that the intent is to widen the offence. Currently, if someone commits the act of voyeurism, to succeed in a prosecution it is necessary to establish that the accused sought sexual gratification from the activity. If a defendant can establish that was not the objective, then the offence is not completed. Thus, 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.

I feel this is a gap in the law which allows harmful activity to go unaddressed, and for that reason the current suite of legislation is consciously designed not to rest on 'sexual gratification' as a motivation.

8. With reference to Article 7 (namely the proposed changes to Article 2A of the Protection of Children (Jersey) Law 1994), if possible, please could you confirm how many incidents this would impact per annum?

It has not been possible to isolate this specific information in time to provide a response to the Panel. If it is possible to do so subsequently, as part of the ongoing analysis of data in relation to the implementation of these laws, I will ensure that information is provided to the Panel.

9. The accompanying child rights impact assessment ('CRIA') says that a child-centred approach should be used for young perpetrators. Can you explain what practical work will be done to make this happen?

Discussions are ongoing in relation to this. Initial discussions have already been held with the Office of the Children's Commissioner, and I will work with the key stakeholders across the justice system and children's service to ensure that the right processes and approaches are in place prior to the implementation of this legislation.

Draft Harassment and Stalking (Jersey) Law 202- [P.6/2026]

10. The report accompanying the proposition states that the law's scope extends to cyber-stalking, however, neither this term nor any explicit reference to technology appears in the wording of the legislation itself. Could you clarify the advice you received which confirms that the drafting is sufficiently technology-neutral to ensure that such behaviour is appropriately captured?

In a similar way to the Sexual Offences (Jersey) Amendment Law above, the approach is to make the legislation 'tech-neutral' by avoiding references to specific technologies as far as possible. Only where novel concepts appear (e.g. 'spyware', 'GPS tracker' etc) is there any reference to the mechanism for the stalking etc, otherwise the harms rest on the acts of the perpetrator and effects on the victim rather than the way in which the perpetrator commits the offence.

11. Once the law is enacted, what is the likely timescale for the application and issue of a stalking protection order and, where relevant, an interim stalking protection order?

The timings will ultimately be determined by the Rules concerning how Courts process such applications, which are not yet completed. However, the concept of an interim SPO is that it should be rapidly accessible to victims to provide 'interim' protection while a full SPO is considered. As such, the rapid completion of the process is fundamental to the value of the tool. I am aware that there are concerns about delays in obtaining SPOs and interims SPOs (or their equivalents) in other jurisdictions (including the UK) but I understand that these result primarily from wider resourcing issues rather than shortcomings in the SPO concept itself.

12. Can you describe how the introduction of this law would impact the evidential thresholds required to prove harassment and stalking behaviours?

There is no evidential threshold for stalking at this time, which could currently only be classified as a form of harassment. 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.

Draft Domestic Abuse (Jersey) Amendment Law 202- [P.7/2026]

13. This law will amend the existing Domestic Abuse (Jersey) Law 2022 and introduce the concept of Emergency Barring Orders to Jersey law. Can you describe how these orders will be used and monitored?

Applications for EBOs will be made by the Attorney General, and I anticipate that they will typically be used to offer effective protection in rapidly arising situations where a suspected perpetrator of abuse is likely to cause further harm but has no relevant conviction to trigger the existing Domestic Abuse Protection Order system. In terms of monitoring, the use of EBOs by the courts will be a matter of public record and reflected in the annual reporting cycle.

14. As Emergency Barring Notices and Emergency Barring Orders cannot be issued to individuals under the age of 16, the CRIA says that “appropriate rehabilitation and support should be provided to children who are displaying abusive behaviour towards family members”. Can you explain what practical work will be done by Government to facilitate this?

It has come to my attention that there have been a number of cases of child-to-family member abuse on the Island, and it is therefore very important that we have the appropriate support and procedures in place to respond to these cases.

Criminal-justice focused responses, such as Emergency Barring Notices and Orders, are not appropriate in such cases where abuse is being perpetrated by a child for a number of reasons. These measures are designed to create distance between a perpetrator and a victim, including by preventing contact or by entry into shared residences. Such protective measures are not appropriate in cases where the victim of abuse is also the primary caregiver of the perpetrator.

In many cases, children that perpetrate abuse are victims of abuse themselves.¹ It is therefore important that these cases are responded to in a way that takes account of the full picture and provides the necessary support and rehabilitation to all of the individuals who have been impacted.

I will work with the Children’s Service and the Probation and Aftercare Service to understand the existing approach that is taken, and whether further work is required before this legislation comes into force.

15. The accompanying CRIA references that “this amendment may lead to secondary negative impacts such as increased financial strain on the non-abusive parent. However, the victim’ safety should take precedent (sic), and the government should play a role in financially supporting victims when in hardship”. Please could you clarify how this would be approached?

The Government already provides financial support to victims of domestic abuse through a number of routes. Victims of domestic abuse who have been put under increased financial strain as a result of an Emergency Barring Notice or Order will be eligible to access support through these routes.

For victims of domestic abuse that qualify for Income Support, they can apply for the Income Support benefit as usual. It may be that, following this change in legislation, more victims of domestic abuse are put under increased financial pressure as a result of their abuser being subject to an Emergency Barring Notice or Order. As a result, I will ensure that officers working in Employment, Social Security and Housing are fully cognisant of these legislative changes and the possibility that we may experience a rise in Income Support applications from this group.

¹ [No.14 Child on child abuse - Support for schools and settings](#)

In cases where a victim of domestic abuse does not qualify for Income Support, the Minister for Social Security has agreed to provide financial support through the Income Support benefit. This applies to victims of domestic abuse who are in Jersey on an immigration permission, or have the right to live in Jersey but do not meet the residency conditions for Income Support. These short-term payments are designed to support victims of domestic abuse in the immediate future and support them to untie any financial dependence on their abuser. As a result, the standard Income Support conditions about income and any requirement to work do not apply in these cases.

It also worth noting that there is a special Critical Support Team working within Employment, Social Security and Housing that are there to assist individuals who need additional support to access benefits.

Draft Crime (Public Order) (Jersey) Amendment Law No.2 Law 202- [P.9/2026]

16. As this legislation was not a specific recommendation of the VAWG taskforce, can you describe the advice received which identified the gap in the current 'threats' offence legislation?

During the process of developing the legislation relating to legislative recommendations of the VAWG Taskforce, officers worked closely with the key stakeholders across the criminal justice system that would be involved in the operationalisation of these new laws. Together, an in-depth analysis of the existing legislative framework was undertaken. This process highlighted a number of areas where existing legislation could be improved, including:

- The construction of the Article 15 sexual grooming of a child offence under the Sexual Offences (Jersey) Law 2018;
- How indecent photographs of children are defined under Article 2A of the Protection of Children (Jersey) Law 1994; and
- The construction of the Article 4 threats to kill, rape or cause serious physical injury offence under the Crime (Public Order) (Jersey) Law 2024.

Although these amendments to existing Jersey legislation do not relate to any specific VAWG Taskforce recommendation, they are very much in line with the principal aim of the other recommendations for legislative reform – to improve the ability of our criminal justice system to effectively address crimes associated with violence against women and girls.

More specifically, the amendment to the "threats" offence widens this existing offence from "threats to kill, rape or cause serious physical injury" to include threats to commit other serious sexual offences that do not include rape, such as threats to commit sexual penetration without consent, a variety of sexual offences against children, and threats to perpetrate female genital mutilation. This ensures that the criminal justice system will be better able to respond to perpetrators who issue threats relating to crimes associated with violence against women and girls, that would not have been captured by the current "threats" offence.

17. The CRIA notes that "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". Please could you confirm:

a. Which department will be responsible for the monitoring of this data and can you describe how any feedback or findings will be shared or escalated to initiate any required changes?

b. How frequently will the monitoring and review take place?

The intention is that data will be collated by JHA and presented as part of the annual progress report concerning Violence Against Women and Girls. Escalation activity will take the form of direct contact with the relevant departments, most likely pre-publication, and the activity should be openly available as it will be embedded in a public reporting cycle.

Please let us know if you require any additional information or clarification.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'M. R. Le Hegarat', with a stylized flourish at the end.

Deputy Mary Le Hegarat
Minister for Justice and Home Affairs