

Tuesday 1st July 2025 – Anonymous 19

I went to see Laura Bates speak last night, and it reminded me that I was yet to comment. Whilst Ms Bates was excellent in her diagnosis of the problem, I thought that a significant part of her solution – legislation and regulation – was unlikely to be effective particularly in the context of a small jurisdiction.

Accordingly, my key points are set out below.

Limitations of Laws and Regulations in Governing Multinational Social Media Platforms

While legislative efforts to address online harms are commendable, it is important to acknowledge the **inherent limitations of national laws** in regulating the behaviour of **multinational social media companies**. These platforms operate across jurisdictions, often headquartered in countries with different legal standards and enforcement priorities. As such, **local legislation alone is unlikely to compel meaningful compliance or behavioural change**, particularly in the absence of robust enforcement mechanisms or international cooperation. It should be noted that we already have laws (including but not limited to the GDPR and/or the Data Protection (Jersey) Law 2018) which (properly applied) should govern behaviour in the online space, particularly when it comes to algorithm-based targeting. They do not and are effectively ignored.

1. The Futility of a Small Jurisdiction Acting Alone

Given Jersey's size and limited regulatory leverage, any attempt to "go it alone" in this space risks being **symbolic rather than effective**. Without the scale or influence to enforce compliance, Jersey-specific regulations may be ignored or circumvented by major platforms. Worse, they may create **duplicative or inconsistent obligations** that complicate enforcement and dilute the impact of broader efforts.

Additionally, where online platforms are located in the USA, their "home" legal and regulatory environment may be significantly less strict, meaning that unless we are going to start blocking websites (a possibility but probably no more than that), the scope for regulation is probably limited

2. The Case for Extending UK Legislation to Jersey

Whilst it does not square with Jersey as a distinct jurisdiction, we must if legislation is to have any chance of altering the behaviour of online platforms act in concert with other (larger jurisdictions).

Rather than developing a bespoke framework, I would recommend that Jersey should adopt/extend UK measures, such as the **Online Safety Act**, to ensure alignment with a larger, more influential regulatory regime. This would:

- Provide **consistency** for platforms operating in both jurisdictions.
- Leverage the **UK's enforcement infrastructure** and regulatory expertise.
- Ensure Jersey residents benefit from the **same protections** as those in the UK.

3. Recommendation: Expand Grooming Offences to Include Misrepresentation

Finally, I propose that grooming offences under the Sexual Offences (Jersey) Law 2018 be expanded to include a specific offence of an adult **misrepresenting their age, identity, sexual orientation, sex, or gender to a minor** for the purposes of facilitating communication with that minor. This would:

- Reflect the **realities of online grooming**, where deception is often a key tactic.
- Target wrongdoers who we can do something about – those living locally/in the "near abroad"
- Close a current gap in the law that allows harmful behaviour to go unpunished.
- Align with emerging international best practices in child protection.

For example, such a law might have given the authorities more tools to confront the behaviour in AG v Snepp [2025]JRC029 – and possibly have given rise to more effective and earlier intervention.