



# **Children, Education and Home Affairs**

## **Scrutiny Panel**

### **Online Harms**

## **Witness: The Minister for Justice and Home Affairs**

Friday, 23rd May 2025

#### **Panel:**

Deputy C.D. Curtis of St. Helier Central (Chair)

Connétable M. Labey of Grouville (Vice Chair)

Deputy B.B. de S.V.M. Porée of St. Helier South

Deputy H.M. Miles of St. Brelade

#### **Witnesses:**

Deputy M.R. Le Hegarat of St. Helier North, The Minister for Justice and Home Affairs

Ms. K. Briden, Chief Officer, Justice and Home Affairs

Ms. A. Fossey, Detective Superintendent, States of Jersey Police

Mr. N. Fox, Associate Director of Criminal Justice Policy

Ms. N. Crook, Head of Digital Forensics Unit, States of Jersey Police

[11:00]

#### **Deputy C.D. Curtis of St. Helier Central (Chair):**

Welcome to this special hearing on online harms of the Children, Education and Home Affairs Scrutiny Panel. Today is 23rd May. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched to silent. I would ask that any members of the public who have joined us in the room today

do not interfere in the proceedings and, as soon as the hearing is closed, please leave quietly. I think we have got one and a half hours for this hearing. I am Deputy Catherine Curtis, the Chair of the Panel.

**Connétable M. Labey of Grouville (Vice Chair):**

I am Connétable Mark Labey, Vice-Chair of the Panel.

**Deputy B.B. de S.V.M. Porée of St. Helier South:**

I am Deputy Porée and I am a Panel Member.

**Deputy H.M. Miles of St. Brelade:**

I am Deputy Helen Miles and I am a Panel Member.

**The Minister for Justice and Home Affairs:**

Deputy Mary Le Hegarat, St. Helier North, the Minister for Justice and Home Affairs.

**Chief Officer, Justice and Home Affairs:**

Kate Briden, Chief Officer for Justice and Home Affairs.

**Associate Director of Criminal Justice Policy:**

Nathan Fox, Associate Director of Justice Policy.

**Detective Superintendent, States of Jersey Police:**

Alison Fossey, Detective Superintendent, States Police.

**Head of Digital Forensics Unit, States of Jersey Police:**

Nikki Crook, Head of Digital Forensics Unit, States Police.

**Deputy C.D. Curtis:**

Okay, thank you everyone. So I will start with the questions. Minister, you are responsible for Island's justice policy and criminal justice and community safety policy. In respect of legal protection for individuals, what is your assessment of the legal protections that children in Jersey currently have from online harm? So this is not about what is in process, it is about what they have already.

**The Minister for Justice and Home Affairs:**

Okay, currently Jersey does not have a specific offence of intimate image, abuse or other forms of technology facilitated abuse. However, existing laws have generally been drafted in a way so that they are fairly neutral and are therefore generally applicable. For example, deepfakes or A.I.

(artificial intelligence) generated pictures are encompassed by existing provisions. This was confirmed in the Jersey Courts. For example, the judgment of the Royal Court, A.G. (Attorney General) v. Leigh on 17th November 2023, where an A.I. generated image resulted in a conviction. At present, Article 51 of the Telecoms Law of 2002 is used to prosecute these forms of abuse in lieu of a more suitable framework that accounts for recent advances in technology since the legislation was introduced. Furthermore, since the Telecoms Law does not sit under the Sexual Offences (Jersey) Law 2018, so the anonymity does not automatically apply for victims, which can cause reluctance to report these instances to the police. The new legislation seeks to make up these gaps, so it would be capturing the intimate image abuse as well as cyberstalking under the Sexual Offences Law. This will further protect victims and survivors from these forms of abuse, whether children or adults obviously. The Protection of Children Law 1994 also provides protection in relation to the taking of or making of indecent images of children and the possession and distribution of those images.

**Deputy C.D. Curtis:**

So you would say that what is currently there is the sort of existing neutral laws, which can be used, but would you say that is sufficient?

**The Minister for Justice and Home Affairs:**

We have been getting convictions with them, but obviously it is like with everything, legislation does need to keep being evolved. So I think, even though we have had a conviction in 2023, I do think that we need to make some minor changes in relation to some of the legislation so that things are a bit more explicit about what they are, if that makes sense.

**Deputy C.D. Curtis:**

Okay, so I know you have mentioned the new laws that were coming in any way around cyberstalking.

**The Minister for Justice and Home Affairs:**

I do not know if Nathan has got anything further that he thinks is valuable to that question.

**Associate Director of Criminal Justice Policy:**

In terms of the existing protections for online harms, I think it is worth noting as well we have the grooming offence and the Sexual Offences Law, which is I think conceptually primarily going to start as an online activity. I do not know if I should talk about the new legislation plans and effects on children now or whether that is coming later.

**The Minister for Justice and Home Affairs:**

That is coming later.

**Deputy C.D. Curtis:**

So just on this subject of what there is at the moment, you are talking about improvements to existing legislation as well. So do you think, even with the current plans, should there be more legislation being looked at?

**The Minister for Justice and Home Affairs:**

We have got a whole raft of different legislation that is coming forward. So I do not know if you have got anything specific you think that is necessary, because there is a whole raft of new legislation. As I said, I mentioned A.I., because in the legislation it talks about pseudo images. But we have prosecuted A.I. under that umbrella. But I think what we need to always be aligned to is that, as things evolve, we need to make sure that things are more explicit, because obviously those could potentially change and the Courts may change their views on certain things. I think we need to keep abreast of it all so that we keep moving forward, not just standing still.

**Deputy C.D. Curtis:**

Yes, because I was going to ask, where do you think the most significant gaps or weaknesses in Jersey's current approach to safeguarding children online, where does that sit? I was just looking at, for example, what is now illegal in the U.K. (United Kingdom), but not in Jersey, is platforms being required to introduce age verification for some types of content, things like that. So there is no plans to bring that into Jersey?

**The Minister for Justice and Home Affairs:**

Those platforms, I believe, would sit under Economic Sustainable Development.

**Associate Director of Criminal Justice Policy:**

Yes, we have been working with our colleagues in that Department, because the justice system, as it operates in Jersey, is sort of geographically linked to the Island and it operates at the speed of the justice system, which is not immediate. So the question of how you manage global providers, and their relationship with content, is not something really that you can do with the criminal justice system in a small jurisdiction. It is something that requires the negotiation and engagement that I think the Economy Department has been working on.

**Deputy C.D. Curtis:**

So maybe it would have been more practical if Jersey was part of the U.K. legislation.

**The Minister for Justice and Home Affairs:**

The only thing is, with being part of the U.K. legislation, that also has its challenges from the point of view of us being able to make changes. You get the package, you cannot then try to change that package. So I think what we need is a fit for purpose for Jersey, but we need to get it in as quickly as possible, is what I would say.

**Deputy C.D. Curtis:**

Okay, thank you. I have got a specific example now, there was a Royal Court judgment in January this year relating to an individual who was charged with sexual offences against teenage girls. It was reported that he had groomed his victims after meeting them online through Snapchat. So are there any learnings from this case that can be used to inform online safety and community safety policy?

**The Connétable of Grouville:**

Can I just interject there, Minister, I think there was also a case very recently in Guernsey as well.

**The Minister for Justice and Home Affairs:**

Yes, first and foremost, this individual was convicted to 8 years in prison. So that was a successful prosecution. Obviously, I am committed to continue to work on this across ministerial portfolios, because this covers 4 different ministries. The cross-ministerial group, which the Minister for Sustainable Economic Development mentioned in his hearing this or last week, will continue working and will consider carefully the scrutiny report resulting from these sessions, and obviously the evidence that has been submitted in relation to that. So officers across all of these different portfolios will obviously look at the legislation, be as flexible and forward thinking as we possibly can be, so that we can have wide provisions to be able to deal with that.

**Deputy C.D. Curtis:**

Do you think there is sufficient support as well available for victims of offences like this?

**Detective Superintendent, States of Jersey Police:**

Yes, I think it is a developing area, because increasingly crimes, all crimes now have a digital element. So our victim care services need to be aware of that and how to support victims of these crimes who do suffer harm from online abuse. I would take that even as far as to our S.A.R.C. (Sexual Assault Referral Centre), because they need to be available to support victims with practical and emotional support as well who are experiencing online abuse. It is just about us all evolving, that a crime, there is no differentiation now between a digital crime and a crime, that they are all one now, and everyone has to improve their digital literacy right across the criminal justice system, from the detectives that are investigating, through to the prosecutors, through to the judges, we all have to understand this world, the different apps, the different platforms, and it is complicated.

**Deputy C.D. Curtis:**

Yes, so that is interesting, is it not? So the Sexual Assault Referral Centre then will have to probably have more work than ever before and, like you say, across the board in this area.

**The Minister for Justice and Home Affairs:**

I think fundamentally as well that what we need to ensure that we work on is encouraging and supporting young people in a way across the piece, not only young people, everybody in relation to this type of abuse and content online, is about education and supporting so that people have confidence to speak to others of their peers if it is happening to them, the trusted youth worker, the trusted teacher at school, parents or guardians. From our perspective, this is what we really need to try to encourage, because what we need is people to be reporting these offences, because of course quite often they are not reported to the police. So I think we need to be able to do all of that work to ensure that we have got an environment where people feel like, if they are being targeted online, that they can report that, and they need to be. Because the more that people report, the more it becomes in that public space, the better for all of us, I think.

**Deputy C.D. Curtis:**

Yes, of course, and I suppose it is particularly difficult with children because they do not necessarily know that they are being targeted, do they?

**The Minister for Justice and Home Affairs:**

No, and that is why education is important.

**Deputy C.D. Curtis:**

Yes. Okay, so now I just have a more general question. Minister, are you aware of the concepts of digital safety by design in relation to online safety, and should the Government of Jersey incorporate this into policy making?

**The Minister for Justice and Home Affairs:**

The answer to that is yes. In 2024, the O.E.C.D. (Organisation for Economic Cooperation and Development) published a report suggesting 8 key components for digital safety by design for children, and that is employing age assurance mechanisms, which I think we have touched on; implementing child-centred design; detecting and preventing harm, and digital service providers can proactively identify and mitigate risks by implementing technical safety measures, such as the advanced detection systems, default settings, content filters, et cetera; protecting children's privacy and personal data; alongside ensuring child-friendly information provisions; and facilitating complaints and redress. So, as I said, I think it is quite important when we look at all of this, it is

about the education and support of young people, encouraging child participation and putting children at the centre of any decision making. So I think that is where these types of things are very important.

**Deputy C.D. Curtis:**

Okay, so would you say that is already incorporated then into any of the offences work that you are already undertaking?

**The Minister for Justice and Home Affairs:**

I would suggest that it is.

**Associate Director of Criminal Justice Policy:**

I think, broadly speaking, between departments, yes.

**Deputy C.D. Curtis:**

Okay, I think that is it.

**Deputy H.M. Miles:**

Okay, thank you. It was just some questions around the Violence Against Women and Girls report, and in particular the recommendations. Recommendation 11 was around reviewing and strengthening the current legal framework to better protect Islanders. Talking about cyberflashing, the use of deepfakes. They also talked about the problem of the evidential burden of motivation thresholds. I think that was for the voyeurism offence, in particular. So, can you just tell us when you will be bringing forward the amendments to the Sexual Offences Law in line with the V.A.W.G. (Violence Against Women and Girls) recommendations?

**The Minister for Justice and Home Affairs:**

Right. I will ask Nathan, from the point of view of the time scales. But as far as I am aware, but Nathan will be able to verify this or not, all of those recommendations for all of those legislative changes should be on target for the end of this year at different spaces through the time. So I do not know whether you have the ...

**Associate Director of Criminal Justice Policy:**

That is the intention, and that is the target that we have given. There is some variability in the sort of week-to-week delivery time of this stuff, because when you move into it, the drafting process raises more questions. The intimate image abuse piece is progressing first. We are now on draft 2 or 3 of that. The general intention, as you say, there has been issues in the past with the motivation

threshold around voyeurism and image gathering, taking photos, peeping at people, because the requirement is that it be for sexual gratification.

[11:15]

So, as you move into a space where images might be taken and shared for the purpose of humiliating somebody or because someone thinks it is funny, you start to find that motivation threshold is a barrier to dealing with harms that are happening. So the intention is to remove that and to broaden the concept of voyeurism into what we are calling intimate image abuse offences. So the non-consensual taking or sharing of intimate images of a person, broadly speaking, would become potentially a criminal offence, as would threats to share that material, as would the unsolicited transmission of sexual imagery. We are talking at the moment about whether that is sexual imagery or intimate imagery or what, but effectively it means cyberflashing, although the phraseology has got to be worked out precisely. So cyberflashing will be a crime, and there will be no motivation threshold on that.

**Deputy H.M. Miles:**

Would there be a definition of cyberflashing in that particular legislation?

**Associate Director of Criminal Justice Policy:**

It would be something very much like the unsolicited transmission of sexual imagery. That would be, again, without a motivation threshold. So it would not matter whether you are doing it for sexual gratification or to upset somebody, or because you thought it was funny, it would still become a criminal offence to do it.

**Deputy H.M. Miles:**

Can you provide us with an update on the cyberstalking legislation?

**Associate Director of Criminal Justice Policy:**

So the stalking piece, equally being worked on, we met the drafter about that yesterday, a pre-meet to say, are these instructions are going to work for you? So that has not started drafting yet. That is patterned, broadly speaking, on the way the U.K. does stalking, which is to say you have harassment, and then within that activity there is stalking. Then within that there is an aggravated offence, which deals with having caused any serious harm or distress or similar. That is a more complicated piece. It is intended to be seamless between physical and online activity. Both the intimate image piece and the stalking piece do affect children because, for instance, in stalking there will be no minimum age at which you can be stalked or harassed. So it could be applied to somebody engaging with a child if the Sexual Offences Law was not appropriate, or it could be applied to

somebody sort of in a school environment, with all of the usual protections around the way we treat the criminalisation of children would come along with that, but it would be applicable for the benefit of children.

**Deputy H.M. Miles:**

Okay, thank you. The V.A.W.G. report also recommended that the Government should ensure that similar protections to those afforded by the Online Safety Bill were brought in to ensure that Islanders benefited from all the protections when using online platforms. Minister, you have already alluded to the fact that you do not agree that we should have had a permissive extent clause into the Online Safety Bill.

**The Minister for Justice and Home Affairs:**

I did not say I agreed with that. What I said was that it is difficult to take something as its whole when you cannot make changes in relation to it. I was not part of those discussions. However, I am aware of what Deputy Morel's view is, but what always worries me a little bit about taking text from the U.K. is not being able to manage them for Jersey. So, from my perspective, what I would like to see is something fit for purpose for us. However, we need to be able to have that clout in relation to the platforms, but I am not totally convinced that the U.K. have got them either. Of course, both Guernsey and the Isle of Man did take the P.E.C. (permissive extent clause) and have done nothing with it. So I think, for me, it is about always trying to get something that is fit for purpose for us and I would not want to take legislation that I cannot adapt to my own, I do not mean my own personal self, but I feel that can be managed by us.

**Deputy H.M. Miles:**

We have got examples where permissive extent clauses worked extremely well for safeguarding vulnerable adults, for example, safeguarding vulnerable children, that P.E.C. has been extended so that we can operate the D.B.S. (Disclosure and Barring Service) system. But some of the challenges that you have already talked about, the fact that we have no influence over the online platforms, I can understand the rationale for doing it locally, but there has got to be quite a number of challenges there.

**The Minister for Justice and Home Affairs:**

Yes, I do not disagree.

**Deputy H.M. Miles:**

You have talked about a couple. So it feels that we are left in some sort of limbo here, that we cannot take the benefits of what might have been in that permissive extent clause, because we do not have the choice to do that now, that has gone. But also, given the legislative framework here

that we have got, that we might not be able to act at the right time. How long do you think it will take to get similar measures that are provided in the Online Safety Bill into Jersey legislation?

**The Minister for Justice and Home Affairs:**

I do not know. I do not know if Nathan knows exactly where the Economic Department is with the legislation in relation to the rest of it.

**Associate Director of Criminal Justice Policy:**

They may have a timeline, but I do not believe that we have discussed it with them recently. I know they are looking at the Online Safety Act in the U.K. and the Digital Services Act, the E.U. (European Union) legislation, and they are working with the Jersey Office of the Information Commissioner to try to establish a reporting and take that on. That is what they relate to us, but it is something that they are primarily working on.

**Deputy H.M. Miles:**

But I think we can safely say that it will not be within this political term.

**Associate Director of Criminal Justice Policy:**

Well, I mean, they have the timeline. If they have relayed that to you, then that is the case. I do not have any more information.

**Deputy C.D. Curtis:**

Well, I was just going to say, we have heard about the cross-ministerial group. So it is not all worked out between what is happening in the different departments?

**The Minister for Justice and Home Affairs:**

No, but we do not necessarily all know exactly what timelines each department has in relation to their legislation and what changes are coming forward. So I think the thing is that obviously that Minister will know the timelines and whether that will or will not be in within this timescale of this Government. That is not something at this stage that I am ...

**Deputy H.M. Miles:**

Who chairs that cross-ministerial group?

**The Minister for Justice and Home Affairs:**

We have not got a Chair at the moment. We have had a couple of discussions about it, but we have not got a Chair.

**Deputy C.D. Curtis:**

So would it be fair to say that there is not proper cross-ministerial work going on at the moment?

**The Minister for Justice and Home Affairs:**

Well, I think there is at an officer level, there is clearly work going on within those bounds, and we have had discussions about it. But I think the thing is, is that everybody is working forward on their own legislative changes in relation to the online platforms and violence against women and girls, and the Minister for Sustainable Economic Development will be dealing with his Department and what legislation is a priority for him.

**Associate Director of Criminal Justice Policy:**

Yes, we meet the Economy guys every 2 weeks to sort of go through where we are with the joined-up working. They have seen all of our drafting instructions as they go. They have had some really useful input on it. It is just I do not recall from our last conversation with them the timeline they mentioned for their intended work on this.

**Deputy C.D. Curtis:**

Do you think that could be improved, the work between the different departments, the cross-ministerial work; do you think that could be improved?

**The Minister for Justice and Home Affairs:**

As I said, the policy officers are all clearly working together, bearing in mind that this is just one part of an element of recommendations, as an example, for violence against women and girls. There are 77 of them across all departments, Health, Education, and there is some that sit with Economic Development as well. So, of course, we are all working to get our delivery done and dealing with each other along the way. But obviously I am not au fait necessarily with all of the timelines for 12 other ministerial positions.

**Chief Officer, Justice and Home Affairs:**

Can I just come in briefly, so there is also a proposal for a cross-departmental officers group to support the ministerial group, which I think will really help. But I think the ministerial group has met a couple of times and needs to continue meeting, as the Minister said. I do think that arrangement can be strengthened, and I think certainly the recommendations you make will no doubt go to that and help us with that. Putting an officer structure in place, it would be slightly wider as well than the Ministers that are already involved. So Public Health, for example, are very interested in this, and there is obviously real concerns and impact there. You will have been exploring that with other witnesses, I am sure. So I think picking up that better officer coordination so that we can better

support a cross-ministerial approach to it is absolutely something we will be taking forward and no doubt you will potentially make recommendations that we will welcome.

**Deputy B.B. de S.V.M. Porée:**

Just to carry on in that vein, can you please, Minister, describe how the work will make Jersey legislation comparable with other jurisdictions?

**The Minister for Justice and Home Affairs:**

Obviously, it is not only England and Wales that the team are looking at. Officers have taken particular interest in the approaches that other jurisdictions are taking. So there is obviously the Online Safety Act of 2023, which obviously gave a broad sort of different amount of legislation and what could be looked at in relation to that. The Criminal Justice Bill also seeks to insert a new offence of taking intimate without consent into the Sexual Offences Act 2003. The previous U.K. Government also announced an intention that the creation of sexually explicit deepfakes would be captured within their legislation. We have talked already about voyeurism, and that was in their plans to repeal those as well. We have also looked at Australia, a range of legislation across New South Wales and Victoria makes it an offence to record or distribute an intimate image without consent. In November of last year, there was a lot that was talked about by the then Prime Minister about protecting children online. Also, Australia introduced a civil justice approach to the non-consensual distribution of intimate images through the Online Safety Act in 2021. Then about notices and failure to comply offences. British Columbia, the Intimate Image Protection Act 2023. So there is lots of different places. That is why sometimes it is quite beneficial to us to create our own legislation so that we can pick the best of all of the other places as well. Accepting that sometimes you just need to get on with it though, as opposed to delaying it. But I do sometimes think that it is quite beneficial to us to be able to create things that are more localised to us. I do not know whether Nathan has got anything further that he wants to add in relation to that.

**Associate Director of Criminal Justice Policy:**

Just to give an example, in terms of the stalking piece, that distinguishing harassment from stalking has proved to be an issue for a number of jurisdictions who have looked at it. I suspect the U.K. are entering another review phase of their stalking legislation, possibly to start thinking about issues like that. But there is a very good example in Western Australia where they use surveillance as one of the distinctive separation pieces between being stalked and being harassed. That is extremely instructive and we are working with that at the moment to see if we can make it applicable locally. So, yes, we do look at all Commonwealth and other jurisdictions as well as the U.K. But the intention is to align as far as possible, not least because, with the resources available to a small jurisdiction, you have to take stuff from other people just in order to make it work. Novelty tends to be an

inefficient way of working. So, yes, comparability and standardisation is really something that we keep an eye on.

**Deputy B.B. de S.V.M. Porée:**

It is good to hear that you are looking at many different jurisdictions to find what are the best bits to introduce the legislation to Jersey. Is any part of the best bits you feel that you are not going to include in Jersey legislation? If there are any particular parts, would you want to share it with us?

**The Minister for Justice and Home Affairs:**

No, I do not think, to be honest, I am that deep-dived into what we would or would not incorporate at this stage. Because obviously it is officers that have been working on all of this and, once the process is complete and it is looking to go to drafting, then obviously I will be shown and we will have a discussion about if there is any gaps or any gaps that I think or maybe the head of States of Jersey Police or somebody like Alison would have a look at as well. They are doing the policy work at the moment, but anything that is going to go forward to the drafters, and when it has been drafted then we will obviously look at it to ensure that there is no gaps within any of that.

**Deputy B.B. de S.V.M. Porée:**

Okay, thank you. So work is a bit in progress in terms of what you are adopting for Jersey and the reasons why you will be picking that.

**The Minister for Justice and Home Affairs:**

From my perspective, we want to make it as comprehensive as we possibly can to ensure that there are no gaps. Because the one thing we do not want is gaps where people can evade being prosecuted for certain offences.

**Deputy B.B. de S.V.M. Porée:**

Okay. So do you think, Minister, that you are confident that the Government of Jersey will keep pace with the rate of change and will be able to keep up with other jurisdictions and with the new update of technology by implementing our own legislation; are you confident?

**The Minister for Justice and Home Affairs:**

I am confident that we can, but I am also of a mind that we need to ensure that we do not leave legislation behind the curve. Because I think we need to, as opposed to continually rewriting of big pieces of legislation, we need to update them more often and more regularly. As an example, we found gaps in the 2022, or whatever year, which prevented us, as an example, with the Istanbul Convention. So I think we need to just make sure that, as an example, through our discussions, we have identified that there is something, there is a gap in the legislation that Alison was talking to me

about, which looks at somebody under the age of 16, which means that the person under 18 ... and you can explain it better than ...

[11:30]

**Detective Superintendent, States of Jersey Police:**

The 1994 legislation for indecent images is only applicable to children and young people under 16, whereas everywhere else it is 18, and the consequence of that, not only from a safeguarding point of view of your older children, is the impact on Nikki's digital forensics team, because we cannot use software that they use elsewhere which automatically scans the images and will pick out the ones under 18. So we have to individually look at all these images, which is not only time-consuming, but from an officer well-being point of view, is less than ideal. So I do not know the reason why in 1994 it was 16, there will have been a good reason for that, but in this day and age, every other piece of legislation would identify a young person as under 18, and it has that impact in the workplace for us.

**The Minister for Justice and Home Affairs:**

Yes, so we have committed that we will change that legislation so that it falls in line with what is going to make it a lot easier for them to be able to deal with.

**Deputy C.D. Curtis:**

I was just thinking, sorry to interrupt that, that just shows really how important it is that any legislation to do with online safety takes into account what is happening in other jurisdictions as well. It is all very connected, is it not?

**The Minister for Justice and Home Affairs:**

Yes, I am not an online tech expert, and maybe Nikki could probably be more aligned with this, is that how regularly should your legislation be reviewed to ensure that keeps going forward? I am not necessarily saying every year or every 6 months or whatever, but it is almost like a rolling programme, so that if something changes, and this is probably where we need to get better at this, is that if something changes that Nikki can come forward to the Minister or the head of the Department and say: "This has moved forward, this is the change we need to do", and almost a continual rolling programme of the changes of your legislation, so that you would not be in a position where you have to have a total overhaul. We have still got Laws that go back to 1956 that I can think of off the top of my head, your Road Traffic, your Licencing, all of these legislations are all well outdated, and we wait until years beyond, whereas minor changes along the way exactly is what it is, minor changes to keep it moving forward, so it is never out of date.

**Deputy B.B. de S.V.M. Porée:**

We would say that is essential, because technology itself is evolving at the speed that even young people cannot keep up, so whatever legislations you are going to bring on, they have got to be constantly trying to keep updated. Online harm is across countries, it is not a Jersey thing, it can be abused by people in so many different countries outside Jersey jurisdiction, so that is really important to bear it in mind. Thank you. So, Minister, out of all the sets of questions we asked you with regards to digital offences, are there any aspects of those offences or in the work being done that you would like to talk about or share with us? There are questions we may not have asked of the participants.

**The Minister for Justice and Home Affairs:**

Not off the top of my head, no.

**Deputy B.B. de S.V.M. Porée:**

Okay, thank you.

**The Connétable of Grouville:**

I would like to ask Nikki, we have said it would be great to have your opinion. I mean, in my lifetime, we have all had massive changes throughout my lifetime. My first computer took about 3 days to boot up, but nowadays everything is coming through on a device that size. So, what is your opinion about the legislation? A.I. is supposed to be a force for good, but we all know it is not going to be, so what is your opinion about how we keep up with this?

**Head of Digital Forensics Unit, States of Jersey Police:**

In terms of timelines, technology advances so quick, I could not say every 6 months, every year, because something will come tomorrow that will then need that instant change. But A.I. will be the challenge, and A.I.-generated images, and not just the images themselves, but the models that are then used to create them, and I am not sure where that will be covered at the moment in Jersey law, but it is the ownership of those models to create them, not just the images themselves.

**The Minister for Justice and Home Affairs:**

Even though we have had prosecutions, it is like everything else, you need to keep moving your legislation forward so that you close those gaps when they come behind you.

**Detective Superintendent, States of Jersey Police:**

Yes, the pseudo images at the moment are good at capturing the kind of cartoon-like images, but when you get into the real A.I., which is so difficult to distinguish from the real, so realistic, and then the legislation needs to be able to account for that, and the need to not have to prove that is a deepfake and that is a real, because you will soon not be able to tell any difference between the 2.

So the legislation needs to keep up with that, and I guess, if it is able to be drafted as broadly and as catch-all as possible is probably the best way to stop having to keep changing.

**The Connétable of Grouville:**

Keep it less defined and broad, I do not know how that is possible.

**Associate Director of Criminal Justice Policy:**

Well that is entirely true, and part of the art, we are coming to suspect, is not to chase tech, simply state your harms, make it abundantly clear, so for instance the stalking piece, to be neutral about whether or not it is happening in the street or online. So, if you arrange it right, you can be stalked in person, you can be stalked by telephone, you can be stalked over the internet, you should be able to be stalked by brain implant. The harm is concentrated on, if the legislation is neutral about the tech, it should last, it should have a long enough lifespan that it will capture stuff as you go forward. It is where novel things emerge, it is where technology takes you to a place where new types of things are happening. That is when the law, I find, tends to be left behind, honestly.

**The Connétable of Grouville:**

Good answer, thank you. Minister, in your letter to the panel on 10th March, you highlighted the work that was underway in relation to the Child Sexual Abuse and Exploitation Strategy, and that a recurring theme had been identified of growing complexity of online harms faced by children and young people at school, at home, and within the wider community. Please could you tell us more about this complexity that has been identified and describe the challenges that it poses?

**The Minister for Justice and Home Affairs:**

We have obviously, in relation to the exploitation piece, it sits with the Safeguarding Partnership Board, which is a multi-agency strategy which aims to reduce the child sexual abuse and exploitation and create a safe environment for children and young people in Jersey. A key objective of the strategy, which prioritises prevention and identification, is to raise public awareness of it. There continues to be ministerial support for the campaign in raising awareness in this particular area. The first phase of the plan focused on raising professional awareness through a conference which was delivered in November 2024, which the Minister for Children and Families attended. I, unfortunately, was unable to. Subsequently, groups were formed to develop ideas and strategies to drive the campaign plans forward, including a multi-agency steering group. The campaign is not technology or app focused to restrict or control children's behaviours in the online world. Instead, it is focusing on the educating and empowering adults to understand digital risks and feel confident in discussing them with children. That is obviously something that I have already said previously in this hearing, is about trying to ensure that there is an ability for young people to be able to bring forward any concerns that they have to adults in a way that they can. By fostering the open conversations,

children are more likely to share their online experiences, ensuring that they can seek help and support along the way. The Safeguarding Partnership Board, who met yesterday, no, that was the Corporate Parenting Board, I got my 2 boards muddled up then. But they meet quarterly and that will be something that will be ongoing. I also am part of the Corporate Parenting Board, which met yesterday. All of those different sort of lines, we are all sort of working together and that includes Health, myself, the Minister for Children and Families and the Minister for Education and Lifelong Learning.

**The Connétable of Grouville:**

In fact, my next question relates directly to the Safeguarding Partnership Board. I believe they had a conference recently, a joint conference with the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) on the topic of safeguarding children in the digital world. Can you tell us about the information and learnings you and your Department got from that conference?

**The Minister for Justice and Home Affairs:**

Yes, unfortunately, as I said, I was unable to attend that particular conference because I was out of the Island. The Minister for Children and Families did. But in relation to the safeguarding, education and awareness, because that is critically one of the biggest things in schools, establishing a standard of online safety in the curriculum, integrating personal, social, health in the P.S.H.E. (Personal, Social, Health, Economic) and introducing early intervention strategies for parents and carers, providing accessible workshops and resources to help families understand and mitigate online dangers. Because, as you have already alluded yourself, we are of an age that we do not necessarily understand all of these forums. So this is not only about the protection or helping children to understand all of this, it is about having parents understanding it as well. From a community perspective, launching public awareness campaigns to encourage open conversations and collective action against online harm, which is pretty much in the space and we will have seen lots of things in relation to a trial in a school over the last couple of days. As I said, support systems for parents, strengthening trauma-informed services and creating clearer support pathways. Alison has already talked about some of that. Equipping teachers, youth workers, social workers and agencies with tools for effective intervention, because that is also very important as well. Through collaboration in harnessing multi-agency frameworks to ensure shared accountability and streamlining those support services. So ensuring that, from a legislative point of view, we need to strengthen our frameworks and to get it as much in line as we can with the U.K. Online Safety Bill, as we have already discussed. The tech, introducing stricter regulations for tech companies, but as we have already said, that can be quite challenging. It can be challenging even for jurisdictions a lot larger than ours. The consistency of training. So, it is a bit like the legislative changes. As organisations, schools, agencies, safeguarding procedures, all of those sorts of things, it is almost like it is never off the table. So you need to keep changing and updating and make sure that your

policies and procedures keep moving forward and that you continue to train. Because, as a prime example, if you have somebody with a specialism, they have to have updated training every year or every 6 months. This is what we need to be doing with this training and technology, and so when budgets are tight, do not cut the training, because that is what we have done a lot in the past. When the budgets get tight, we cut training. But what we do by doing that is then making our ability to deal with things weaker. So, we must ensure that we do not cut budgets in relation to training, to ensure that everybody is of a level so that they understand what they need to do to help others.

**Deputy C.D. Curtis:**

Can I just say, are you concerned at the moment about budgets affecting training opportunities; is that an issue right now?

**The Minister for Justice and Home Affairs:**

From my perspective, it is not something that I can discuss in relation to across the piece, but what I am saying is that certainly I can give examples from the Police, there is a basic officer safety programme. It is something that everybody has to do every year. So, from the point of view of whether it is in Health or whether it is in Education or in other environments where it is necessary for people to be trained and being able to keep up to speed with this type of thing, it is essential that does not fall or lag behind. The other thing is that, in relation to the violence against women and girls, a lot of the recommendations talk about training and talking about training people in specific areas. Of course, those elements of it have been distributed to others. So, the accountability for some of the delivery of the violence against women and girls sits with other departments. Some of those things are about training and development, ensuring that our staff are up to speed.

**Deputy C.D. Curtis:**

So, you think it is okay?

**The Minister for Justice and Home Affairs:**

It is okay, but, as I said, it is not something I would like to see that departments end up cutting.

**The Connétable of Grouville:**

Thank you, Minister. Talking about frameworks, and you have already mentioned the word a couple of times, can you tell us about how the Building a Safer Community Framework will coordinate any future policy work relating to the protection of children from online harms? Do you feel that framework has a position to play?

**The Minister for Justice and Home Affairs:**

The framework was introduced to provide a framework for the Government and a wider community to enable a whole system approach to community safety. This is community safety. So, this includes providing a framework to understand future policies and strategies may be required. So, as an example of all of that, under the umbrella of Building a Safer Community, is the interaction within schools. That programme included schools dealing with online as part of one of the things they dealt with, the Police, Fire, Immigration, Ambulance, all provide some inputs in those things, but as do inputs come in relation to online safety. So, over the past year, the J.H.A. (Justice and Home Affairs) Chief Officer and the Justice and B.A.S.C. (Building a Safer Community) Coordinator have worked to establish B.A.S.C. across the Government as a coordinated function. Kate is probably better at explaining all of what has been going on in relation to that sphere, if you like.

[11:45]

**Chief Officer, Justice and Home Affairs:**

So the key thing at the moment is, having established the framework, working out how it dovetails with the safeguarding arrangements, which are changing away from a formal safeguarding partnership board into the new arrangements envisaged in the Children and Families Law, and so the Justice and B.A.S.C. Coordinator has been working with the safeguarding business team on how we get that to work. There is some overlap, but there is also some significant difference in the concepts of community safety and safeguarding. What we are aiming to do, particularly given the focus on online harms, is take forward the work that led to the conference and the questions you have already asked and the Minister has answered, and see how does that fit in the future in the wider, as the Minister says, online safety definitely fits within community safety. Now, there is no hard edges in a way around the B.A.S.C. framework. It could be very, very broad and involved in lots of things, but we also have to be realistic about what we can focus a limited amount of resource on. There is very limited resource in the centre of coordinating that function. But really that is okay in some ways, because it is about functions that already exist, heading in the same direction, having more strategic principles. Like you can see, we have got the coloured framework printed in front of us, and we are about to launch some new, we call it collateral, the documents around the B.A.S.C. framework, including a child-friendly version and a video of it, which will really help, because we tend to find we then end up relying on the children's version, because it is by far the easiest way to explain it, and the main framework tends to get left a bit. So that will really capture that broad community nature of the work, and a lot of that collateral features visibly, police officers and teachers and those that children would find in their space, helping them be safe. So for me that has got an absolute link to the online safety, but we are just building really what it looks like from a framework and governance point of view. Now really it is about what we can do and how we can do it, but you do need some structure around it. So I would say it is a work in progress. B.A.S.C. absolutely has a place here as an umbrella, and we want people pulling together and all heading in the same

direction and not duplicating. So they are the key principles of the work that is underway at the moment, and hopefully that helps to contextualise it.

**The Connétable of Grouville:**

The panel is grateful that we still have a role to play.

**Chief Officer, Justice and Home Affairs:**

Absolutely, yes.

**The Connétable of Grouville:**

Thank you.

**Deputy C.D. Curtis:**

So I have some questions now about other online harms, and so the first one is about self-harm and suicide content. So how should we address risks of children accessing or sharing self-harm and suicide-related content online?

**The Minister for Justice and Home Affairs:**

In relation to this self-harm and suicide-related online, there is no specific provision in relation to this currently proposed. Proposed legislation will be wide enough to address all such concerns, because, if we are addressing online safety and we are asking people to take material down, then this would be no different to that, I would suggest. I do not know whether Nathan has anything further to contribute in relation to that, but for me there is nothing specific about self-harm and suicide-related content online, but I would assume that the things that we put in place in relation to other offences could be dealt with in relation to these as well.

**Deputy C.D. Curtis:**

Do you think that self-harm content could be made to be taken down?

**Associate Director of Criminal Justice Policy:**

The U.K. Online Safety Act really did struggle with some concepts around this during its introduction. But it had a category of material, as I understand it anyway, that was legal but harmful, which is to say stuff that did not necessarily represent a criminal offence through it being out there, but it was no good for everybody. As I recall, that did not make it to the final version of the Bill. It is not something that we have concentrated resources on to date, simply because it does not form a recommendation of the V.A.W.G. Task Force, which is primarily where we are going. All the online harm stuff we are doing ultimately comes from meeting those recommendations. So you can see a

space for addressing online harmful material, but I am not sure where we would look for an exemplar of a country that has managed to deal with it effectively.

**Deputy C.D. Curtis:**

So it looks like there will not be any way to address this issue, nothing is planned, nothing being considered?

**The Minister for Justice and Home Affairs:**

Well, that is the U.K., yes.

**The Connétable of Grouville:**

How detectable is it, Minister? I mean, I always think about the filters and things like that. How could you possibly, unless you rely on people reporting such incidents, how detectable is this sort of thing openly?

**Detective Superintendent, States of Jersey Police:**

I mean, it is about reporting and then going to the Internet Watch Foundation, asking them to take down content as well. Again, it is back to this whole education piece, and particularly young people being able to speak to adults about what they are experiencing online. I know other jurisdictions have had successful prosecutions where a young person has ultimately committed suicide, usually as a result of being blackmailed about images or something. Scotland, for example, has had a couple of successes there. But it is a difficult area for law enforcement.

**The Connétable of Grouville:**

Especially with the way the digital world works with VPNs and ping off every single antenna on planet Earth. I mean, it is very highly undetectable, then, is your reply.

**Deputy C.D. Curtis:**

So in the absence of any legislation, do you think that Internet Watch does take down or would take down images of suicide-related content and so on?

**Detective Superintendent, States of Jersey Police:**

They are quite responsive, the Internet Watch Foundation, has been our experience, and that is generally where we always refer people to if there is no criminality, because we do not have a crime to deal with, and they are quite ...

**The Connétable of Grouville:**

Legal but harmful.

**Deputy C.D. Curtis:**

That is for people to report it, although it is difficult when children are seeing it, they may not know what to do and so on.

**Detective Superintendent, States of Jersey Police:**

Yes, and that is back to being able to talk about it. We were talking the other day, this is the stranger danger chat from the 1970s that you need to be having today with children and young people.

**The Minister for Justice and Home Affairs:**

Yes, because of course the stranger danger chat before was physicality, whereas now the stranger danger is the iPad, the phone, and that danger is probably worse because that person is not seen necessarily, whereas in an open space, in a stranger danger, the person is seen.

**Deputy C.D. Curtis:**

They could be representing themselves completely differently, could they not?

**Head of Digital Forensics Unit, States of Jersey Police:**

There is no escaping it because it is all online, it is in your bedroom, you cannot get away from it.

**Deputy C.D. Curtis:**

Yes, it is much worse then. So just to ask about fraud now, so to our understanding, fraud is a customary offence in Jersey, rather than a criminal offence, so as part of the digital offences work, is there any intention for the Government to consider introducing a criminal offence for online scams or fraud in future? Because I know it is quite a big problem, is it not, the online scams and fraud?

**The Minister for Justice and Home Affairs:**

Yes, I mean it is more Chris Beechey, is it not, but ...

**Detective Superintendent, States of Jersey Police:**

It is. We can use the fraud to prosecute for online frauds at the moment, it is generally back to the scams, where are they originating from? If you have got a local offender, yes, we will use existing legislation to deal with that because it is like when we are talking at the start, these offences are adaptable to online, offline. But, yes, Chris Beechey, he works with the Fraud Prevention Forum, he has been a member of the Financial Services, and again, they are very much about education, prevention, putting out the messages about the latest scams that are happening, because the reality of this for law enforcement is it is such a big challenge, this area, because of the volumes of material that can be generated by devices. You held up your phone there earlier, so some of these now are

one terabyte, and one terabyte is, and I got this from our experts, 1,300 filing cabinets worth of printed text, so that is one phone. We arrest people with multiple phones, and for disclosure purposes, we have to go through all that material, because all of that has to be disclosed into any criminal proceedings, so you can imagine the resource intensiveness of all of these offences, and all of the offences that we are going to start introducing, so it is an area that the Government has to think about investment, investment for capacity, capability, correct ...

**The Connétable of Grouville:**

Can I have a quick supplementary, Alison? I said already in this meeting that A.I., we thought, was going to be a voice of positivity going forward into the future. I wonder if A.I. could help you with such matters?

**Detective Superintendent, States of Jersey Police:**

Yes, and it will, yes.

**Head of Digital Forensics Unit, States of Jersey Police:**

Yes, there are A.I. tools that the U.K. already use and if our Law is aligned into the same age range of 18, and there are tools that are there then that we can use. So it is testing and verification, and then bring in to help support with some of that work.

**The Connétable of Grouville:**

There is one positive use for it, good.

**The Minister for Justice and Home Affairs:**

Because in relation to the fraud, the work ongoing is about all Islanders, even though it is probably not that many children in relation to fraud.

**Deputy C.D. Curtis:**

That was going to be part of my next question, because I remember in one of the recent reports, children had experienced quite a lot of online scams and so on as well. So, do you think children experience this differently to adults, and what are the risks of scams targeted at children?

**Detective Superintendent, States of Jersey Police:**

Young people can be a bit more susceptible to scams, as well as the other age spectrums, older people, and that is because they live so much of their life online and on phones, and they are an easy target, and they work so fast on phones, they will swipe, they will click, and before they know it, they can have been scammed. That is just my impression. We do not see many reported at all. I asked for some figures before I came here today, and we had 72 reports of online crimes that

involved young people, but most of those were to do with exploitation and grooming. I do not think there was one to do with fraud or online scamming, but I would think they are susceptible.

**Head of Digital Forensics Unit, States of Jersey Police:**

Probably more so because they have not quite formed their opinion or the realisation of what is real and what is not, to understand and make a judgment when something is put up on the phone. It is believed to be true, and they just get on with it. They have not formed their life opinions yet.

**Deputy C.D. Curtis:**

They do not have that experience, do they?

**Head of Digital Forensics Unit, States of Jersey Police:**

No.

**Deputy C.D. Curtis:**

You said about 72 reports; what time period is that?

**Detective Superintendent, States of Jersey Police:**

That was last year, and that was a 90 per cent increase on the previous year, which was something like a 32, a 95 per cent increase. Young people are becoming more aware that some of these online activities are offences, and they are starting to report. We want to encourage that, because then we get a better idea of what is happening out there in the community. It is good we are getting more reports, but I think it is still under-reported without a doubt.

**Deputy C.D. Curtis:**

Yes, that is interesting. Just a question now about misinformation. Are there any plans to update legislation that relates to the spread of misinformation or disinformation in online or digital spaces?

**The Minister for Justice and Home Affairs:**

There is not anything that currently features in relation to legislative on my agenda. I know that the Minister for Sustainable Economic Development mentioned or outlined in his hearing that it would be challenging to define these concepts. I note with interest as well there was a report in relation to the riots last summer, and there has been relevant convictions in relation to that. I have not read that report at this particular stage. It is one for me to do. But that is the thing, is it not, it is being able to define those terminologies really.

**Deputy C.D. Curtis:**

Okay, so even if there was not legislation around that, presumably it has to be kept an eye on in case it is going to cause trouble. Can you confirm whether the States of Jersey Police have resources and technology to monitor misinformation online?

**Detective Superintendent, States of Jersey Police:**

We are certainly not resourced to monitor misinformation online. Technology-wise, yes, in terms of open source, we can monitor. We use open source for all sorts of purposes, from vetting to criminal investigations. So we could, but we are currently not resourced to do that at all.

**The Minister for Justice and Home Affairs:**

I suppose the point is that, if somebody said there was misinformation, then you can look at it.

**Detective Superintendent, States of Jersey Police:**

Yes, if someone reported it.

[12:00]

**The Minister for Justice and Home Affairs:**

Yes, it is about the ability, if somebody reported it, then they have got an ability to look at it, but they would not be looking at it without having something to look at. Does that make sense? If somebody reports they think that there was misinformation or disinformation, then I suppose there is an opportunity for the States of Jersey Police to look at it, but they have not got the resources to be doing that as a matter of course, if that makes sense.

**Deputy C.D. Curtis:**

Okay, so I am just thinking of it in terms of whether it would spread, like we heard in the U.K., to cause trouble, to cause crimes to happen, but that would not be normally monitored.

**Detective Superintendent, States of Jersey Police:**

If we had intelligence that was happening, then of course we would set up and start monitoring it from our Force Intelligence Unit.

**Deputy H.M. Miles:**

Thank you. My areas of questions were around challenges of enforcement, and I talked a little bit about that already. It is clear it is the Department of Economy that are going to be responsible for the enforcement aspect of the data protection offences. Do Justice and Home Affairs and States of Jersey Police have any involvement at all in the investigation and prosecution of data protection offences?

**Detective Superintendent, States of Jersey Police:**

Yes. Our C.I.D. (Criminal Investigation Department) regularly investigate and put cases to the Law Officers Department for data protection.

**Deputy H.M. Miles:**

Do you envisage that will continue?

**Detective Superintendent, States of Jersey Police:**

Yes.

**Deputy H.M. Miles:**

Okay, thank you. You have talked about a few of the challenges of enforcement. Is there anything else that you wanted to raise?

**Detective Superintendent, States of Jersey Police:**

I suppose, we talked earlier about the case that had been on trial earlier this year, and the individual was convicted. But, just to give a flavour of the challenges that we face, in one week alone, he had contacted 382 girls online.

**Deputy C.D. Curtis:**

382?

**Detective Superintendent, States of Jersey Police:**

Yes, and chatted to over 100 of them. This was through Snapchat. That individual had numerous devices, numerous aliases, and so you can only begin to imagine some of the challenges in investigating those types of cases and bringing them to a prosecution.

**The Connétable of Grouville:**

We will see how that case in Guernsey unfolds as well. That will be very interesting.

**Deputy H.M. Miles:**

The other thing that we have also mentioned is about the internet being cross-border and how are we ensuring that our rules are effective in dealing with that when the content is hosted overseas?

**Detective Superintendent, States of Jersey Police:**

Yes, it is a tricky one. We, the crimes, any victim that came forward to report a crime that had happened, no matter where it happened, we would take that crime report here, we would initiate an

investigation and support that victim who was local here. At a point in time where you would identify that the suspect or the offender was overseas, that is when things become really quite difficult for us. It is not impossible. Certainly with the U.K., who we have got closer relationships, we can travel, arrest, and bring back to Jersey offenders. It gets more difficult when offenders are in the Philippines or some of these other far-flung places. So the victim support element is key here and making sure they get all the support that they need for any harm that they have suffered, and you can do that, of course, locally.

**Deputy H.M. Miles:**

That is really reassuring, is it not? It is about the victim, not about where the offence took place. Okay, thank you. I just wanted to ask a few questions about the Article 51 Telecoms Law, which appears to be the only piece of legislation that we have got that is anywhere effective. Can you tell us how many investigations and prosecutions you had last year for Article 51?

**Detective Superintendent, States of Jersey Police:**

We did not have the opportunity, sorry, to get the data on that.

**The Minister for Justice and Home Affairs:**

Too short notice, because we have got a big written question this week in relation to data, have we not?

**Detective Superintendent, States of Jersey Police:**

Yes, the analysts ... sorry, but I can get that and send it to you.

**Deputy H.M. Miles:**

That would be really helpful because what we are after is how successful Article 51 is as a device of bringing offenders to justice, really. So you might investigate quite a lot of Article 51, but how many get into Court, that is what we are really after.

**Detective Superintendent, States of Jersey Police:**

Yes, I can get that data for you.

**Deputy H.M. Miles:**

Yes, that would be really, really helpful. Thank you.

**Detective Superintendent, States of Jersey Police:**

There is also the sexual communication with the child legislation under the Sexual Offences Law, which can be used as well. I do not think we have mentioned that particular thing. So we have used that as well.

**Deputy H.M. Miles:**

One thing that we are interested in is this reasonable person clause in the Article 51, what a reasonable person would consider to be offensive or menacing and the like. I guess that particularly comes up with the social media element around Facebook and Twitter and the like. The other thing that we wanted to ask about was encryption and decentralised platforms and how Jersey manages to deal with the anonymity aspects of that.

**The Minister for Justice and Home Affairs:**

Before you answer, when you say decentralised platforms, do you have an example of that?

**Deputy H.M. Miles:**

Facebook is a decentralised platform, is it not? It is something that we do not have control of within our own borders. We have also got decentralised finance, banks and things like that. They are all decentralised, are they not? There is not one place, you cannot go into the branch like you used to be able to, as it were. That is what I mean by that.

**Head of Digital Forensics Unit, States of Jersey Police:**

So in terms of that, because it is overseas jurisdictions, it is challenging to get data from those platforms. That is not to say it is impossible, but we often have to wait. You have got some stats for ...

**Detective Superintendent, States of Jersey Police:**

One case I am dealing with at the moment with Facebook, we have been waiting 18 months for data to come back from Facebook.

**Deputy H.M. Miles:**

Is that because, do you think, they are just massively overwhelmed by requests and ours is in a queue?

**Detective Superintendent, States of Jersey Police:**

Yes.

**Deputy H.M. Miles:**

So there is no suggestion that they are not taking it seriously in particular, it is just the sheer volume.

**Detective Superintendent, States of Jersey Police:**

The volume, yes, yes.

**Deputy H.M. Miles:**

Okay, thank you. Again, it is a technical question, but I know the Connétable has mentioned the use of V.P.N.s (virtual private networks). Is there any evidence that you have got children in Jersey using V.P.N.s to circumnavigate the age restrictions, the age verification measures for gambling, for Facebook, et cetera?

**Head of Digital Forensics Unit, States of Jersey Police:**

I do not know if we have got any evidence of that.

**Detective Superintendent, States of Jersey Police:**

No, but I would think it is highly likely. I mean, they are easily obtained, the V.P.N.s.

**Head of Digital Forensics Unit, States of Jersey Police:**

A few years back, you would need to have technological abilities to understand how to set up to start with, but now it is just offered as a service provided, you can just pay into it and it is automatically done for you. So you do not need that technical understanding to start with now. Anybody can use a V.P.N. to do anything.

**Deputy H.M. Miles:**

Is there anything in the legislation forthcoming that is going to try to control that use of V.P.N. for illicit purposes, or is it just a bit difficult?

**Associate Director of Criminal Justice Policy:**

In the forthcoming legislation, the V.A.W.G. Task Force did not make any recommendations regarding the use of V.P.N.s, so we have not looked into that. We would if called upon to do so, but just on the face of it, we would look for success in other jurisdictions in achieving that objective and see how they did it. Off the top of my head, I am not sure that there would be any examples to find.

**Deputy C.D. Curtis:**

Can I just ask, have you had evidence of what people might be using V.P.N.s for around any criminal activity, do you see that happening?

**Head of Digital Forensics Unit, States of Jersey Police:**

Yes, when it comes to C.S.A.M. (Child Sexual Abuse Material) and indecent images, people will use V.P.N.s to mask their identity and mask their location. So while the V.P.N. will say that they are in the United States, but they could be here in St. Helier, we just would not know. They could be anywhere in the world and it will mask both their identity and their location. The providers of those are equally located often overseas and in countries where we probably would not be able to serve any notice on them to then say: "Right, we have this information, they are using your service. Can you then identify that person from that?" We probably would not get any success and any response from that.

**Deputy C.D. Curtis:**

So it is very hard to try to work through that if they are using V.P.N.s. Yes, all right. Okay, thanks.

**Deputy B.B. de S.V.M. Porée:**

Okay. So these questions will focus on children's rights. So, Minister, can you please describe how the development of justice policy and community safety policy is influenced and informed by the approach to children's rights and children's welfare?

**The Minister for Justice and Home Affairs:**

The Independent Care Inquiry highlighted that it was accepted by the States of Jersey, in the closing submissions, that the area of legislation and policy, there is still a significant amount of work that is required in relation to the welfare of looked-after children. Subsequently, the Children and Young People (Jersey) Law 2022 was drafted and published. Learnings in relation to how the Island can be a more effective mechanism for developing legislation, policy and practice guidance for children and young people have been made. One such example is evidenced in the commissioning of a third party to review and develop a digital educational strategy for young people. Learning and recommendations from the Care Inquiry have also led to the establishment of the office of the Children's Commissioner and the adoption of the Children's Rights Impact Assessments in all projects. This contributes towards policymaking landscaping that is much more focused on the rights of the child. Certainly that has changed over the last couple of years because, when I first became a States Member, we did not have Children's Rights Impact Assessment. Now they are compulsory. One of those examples is the Youth Justice Roadmap, which takes full account of the U.N. (United Nations) Convention on the Rights of the Child. I do not know if there is anything further, because Alison knows a lot more about the outcomes of the Care Inquiry probably than I do. I do not know if there is anything else in relation to that. Anything else you want to add, Nathan?

**Associate Director of Criminal Justice Policy:**

On the legislative side, the Children's Commissioner has a statutory interest in legislation that affects the rights of children. But in fact, my policy team, we have a very good relationship with the

Commissioner and we talk regularly, both within the statutory framework we have to, and outside just more generally to say: "This is changing, that is changing", talk about the child rights implications of these things. Very often they raise things we had not thought of. So it is an extremely useful relationship to have.

**Deputy B.B. de S.V.M. Porée:**

Would you say that the justice policy team benefits from any expert ability to deal with those issues coming from just the justice team?

**Associate Director of Criminal Justice Policy:**

I am trying to think of everybody's background. So there is some staff who have moved historically between the Commissioner's office and the justice policy team. It is just natural career progression. So we have that incumbent. We work next to and very closely with the children's policy team. We see them quite regularly, we work in the same place. So there is lots of ideas and exchange around that. We see the Commissioner, so to an extent it is internal and to an extent it is relationships.

**The Minister for Justice and Home Affairs:**

Also, just so that you are aware, myself and the Minister for Children and Families in particular have regular conversations with the Children's Commissioner. So we work very closely in relation to all sorts of aspects involving children. So when we make legislative changes or we are proposing legislative changes, we have conversations with her as well. Because it is essential that we have a really good working relationship.

**Deputy B.B. de S.V.M. Porée:**

That is good. You have that relationship. What about, Minister, about the wider Government? Have you got a coordinated approach with the wider Government that focus in considering children's rights when bringing in policies?

**The Minister for Justice and Home Affairs:**

With the introduction of the C.R.I.A. (Children's Rights Impact Assessment), that has really taken it to that level. Because no legislation or policy can really be looked at without the inclusion of looking at the C.R.I.A. of the child. So that element of it seems to be working.

**Deputy B.B. de S.V.M. Porée:**

It is working for now. Okay, thank you. Which specific reference to the Department's work on addressing digital harm, can you describe how the rights and welfare of the children have been considered? Could you give us maybe an example of that, where the children's rights have been considered within your works Department?

**Chief Officer, Justice and Home Affairs:**

The Youth Justice Roadmap is the most recent example. So you have been presented on it privately a few times and it is imminently due for publication. There was a very detailed piece of work done there on Children's Rights Impact Assessment to pull together all the previous research and engagement that had happened in that space and make sure that the document is focused throughout on child rights. The original version had selected certain rights that fit with the outcomes and, following some feedback and discussion with the Children's Commissioner, it was seen to be all the rights were applicable throughout, and so we have changed the approach in the way it is presented. So that is probably the most recent example.

[12:15]

But the C.R.I.A. process, of course, makes sure that when policy is being developed, child's rights are being taken into account. That is quite well embedded now. The filter tool, it is not called that, it is called something else, the initial triage tool that is done is really helpful for officers because it gives you that first view of whether you then need to do a full C.R.I.A. or not. That helps keep it proportionate for staff. Generally, most things we do would need to go to full C.R.I.A. and that is what would be done.

**Deputy B.B. de S.V.M. Porée:**

Thank you. Minister, this is maybe more about your opinion, what measures should the Government of Jersey be taking, if any at all, to protect children against online harm, the Government as a whole?

**The Minister for Justice and Home Affairs:**

The Government, it is not only the Government, the Island as a whole, quite frankly, but the Government as a whole is ...

**Deputy B.B. de S.V.M. Porée:**

Specifically as the Government.

**The Minister for Justice and Home Affairs:**

Yes, have identified where we need to start looking. So there is legislation that needs to be up to speed. But, also, as well, from a Government perspective, the encouragement and the continual media in relation to encouragement of young people to report matters so that they can be investigated. Because, from my point of view, quite often, if things are dealt with within the Court processes, that encourages more people to come forward. It is the same as the violence against women and girls. We have had significant increases, I think Alison would agree, in relation to people

coming forward and reporting. If people see that something can be dealt with in the Court processes or the things taken down, if people can see positive outcomes to them reporting things, that will encourage more to do that. So that is a train that the Government as a whole needs to continue with, is to encourage people to report matters when they see them. Whatever those online harms are, they need to be reported. So that (a) those people can get the care and support that they need, but also that they can see the positive outcomes of them reporting those things. So that will encourage other public members to do the same. That is not only children and young people, that is broad across the whole of the community, I would suggest.

**Deputy B.B. de S.V.M. Porée:**

So, is it fair for me to say that, presently, you do not feel there is any specific measures that the Government of Jersey should be looking at and taking responsibility over, but it should be a continuous assessment of the situation?

**The Minister for Justice and Home Affairs:**

The legislative changes are important, and the education, as I have already said, needs to continue. But, from a governmental point of view, it is continuing to do the work and to ensure that we keep the work up to speed.

**Deputy B.B. de S.V.M. Porée:**

Okay, thank you, Minister. In 2017, the Independent Jersey Care Inquiry highlighted that Jersey had historically lagged behind other jurisdictions in updating child protection laws. How do we ensure that legislation to address online safety is not similarly delayed?

**The Minister for Justice and Home Affairs:**

We have already got a commitment to parts of the online safety, and that will be completed by the end of the year. It is important that all other ministerial departments are doing the same things, that the legislation is brought forward as quickly as possible, because this type of legislation is important and should be a high priority.

**Deputy B.B. de S.V.M. Porée:**

Thank you. Okay, I will leave it there.

**The Connétable of Grouville:**

Okay, thank you. The wider culture, Minister, the panel has been contacted by a number of parents who are concerned about the nature of social media use and addictive behaviours that might be related to it. What is your opinion about how that matter should be addressed?

**The Minister for Justice and Home Affairs:**

As in the cultural thing? Culture is always a difficult thing, because different people have different views. But, from my perspective, we need to, as an Island, be supportive of dealing with online abuse and online harm, like we would with any other offence, because these are criminal offences. So we should be supporting and changing our culture, as we did with domestic violence, as we did with other matters, the violence against women and girls. It is about changing culture and what is and is not acceptable. A lot of it is to do with education and making it quite clear to people what of their online behaviour is or is not acceptable. It is almost an educational programme for us all, probably, to look at and encourage people to say: "That is not acceptable". So the thing is, it is about encouraging people, whether that is a child or an adult, if they are subject to online abuse, to, again, report it to the police, and because then that way those matters are dealt with, and the public then begin to see that the Courts, the jurisdictions, the police, do not think that this behaviour is acceptable. So, to me, it is about all of us dealing with online social media to change the culture. So that is reporting for me, and being able to see those processes changing.

**The Connétable of Grouville:**

Thank you. Is protecting children from exposure to harm through this conduit of the internet or electronic devices, how different is it to protecting children from exposure to tobacco, alcohol, drugs?

**The Minister for Justice and Home Affairs:**

That is an interesting question. It is a difficult question, because of course, if a child consumes alcohol, generally the parent can tell that the child has consumed alcohol. They probably can tell if they consume drugs. They can probably tell, in relation to other things. Online is a little bit more challenging, because it is not necessarily seen, and the parent or guardian may very well not be in the same room as the child. I think it is about just encouraging everybody to ensure that they know, as much as they possibly can, what is going on in the lives of children. That can be quite challenging sometimes. I do not know whether Alison thinks, because Alison has dealt with a lot more young people and children probably than me, I do not know if there is anything you could add to that, really.

**Detective Superintendent, States of Jersey Police:**

A lot of what you are saying, and we have said before, a lot of this is going on in children's bedrooms and away from adults. To buy alcohol, cigarettes, whatever, it is out there. There is a human interaction that someone will see someone buying it, drinking it, et cetera, it is on the streets, is it not, whereas all of this is with indoors, in children's rooms. It is difficult from that point of view to police.

**The Minister for Justice and Home Affairs:**

To bring it all out in the open, is the answer, is it not?

**Deputy B.B. de S.V.M. Porée:**

It also makes the children so much more vulnerable because it takes place outside any adult supervision's eyes. That is why they are so much more vulnerable to the tools they are using, that they can cause them harm.

**The Minister for Justice and Home Affairs:**

That is why it is a job for us all. It is a job for us all, as members of the community, to try to deal with and prevent this as much as we possibly can. So all of us, for me, it is an Island, it is a community thing. So it is about anyone that sees a change in a child, whether that is in school, in the home, in the youth centre, it is about picking up on changes in children and young people, is it not? It would be the same for an adult. You see a change in somebody, you think, what is going on? That is about us all being aligned to what is going on in people's lives, in particular young people, and being able to identify that and think there is something not quite right here. It might be you or me might think there is something, and identifying that and maybe saying to somebody who is involved with that child: "Have you seen ...?" So it is about all of us as a community being able to help each other to identify the changes in young people, in particular, to be able to help them to be able to deal with all of this.

**The Connétable of Grouville:**

So we have identified what an extremely different and challenging task this is. If it is a different type of harm, can you tell us about what Government has done so far, if anything, to assess that as a risk to all children?

**Chief Officer, Justice and Home Affairs:**

I do not think we have in that strategic, overarching construct of identifying the societal risk, as the Minister says, it is a community risk. That is a good point for us to reflect on.

**The Connétable of Grouville:**

Does the global reach of the internet change the parameters of risk? We have discussed it already across the table, but this panel has not made any bones about the fact that we are concerned very much about this issue and we were anxious when the permissive extent clause was not extended. But, we are still of that opinion as a panel. I hope I am not jumping ahead here, but we are always going to be worried about this issue and do you feel that, at the moment, the timelines, Minister, you are happy with the timelines involved with bringing this legislation forward?

**The Minister for Justice and Home Affairs:**

I can only answer in relation to my own timelines. I am satisfied that all of the elements of our legislation will be end of 2025. It would be inappropriate for me to be discussing other Ministers' legislation, but I would encourage them to push as far as they can to get their legislation, because of course everything changes as of June next year. So that is what is important to me. But, as I said, I think it is a community issue and as an Island we need to work together, all of us, to deal with it.

**Deputy C.D. Curtis:**

I have just got a couple of questions and then we are just about done after that, are we not? So, we have already discussed the cross-ministerial group and do you have, or do you know what the terms of reference are for that group and any plans that you can tell us about it?

**Chief Officer, Justice and Home Affairs:**

I do not think they have been formally drawn up yet, but as part of what I was saying earlier in terms of the cross-Government officer support to it, that will now all need to be put in place.

**Deputy C.D. Curtis:**

Okay, so will you be able to get that to us later then?

**Chief Officer, Justice and Home Affairs:**

Yes.

**Deputy C.D. Curtis:**

And that is all sorted?

**Chief Officer, Justice and Home Affairs:**

Yes, I will need to find out the timescale of it and then we will let you know.

**Deputy C.D. Curtis:**

Okay, thanks. Then just referring back to what you have been saying about how this is like a job for all of us to look at, my last question then is, should there be an Island-wide strategy for protecting children from various forms of online harm?

**The Minister for Justice and Home Affairs:**

With the work that goes on with the corporate parenting, the safeguarding and all the other things, it just maybe needs us to refocus, because we have got a strategy, but it is maybe fragmented, am I not right?

**Chief Officer, Justice and Home Affairs:**

Yes, I think it has been done in bit parts.

**The Minister for Justice and Home Affairs:**

It is more about coming together.

**Chief Officer, Justice and Home Affairs:**

Yes, the point of the cross-ministerial group is to begin to galvanise that into a single approach. Whether that would be an Island-wide strategy, I do not know. Ministers would need to consider carefully the right approach and I am sure taking your recommendations into account. But it is clear, is it not, that it has been done in component parts. So in some ways it has to be, and as the Minister and Nathan have stressed, that means the V.A.W.G. recommendations, we can make progress on that part, and others are making progress on their parts. The Ministers would have to consider is smaller gains in individual areas the right way to go or is a bigger, broader strategy the right way to go? That would be a question for consideration in due course.

**The Minister for Justice and Home Affairs:**

Yes, but from my perspective, I am totally committed to getting the violence against women and girls, all of that legislation done within the pipeline, so it is done before June.

**Deputy C.D. Curtis:**

So it is done before the next election.

**The Minister for Justice and Home Affairs:**

Correct.

**Deputy C.D. Curtis:**

Yes, okay. That is good. It is just coming up to 12.29 p.m. and we have just finished.

**The Minister for Justice and Home Affairs:**

Well done.

**Deputy C.D. Curtis:**

Perfect timing really, is it not?

**The Connétable of Grouville:**

We are 30 seconds early, apologies.

**Deputy C.D. Curtis:**

Okay, well, thank you very much, everyone. It has been really interesting. That is it, we are off.

[12:29]