

# STATES OF JERSEY



Jersey

## **DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202-**

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**Lodged au Greffe on 13th January 2026  
by the Minister for Justice and Home Affairs  
Earliest date for debate: 24th February 2026**

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**STATES GREFFE**



Jersey

## **DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202-**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Justice and Home Affairs has made the following statement –

In the view of the Minister for Justice and Home Affairs, the provisions of the Draft Crime (Strangulation) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.R. Le Hegarat of St. Helier North**  
*Minister for Justice and Home Affairs*

Dated: 9th January 2026

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## REPORT

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### Background

The primary aim of the new Crime (Strangulation) (Jersey) Law 202- is to improve the ability of the criminal justice system to respond more effectively to perpetrators of strangulation. To that end, this legislation introduces a standalone offence of strangulation.

In November 2023, the Violence Against Women and Girls (VAWG) Taskforce published a report entitled “*It’s a Hidden Problem*” *The Issue of Violence Against Women and Girls in Jersey*. The report detailed the findings of the research the Taskforce had undertaken relating to women’s experiences of violence and abuse on the island, alongside 77 recommendations for action to address this issue.

The Chief Minister and the Minister for Justice and Home Affairs have both committed to strengthening the legislative framework to better address strangulation as part of Government’s wider commitment to implement all of the VAWG Taskforce report recommendations directed at the Government of Jersey.

The relevant recommendation is:

*Recommendation 25.1: Non-fatal strangulation should be named as a standalone offence.*

The Minister for Justice and Home Affairs issued the following response to recommendation 25:

*I will amend the Domestic Abuse (Jersey) Law 2022 to include an offence of non-fatal strangulation.*

Following careful consideration and consultation with relevant stakeholders, it has since been decided that a new offence of strangulation would more appropriately sit outside of the [Domestic Abuse \(Jersey\) Law 2022](#) as a standalone offence. This ensures that perpetrators of strangulation can be appropriately responded to regardless of whether the violence was perpetrated within a domestic context.

Both the Chief Minister and the Minister for Justice and Home Affairs have expressed a desire to enact legislation to better address strangulation by the end of this term of Government.

The Draft Crime (Strangulation) (Jersey) Law 202- forms part of a wider package of legislation related to implementing the recommendations of the VAWG Taskforce and strengthening the ability of the criminal justice system in Jersey to address crimes associated with violence against women and girls, namely:

- The Draft Harassment and Stalking (Jersey) Law 202-;
- The Draft Sexual Offences (Jersey) Amendment Law 202-;
- The Draft Domestic Abuse (Jersey) Amendment Law 202-; and
- The Draft Crime (Public Order) (Jersey) Amendment Law 202-.

### The severity of strangulation

Strangulation is a particularly severe form of violence in that it can cause serious and long-term health issues, alongside psychological harm.

The Institute for Addressing Strangulation, the UK’s leading authority on this issue, states a number of potential neurological effects from strangulation, including significant brain damage and the increased risk of suffering from a stroke. The Institute goes on to cite a 2020 research

paper from Bangor University that states, “strangulation may be the second most common cause of stroke in women under 40”.

Worryingly, only minimal amounts of pressure are required to cause severe long-term damage in cases of strangulation. Data provided by the Institute for Addressing Strangulation states that serious harm can be caused by using the following amounts of pressure to constrict parts of the neck:

Area of the neck	Pressure required to cause serious harm
Jugular vein	4 PSI*
Carotid artery	11 PSI
Trachea	34 PSI

\*PSI = Pounds per square inch

These amounts of pressure can be considered minimal when considering that roughly 20 PSI is required to open a pull tab on a drink can, or that the average amount of pressure used in a normal handshake between two adult men is between 80 to 100 PSI.

In many cases, victims of strangulation that have suffered serious harm will show no obvious physical signs of harm. The Institute for Addressing Strangulation states “that 50% of [strangulation] victims will have no visible external injury to their head or neck”, but many of these individuals will still have experienced significant harm. This is why it is so important that medical practitioners and criminal justice professionals are properly trained to recognise indications of strangulation, so that victims can receive the healthcare treatments they need and the appropriate forensic evidence can be collected.

Despite the very serious harms associated with strangulation, depictions of strangulation in online pornography are common and contribute to the normalisation of this form of violence. Indeed, An Independent Review of Pornography published in February 2025 noted the prevalence of depictions of “choking” on the landing pages of mainstream pornography sites, and shared concerns that these depictions will be contributing to the normalisation of strangulation as a sexual behaviour amongst young people.

In the context of domestic abuse, the use of strangulation signifies a highly dangerous level of physical violence and control within an abusive relationship. Victims who experienced strangulation are at a heightened risk of subsequent lethal violence – in particular prior experience of strangulation has been found to be associated with a sevenfold increased in the likelihood of becoming a victim of homicide.

In Jersey, a total of 116 crimes related to strangulation were recorded by the States of Jersey Police between 2019 and November 2025, 76 of which were categorised as grave and criminal assault, with the remaining coming under common assault and more recently under the Domestic Abuse Law (2022). 31 crimes were recorded in 2024 and 22 from January to November 2025. Almost 50% of these cases were recorded as having been committed by a partner.

Data from the Jersey Domestic Abuse Service shows that an experience of strangulation was recorded in 139 of the 564 risk assessments completed in 2025. This amounts to 25% of cases. Roughly half of these were reported in relation to historic incidents, indicating that approximately 70 cases of strangulation occurred in 2025.

The severity of strangulation is clear and underlines the need for effective and proportionate criminal justice responses to perpetrators of this form of violence. In recognition of the seriousness of strangulation, many jurisdictions have reformed their legislation to bring in a new

offence designed to specifically capture this harmful behaviour. It is crucial that Jersey follows suit and introduces legislation that better reflects the severity of strangulation. Such legislative change would also ensure that the harmful effects of strangulation are recognised in public consciousness, providing opportunities for further educative and preventative action in this space.

### **The issue with existing legislation in Jersey**

Under the existing legislative framework in Jersey, acts of strangulation are captured by the customary law offences of “common assault” or “grave and criminal assault”, depending on the context in which the violence was perpetrated and the degree of harm caused. However, there is not a specific named offence of strangulation in Jersey. It was felt by the VAWG Taskforce that the absence of this specific offence meant that the seriousness of strangulation was not appropriately recognised in legislation. In particular, there were concerns that charging perpetrators of strangulation with common assault or grave and criminal assault risked conflating this extremely serious form of violence with other, less serious forms of violence and resulted in penalties that were not proportionate to the harm caused by such offenders.

The introduction of a specific offence of strangulation would resolve these issues by providing a statutory basis for strangulation as distinct from common assault and grave and criminal assault and the related case law, and by providing a higher penalty that more appropriately reflects the severity of strangulation.

### **Process of legislative development**

As part of their work to develop their report, the VAWG Taskforce commissioned the Law Officers’ Department to conduct a high-level mapping of the existing legal framework in Jersey as it relates to a range of VAWG behaviours, alongside a comparison to equivalent legislation in England, Wales, Scotland and Northern Ireland. The findings from this legislative mapping exercise were used to inform the content of the VAWG Taskforce recommendations that relate to legislative development, including the recommendation to introduce a specific offence of strangulation.

In recognition of the uniquely harmful nature of strangulation, a number of jurisdictions with legal systems comparable to Jersey have moved to introduce a standalone strangulation offence in recent years:

- In New Zealand, an offence of strangulation or suffocation became a standalone offence on 3rd December 2018, inserted as Section 189A of the Crimes Act 1961 by Section 24 of the Family Violence (Amendments) Act 2018;
- In Canada, strangling, suffocating, and choking were added as conditions to two separate assault offences under the Criminal Code in 2019;
- In Northern Ireland, an offence of non-fatal strangulation or asphyxiation became a standalone offence on 26 June 2023, inserted into the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022;
- In Australia, offences relating to strangulation have been introduced across all states but not at a federal level. The introduction of these offences ranges from 2014 to 2024; and
- In England and Wales, an offence of strangulation or suffocation became a standalone offence on 7th June 2023, inserted under Section 75 of the Serious Crime Act 2015 as a result of the Domestic Abuse Act 2021.

The approaches used in these jurisdictions were used to inform the development of this draft Law. That said, it is also important to recognise that the law has been drafted in such a way as to take

proper account of the unique features of the legal system in Jersey, rather than with the aim of wholly replicating UK legislation.

During this process of legislative development, officers worked closely with the key stakeholders across the criminal justice system that would be involved in the operationalisation of this legislation, should it be accepted by the Assembly. In particular, the following stakeholders were actively consulted:

- States of Jersey Police
- The Criminal Division of the Law Officers' Department
- Judicial Greffe
- The Judiciary

Officers also provided the VAWG Taskforce with regular updates on the direction of legislative development throughout this process, in order to ensure that the proposed legislation suitably accomplished the functions that Taskforce members had in mind when the recommendations were made.

### **Purpose and function of legislative provisions**

The purpose of the Draft Crime (Strangulation) (Jersey) Law 202- is to introduce a new standalone offence of strangulation that better recognises the severity of this form of violence.

Article 1 is concerned with creating a new offence of strangulation. Under this new offence, a person commits an offence if they deliberately strangle another person and are liable to imprisonment for a term of 10 years and a fine.

A defence has been included for this offence in cases where the person who was strangled consented to the strangulation and either, they did not suffer serious harm, or they did suffer serious harm, but the perpetrator did not intend to cause them serious harm and was not reckless as to whether they would suffer serious harm. The inclusion of this defence is typical across other jurisdictions that have introduced a standalone strangulation offence, including England and Wales.

It has been made explicit that loss of consciousness constitutes “serious harm” in order to ensure that the damage caused in such cases is appropriately interpreted. For the avoidance of doubt, it has also been made explicit that “strangle” includes to suffocate, choke or restrict a person’s breathing by any means.

Article 2 is concerned with ensuring that the customary law offences of common assault and grave and criminal assault are unaffected by the introduction of this new offence. The purpose of this provision is to ensure that the behaviours captured are broad enough to not limit the application of the Law, whilst minimising the potential for a defence that relies on a definitional difference of a defendant’s conduct.

### **Timescales**

The Crime (Strangulation) (Jersey) Law 202- will come into force by Commencement Order when the necessary operational preparations are complete.

### **Financial and staffing implications**

#### The current capacity of the criminal justice system

The proposed introduction of this new law, which forms one component of a wider package of five pieces of legislation related to addressing crimes associated with violence against women and girls, comes at a time when the criminal justice system is already under significant pressure.

Following the publication of the VAWG Taskforce report, and the subsequent inclusion of the implementation of the VAWG Taskforce's recommendations as a CSP priority, there has been a significant uptick in the reporting of VAWG-related crimes in Jersey. According to data collected by the States of Jersey Police, the number of VAWG-related reported crimes has increased by 27% in the last three years. This reporting increase is thought to be largely attributable to the high-profile nature of VAWG resulting in an increase in general awareness and public confidence.

This increase in reporting has already placed criminal justice agencies and victim support services under significant strain.

- Victim support services have expressed a need for new dedicated clinical leadership so that their service is appropriately resourced to cope with demand. This new post will be crucial to ensuring that the Sexual Assault Referral Centre in Jersey is able to operate safely and in line with national standards.
- La Moye Prison is currently experiencing intense population pressures, noted as an extreme risk on the States of Jersey Prison Service risk register. At time of reporting, the prison is at 92% overall occupancy. The Vulnerable Prison Unit, which accommodates most prisoners convicted of sexual offences, reached full capacity in February 2025 and a temporary expansion was put in place to increase capacity from 59 to 63. Despite increased capacity, the Unit has maintained an average occupancy rate of 95% from 1 February 2025, with just one bed available at the time of reporting.

It is important to recognise that demands on the system will only continue to rise as new legislation is brought forward.

Detailed analysis has been undertaken by the States of Jersey Police, other criminal justice partners and Treasury and Exchequer to assess the cost of increased demand further to the implementation of these laws.

This analysis, which is based on assumptions, indicates a high level range of 199-369 new crimes per year (by second year of implementation) resulting in a total revenue cost of £3 million - £7 million.

(NB this is revised from 275-300 new crimes per year included in Financial Assessment on lodging the Laws, following further analytical work).

The estimated revenue impact, for low, medium and high impact scenarios, is included below:

	2027	2028	2029	2030
Low Range	1,701	3,039	3,193	3,327
Central	2,598	5,209	5,545	5,937
Higher Range	3,495	7,255	7,855	8,426

The level of resourcing ultimately required will depend on the incidence and severity of offending that is reported, though it is expected to fall within the range identified. Ministers have agreed that funding should be linked to actual demand once the legislation is in force, with resources phased in as necessary to maintain effective service delivery across the criminal justice system.

A demand-led funding model is being developed, which will be recommended for incorporation into Budget 2027–30. This is likely to involve some funding being held in the Central Reserve and released as required to match resources to workload.

#### Additional costs of the Draft Crime (Strangulation) (Jersey) Law 202-

The States of Jersey Police and States of Jersey Prison Service have made an initial analysis of maximum potential costs.

The following assumptions have been made –

1. In line with England and Wales, Police recorded Non-Fatal Strangulation offences will increase 65% in year 2 and 10% in year 3.
2. 10% of those recorded offences will progress to a conviction with a custodial sentence.
3. Custodies will begin 2 years post-introduction of legislation.
4. Each custodial sentence given will be 5 years and prisoners will serve 3.3 years of their sentence (2/3).
5. Total cost per prisoner place will increase in line with predicted inflation.

In 2024-5, the States of Jersey Police recorded an average of 27 offences with an element of strangulation. In 2025, Jersey Domestic Abuse Support recorded 70 instances of strangulation within their risk assessments. In England and Wales, recorded strangulation cases increased by 65% in the second year of recording the new offence compared to the first, due to greater awareness, more victims coming forward, and more incidents being recognised and recorded as crimes. If Jersey follows a similar increased trend of recording offences to England and Wales, then approximately 45 offences of strangulation could be recorded in the second year of recording. These new demands on the States of Jersey Police Force may require the allocation of additional resources in the future.

The main cost implication comes from the requirement to hold offenders in prison. Initial analysis undertaken to predict the impact on the States of Jersey Prison Service indicates that, with the assumptions above, by four years after introduction the Draft Crime (Strangulation) (Jersey) Law 202- could generate 5 additional custodial sentences per year with an average incarceration period of 3.3 years, with a total ongoing running cost of approximately £1.2 million per year.

Separate VAWG Taskforce recommendations relating to the establishment of a medical pathway for strangulation and training for healthcare workers will also need to be implemented to ensure we are operationally prepared for this legislation to come into force. The implementation of these recommendations should therefore also be considered in regard to the cost implications for this legislation.

### **Data protection implications**

An initial Data Protection Impact Assessment was undertaken. This was reviewed by the Information and Data Security Team. It concluded that the amendments do not have a high impact on the rights and freedoms of the individuals affected and a full DPIA was not required.

### **Children's Rights Impact Assessment**

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

### **Human Rights**

The notes on the human rights aspects of the Draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not, be taken as legal advice.

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### **Re-issue Note**

This proposition has been re-issued to add an additional financial assessment on page 7.

**APPENDIX TO REPORT****Human Rights Notes on the Draft Crime (Strangulation) (Jersey) Law 202-**

These notes have been prepared in respect of the Draft Crime (Strangulation) (Jersey) Law 202- (the “draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law, in the form reviewed by them, is compatible with the European Convention on Human Rights (“ECHR”).

**These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.**

The draft Law would, if adopted, make provision for the offence of strangulation. Article 1(1) of the draft Law would, if enacted, make it an offence for a person (“A”) to deliberately strangle another person (“B”). A person who commits the offence would be liable to imprisonment for a term of 10 years and a fine.

Article 1(2) of the draft Law would provide a defence (the “consent defence”) to the strangulation offence if (a) B consented to the strangulation; and (b) either (i) B did not suffer serious harm; or (ii) B suffered serious harm, but A did not intend to cause B serious harm and was not reckless as to whether B would suffer serious harm. Article 1(3) would define “serious harm” as including loss of consciousness; and “strangle” as including suffocation, choking or restricting a person’s breathing by any means.

Article 5 ECHR – right to liberty and security

The strangulation offence could result in an individual’s arrest and/or imprisonment and therefore deprivation of their liberty. Article 5 ECHR provides that no one shall be deprived of his liberty save in one of a number of specified cases and in accordance with a procedure prescribed by law. Article 5(1)(a) ECHR provides for the deprivation of a person’s liberty resulting from their lawful detention after conviction by a competent court. Article 5(1)(c) ECHR provides for the deprivation of a person’s liberty resulting from their lawful arrest and detention for the purpose of bringing him before a competent legal authority on reasonable suspicion of having committed an offence. The arrest and detention of a person accused of the strangulation offence, and the detention of a person convicted of the offence, is compatible with Article 5(1)(a) and (c) ECHR, and would be in accordance with a procedure prescribed by law, i.e. in accordance with the draft Law and the criminal law of Jersey. Moreover, it is considered that the penalty for the strangulation offence is proportionate to the nature and severity of the offending involved. The procedural safeguards required by Article 5(2) to (4) ECHR will be assured through the ordinary procedures of the criminal justice system in Jersey law. For these reasons, it is considered that the strangulation offence is compatible with Article 5 ECHR.

Article 6 ECHR – right to a fair trial

The strangulation offence and defence engages Article 6(2) ECHR relating to criminal proceedings. The strangulation offence in Article 1 of the draft Law requires the prosecution to prove that the defendant deliberately strangled another person, meaning that it is not a strict liability offence (because the prosecution is required to prove the strangulation was a conscious decision of A to establish the offence). This is noted for completeness because, though not

incompatible with Article 6 ECHR, strict liability offences do require further justification for ECHR purposes.

The consent defence raises a “reverse burden” on the defendant to prove the defence is available, which would involve showing that (a) B consented to the strangulation; and (b) either (i) B did not suffer serious harm; or (ii) B suffered serious harm, but A did not intend to cause B serious harm and was not reckless as to whether B would suffer serious harm. Article 6 ECHR does not prohibit rules which transfer the burden of proof to the accused to establish a defence, provided that the overall burden of proof remains with the prosecution. It is reasonable to consider that the question of B’s consent, the fact of serious harm, and whether A intended or was reckless as to causing serious harm would be matters within the knowledge of, or at least the ability of, the accused to demonstrate or prove. These provisions are, therefore, within the reasonable limits permitted by, and are compatible with, Article 6 ECHR.

Finally, a person convicted of the strangulation offence would be able to appeal the conviction to the Court of Appeal – an independent and impartial tribunal for Article 6 ECHR purposes - in the usual way.

#### Article 7 ECHR – No punishment without law

Article 7 ECHR provides that a punishment cannot be imposed other than where it is prescribed by law. The elements of the strangulation offence and its penalty are clearly set out in a way that a member of the public can understand. It is considered that the public will have a good understanding of what it means to strangle and cause serious harm to a person, and how a person would deliberately strangle. The term “reckless” in the context of its use in the consent defence, though not defined, is a readily understood concept in the criminal law in Jersey and is used in many other statutory criminal offences. It is relevant too that the strangulation offence is not expressed to have retrospective effect. The penalty for the strangulation offence – 10 years and a fine – is not considered to be arbitrary as it is proportionate to, and reflects, the seriousness of the criminal conduct involved. For these reasons the strangulation offence and penalty is considered to be compatible with Article 7 ECHR.

#### Article 8 ECHR – the right to private life

Article 1(2) of the draft Law would provide that the consent defence does not apply when B suffers serious harm as a result of strangulation. The question of consent to strangulation is typically analysed in the context of sexual relations. Sexual life has been acknowledged to form part of ‘private life’ for the purposes of Article 8 ECHR. Article 8 ECHR protects the right to personal development and autonomy, and sexual activity is associated with the individual’s exercise of free choice as part of their personal autonomy.

Restrictions on a person’s exercise of personal autonomy, like the limitation on consent as a defence where serious harm is caused, will, therefore, engage Article 8 ECHR. In this context, the European Court of Human Rights (“ECtHR”) has held<sup>1</sup> that such a restriction on consent (i.e. consent of a victim is a defence but not where serious harm is caused) is a lawful interference with the Article 8 ECHR right.

The ECtHR has held that the State acts within its margin of appreciation by restricting consent as a defence in the criminal law in cases of serious harm, in order to protect its citizens from real risk of serious physical harm or injury. This was so whether the activities in question occurred in the course of sexual conduct or otherwise, and the determination of the level of harm that should be tolerated by the law in such situations where the victim consented, was in the first instance a matter for the State. This is because what is at stake relates, on the one hand, to public health considerations and to the general deterrent effect of the criminal law and, on the other, to the

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<sup>1</sup> *Brown v UK* (1997) 24 EHRR 39

personal autonomy of the individual. The ECtHR has found<sup>2</sup>, in this context, that there is no breach of Article 8 ECHR because the State is entitled to consider that the prosecution and conviction of individuals was necessary in a democratic society to deter certain forms of behaviour on public health grounds, where the level of physical harm inflicted exceeded that which should be tolerated where the victim consents.

For these reasons, though the consent defence will interfere with Article 8 ECHR, it is considered to be compatible: the interference is in accordance with the law, is necessary and proportionate in a democratic society, and goes no further than is necessary to protect the rights of potential victims from real risk of serious physical harm or injury.

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<sup>2</sup> *Brown v UK*

## EXPLANATORY NOTE

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This Law, if adopted, would create a new criminal offence of strangulation.

*Article 1* creates the offence. The offence is committed if a person (“A”) deliberately strangles another person (“B”). “Strangle” includes to suffocate, choke or otherwise restrict a person’s breathing by any means. A has a defence to the offence if B consented to the strangulation. But the defence does not apply if: B suffered serious harm; A intended to cause B serious harm; or A was reckless as to whether B would suffer serious harm. The penalty is 10 years’ imprisonment and an unlimited fine.

*Article 2* provides that this Law does not limit or affect any customary law offence. This means that a person who strangles another person can still be charged with an already existing offence, such as common assault or grave and criminal assault.

*Article 3* gives the title of the Law and provides that it will come into force on a day to be specified by Order by the Minister for Justice and Home Affairs.



Jersey

## **DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202-**

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Jersey

## DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202-

A LAW to introduce a statutory offence of strangulation.

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<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

**THE STATES**, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

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### 1 Offence of strangulation

- (1) A person (“A”) commits an offence and is liable to imprisonment for a term of 10 years and to a fine if A deliberately strangles another person (“B”).
- (2) A has a defence if –
  - (a) B consented to the strangulation; and
  - (b) either –
    - (i) B did not suffer serious harm; or
    - (ii) B suffered serious harm, but A did not intend to cause B serious harm and was not reckless as to whether B would suffer serious harm.
- (3) In this Article –

“serious harm” includes loss of consciousness;

“strangle” includes to suffocate, choke or restrict a person’s breathing by any means.

### 2 Customary law offences unaffected

Nothing in this Law limits or otherwise affects any customary law offence, including in particular the offences of common assault and grave and criminal assault.

### 3 Citation and commencement

This Law may be cited as the Crime (Strangulation) (Jersey) Law 202- and comes into force on a day to be specified by the Minister for Justice and Home Affairs by Order.