

STATES OF JERSEY



CANNABIS: DECRIMINALISATION OF PERSONAL POSSESSION AND RECREATIONAL USE (P.31/2024) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 24th May 2024
by Deputy T.A. Coles of St. Helier South**

STATES GREFFE

CHILDREN’S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	Deputy T.A. Coles of St. Helier South
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Elected Member
Assessment completed by (if not completed by duty bearer):	Members’ Resources Team and Duty Bearer
Date:	23.05.24

1) Name and brief description of the proposed decision
 The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the ‘**decision**’

- What is the problem or issue the decision is trying to address?
- Do children experience this problem differently from adults?

The decision: Cannabis: Decriminalisation of Personal Possession and Recreational Use It is an “in principle” proposition to allow the personal possession and use of recreational cannabis for persons 18 years and over and to bring in the necessary legislation to implement the changes.

Background
 Consideration had been given to an in-committee debate on decriminalisation of cannabis by the previous Minister for Home Affairs (now Justice and Home Affairs) but, as this is no longer to take place, the proposition has been brought in its place to allow debate on the decriminalisation of cannabis.

What is the problem or issue the decision is trying to address?
 The decision will determine whether there should be a relaxation of the approach to cannabis by decriminalising low-level personal possession and recreational use.

Do children experience this problem differently to adults?
 Decriminalisation, as set out in the circumstances of the proposition, would only be permitted for persons 18 and over and children would not, therefore, fall into this category.

2) Which groups of children and young people are likely to be affected?
 Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children

All children have the potential to be affected if decriminalisation of cannabis is permitted in Jersey.

All children have the potential to be affected *indirectly* in that parents, carers or other family members will be permitted to possess a personal amount of cannabis for recreational use.

The impact on vulnerable children has the potential to be more severe.
<p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC Will different groups of children be affected differently by this decision?
<p>All children may be <i>indirectly</i> impacted if a parent, carer or other family member were to be in possession of and use cannabis.</p> <p>In simplistic terms, more adults are likely to be smoking cannabis around children thereby increasing the risk to children of accidental exposure to, and increased availability of, cannabis with the consequential effects of this on children.</p>
<p>4) Is a full Children’s Rights Impact Assessment required? If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion</p>
<p>A full CRIA related to the potential <u>indirect impact</u> on children’s rights (i.e. impact on children of parents/cares/other family members increased use of cannabis) is provided below which identifies the general risks to children’s rights should the States Assembly confirm the decriminalisation of cannabis for adults.</p> <p>As it is unknown at this stage exactly how any legislation will be drafted and what it will include, this CRIA sets out the general impacts in the first instance and provides a starting point for future CRIA which may accompany future draft legislation if the proposition is approved by the Assembly.</p>

Part 2: FULL CHILDREN’S RIGHTS IMPACT ASSESSMENT

<p>5) What will be the impacts (positive or negative) of the proposed decision on children’s rights?</p> <p>For each of the UNCRC articles described below, click to identify any that may be relevant <input checked="" type="checkbox"/></p>			
Category	UNCRC Article	Impact? YES NO	
Guiding Principles	Non-discrimination (Art 2)	<input type="checkbox"/>	<input type="checkbox"/>
	Best interests of the Child (Art 3) to be a top priority	x	<input type="checkbox"/>
	Right to Life survival and development (Art 6)	x	<input type="checkbox"/>

	Respect for the child's views (Art 12)	<input type="checkbox"/>	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to an identity (Art 8)	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of expression (Art 13)	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations	<input type="checkbox"/>	<input type="checkbox"/>
	Right to Privacy (Art 16) including family and home life	<input type="checkbox"/>	<input type="checkbox"/>
	Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand	<input type="checkbox"/>	<input type="checkbox"/>
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	<input type="checkbox"/>	<input type="checkbox"/>
Family Environment and Alternative Care	Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5)	x	<input type="checkbox"/>
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	x	<input type="checkbox"/>
	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	<input type="checkbox"/>	<input type="checkbox"/>
	Family reunification (Art 10)	<input type="checkbox"/>	<input type="checkbox"/>
	Abduction and non-return of children abroad (Art 11)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27)	x	<input type="checkbox"/>
	Special protection for children unable to live with their family (Art 20)	<input type="checkbox"/>	<input type="checkbox"/>
	Best interests of the child in the context of Adoption (Art 21)	<input type="checkbox"/>	<input type="checkbox"/>
Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.	<input type="checkbox"/>	<input type="checkbox"/>	
Protection from violence, abuse or neglect (Art 19)	x	<input type="checkbox"/>	

	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.	<input type="checkbox"/>	<input type="checkbox"/>
Basic Health and Welfare	Rights of disabled children (Art 23)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to health and health services (Art 24)	x	<input type="checkbox"/>
	Right to social security (Art 26)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to adequate standard of living (Art 27)	<input type="checkbox"/>	<input type="checkbox"/>
Education, Leisure and Cultural Activities	Right to education (Art 28)	<input type="checkbox"/>	<input type="checkbox"/>
	Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full	<input type="checkbox"/>	<input type="checkbox"/>
	Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities	<input type="checkbox"/>	<input type="checkbox"/>
Special Protection Measures	Special protection for refugee children (Art 22)	<input type="checkbox"/>	<input type="checkbox"/>
	Children and armed conflict (Art 38 and Optional Protocol #1) Governments must do everything they can to protect and care for children affected by war and armed conflict.	<input type="checkbox"/>	<input type="checkbox"/>
	Children and juvenile justice (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	<input type="checkbox"/>	<input type="checkbox"/>
	Inhumane treatment and detention (Art 37 (b)-(d)) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.	<input type="checkbox"/>	<input type="checkbox"/>
	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life	<input type="checkbox"/>	<input type="checkbox"/>
	Child labour and right to be protected from economic exploitation (Art 32)	<input type="checkbox"/>	<input type="checkbox"/>
	Drug abuse (Art 33)	x	<input type="checkbox"/>
	Sexual exploitation (Art 34)	<input type="checkbox"/>	<input type="checkbox"/>
Abduction, sale and trafficking of children (Art 35)	<input type="checkbox"/>	<input type="checkbox"/>	

	Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	<input type="checkbox"/>	<input type="checkbox"/>
	Children belonging to a minority or an indigenous group (Art 30)	<input type="checkbox"/>	<input type="checkbox"/>
	Optional Protocol on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	<input type="checkbox"/>
	Optional protocol on the involvement of children in armed conflict	<input type="checkbox"/>	<input type="checkbox"/>

6) Information and research What evidence has been used to inform your assessment?		
Evidence collected (include links to relevant publications)	What did the evidence tell you?	What are the data gaps, if any?
The evidence collected focusses on the issue of the indirect impact on children of the relaxation of cannabis rules and the consequential increased use of cannabis by parents, carers or other family members in the home or households frequented by children.		
Wilson S, Rhee SH. Causal Effects of Cannabis Legalization on Parents, Parenting, and Children: A Systematic Review <i>Prev Med.</i> 2022 Mar;156:106956. doi: 10.1016/j.ypmed.2022.106956. Epub 2022 Jan 21. PMID: 35074421; PMCID: PMC9021885.	<p><i>“This systematic review indicates evidence of some potentially causal effects of legalization on maternal use during pregnancy and breastfeeding, parental cannabis use, some adverse perinatal and postnatal outcomes, and children’s unintentional exposure to cannabis, suggesting careful consideration of effects on parents, children, and families is warranted before endorsing comprehensive legalization across the United States. However, there are still critical gaps in the existing literature.”</i></p> <p>The highlights of the review are stated as follows – “</p>	The review is in relation to legalisation of cannabis and not decriminalisation although the outcome in terms of “children’s unintentional exposure to cannabis” may not be dissimilar.

	<ul style="list-style-type: none"> • <i>Cannabis legalization leads to increased cannabis use among adults</i> • <i>Legalization may have negative implications for minors via effects on parents</i> • <i>Critical lack of causally informative studies with parents and young children”</i> 	
<p>Harm Reduction Framework Substance Abuse and Mental Health Services Administration: Harm Reduction Framework. Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration, 2023.</p>	<p>The evidence tells us that in the 6 pillars of harm reduction, People Who Use Drugs (PWUD) have a better chance of stopping or reducing the amount of substances they use, if they are treated in a more person-centred way. This includes being free from threats and the concept of compliance</p>	<p>Harm reduction focuses more strongly on stronger, more addictive substances, than cannabis, however, people can still become dependent on cannabis, so this methodology still applies.</p>

<p>7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?</p>		
Groups consulted	How they were involved	What were the findings?
<p>No children or groups of young people in Jersey have been directly or indirectly involved in developing this decision.</p>		

<p>No social workers, teachers or youth workers were formally consulted in Jersey.</p> <p>It is thought that any engagement with children in Jersey should be at the point when there are specific proposals in place rather than generalities as in this proposition to provide more meaningful input.</p>		
<p>The-Childrens-Inquiry (volteface.me) How effectively are the UK’s cannabis policies safeguarding young people? by Liz McCulloch, Hardeep Matharu & Paul North 2018</p> <p>[Data from 2012/13 to 2016/17]</p>	<p>Methods used included a national poll commissioned by Volteface and conducted among 16 and 17-year-olds to ascertain how easy it is for them to access cannabis, as well as asking other questions relating to their wellbeing (a sample size of 1035 was used)</p> <p>Volteface also conducted 40 interviews with a range of stakeholders including young people.</p>	<p>Section on “Explaining Ease of Access” examines why young people may consider cannabis to be easily accessible.</p> <p><i>“There are inherent reasons why cannabis is so easy to access, namely that there are no age restrictions and it is commonly distributed through peer networks. However, the rise of online platforms has facilitated ease of access and will continue to do so as more young people</i></p> <p>The report does not take into account the effect of the potential increase in availability of cannabis should it be decriminalised.</p>
<p>The-Childrens-Inquiry (volteface.me) (see above)</p>	<p>see above</p>	<p><i>Section on Criminal Justice – more prosecutions of young people than adults in England and Wales</i></p>
<p>The-Childrens-Inquiry (volteface.me)</p>	<p>see above</p>	<p>Section on “Social Selling”</p> <p><i>“According to Volteface’s interviewees, it is also increasingly common for a young person wanting respect and status, money, or simply something to do, to start buying cannabis – most likely from an adult or from another young person</i></p>

		who has bought it from an adult – and then start giving or selling it to their friends ‘socially’”
Melchior M, Nakamura A, Bolze C, Hausfater F, El Khoury F, Mary-Krause M, Azevedo Da Silva M. Does liberalisation of cannabis policy influence levels of use in adolescents and young adults? A systematic review and meta-analysis - PubMed (nih.gov) BMJ Open. 2019 Jul 10;9(7):e025880. doi: 10.1136/bmjopen-2018-025880. PMID: 31296507; PMCID: PMC6624043.	Studies were included on individuals younger than 25 years of age and not just under 18 years of age.	<p>“Objectives: To examine the effect of cannabis policy liberalisation (decriminalisation and legalisation) levels of use in adolescents and young adults.”</p> <p>“Conclusions: Cannabis policy liberalisation does not appear to result in significant changes in youths' use, with the possible exception of legalisation for recreational purposes that requires monitoring.”</p>
CAMHS Annual report 2022 (published September 2023)		The service has seen significant growth in recent years with – data can be found on p.12 of the Report.

8) Assessing Impact on children’s rights Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children’s rights identified in question 5)?		
Relevant UNCRC Articles (rights) identified in Q5	Describe the positive or negative impacts on these rights	Which group(s) of children are likely to be affected?
Best interests of the child (Art 3)	<p>A decision to decriminalise cannabis for adults may have a negative impact on children’s best interests as there would be an increased risk of accidental exposure to, and increased availability of, cannabis used by parents, carers and other family members and friends in and around households.</p> <p>The best interests of children include their protection and safety from substance abuse.</p>	All children in particular children who are vulnerable

<p>Parental guidance and child's evolving capabilities (Art 5)</p>	<p>A decision to decriminalise cannabis for adults may have a negative impact on children as there would be an increased risk of accidental exposure to, and increased availability of, cannabis used by parents, carers and other family members and friends in and around households.</p> <p>The younger the child, the greater protection and guidance they will need from anything that may affect their physical and mental wellbeing.</p>	<p>All children in particular children who are vulnerable</p>
<p>Right to Life, Survival and development (Art 6)</p>	<p>A decision to decriminalise cannabis for adults may have a negative impact on children's right to life, survival and development as there would be an increased risk of accidental exposure to, and increased availability of, cannabis used by parents, carers and other family members and friends in and around households.</p> <p>The negative impact may be on both children's physical and mental wellbeing. Increased use by parents may negatively impact on their ability to parent.</p> <p>Children's development requires a holistic approach to be taken which includes ensuring that they have a safe, clean environment both inside and outside the home.</p>	<p>All children in particular children who are vulnerable</p>
<p>Right to health and health services (Art 24)</p>	<p>A decision to decriminalise cannabis for adults may have a negative impact on the right of children to live in a safe and healthy environment as there would be an increased risk of accidental</p>	<p>All children in particular children who are vulnerable</p>

	<p>exposure to, and increased availability of, cannabis used by parents, carers and other family members and friends in and around households.</p> <p>Children also have a right to education/information about issues that may affect their mental and physical wellbeing.</p>	
Drug abuse (Art 33)	<p>A decision to decriminalise cannabis for adults may have a negative impact on children in respect of drug abuse as there would be an increased risk of accidental exposure to, and increased availability of, cannabis used by parents, carers and other family members and friends in and around households.</p> <p>Children have a right to be protected from drugs and from being in contact with them.</p> <p>Increased parental drug may cause problems/issues for children in their own homes as children may copy parents and adopt the use of cannabis which has some harmful effects.</p> <p>Whilst the normalisation of cannabis use could be seen as a negative the removal of criminal, and resulting societal, stigma could be beneficial to families.</p>	All children in particular children who are vulnerable
<p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> • If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact? • Could any positive impacts be enhanced? 		

The negative indirect impacts relate to the fact that, under the decision, there would be an increased risk of accidental exposure to, and increased availability of, cannabis used by parents, carers and other family members and friends in and around households.

The effects on children will differ and will depend on the specific circumstances of each child and the child themselves.

Mitigation of negative impacts could be achieved by increasing drug education in schools and increasing parenting advice and guidance in respect of drug use.

Any child requiring support to deal with negative impacts of the decriminalisation of cannabis in their household should have access to CAHMS to assist them with the minimum of delay.

The decriminalisation of personal possession and recreational use of cannabis will result in the reduction of police involvement allowing resources to be applied elsewhere. It will also negate any ramifications from an individual's appearance at a Parish Hall inquiry. Although the sanctions at Parish Hall level are less severe than those in Magistrate Court, an individual might still be separated from the family and/or there may be knock-on effects to their job and income.

10) Conclusions

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

It is essential that any legislation brought forward to the Assembly to achieve decriminalisation for personal possession and recreational use of cannabis for adults works to safeguard and protect individuals under 18 years of age and minimise any negative indirect impacts which are identified, and which include, but are not just limited to, those identified above.

It is anticipated that the legislation will restrict cannabis consumption in public areas and/or areas where children congregate e.g. parks, sports centres, near school premises.