

STATES OF JERSEY



DRAFT CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 202- (P.15/2025) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 17th February 2025
by the Chief Minister**

STATES GREFFE

Child Rights Impact Assessment (CRIA) template

PART 1: SCREENING

Name and title of Duty Bearer:	Chief Minister
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Chief Minister
Assessment completed by (if not completed by duty bearer):	Policy Principal, Neil Stocks
Date:	22/01/2025

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?

Draft Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 202- (the 'Regulations').

The Regulations relate to secondary legislation drafted to accompany the States Assembly's previously agreed proposition P.13/2022 [Draft Control of Housing and Work \(Amendment\) \(Jersey\) Law 202-](#) (the 'Amendment Law'). The lodging of the Amendment Law included a CRIA. The Amendment Law gives provision to control the overall population density of Jersey, and the availability of work and housing in Jersey for people with strong connections or associations and, more generally, in the best interests of Jersey.

The Regulations, if adopted, replace the Control of Housing and Work (Residential and Employment Status) Regulations 2013. They reflect changes made within the Amendment Law and generally re-enact, with some modernisation of language, the existing Regulations to provide responsive and proportionate controls to allow the Government to manage the flow of people into Jersey – an island with a finite and relatively small land mass – and for the Council of Ministers to achieve their agreed Common Population Policy. Within these changes the Minister has taken the opportunity to update the Regulations by being more generous in some areas to better reflect a wider range of relationships and family units.

The Regulations apply to every person, regardless of nationality, living in Jersey who is of school leaving age or above, except those who are visitors or exempt from the application of the Regulations.

As this submission relates to secondary legislation, which accompanies already agreed primary legislation for which a CRIA was supplied, this CRIA updates only relevant areas of the Regulations.

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

The Regulations apply to every person, regardless of nationality, living in Jersey who is of school leaving age or above, except those who are visitors or exempt from the application of the Regulations.

Included within the Regulations are the conditions that are required to meet different statuses under the Regulations, and how a status is lost. These include specific provisions for children born in Jersey, those not born in Jersey but arriving in Jersey before school leaving age, and young people arriving before attaining the age of 20.

The Regulations also set out the appropriate status required to occupy accommodation, carry out specified transactions and to work in Jersey.

3) What is the likely impact of the proposed decision on children and on their rights?

- 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?

The Regulations apply to every person, regardless of nationality, living in Jersey who is of school leaving age or above, except those who are visitors or exempt from the application of the Regulations. The Regulations provide controls to achieve a sustainable rate of population change to ensure that current generations do not pass on a growing problem to future generations. Although they apply directly to children below school leaving age in only a small area, they do apply to young people above school leaving age and all adults legally in Jersey, regardless of nationality. Children and young people of migrants here for short periods (e.g. seasonal and contract workers) will likely be impacted in a different way to those migrants that arrive to settle permanently on the island.

4) Is a full Child 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

The Regulations, by providing controls within the Law and within a wider Common Population Policy, will impact upon everyone, including all children and young people, living in Jersey.

If screening determines that a full CRIA is needed, complete Part 2

If full CRIA is not required, publish Screener (for details on how to publish see Part 3)

Part 2: FULL CHILD RIGHTS IMPACT ASSESSMENT

5) What will be the impacts (positive or negative) of the proposed decision on children's rights?
For each of the UNCRC articles described below, click to identify any that may be relevant

Category	UNCRC Article <i>(Click to jump to the relevant Article in Part 4)</i>	Impact?	
		YES	NO
Guiding Principles	Non-discrimination (Art 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Best interests of the Child (Art 3) to be a top priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to Life survival and development (Art 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Respect for the child's views (Art 12)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to an identity (Art 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Freedom of expression (Art 13)	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>
	Right to Privacy (Art 16) including family and home life	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	<input type="checkbox"/>	<input checked="" 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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Family reunification (Art 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Abduction and non-return of children abroad (Art 11)	<input type="checkbox"/>	<input checked="" 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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Special protection for children unable to live with their family (Art 20)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Best interests of the child in the context of Adoption (Art 21)	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
	Protection from violence, abuse or neglect (Art 19)	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
Basic Health and Welfare	Rights of disabled children (Art 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to health and health services (Art 24)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to social security (Art 26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Right to adequate standard of living (Art 27)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Education, Leisure and Cultural Activities	Right to education (Art 28)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
Special Protection Measures	Special protection for refugee children (Art 22)	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
	Child labour and right to be protected from economic exploitation (Art 32)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Drug abuse (Art 33)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Sexual exploitation (Art 34)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Abduction, sale and trafficking of children (Art 35)	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
	Children belonging to a minority or an indigenous group (Art 30)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Optional Protocol on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Optional protocol on the involvement of children in armed conflict	<input type="checkbox"/>	<input checked="" 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?
<p>All evidence collected within the CRIA to accompany P.13/2022 - Draft Control of Housing and Work (Amendment) (Jersey) Law 202-</p>	<p>There has been a continuous growth in Jersey's population since 1951 (57,310).</p> <p>This impacts the limited resources available on the island – housing, environment, Infrastructure (e.g., schools, hospitals, sewage treatment plants, water consumption).</p> <p>Population growth has continued in recent years and has been most significantly driven by a demand for skills and labour not available within the resident population.</p> <p>Continued rates of population growth will require more housing and infrastructure which will further impact the natural environment.</p> <p>The make-up of Jersey has grown significantly older & this is expected to accelerate in the future.</p> <p>This will result in increased government costs for care and medical support and potential for the stretching of resources.</p> <p>Increasing populations require expanded infrastructure. These need to be supplied for children and young people and paid for by the workers on the island.</p>	<p>As detailed in CRIA for P.13/2022</p>
<p>2021 Jersey Census Results (published Dec. 2022)</p>	<p>The total resident population of Jersey on 21 March 2021 was 103,267</p> <p>The resident population increased by 5,400 between 2011 and 2021, corresponding to an increase of 5.5% over 10 years.</p> <p>Adults aged 65 and over accounted for 15% of the population in 2011 and 18% of the population in 2021.</p>	

	A significant increase in people aged over 65 over the last ten years while the size of the younger population has remained more or less static.																												
R.100/20203: 2023 Common Population Policy	<p>In the absence of any economic growth, maintaining living standards would require the ratio of people of working age to non-working age to be maintained at its current level into the future. In turn this means that the working age population would need to grow significantly.</p> <p>To maintain living standards without any economic growth the population in 2040 would need to be as high as 150,000. Ministers are not prepared to accept this scenario.</p>																												
2023 Taskforce on Violence Against Women & Girls Report	That an inability to access housing or work in their own right can be a barrier for women and children in moving away from an abusive relationship.																												
2023 Jersey population and migration statistics	<p>Total population of Jersey at the end of 2023 estimated to be 103,650</p> <p>Population has remained stable in the last 5 years. A marked difference from the high levels of population growth seen in the preceding 5 years.</p> <p>Jersey has required inward migration to maintain its working age population, which has also remained stable over the last 5 years.</p> <p>Jersey's population is getting older, both in the population aged 65 or over, and those aged 80 and older.</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">People</th> <th rowspan="2">Change</th> <th rowspan="2">Percentage change</th> </tr> <tr> <th>Dec 2018</th> <th>Dec 2023</th> </tr> </thead> <tbody> <tr> <td>Under 16</td> <td>16,570</td> <td>15,730</td> <td>-840</td> <td>-5</td> </tr> <tr> <td>16 to 64</td> <td>68,730</td> <td>67,770</td> <td>-950</td> <td>-1</td> </tr> <tr> <td>Over 64</td> <td>18,000</td> <td>20,150</td> <td>2,150</td> <td>12</td> </tr> <tr> <td>Total</td> <td>103,290</td> <td>103,650</td> <td>360</td> <td>0</td> </tr> </tbody> </table>		People		Change	Percentage change	Dec 2018	Dec 2023	Under 16	16,570	15,730	-840	-5	16 to 64	68,730	67,770	-950	-1	Over 64	18,000	20,150	2,150	12	Total	103,290	103,650	360	0	
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R.184/2024 Common Population Policy Annual Report 2024	<p>Without significant economic growth, projections indicate that by 2040 the likely consequences would be:</p> <ol style="list-style-type: none"> 1. Lower living standards for islanders from a reduced level of income, and/or 2. Lower levels of Government revenue which might result in lower quality of Government services for residents or require higher taxes to pay for them. <p>A reasonable and balanced form of inward migration is necessary and beneficial to the Island's future.</p>																												

	<p>Jersey's population is getting older and will continue to do so in the medium term.</p> <p>Sets out work undertaken in 2024, and planned for 2025, to develop flexible migration and immigration controls. The work in 2025 includes these Regulations.</p> <p>Minsters wish to:</p> <ul style="list-style-type: none"> • Ensure that the needs of our population now, and in the future, are addressed. • Balance demand for economic growth and maintaining affordable living standards (housing, income) against the necessity to prepare for our growing ageing population. • Ensure Jersey can continue to attract the skills and labour important for our economy and society, and so all workers in Jersey are treated and rewarded fairly. 	
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<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> <p>Possibly the most challenging aspect of completing a CRIA is to capture the 'voice of the child,' but it is vital to listen to views and experiences of children and young people in relation to the proposed decision. You can use the [Children's Voice database] which contains links to various sources reflecting children's views on a range of issues.</p> <p>If no information exists on a particular topic, or if the decision will have a significant impact on children in Jersey, you may decide to consult with these groups directly.</p>		
Groups consulted	How they were involved	What were the findings?
Views of children aged 9 to 18	Life On The Rock	<p>The issue of population controls was not directly addressed in this report. However, many of the issues explored resonated with qualitative data gathered from Jersey residents during the population consultation and survey.</p> <p>Children and young people in the Life on the Rock report highlighted:</p> <ul style="list-style-type: none"> • the high cost of housing and cost of living in Jersey; • the amount of traffic on the roads;

		<ul style="list-style-type: none"> • the need for more access to leisure activities; • access to health care; • that focus on academic attainment can negate the opportunities for vocational skills; • greater information on careers and qualifications would empower children to shape their own futures; • university options on island are limited; • limited employment opportunities for children and young people; • the value of family life; • their diverse hopes and aspirations
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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?
Non-discrimination (Art 2)	Neutral	The Regulations apply to every person, regardless of nationality, living in Jersey who is of school leaving age or above, except those who are visitors or exempt from the application of the Regulations. If this does not apply to the child themselves directly it will apply to their parent/s or guardian/s.
Best interests of the Child (Art 3) to be a top priority	<p>Positive – The fundamental long-term aim is to ensure that current generations do not pass on a growing problem to future generations and to prevent children and young people from having to deal with an unsustainable rate of population change in the future.</p> <p>A controlled population will protect the local environment and open spaces for children and young people.</p>	<p>The Regulations apply to every person, regardless of nationality, living in Jersey who is of school leaving age or above, except those who are visitors or exempt from the application of the Regulations. If this does not apply to the child themselves directly it will apply to their parent/s or guardian/s.</p> <p>Controls on population and access to housing will impact future generations of children and young people, by protecting</p>

	<p>The Regulations provide statuses and housing categories to allow for Ministers to implement an agreed Common Population Policy. This acknowledges the importance of addressing the impacts of an increasing population on an island with a finite and relatively small land mass. The fundamental driver of the current Council of Ministers is to ensure that the needs of our population now, and in the future, are addressed.</p> <p>Maintain a diverse community and culture.</p>	<p>the local environment and access to accommodation.</p>
<p>Respect for the child's views (Art 12)</p>	<p>Positive - A child's situation and their views can form part of considerations in hardship cases. The Regulations increase flexibility for the Minister to be able to support all persons who find themselves in potential hardship, including children.</p>	<p>This will be particularly relevant for children and parents of children who find themselves in potential hardship, although not limited to, especially those who are impacted by domestic abuse, or who are care leavers.</p>
<p>Children must not be separated from their parents against their will unless it is in their best interests (Art 9)</p>	<p>Positive - The object of controls on population are not to separate families, however, it is accepted that people working in Jersey may live apart from their children.</p> <p>The Regulations provide increased flexibility for the Minister to provide a status to a parent, child or young person. This gives provision to enable a parent/s to remain with their child/ren.</p> <p>Where a child is separated from a parent/s due to that being in their best interests then flexibility exists for the Minister to consider to provide statuses based upon hardship for the child or young person.</p>	<p>This will be particularly relevant for children and parents of children who find themselves in potential hardship, although not limited to, especially those who are impacted by domestic abuse, or who are care leavers.</p>

	The Regulations do not place any restrictions on a child or young person from joining, visiting or keeping in contact with a parent working or living in Jersey.	
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)	<p>Positive - The increased population has put strain on a number of services and resources, including housing.</p> <p>Achieving a sustainable future population will allow a balance between housing stock and demand to be achieved. The fundamental driver of the current Council of Ministers is to ensure that the needs of our population now, and in the future, are addressed.</p> <p>The Regulations set out the statuses and access to housing that each status provides. The Regulations provide flexibility for these to be changed swiftly, with the agreement of the States Assembly, to meet current and future circumstances.</p>	The Regulations apply to every person, regardless of nationality, living in Jersey who is of school leaving age or above, except those who are visitors or exempt from the application of the Regulations. If this does not apply to the child themselves directly it will apply to their parent/s or guardian/s.
Special protection for children unable to live with their family (Art 20)	Positive - The Regulations provide flexibility to the Minister to be able to provide children and young people with an appropriate status to access work and housing as appropriate to their situation and the support required.	The Regulations apply to every person, regardless of nationality, living in Jersey who is of school leaving age or above, except those who are visitors or exempt from the application of the Regulations. If this does not apply to the child themselves directly it will apply to their parent/s or guardian/s.

9) Weighing positive and negative impacts

- If a negative impact is identified for any area of rights or 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?

Although migrants form a valued part of the island community, and have made large contributions to our culture, society and economy over many centuries, it may be necessary, in a small community with limited resources, to impose controls that limit population growth by making Jersey less attractive for some migrant workers in a proportionate manner. A failure to do so appropriately would impact adversely upon

current and potential islanders, including those migrants and their children who come to Jersey in the future.

The CHW statuses do not prevent children or dependents travelling with their working parent / spouse / partner.

Some statuses within the Regulations are linked to a particular role or may be conditioned for a particular period of time, or for a particular purpose. Where a particular role is no longer undertaken, or the time period or purpose has expired, then a person may lose access to a certain housing category. Where this person is a parent of a child, that change might also impact the accommodation for that child.

Restrictions on access to work and housing are an acceptable form of restriction in small island jurisdictions that need to control population density in order to protect limited and finite resources and are compatible with ECHR and UNCRC.

Clear guidance and communication of the restrictions upon any CHWL status, before a person decides to work or live in Jersey will allow for persons to plan accordingly. The Regulations do not require a person to depart Jersey.

10) Conclusions

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

The Regulations provide the secondary legislation for the previously agreed Draft Control of Housing and Work (Amendment) (Jersey) Law 202-.

They outline the criteria a person is required to meet in order to be eligible for a particular status under the Law, specify the housing categories applicable, and which housing categories each status can access. They respect and uphold the fundamental rights of all Jersey residents, including migrant workers, their children and their dependents.

The Regulations provide controls on the access to housing and work in Jersey as a mechanism to control the overall population density of the island, and to implement the common population policy of the Council of Ministers. This is required to ensure that current generations do not pass on a growing problem to future generations of children and young people.

The fundamental long-term aim of the controls is to prevent children and young people from having to deal with an unsustainable rate of population change in the future, whilst ensuring that a vibrant economy is available to ensure good career opportunities for future children and young people, and taxes to pay for the services children and young people require.

PART 3: PUBLICATION

The Children (Convention Rights) (Jersey) Law 2022 requires Ministerial, Elected Member and Assembly Body duty-bearers to publish any Child Rights Impact Assessments they prepare in accordance with the Children's Rights Scheme.

How to publish a CRIA

1. most CRIA will relate to Assembly propositions and will be published on the States Assembly website as an addendum to the proposition. The CRIA should be sent to the States Greffe along with the proposition and report;
2. a duty-bearer who is authorised to do so under Standing Orders may present a CRIA to the States Assembly as a report; and
3. CRIA relating to policy may be published on gov.je or a departmental website as part of the policy document.

Exemption from publication

The Law prohibits the following data and information from publication:

- a) *“personal data about a data subject which despite pseudonymization is capable of being attributed to that data subject; and*
- b) *absolutely exempt information or qualified exempt information¹.”*

Further advice on publication can be obtained by emailing CRIA@gov.je

¹“absolutely exempt information” and “qualified exempt information” have the definition given in the [Freedom of Information \(Jersey\) Law 2011](#);

“personal data” and “data subject” have the same meaning as in Article 2 of the [Data Protection \(Jersey\) Law 2018](#), and “pseudonymization” has the same meaning as in Article 3 of that Law.

Part 4: UN Convention on the Rights of the Child (*Articles 1-41*)

[CLICK TO RETURN TO PART 2](#)

Article 1

For the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

[CLICK TO RETURN TO PART 2](#)

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under Article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under Article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

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Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

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(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

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(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or nongovernmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

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(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or Article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
- (a) Provide for a minimum age or minimum ages for admission to employment;

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(b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who

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have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

Optional Protocols

[Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | OHCHR](#) ²

[Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | OHCHR](#) ³

² <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children>