

STATES OF JERSEY



DRAFT RESIDENTIAL TENANCY AMENDMENT LAW 202- (P.24/2025): SECOND AMENDMENT (P.24/2025 AMD.(2)) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 24th June 2025
by the Minister for Housing**

STATES GREFFE

CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister for Housing
Assessment completed by (if not completed by duty bearer):	Strategic Housing and Regeneration Officer
Date:	24/06/2025

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?

The Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025) Amendment, proposed by the Minister for Housing ("the Minister's amendment to the Draft Amendment Law"). The proposition seeks to bring forward some minor technical amendments to the Draft Residential Tenancy (Jersey) Amendment Law 202- ("Draft Amendment Law") to ensure that the full policy intent is met. Children will not experience these amendments differently to adults.

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 and young people living in rented dwellings 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?

These minor amendments ensure that the full policy intent of the Draft Law is met. The Draft Amendment Law will positively impact the best interests of the child (Art 3) by providing children and their families living in rented accommodation with more enhanced security of tenure. It will positively impact Art 6 (right to life, survival and development) by ensuring a better standard of tenancy agreement and greater economic security due to protections against unfounded rent increases and evictions. As a result, this should support children's right to education (Art 28) and right to leisure and play (Art 31) by reducing the likelihood of children's schooling being disrupted due to changing tenancies and allowing them to form connections in a community that they can see as their permanent home. Children's right to privacy in their home (Art 16) will be upheld by the retention of Article 10(1) in the 2011 Law, which protects tenants from landlords interfering with tenants' enjoyment of their residential unit.

<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>Yes, because children living in rented accommodation will be among those affected by the Draft Amendment Law.</p>

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

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"/>	x
	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)	x	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	<input type="checkbox"/>	x
	Right to an identity (Art 8)	<input type="checkbox"/>	x
	Freedom of expression (Art 13)	<input type="checkbox"/>	x
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	<input type="checkbox"/>	x
	Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations	<input type="checkbox"/>	x
	Right to Privacy (Art 16) including family and home life	x	<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"/>	x
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	<input type="checkbox"/>	x

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"/>	x
	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"/>	x
	Family reunification (Art 10)	<input type="checkbox"/>	x
	Abduction and non-return of children abroad (Art 11)	<input type="checkbox"/>	x
	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)	x	<input type="checkbox"/>
	Best interests of the child in the context of Adoption (Art 21)	<input type="checkbox"/>	x
	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"/>	x
	Protection from violence, abuse or neglect (Art 19)	x	<input type="checkbox"/>
Basic Health and Welfare	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"/>	x
	Rights of disabled children (Art 23)	x	<input type="checkbox"/>
	Right to health and health services (Art 24)	x	<input type="checkbox"/>
	Right to social security (Art 26)	<input type="checkbox"/>	x
Education, Leisure and Cultural Activities	Right to adequate standard of living (Art 27)	x	<input type="checkbox"/>
	Right to education (Art 28)	x	<input type="checkbox"/>
	Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full	<input type="checkbox"/>	x
	Leisure, play and culture (Art 31)	x	<input type="checkbox"/>

	Every child has the right to relax, play and take part in cultural and artistic activities		
Special Protection Measures	Special protection for refugee children (Art 22)	<input type="checkbox"/>	x
	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"/>	x
	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"/>	x
	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"/>	x
	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"/>	x
	Child labour and right to be protected from economic exploitation (Art 32)	<input type="checkbox"/>	x
	Drug abuse (Art 33)	<input type="checkbox"/>	x
	Sexual exploitation (Art 34)	<input type="checkbox"/>	x
	Abduction, sale and trafficking of children (Art 35)	<input type="checkbox"/>	x
	Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	<input type="checkbox"/>	x
	Children belonging to a minority or an indigenous group (Art 30)	<input type="checkbox"/>	x
	Optional Protocol on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	x
	Optional protocol on the involvement of children in armed conflict	<input type="checkbox"/>	x

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?
Life on the rock lifeontherock080721.pdf	For over a quarter of children surveyed, housing was demarked as one of the top five issues that would make	Life on the rock was qualitative in nature, and focused on a small number

	Jersey a better place. Rented housing was a key issue within this.	of children's voices, which may not have been representative of all children's experiences in Jersey. Further, not all of the children interviewed lived in rental accommodation.
Housing rights and children in Jersey Microsoft Word - Housing Rights and Children in Jersey - Final Copy SLQ	Housing qualifications and the two-tier rental market can be particularly problematic for cases of domestic violence, children with complex needs and overcrowding (p.2). Identity factors coupled with systemic issues can lead to exploitative situations between landlords and tenants (or tenants and other tenants)	
Housing: prevention of discrimination by landlords against tenants with children States Assembly P-31-2018	This will amend Discrimination (Jersey) Law 2013	

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?		
Groups consulted	How they were involved	What were the findings?
Landlords, tenants, Government officers, social housing providers, organisations in the industry (children were not actively engaged with directly but there were many responses on children's behalf, leading to 'children' becoming its own subtheme in the report). It should be remembered that many of these groups are parents	Through an anonymised online survey and/or physical 'postcards' submitted to Housing Policy.	Landlords should be able to end a tenancy to move their children or grandchildren into the property. Some landlords were concerned that introducing rent stabilisation measures would lead to discrimination against tenants with children. Low-income households are more likely to suffer

<p>themselves and will have at least secondhandedly experienced children's issues raised.</p>		<p>due to rent increases, which can have adverse effects on children's lives.</p> <p>Lack of child-friendly accommodation – often tenants need to move out if they discover they are expecting children. This finding is supported by research that formed the basis for the Draft Discrimination (Amendment of Law).</p> <p>Minority communities and migrants often leave Jersey because the rental market is not suitable for children.</p> <p>Poor living standards and quality of housing can affect children and young people's mental, physical, and developmental wellbeing. This aligns with findings from Life on the rock that children feel there is a lack of regulation around the safety of homes.</p>
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<p>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)?</p>		
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?
<ul style="list-style-type: none"> - Art 3 (best interests of the child) - Art 6 (life, survival and development) - Art 12 (children's views) 	<p>The Draft Amendment Law will include reasons for notice, which will mean that landlords must give tenants specific reasons for notice. Knowingly or recklessly giving a tenant a false or misleading reason for notice will be an offence. This protects against 'revenge'/no</p>	<p>Children living in rented accommodation</p>

	<p>fault’ evictions, which will enhance the security of tenure of tenants and their children (Art 3; Art 6).</p> <p>The new tenancy type (periodic by default, with an initial term option of up to 3 years) will also enhance tenants’ security of tenure by making it easier for tenants to stay in one place which has the further effect of children being able to feel like the place that they live is a home, and to have consistency/continuation of where they go to school (Art 3; Art 6).</p> <p>The inclusion of rent stabilisation measures will also mean that landlords cannot issue tenants unlawful rent increases, which will have the effect of enhancing tenants’ security of tenure (Art 3; Art 6).</p> <p>There are specific reasons for eviction (such as the landlord wanting to move into the property, or the tenant’s tied-employment being ended) that require the court to evict the tenant if the tenant has not given vacant possession and notice was given in accordance with the Draft Amendment Law. The Petty Debts Court will consider matters where children are concerned sensitively (Art 12), ensuring compliance with ECHR principles, and may often stay the eviction until alternative accommodation has been sourced in order to prevent homelessness.</p>	
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Art 16 (right to privacy)	Article 10(1) of the 2011 Law (retained in the Draft Amendment Law) mandates that a landlord must not arbitrarily or unlawfully interfere with a tenant's enjoyment of a residential unit, which aligns with Art 16 of the UNCRC.	Children living in rented accommodation.
<ul style="list-style-type: none"> - Art 9 (separation from parents) - Art 18 (parental responsibilities and state assistance) - Art 20 (children unable to live with their immediate family) 	The Draft Amendment Law may affect care experienced children and young people as tenants. Children under the age of 18 who live independently as care leavers (Art 20) may have a tenancy agreement signed on their behalf by whoever holds parental responsibility (whether the parent, guardian, or corporate parent [Art 18]) which is then usually transferred to the young person once they turn 18. Children with care orders who live at home with their parents may be at greater risk than children without care orders. If a parent is a tenancy holder and is in serious rent arrears and at risk of the tenancy being ended and eviction proceedings taking place, there is a higher likelihood that children with care orders may be brought into care of the Minister for Children and Families. It is not within the Draft Amendment Law's scope to afford protections to children in these circumstances. In the first instance, it is the duty of Children's Services to support families in these circumstances and avoid eviction proceedings from occurring. In the case of eviction proceedings, it is the duty of the Petty Debts Court to consider the circumstances	Care experienced children and young people living in rented accommodation.

	of the case and ensure that an eviction order does not result in children being separated from their parents against their will unless it is within their best interests (Art 9).	
Art 27 (adequate standard of living)	<p>The Draft Amendment Law is designed to promote tenants' rights, ensuring there is greater security of tenure, and rents are fair and manageable, promoting a better standard of rented accommodation.</p> <p>There are reasons for notice that allow landlords to regain possession, for instance if the landlord or the landlord's children/family require the property to live in. This will support the adequate standard of living of any children related to a landlord that take up residence following this notice being issued. It has been ensured that the definition of a family member is sufficiently broad so as to cover many variations of formal and informal care arrangements (Also protecting Art 9; 18; and 20). The inclusion of provision in the Draft Amendment Law to enable downsizing in social housing will support the availability of family-size homes in social housing stock, contributing to a good standard of living for children in social housing.</p>	Children living in owner-occupied, private rented, and social housing accommodation.
<p>Art 24 (health and health services)</p> <p>- Art 23 (children with disabilities)</p>	The Draft Amendment Law will seek to enhance tenants' security when living in conditions that may be uninhabitable or prohibitive to their health (and to prevent this from occurring in the first place) by setting out	Children living in rented accommodation.

	<p>provisions around uninhabitable premises, which will include a provision that allows tenants to stop paying rent if the property is uninhabitable (and be reimbursed of any rent paid in advance of the date the property became uninhabitable) unless the landlord provides alternative accommodation (Art 24; Art 27). The Draft Amendment Law complements the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 and relevant secondary legislation, which together serve to enhance the standard of rental accommodation in Jersey, supporting the realisation of Art 24. Whilst the Draft Amendment Law does not make specific provision regarding the rights of children with disabilities, children with disabilities will benefit from the security that able-bodied children will benefit from under the Draft Amendment Law (Art 23)</p>	
Art 30 (minority groups)	<p>Tenants who are migrants and not entitled residents are more likely to belong to minority groups in Jersey. Due to the Control of Housing and Work (Jersey) Law 2012, the Draft Amendment Law must include reasons for notice such as the tenant not having the correct residential status, or their visa or work permit ending. Notice periods for these reasons for notice have been tested with immigration and population officers, and law officers, and are designed to allow tenants (and their children) in these circumstances adequate notice, without contravening</p>	Children living in rented accommodation

	population and immigration requirements. However, this could still negatively impact migrant children, recognising this arises as a result of the migration controls in place for Jersey.	
<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? 		
<p>Positive impacts directly related to health and wellbeing of tenants are outside of the scope of the Law, pertaining more to the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 and related secondary legislation, although as noted, the legislation will together enhance the rights of tenants and their children, supporting their health and wellbeing.</p> <p>The nature of the Draft Amendment Law requires it to deal with eviction matters. Eviction is a prospect that threatens the realisation of Articles 3, 6, 27 and 30. The inclusion of specific reasons for notice with adequate notice periods seek to mitigate this, but it is recognised that the threat cannot be fully mitigated. By ensuring the Petty Debts Court maintains jurisdiction over eviction orders, tenants' human rights will be upheld, which will in turn uphold relevant articles of the UNCRC. The prospect of eviction is also likely to affect children with care orders who live with their parents differently to other children. In these cases, it is the duty of Children's Services to attempt to keep a family together if it is in the child's best interests, and the duty of the Petty Debts Court to uphold Article 9 when considering administering an eviction order.</p> <p>As it has been noted in some areas of Section 8, the Draft Amendment Law cannot entirely protect tenants from eviction proceedings when there must be checks and balances in place to comply with other laws and be fair to landlords. Nevertheless, the Draft Amendment Law makes an improvement on the current situation by affording tenants greater security of tenure through new tenancy types, enhanced reasons for notice and an end to "no fault evictions". Whilst the law will introduce some mandatory eviction grounds, the law will also require the Petty Debts Court to consider the reason for giving notice when considering whether to stay the eviction. When considering staying an eviction, the Petty Debts Court must also consider the balance of hardship, so where children are concerned it is highly likely that the Petty Debts Court will act in their favour.</p> <p>It is worth considering how children's rights would be impacted if these provisions are not passed. Without the statutory right to rent stabilisation within tenancies and the improved security of tenure that is built into the provisions of the Draft Amendment Law, financial difficulties from unregulated rent increases, housing insecurity from no-fault notice, amongst other things, are likely to continue to be issues for tenants and their respective children, as has been evidenced in sections 6 and 7 of this CRIA.</p>		

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10) Conclusions

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

This Draft Amendment Law will positively impact tenants' rights, and therefore children living in rented accommodation, primarily by enhancing security of tenure, promoting an adequate standard of living, and introducing rent stabilisation measures. There are some core aspects of residential tenancies – namely, evictions – that this Draft Amendment Law cannot prevent. The Draft Amendment Law makes an improvement on the 2011 Law by putting an end to 'no fault' evictions by requiring specific reasons for notice to be used if a landlord wants to end a tenancy agreement and adding to the number of things that a court must/may consider when deciding on whether to order a stay of eviction