

Children's Rights Scheme

Children (Convention Rights) (Jersey) Law 2022

MARCH 2024

R.46/2024

Contents

1. Ministerial Foreword	3
2. Introduction	5
3. Glossary	6
4. Children’s human rights and the UNCRC.....	8
a. Human rights	8
b. The UNCRC	8
c. The Optional Protocols.....	11
d. The General Comments.....	11
e. Jersey’s obligations as a State Party	11
f. Periodic reporting to the UN Committee	12
5. Children (Convention Rights) (Jersey) Law 2022 (“the Law”)	13
a. Duty-bearers.....	13
b. Duty to have Due Regard.....	13
c. Circumstances where the due regard duty applies	14
d. Additional obligations of Duty-Bearers.....	15
e. Reporting requirements	16
6. Children’s Rights Impact Assessment - CRIA.....	17
a. What is CRIA and why is it important?	17
b. Decisions where CRIA is not required:.....	18
c. Urgent propositions:	18
d. Demonstrating due regard through CRIA	19
e. How to complete a CRIA.....	20
f. Publishing CRIA.....	20
7. Other means of demonstrating due regard.....	21
8. Engagement with children.....	22
9. Training, resources and support.....	24
10. Office of the Children’s Commissioner	25
11. Role of Government	27
Appendix A – CRIA Resource Bank.....	28

1. Ministerial Foreword

As Jersey's first Minister for Children and Families, I am pleased to be publishing this Children's Rights Scheme in accordance with the Children (Convention Rights) (Jersey) Law 2022.

Background

Since 2014, when the UK's ratification of the United Nations Convention on the Rights of the Child (UNCRC) was extended to Jersey, successive governments have taken steps to progressively realise children's human rights here in the Island.

The Independent Jersey Care Inquiry of 2017 was a stark reminder that Jersey has not always acted in the best interests of our children. In 2018, following careful consideration of the recommendations contained in the Care Inquiry report, the Council of Ministers began work on incorporation of the UNCRC into Jersey law.

Ministers decided to begin with indirect incorporation, which introduced an obligation to consider children's rights in policy development and decision-making – known as the 'due regard' duty. After extensive consultation and research, the Children (Convention Rights) (Jersey) Law was unanimously adopted by the States in March 2022.

Aims

The principal aim of the Law is to embed consideration of children's rights whenever we are making decisions or developing new policies and laws. This will ensure that we act in children's best interests, and it is very much a cultural change, which starts with Ministers and all Elected Members of the States Assembly. As well as Members, the law also extends to States Assembly Bodies and in due course will apply to named Public Authorities across the Island.

The law will be enacted in 2 distinct phases to ensure the right level of support is provided for duty-bearers during implementation.

The overarching aim throughout has been to make compliance with the Convention Rights Law an efficient and proportionate process. It must not be a superficial 'tick-box' exercise, nor must it lead to unnecessary bureaucracy.

Putting the law into practice

The duty to have due regard, which applies to Ministers, Elected Members and Assembly Bodies from January 2024, introduces Child Rights Impact Assessments, or CRIA, which are mandatory in certain circumstances.

Jersey leads the way in this respect, being the first part of the UK State Party to legally require completion of CRIA. This will provide clear evidence, both locally and internationally, of our intention to respect, protect and fulfil children’s rights.

This Children’s Rights Scheme is intended to be a guidance document for duty-bearers and those who support them, to ensure that they are well placed to fulfil their obligations under the Children (Convention Rights) (Jersey) Law 2022.

The Law is a fundamental step towards ensuring Government and practitioners consider the rights of children and young people in Jersey when making decisions, and when developing policy and legislation which could affect them. As we start to embed the practice of considering children’s rights, I have no doubt that it will enable us to develop better laws and policies and will ultimately ensure that we act in the best interests of all children in Jersey.

Connétable Richard Vibert
Minister for Children and Families

March 2024

2. Introduction

This Children’s Rights Scheme is the statutory guidance which the Minister for Children and Education is required to publish by the Children (Convention Rights) (Jersey) Law 2022¹. It sets out the arrangements by which duty-bearers can fulfil the duty the law places on them to have due regard for children’s rights.

Children are human beings and entitled to the same human rights as adults, however the United Nations Convention on the Rights of the Child² (UNCRC) establishes further rights that apply to everyone under the age of 18, recognising that children need greater protection, to ensure their human rights are not overlooked or violated.

The Council of Ministers decided in 2018 to pursue an incremental approach to incorporation of the UNCRC into Jersey law. Ministers confirmed their intention to begin with a ‘due regard’ model of indirect incorporation, in order to embed consideration of children’s rights in policy development and decision-making.

This scheme is intended for use by those defined in the Law as duty-bearers, as well as officers who support them, to enable the duty-bearer to comply with their statutory obligation to have due regard for children’s rights as set out in the UNCRC.

It also acts as a reference guide to explain how due regard may be given to the rights of children in Jersey across all aspects of public policy, legislation and decision-making.

The Law requires that this scheme is revised at least once during each UNCRC periodic reporting cycle (see Section 4) which reviews Jersey’s progress towards implementation of the Convention.

¹ [Children \(Convention Rights\) \(Jersey\) Law 2022](#)

² [Convention on the Rights of the Child | OHCHR](#)

3. Glossary

The following terms are used in this Children’s Rights Scheme and are defined below:

Articles	54 civil, political, economic, social and cultural rights which make up the UNCRC
Children’s Rights Impact Assessment (CRIA)	A documented process to predict the impacts of policy, legislation and practice on children’s rights
Direct incorporation	Making the UNCRC legally enforceable through the courts, so that domestic legislation must be read and given effect in a way which is compatible with the UNCRC (see also <i>Indirect incorporation</i>)
Due Regard	A balanced consideration of the UNCRC together with all relevant issues
Duty-bearers	<ul style="list-style-type: none"> a) the Chief Minister, Council of Ministers, Ministers, Assistant Ministers and officers exercising delegated functions; b) elected Members of the States Assembly; c) any committee or panel established by standing orders (apart from a committee of inquiry) or any other committee, panel, board or body, whether established under an enactment or otherwise, that is permitted under standing orders to lodge a proposition; and d) Public Authorities as defined in the Law
ENOC	European Network of Ombudspersons for Children
General Comments	Recommendations and guidance issued by the UN Committee setting out how the UNCRC should be applied <i>[Note: General Comments relevant for children are also produced by other UN Treaty Bodies³]</i>
Government of Jersey	Government departments under the direction of Ministers
List of Issues Prior to Reporting (LOIPR)	List of topics for discussion issued by the UN Committee to a State Party as part of the reporting cycle
Implementation	Ongoing realisation of the UNCRC through a range of measures including legal incorporation
Indirect incorporation	A legal requirement to consider convention rights as an aspect of policy development leading to cultural acceptance of convention rights (see also <i>Direct incorporation</i>)
Minister	Minister for Children and Education
Optional Protocols	A legal instrument related to an existing treaty that addresses issues that the parent treaty does not cover or does not cover sufficiently. It is usually, although not always, open to ratification or accession only by States that are parties to the parent treaty
Ratification	The action of signing or giving formal consent to a treaty, making it officially valid
Rights-holders	Children aged under 18
State party	A country which has ratified the UNCRC
States of Jersey	The States Assembly - Jersey’s elected parliament

³ [General Comments | OHCHR](#)

UN	The United Nations
UN Committee	The United Nations Committee on the Rights of the Child: the body which monitors and reports on State Parties' implementation of the UNCRC and publishes guiding comments on its interpretation and application
UNCRC	The United Nations Convention on the Rights of the Child

4. Children’s human rights and the UNCRC

a. Human rights

Human rights are a universal set of standards based on basic human needs that guarantee freedom, dignity, equality and a fair standard of living for all. The **Universal Declaration of Human Rights (UDHR)**⁴, adopted by the UN General Assembly in 1948, was the first legal document to declare the rights considered to be fundamental to all human beings.

The European Convention on Human Rights⁵ (ECHR) is based on the UDHR and is a legal commitment from the member states of the Council of Europe to protect these rights. The ECHR was directly incorporated into Jersey law in 2000.

b. The UNCRC

The United Nations Convention on the Rights of the Child⁶ (UNCRC) is a human rights treaty, adopted by the United Nations in 1989. It sets out a list of rights that belong to every child under 18 years old.

The UNCRC recognises and promotes the rights of children and young people to ensure that they grow up *‘in the spirit of peace, dignity, tolerance, freedom, equality and solidarity’*.

All UN Member States (except for the USA) have ratified the UNCRC, making it the most widely supported human rights treaty in history.

The UNCRC has 54 articles, the first 42 of which describe the rights of children and young people.

The 4 articles below have been identified as the UNCRC’s ‘guiding principles’:

Article 2: Non-discrimination

The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

Article 3: Best interests of the child

The best interests of the child must be a top priority in all decisions and actions affecting the child.

Article 6: Right to life, survival and development

Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

Article 12: Right to be heard

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.



⁴ [OHCHR | Universal Declaration of Human Rights](#)

⁵ [European Convention on Human Rights](#)

⁶ [Convention on the Rights of the Child text | UNICEF](#)

The UNCRC Articles are explained below (source, UNICEF⁷):

 <p>1 DEFINITION OF A CHILD</p> <p>A child is any person under the age of 18.</p>	 <p>2 NO DISCRIMINATION</p> <p>All children have all these rights, no matter who they are, where they live, what language they speak, what their religion is, what they think, what they look like, if they are a boy or girl, if they have a disability, if they are rich or poor, and no matter who their parents or families are or what their parents or families believe or do. No child should be treated unfairly for any reason.</p>	 <p>3 BEST INTERESTS OF THE CHILD</p> <p>When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children. Governments should make sure children are protected and looked after by their parents, or by other people when this is needed. Governments should make sure that people and places responsible for looking after children are doing a good job.</p>
 <p>4 MAKING RIGHTS REAL</p> <p>Governments must do all they can to make sure that every child in their countries can enjoy all the rights in this Convention.</p>	 <p>5 FAMILY GUIDANCE AS CHILDREN DEVELOP</p> <p>Governments should let families and communities guide their children so that, as they grow up, they learn to use their rights in the best way. The more children grow, the less guidance they will need.</p>	 <p>6 LIFE, SURVIVAL AND DEVELOPMENT</p> <p>Every child has the right to be alive. Governments must make sure that children survive and develop in the best possible way.</p>
 <p>7 NAME AND NATIONALITY</p> <p>Children must be registered when they are born and given a name which is officially recognized by the government. Children must have a nationality (belong to a country). Whenever possible, children should know their parents and be looked after by them.</p>	 <p>8 IDENTITY</p> <p>Children have the right to their own identity – an official record of who they are which includes their name, nationality and family relations. No one should take this away from them, but if this happens, governments must help children to quickly get their identity back.</p>	
 <p>9 KEEPING FAMILIES TOGETHER</p> <p>Children should not be separated from their parents unless they are not being properly looked after – for example, if a parent hurts or does not take care of a child. Children whose parents don't live together should stay in contact with both parents unless this might harm the child.</p>	 <p>10 CONTACT WITH PARENTS ACROSS COUNTRIES</p> <p>If a child lives in a different country than their parents, governments must let the child and parents travel so that they can stay in contact and be together.</p>	 <p>11 PROTECTION FROM KIDNAPPING</p> <p>Governments must stop children being taken out of the country when this is against the law – for example, being kidnapped by someone or held abroad by a parent when the other parent does not agree.</p>
 <p>12 RESPECT FOR CHILDREN'S VIEWS</p> <p>Children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously.</p>	 <p>13 SHARING THOUGHTS FREELY</p> <p>Children have the right to share freely with others what they learn, think and feel, by talking, drawing, writing or in any other way unless it harms other people.</p>	 <p>14 FREEDOM OF THOUGHT AND RELIGION</p> <p>Children can choose their own thoughts, opinions and religion, but this should not stop other people from enjoying their rights. Parents can guide children so that as they grow up, they learn to properly use this right.</p>
 <p>15 GETTING UP OR JOINING GROUPS</p> <p>Children can join or set up groups or organisations, and they can meet with others, as long as this does not harm other people.</p>	 <p>16 PROTECTION OF PRIVACY</p> <p>Every child has the right to privacy. The law must protect children's privacy, family, home, communications and reputation (or good name) from any attack.</p>	 <p>17 ACCESS TO INFORMATION</p> <p>Children have the right to get information from the Internet, radio, television, newspapers, books and other sources. Adults should make sure the information they are getting is not harmful. Governments should encourage the media to share information from lots of different sources, in languages that all children can understand.</p>
 <p>18 RESPONSIBILITY OF PARENTS</p> <p>Parents are the main people responsible for bringing up a child. When the child does not have any parents, another adult will have this responsibility and they are called a "guardian". Parents and guardians should always consider what is best for that child. Governments should help them. Where a child has both parents, both of them should be responsible for bringing up the child.</p>	 <p>19 PROTECTION FROM VIOLENCE</p> <p>Governments must protect children from violence, abuse and being neglected by anyone who looks after them.</p>	 <p>20 CHILDREN WITHOUT FAMILIES</p> <p>Every child who cannot be looked after by their own family has the right to be looked after properly by people who respect the child's religion, culture, language and other aspects of their life.</p>
 <p>21 CHILDREN WHO ARE ADOPTED</p> <p>When children are adopted, the most important thing is to do what is best for them. If a child cannot be properly looked after in their own country – for example by living with another family – then they might be adopted in another country.</p>		

⁷ [convention-rights-child-text-child-friendly-version.pdf \(unicef.org\)](https://www.unicef.org/convention-rights-child-text-child-friendly-version.pdf)



22 Children who move from their home country to another country as refugees (because it was not safe for them to stay there) should get help and protection and have the same rights as children born in that country.



23 Every child with a disability should enjoy the best possible life in society. Governments should remove all obstacles for children with disabilities to become independent and to participate actively in the community.



24 Children have the right to the best health care possible, clean water to drink, healthy food and a clean and safe environment to live in. All adults and children should have information about how to stay safe and healthy.



25 Every child who has been placed somewhere away from home - for their care, protection or health - should have their situation checked regularly to see if everything is going well and if this is still the best place for the child to be.



26 Governments should provide money or other support to help children from poor families.



27 Children have the right to food, clothing and a safe place to live so they can develop in the best possible way. The government should help families and children who cannot afford this.



28 Every child has the right to an education. Primary education should be free. Secondary and higher education should be available to every child. Children should be encouraged to go to school to the highest level possible. Discipline in schools should respect children's rights and never use violence.



29 Children's education should help them fully develop their personalities, talents and abilities. It should teach them to understand their own rights, and to respect other people's rights, cultures and differences. It should help them to live peacefully and protect the environment.



30 Children have the right to use their own language, culture and religion - even if these are not shared by most people in the country where they live.



31 Every child has the right to rest, relax, play and to take part in cultural and creative activities.



32 Children have the right to be protected from doing work that is dangerous or bad for their education, health or development. If children work, they have the right to be safe and paid fairly.



33 Governments must protect children from taking, making, carrying or selling harmful drugs.



34 The government should protect children from sexual exploitation (being taken advantage of) and sexual abuse, including by people forcing children to have sex for money, or making sexual pictures or films of them.



35 Governments must make sure that children are not kidnapped or sold, or taken to other countries or places to be exploited (taken advantage of).



36 Children have the right to be protected from all other kinds of exploitation (being taken advantage of), even if these are not specifically mentioned in this Convention.



37 Children who are accused of breaking the law should not be killed, tortured, treated cruelly, put in prison forever, or put in prison with adults. Prison should always be the last choice and only for the shortest possible time. Children in prison should have legal help and be able to stay in contact with their family.



38 Children have the right to be protected during war. No child under 15 can join the army or take part in war.



39 Children have the right to get help if they have been hurt, neglected, treated badly or affected by war, so they can get back their health and dignity.



40 Children accused of breaking the law have the right to legal help and fair treatment. There should be lots of solutions to help these children become good members of their communities. Prison should only be the last choice.



41 If the laws of a country protect children's rights better than this Convention, then those laws should be used.



42 Governments should actively tell children and adults about this Convention so that everyone knows about children's rights.



43-54 These articles explain how governments, the United Nations - including the Committee on the Rights of the Child and UNICEF - and other organisations work to make sure all children enjoy all their rights.

c. The Optional Protocols

In the period since the UNCRC was first introduced, the United Nations has adopted 3 **Optional Protocols** to the Convention on the Rights of the Child. These relate to:

- 1) the involvement of children in armed conflict⁸
- 2) the sale of children, child prostitution and child pornography⁹ and
- 3) a communications procedure¹⁰. This third optional protocol does not apply in Jersey.

d. The General Comments

The UN Committee monitors the implementation of the UNCRC and Optional Protocols by state parties. It makes recommendations on any issue relating to children by issuing General Comments¹¹.

The purpose of these comments is to analyse and interpret aspects of the UNCRC and provide guidance for state parties and non-state actors as to how the Convention should be applied in practice. General Comments help to clarify what is expected of state parties in fulfilling their obligations under the Convention.

e. Jersey's obligations as a State Party

Ratification of the UNCRC, together with 2 of its Optional Protocols, was extended to Jersey by the United Kingdom in 2014. As a result, Jersey is bound by international law to comply with the UNCRC and is subject to the monitoring and reporting processes of the UN Committee.

Jersey has decided to indirectly incorporate the UNCRC as set out in the Children (Convention Rights) (Jersey) Law 2022¹², which was approved by the States Assembly in March 2022.

Article 4 of the UNCRC requires state parties to 'undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.'

The UN Committee, commenting on the interpretation and application of the UNCRC¹³, states:

"When a State ratifies the Convention on the Rights of the Child, it takes on obligations under international law to implement it. Implementation is the process whereby States parties take action to ensure the realization of all rights in the Convention for all children in their jurisdiction."

⁸ [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#)

⁹ [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#)

¹⁰ [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#)

¹¹ [OHCHR | General comments](#)

¹² [Children \(Convention Rights\) \(Jersey\) Law 2022 \(jerseylaw.ie\)](#)

¹³ GENERAL COMMENT No. 5 (2003) General measures of implementation of the Convention on the Rights of the Child

f. Periodic reporting to the UN Committee

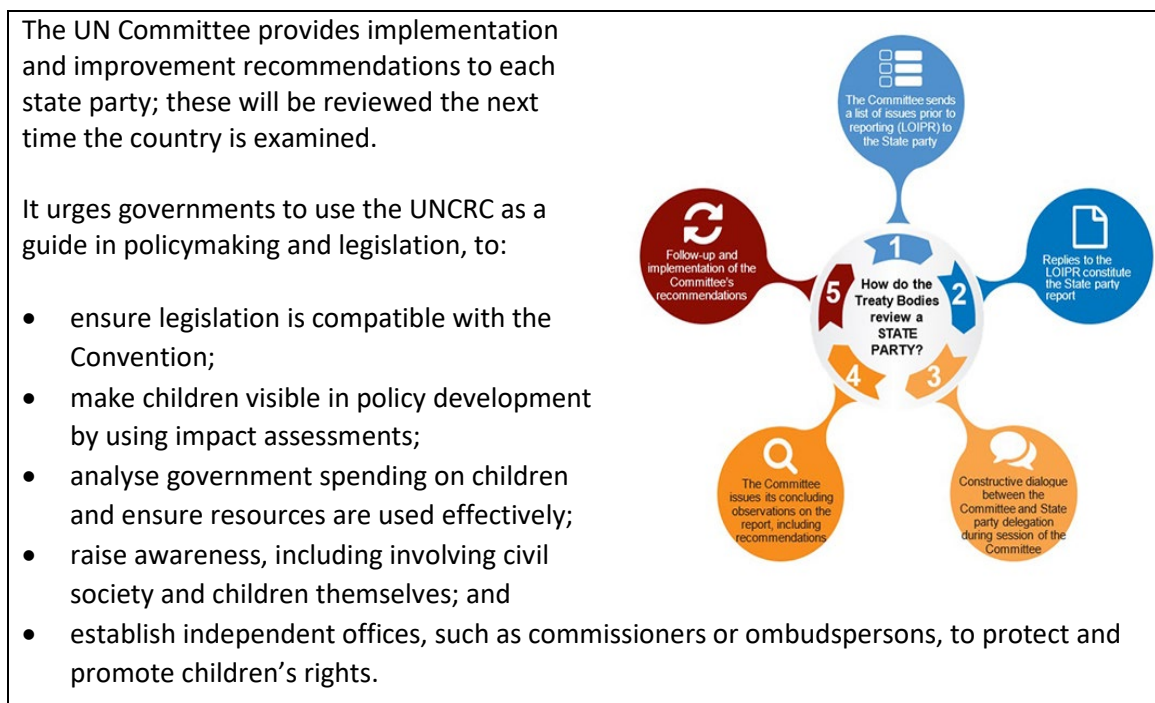
The UN Committee is responsible for monitoring the progress made by state parties in implementing children’s rights. Jersey’s progress is evaluated as part of the UK’s reporting cycle, which covers the UK Government, the devolved administrations in Wales, Scotland and Northern Ireland, the Overseas Territories and the Crown Dependencies (Jersey, Guernsey and the Isle of Man).

Each reporting cycle follows one of two standard formats: standard and simplified¹⁴. The UK has opted to be examined under the simplified process, where the UN Committee sends a ‘list of issues prior to reporting’ (LOIPR) to the state party, which must respond in a written report. Jersey contributed to the most recent UK report, submitted in June 2022.¹⁵

After considering the UK State Party Report, the UN Committee holds an in-person meeting, called a ‘constructive dialogue’ at its headquarters in Geneva with representatives from the state party, to further examine the written answers. At the end of this process, the Committee issues its Concluding Observations¹⁶ and recommendations.

These Concluding Observations represent a framework of actions which the UK state party, including Jersey, is expected to implement ahead of the next reporting cycle. The UN Committee’s observations can also help the Government and public authorities when planning future improvements to services for children.

The UN reporting cycle and its value to state parties is illustrated below:



¹⁴ [Reporting guidelines | OHCHR](#)

¹⁵ [UK's response to the UN Committee's list of issues on the Rights of the Child](#)

¹⁶ [Concluding Observations Report CRC/C/GBR/CO/6-7](#)

5. Children (Convention Rights) (Jersey) Law 2022 (“the Law”)

The Law was approved by the States Assembly on 29 March 2022. The Law came into force on 1 January 2024 for Ministerial, Elected Member and Assembly Body duty-bearers.

The articles of the Law relating to Public Authority duty-bearers¹⁷ are expected to come into force in late 2024.

a. Duty-bearers

The following groups of duty bearers are defined under the Law:

Ministerial duty-bearers are individual Ministers and the Council of Ministers collectively, Assistant Ministers and any officers exercising delegated functions on behalf of a Minister.

Elected Member duty-bearers are the elected Members of the States Assembly.

Assembly Body duty-bearers are any committee or panel established under the Standing Orders of the States of Jersey¹⁸ (other than a committee of inquiry) or any other body permitted under Standing Orders to lodge a proposition (e.g. the States Employment Board or Public Accounts Committee).

Public Authority duty-bearers are defined in article 5(1) of the Law and a list of current Public Authority duty-bearers appears in Schedule 1. They perform functions in relation to children and their families and have certain characteristics, such as being a registered charity, receiving government funding, performing functions of a public nature and providing regulated care services.

NOTE: as stated above, Public Authority duty-bearers are not subject to the Law until the remaining Articles are enacted, which is expected to happen in late 2024.

The obligations of different categories of duty-bearers under the Law are explored in the sections which follow.

b. Duty to have Due Regard

Under Articles 6, 8 and 9 of the Law, duty-bearers must have **due regard** for (i.e. give balanced consideration to) the following when making a decision which may have a direct or indirect¹⁹ impact on children:

¹⁷ Articles 5, 9, 12(4)(b)(iii) and Schedule 1 of the Law

¹⁸ [Standing Orders of the States of Jersey \(gov.je\)](https://www.gov.je/standing-orders)

¹⁹ **Direct** refers to policy/legislation which is specifically targeted at children, such as: education; youth justice; child health; corporate parenting; early years provision; safeguarding.

Indirect refers to policy/legislation which is not specifically directed at children, but which nonetheless has an impact on them, such as: social security; taxation, transport; environmental protection; immigration.

- Part 1 (Articles 1-41) of the UNCRC²⁰
- Articles 1 to 10 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography²¹
- Articles 1 to 7 of the Optional Protocol to the Convention on the involvement of children in armed conflict²²; and
- where relevant, to the General Comments²³ on the Convention issued by the UN Committee from time to time.

c. Circumstances where the due regard duty applies

Ministerial duty-bearers must exercise due regard when making policy decisions in connection with the preparation of a government plan, if those decisions relate to changes in States' expenditure, new or revised revenue-raising measures (such as taxation) or changes in Social Security contributions.

Ministerial duty-bearers, Elected Member duty-bearers and Assembly Body duty-bearers must exercise due regard when making any decision about the formulation of a proposition or an amendment to a proposition.²⁴

Public authority duty-bearers must exercise due regard when making any decision concerning the discharge of any of their functions or the provision of a regulated activity or services as defined in the Law.

One of the ways in which duty-bearers can demonstrate that they have exercised due regard is by preparing and publishing a Children's Rights Impact Assessment (CRIA) in accordance with the guidance set out in this scheme. In respect of the decisions outlined in Article 6 of the Law, this is a statutory obligation, subject to limited exceptions, as specified in the Law. The CRIA process, including how to complete the assessment, is explained in Section 6.

The due regard duty outside of CRIA is explored in Section 7.

²⁰ [United Nations Convention on the Rights of the Child](#)

²¹ [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | OHCHR](#)

²² [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | OHCHR](#)

²³ [OHCHR | General comments](#)

²⁴ Section 6b(ii) explains the due regard duty relating to amendments to propositions

d. Additional obligations of Duty-Bearers

Article 10 of the Law places further obligations on duty-bearers to demonstrate how they have exercised their duty to have due regard. These 'General Obligations' require duty-bearers to promote knowledge and understanding of the Convention and oblige them to have due regard for the views of children who may be directly or indirectly impacted by their decision. The article also sets out how complaints should be handled.

These obligations apply to any decision made under Article 6 (i.e., a decision which is subject to a statutory CRIA) or Articles 8 and 9, where CRIA would be voluntary.

Obligation to promote knowledge and understanding within the duty-bearer's own sphere of influence or operation:

Duty-bearers should consider what constitutes their 'sphere of influence,' how they could go about developing their own understanding of children's rights and how they might encourage others to do the same.

Questions a duty-bearer can ask themselves:

- As a duty-bearer, what do I understand about the UNCRC?
- Do my values and those of my organisation or department reflect and promote children's rights?
- Have officers in my department or organisation completed relevant training?
- What else could my department or organisation do to embed consideration of children's rights in our everyday work?
- Could I identify instances where children's rights have not been upheld?
- Do I know where to obtain further advice?

Obligation to ensure complaints are handled in a child-friendly way:

In relation to complaints, duty-bearers must take reasonable steps to ensure these are dealt with in a child-friendly manner and advise complainants how unresolved complaints can be escalated.

Children can submit complaints, comments and suggestions on any topic, including decisions on children's rights issues, to the Government of Jersey via its Customer Feedback service²⁵.

²⁵ [Submit feedback to the Government of Jersey](#)

Children’s Social Care services encourage the use of Mind of My Own,²⁶ an inclusive app that enables young people to communicate their views to a trusted adult.

Complaints may also be made via the office of the Children’s Commissioner for Jersey²⁷.

Obligation to ensure the views of children are considered

Duty-bearers have a general obligation to have due regard for the views of any children who may be directly or indirectly impacted by any decision.

The Law intends that duty-bearers should take a proportionate approach to their duty, as it would not be appropriate to directly consult children on every Assembly proposition or policy decision.

Significant, far-reaching decisions such as the Island Plan, which affects the whole Island and covers a 10-year period, would almost certainly warrant engagement with children as part of the impact assessment process. Consultation would also be appropriate on a proposed decision with fundamental impacts on children, such as plans to change the voting or school-leaving age.

Duty-bearers can fulfil the obligation to have due regard for children’s views by referring to published data sources and research which reflects such views.

Appendix A contains details of the CRIA Resource Bank. This is a database containing links to published data sources and includes views expressed by children and young people in Jersey and their relevance to children’s rights as set out in the UNCRC.

Further advice on engagement with children can be found in Section 8.

e. Reporting requirements

Ministerial, Assembly Body and Public Authority duty-bearers are required to publish an annual report explaining how they have fulfilled their due regard duty in the preceding 12 months.

This is not a requirement for Elected Member Duty-Bearers.

The report should list any statutory or discretionary CRIA produced during the period, as well as instances where the duty-bearer has exercised due regard outside of the CRIA process.

The report must be published within 6 months of the 12-month period to which it relates. This may be as a standalone report or as part of any other report or document.

²⁶ [One app - Mind Of My Own](#)

²⁷ [Human Rights Info and Advice | Children's Commissioner for Jersey](#)

6. Children’s Rights Impact Assessment - CRIA

a. What is CRIA and why is it important?

CRIA, like any impact assessment process, is intended to inform and shape decisions in a positive way. CRIA should therefore commence as early as possible in the policy development cycle, to enable any negative impacts on children’s rights to be mitigated.

The UNCRC is the starting point for evaluating whether a proposed decision complies with the Articles of the Convention. CRIA then looks at how the proposed decision will impact the realisation of children's rights in Jersey, using evidence to support any conclusions.

It is likely that most decisions will have some impact on children. UNICEF takes the view that there is no such thing as a child-neutral policy:

‘whether intended or not, every policy positively or negatively affects the lives of children and CRIA is the means through which governments can consider and anticipate these impacts’²⁸.

The CRIA template approved by the Minister broadly follows the principles established by ENOC. It comprises two Parts: a Screening Stage and a Full CRIA.

Part 1 - Screening

Impact assessment must be proportionate; it would be impractical to carry out a full children’s rights assessment on every decision, policy proposal or draft law. Screening acts as a preliminary check to help determine whether or not more in-depth analysis is required and records that decision. Should screening identify no impacts on children’s rights, the CRIA process ends. Stage 1 of the CRIA is then published in accordance with the Law.

Part 2 – Full CRIA

Having established at the Screening stage that a decision will impact children’s rights, the Full CRIA considers the following:

- which specific rights will be affected;
- whether different groups of children will be affected differently;
- what evidence is available and what does this tell us;
- have children (or those who speak on their behalf) been consulted or have their views been listened to in another way;
- what is the likely impact on children’s rights: positive or negative;
- can the decision be modified to mitigate any negative impacts, or could positive impacts be enhanced; and
- what are the key findings on how the decision will affect the rights of Jersey children?

²⁸ UNICEF and European Commission (2014) Child Rights Toolkit Module 5: Child Impact Assessments, para.1.1.1.

If the proposed decision is likely to have a positive impact and will respect protect and fulfil the rights of children in Jersey, CRIA will capture that positive outcome.

If the impacts are assessed as negative, the duty-bearer should propose alternatives to achieve compliance with the UNCRC or ways of mitigating the negative impacts. Alternatively, they may recommend that the decision should not go ahead as originally proposed.

b. Decisions where CRIA is not required:

Certain types of decision are exempt from the requirement to complete a CRIA and others only require the screening stage:

- (i) If the screening stage indicates that the decision will not have any direct or indirect impact on children and young people, full CRIA is not required. This could occur where a decision is of a purely technical nature and does not include any assessment of the detail of a policy. Stage 1 of the CRIA must still be published, as it provides evidence of the thinking behind the decision not to proceed to full CRIA;
- (ii) if the decision is restricted to an amendment to a proposition or an amendment to an amendment, the initial screening stage must be undertaken, but completion of a full CRIA is at the discretion of the duty-bearer lodging the amendment; and
- (iii) certain decisions, even if they are the subject of a proposition, are exempt from the requirement to produce a CRIA and are detailed in Schedule 2 of the Law.²⁹ These include Council of Ministers' propositions to lodge a Government Plan or a statement of Common Strategic Policy. A duty-bearer may, however elect to produce a CRIA on any proposition, in whole or in part, at their discretion, even if exempt.

c. Urgent propositions:

If the decision relates to an urgent proposition (i.e. one for which the proposer plans to seek the Assembly's leave to debate before the minimum lodging period³⁰ has expired) the duty-bearer can choose to complete the screening stage only, provided that a full CRIA is completed within 6 weeks of the date the proposition was adopted by the Assembly. Should the urgent proposition not be adopted, a full CRIA is not required.

²⁹ [Children \(Convention Rights\) \(Jersey\) Law 2022 \(jerseylaw.je\)](http://jerseylaw.gov.je)

³⁰ As set out in Standing Order 26 ([Standing Orders of the States of Jersey \(gov.je\)](http://gov.je))

d. Demonstrating due regard through CRIA

The circumstances in which different categories of duty-bearer should complete a CRIA in respect of a proposed decision are shown in the table below.

Type of duty-bearer	Decision requiring duty-bearer to have due regard for children's rights	Statutory (compulsory) CRIA	Optional CRIA ²
Minister	Proposition (unless exempt) ¹	●	
	Amendment to proposition ³	●	
	Decision covered by proposition which is exempt ¹		●
	Discharge of Ministerial functions		●
	Policy Formulation (including changes to existing policy)		●
	Subordinate legislation (including Orders)		●
	Government Plan ⁴	●	●
Elected Member	Proposition (unless exempt) ¹	●	
	Amendment to proposition ³	●	
Assembly Body	Proposition (unless exempt) ¹	●	
	Amendment to proposition ³	●	
Public Authority ⁵	Discharge of functions		●
	Regulated activity or services		●

NOTES:

1. Propositions exempt from CRIA are detailed in Schedule 2 of the Law
2. Optional CRIA must be published in the same way as statutory CRIA
3. Amendments to a proposition (and amendments to amendments) only require completion of the Screening Stage
4. A proposition lodging a Government Plan is exempt from CRIA but the law says that ministers must complete CRIA for certain elements of a government plan, such as new or revised taxes or changes to social security contributions. The number and scope of any additional CRIA prepared in respect of a Government Plan is at ministers' discretion
5. Articles of the Law relating to Public Authorities are not yet in force

e. How to complete a CRIA

An online CRIA template has been developed to assist duty-bearers in discharging their due regard duty under the Law and is available on the Children's Rights pages of www.gov.je³¹

The following steps explain how to access the template and complete a CRIA:

1. Open the CRIA page
2. Choose either the online form or download and save the Word template to your computer
3. Complete Part 1 – Screening. If screening indicates that a full CRIA is not required, publish the Screener. If you have completed the screener on behalf of the duty-bearer, obtain their approval before publication
4. If screening indicates that a full CRIA is required, proceed to Part 2 of the template and complete all relevant sections
5. If you have completed the CRIA on behalf of the duty-bearer, ensure they have approved the final CRIA before publication
6. Publish the CRIA (Part 1 and Part 2) subject to the provisions in the Law relating to information which is prohibited from publication
7. Consider publishing a child-friendly version, if appropriate

f. Publishing CRIA

The Law requires duty bearers to publish any Children's Rights Impact Assessments they prepare.

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.

A duty-bearer who is authorised to do so under Standing Orders may present a CRIA to the States Assembly as a report.

CRIA relating to policy may be published on www.gov.je or a departmental website as part of the policy document.

³¹ [Children's Rights \(gov.je\)](http://www.gov.je)

Exceptions to the requirement to publish are made in the law to protect individuals from being identified through information contained in the CRIA. The Law prohibits the following data and information from publication:

1. *personal data about a data subject which despite pseudonymisation is capable of being attributed to that data subject; and*
2. *absolutely exempt information or qualified exempt information*³².

7. Other means of demonstrating due regard

CRIA is one way of ensuring children's rights are considered in decisions that are likely to affect them. It does not replace the more general responsibility to respect and uphold their universal human rights. Other means of demonstrating due regard for the rights of children have been identified by the UN Committee.

The General Measures of Implementation of the Convention on the Rights of the Child,³³ issued by the UN Committee, seek to embed consideration of children's rights in the routine work of governments, as required by the Convention.

Such measures may include:

- plans and strategies for children
- law reform and judicial enforcement
- awareness-raising, training and education
- resource allocation and making children visible in budgets
- data-collection and monitoring
- statutory children's rights institutions (e.g. Children's Commissioners)
- ratification and application of other relevant international standards

Examples illustrating how due regard has been given to children's rights in Jersey include creating the Office of the Children's Commissioner³⁴ the Children and Young People's Plan,³⁵ Children's Outcomes Executive Committee,³⁶ Jersey Youth Parliament,³⁷ the Youth Justice Review³⁸ and the introduction of Participation Standards for children and young people.³⁹

³² As defined in the [Freedom of Information \(Jersey\) Law 2011 \(jerseylaw.je\)](http://jerseylaw.je)

³³ [General Comment No5](#)

³⁴ [Children's Commissioner for Jersey \(childcomjersey.org.je\)](http://childcomjersey.org.je)

³⁵ [Children and Young People's Plan \(gov.je\)](http://gov.je)

³⁶ [Children's Outcomes Executive Committee \(gov.je\)](http://gov.je)


³⁷ [Home - Youth Parliament \(jyp.je\)](http://jyp.je)

³⁸ [Social Enquiry Report \(gov.je\)](http://gov.je)

³⁹ [Participation Standards for children and young people \(gov.je\)](http://gov.je)

8. Engagement with children

A child's right to have their voice listened to is one of the 4 guiding principles of the UNCRC:

<p>Article 12 (1) <i>“State 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.”</i></p>	
--	---

Participation is at the heart of democracy and anyone who will be affected by a proposed decision should be given the opportunity to present their views. It is vital to listen to children themselves, as well as those who know them best: their parents, carers and the organisations who work closely with them.

Below are some examples of how engagement can take place:

- commissioning public consultations or focus groups with children to gather their views on the proposed decision (this may be appropriate if the decision is significant);
- adding specific questions to a broader public consultation;
- targeted consultations with the specific groups of children who will be affected by the proposed decision e.g. care-experienced children or children in a particular age bracket;
- targeted public consultations through relevant websites, schools/colleges and social media – ensuring that consultation materials are written in a style that is accessible to the target audience; and
- making use of existing consultation mechanisms through rights, participation and youth work organisations/structures (such as the Jersey Youth Assembly, Jersey Youth Parliament, Children’s Commissioner’s Youth Advisory Panel or School Council network).

For the purposes of CRIA, consultation should specifically ask about the decision's potential impact on children and how this could affect their rights under the UNCRC.

Jersey's Participation standards for children and young people

Developed in 2022 as part of the Chief Minister's 100-day Plan, the Participation Standards⁴⁰ say that children and young people should have the opportunity to be involved in decision making.

The standards recognise the importance of information being easy to find, read and understand for children. All children should be able to have their voice heard; some may need extra support, but this should not stop them from being involved.

Following the Participation Standards when engaging with children will ensure their views are heard and valued. Children should be given feedback on how their ideas and views made a difference.

Click the picture on the right and this link to the [Participation Standards Toolkit](#) for more information on engaging with children and young people.



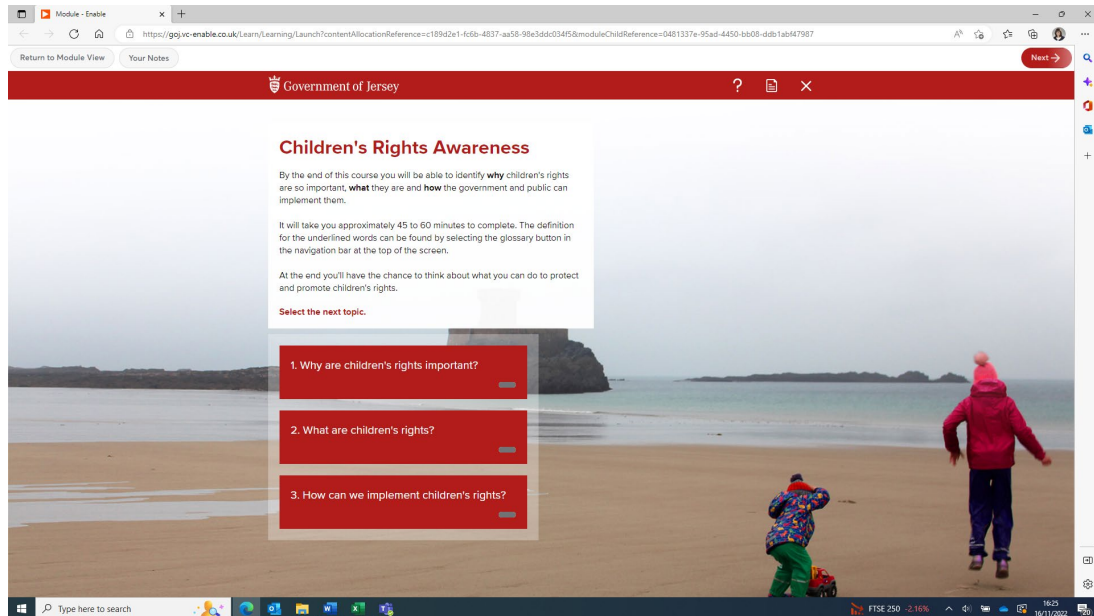
Further advice on children's participation in decision-making can be obtained from the office of the Children's Commissioner. Their Participation and Engagement team supports the development of participation with children and young people in all organisations and settings and can offer advice and guidance.

⁴⁰ [Participation Standards for children and young people \(gov.je\)](#)

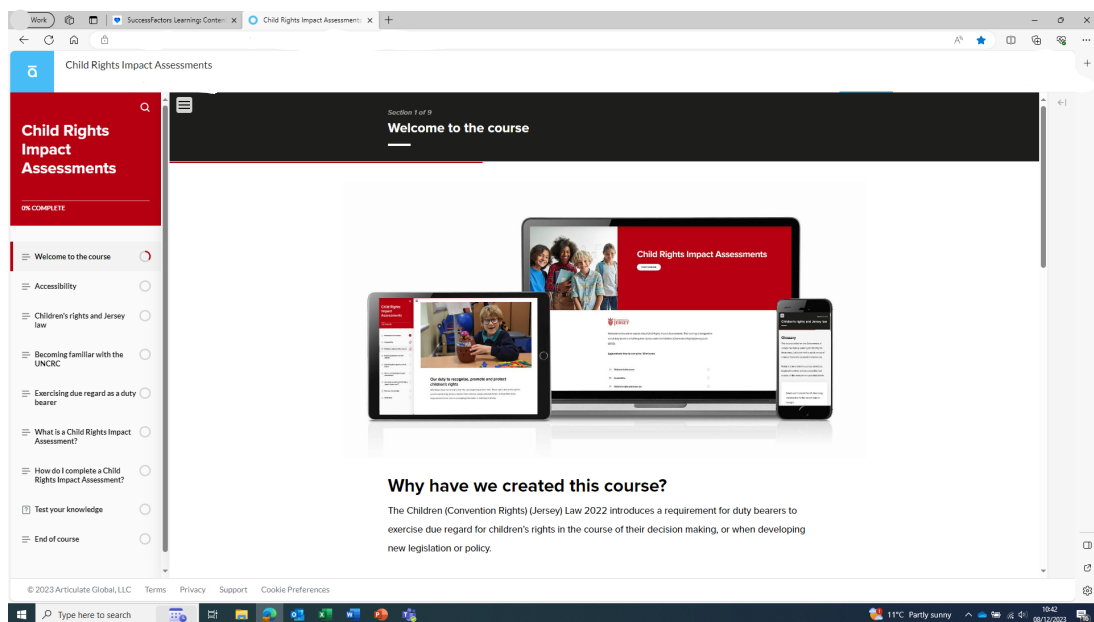
9. Training, resources and support

All Government of Jersey employees should complete the Children's Rights Awareness eLearning module, accessed via Connect Learning, as part of their mandatory training.

This training is also available to employees of arms-length organisations.



A further eLearning module on Connect Learning relates specifically to how to complete a Children's Rights Impact Assessment.



10. Office of the Children’s Commissioner

The office of Children and Young People’s Commissioner was established in 2019 and exists to promote and protect children’s rights in Jersey.

Their website⁴¹ contains information about the role of the Children’s Commissioner and explains how to raise a concern if a child (or their parent) believes their rights have not been upheld.

The Children’s Commissioner has a responsibility in law⁴² to directly involve children and young people in Jersey in their work. This includes working with children and young people to develop projects and seeking their views about how life is for them so that the Commissioner can act where their rights are not being upheld.

The Commissioner’s team also undertakes policy and research work and supports UNICEF’s Rights Respecting Schools programme in Jersey.

Making Children’s Rights a Reality in Jersey⁴³

Children’s Rights were the focus of the Commissioner’s above Report, published in 2022, which gives guidance on how the Government and other organisations can adopt a children’s rights approach to the delivery of their services. The principles set out in the report for the practical implementation of a Children’s Rights Approach are:

- Embedding children’s rights
- Equality and non-discrimination towards children
- Participation of children
- Empowering children
- Accountability to children

These principles do not operate in isolation but should apply holistically to drive the overall approach to children’s rights, encompassing senior level commitment, corporate planning, procedures, training, commissioning and resources.

Participation in the UN reporting cycle

The Children’s Commissioner also submitted a report⁴⁴ to the UN Committee highlighting key issues for children in Jersey in November 2020, as part of the LOIPR information gathering process.

Whilst acknowledging that progress had been made in the protection of children’s rights in Jersey, the report invited the Committee to seek information from the government with regard to specific matters, including disability, health and welfare, education, the

⁴¹ [Rights | Children's Commissioner for Jersey](#)

⁴² [Commissioner for Children and Young People \(Jersey\) Law 2019](#)

⁴³ [9062-cco-mcrarj-publicationaw-updated.pdf \(childcomjersey.org.je\)](#)

⁴⁴ [Children’s Commissioner’s input for List of Issues Prior to Reporting](#)

family environment, deprivation of liberty, youth justice, alternative care and violence against children.

Two further reports were submitted by the Children’s Commissioner to the UN Committee on the Rights of the Child at the 94th pre-session in February 2023⁴⁵.

A pre-session is a one-week meeting period that takes place in Geneva at the Office of the High Commissioner for Human Rights. It is an opportunity for Children’s Commissioners from countries around the world to share information and concerns ahead of the Committee’s country sessions, which take place over a similar period, also in Geneva, with the State representatives of the various countries concerned. The Commissioner gave evidence to the UN Committee, along with two young people from Jersey.

The Children’s Commissioner’s main submission for the 94th pre-session encompassed a wide range of issues, from health and housing to education and wellbeing. The Commissioner’s second, supplementary, submission focused on youth justice and deprivation of liberty.

⁴⁵ [United Nations Committee on the Rights of the Child: 94th Pre-session | Children's Commissioner for Jersey \(childcomjersey.org.ie\)](https://www.childcomjersey.org.ie)

11. Role of Government

Article 4 of the UNCRC requires the Government of Jersey, as a State Party, to 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 cooperation.’*

In bringing forward the Children (Convention Rights) (Jersey) Law 2022, the States Assembly has established a framework to ensure that due regard is given to the rights of children in the context of decisions which may affect them.

The Minister is responsible for publishing this Children’s Rights Scheme.

The Minister is also required to amend the Scheme regularly, revising it to take account of the UN Committee’s concluding observations and consulting with certain stakeholders before publishing a revised version.

Senior leadership in both Government and Public Authorities has a key role in ensuring that decisions are always made and policies developed with children’s rights in mind.

The Children’s Commissioner for Jersey, in their report ‘Making Children’s Rights a Reality in Jersey’⁴⁶ recommends coordination across departments and between Government and external organisations, with children’s rights being a primary consideration when decisions are taken. To help embed consideration of children’s rights, the report also advocates for:

“Secure senior level commitment and engagement, ensuring that leaders and staff, who are required to put the commitment into practice, are aware of this commitment and understand UNCRC obligations.”

Further information can be found in the Children’s Rights section on www.gov.je.⁴⁷

⁴⁶ [9062-cco-mcrarj-publicationaw-updated.pdf \(childcomjersey.org.je\)](#)

⁴⁷ [Children's Rights \(gov.je\)](#)

Appendix A – CRIA Resource Bank

To help duty-bearers include the views of children when completing a Children’s Rights Impact Assessment (CRIA), the CRIA Resource Bank brings together relevant publications from Jersey and elsewhere in a searchable format.

The purpose of this database is to enable duty-bearers to include children’s views when completing a CRIA, without having to consult children directly on every decision.

“Children and young people must be part of the assessment process.

The evidence base for the CRIA must include the views and experiences of the children who will be affected by the proposal or measure. This may already be available in published research, inspection reports, survey data and case law, as well as information from service providers and organisations which work with children.

This can be enhanced and supplemented by the direct input of children and young people.⁴⁸

For decisions which are likely to have wide-ranging and significant impacts on children, it may be appropriate to hold a direct consultation. However, for more routine decisions, direct engagement may not be necessary or proportionate and it is acceptable for CRIA to reference existing publications which reflect children’s views.

The database includes links to various reports and studies where direct engagement took place with children, or those who speak on their behalf. Featured publications include:

- Life on the Rock (2021) Children’s Commissioner for Jersey and the Centre for Children’s Rights, Queen’s University Belfast
- Jersey Children and Young People’s survey (issued every 2 years) Statistics Jersey
- Island Wide Consultation – Findings (2018) Children’s Commissioner for Jersey
- Campaign reports – Jersey Youth Parliament
- Children and Young People Emotional and Mental Health and Wellbeing strategy 2021-2025 – Government of Jersey
- How Young People view the Climate Emergency (2020) Government of Jersey
- Youth Review: summary findings and government response (2022) UK Government Dept for Digital, Culture, Media & Sport
- Children and the Digital World (2020) Government of Jersey
- Big Education Conversation report findings (2020) Government of Jersey

A link to the database, which is regularly updated, can be found on the Children’s Rights pages of the gov.je website⁴⁹.

⁴⁸ [Common Framework of Reference on Child Rights Impact Assessment: a guide on how to carry out CRIA. European Network of Ombudspersons for Children, November 2020](#)

⁴⁹ [Children's Rights \(gov.je\)](#)