

STATES OF JERSEY



MARINE SPATIAL PLAN (P.44/2024) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

Presented to the States on 19th July 2024
by the Minister for the Environment

STATES GREFFE

CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	Minister for the Environment
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Elected Member
Assessment completed by (if not completed by duty bearer):	Marine Resources Data Officer and Marine Resources Operations and Compliance Manager
Date:	18th July 2024

<p>1) Name and brief description of the proposed decision</p> <p>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'</p> <ul style="list-style-type: none"> • What is the problem or issue the decision is trying to address? • Do children experience this problem differently from adults?
<p>Marine Spatial Management of Jersey's territorial waters. The Jersey Marine Spatial Plan (JMSP) brings together views of all stakeholder sectors that utilise or benefit from the marine environment and sets out a series of recommendations to guide management and achieve a thriving marine environment.</p> <p>The JMSP covers a wide range of topics such as beach pollution, access and safety will affect children in the same way as adults, some issues such as pollution may have a greater impact on children in terms of long-term quality of life. Other issues pertaining to businesses (watersports, fishing etc) will not directly affect children.</p>
<p>2) Which groups of children and young people are likely to be affected?</p> <p>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</p>
<p>All children groups. Environmental issues will have impacts across all of society and therefore all age groups and demographics.</p>
<p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> • Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC • Will different groups of children be affected differently by this decision?
<p>While the JMSP does not have any legislative standing, the recommendations within the plan, once implemented, should result in an enhanced marine environment in terms of:</p> <p>biodiversity that supports human life;</p> <p>resources to support livelihoods such as fishing;</p>

<p>access and improved facilities for beach users and recreational activities;</p> <p>better segregation of bays to improve safety</p> <p>This will benefit children by ensuring there is good water quality for recreation, maintained and improved access to coastal areas, improved safety for marine users, and sustainable fisheries to ensure there is local food provisioning.</p>
<p>4) Is a full Children’s Rights Impact Assessment required? If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion</p>
<p>Yes</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"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	<input type="checkbox"/>	<input 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"/>	X
	Right to Privacy (Art 16) including family and home life	<input type="checkbox"/>	X
	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)	<input type="checkbox"/>	X
	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)	<input type="checkbox"/>	X
	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)	<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	
Basic Health and Welfare	Rights of disabled children (Art 23)	<input type="checkbox"/>	X
	Right to health and health services (Art 24)	<input type="checkbox"/>	X
	Right to social security (Art 26)	<input type="checkbox"/>	X

	Right to adequate standard of living (Art 27)	<input type="checkbox"/>	X
Education, Leisure and Cultural Activities	Right to education (Art 28)	<input type="checkbox"/>	X
	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) Every child has the right to relax, play and take part in cultural and artistic activities	X	<input type="checkbox"/>
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?
<p>Workshops and engagement with young people have helped to shape elements of the plan. The Life on the Rock report 2021 (lifeontherock080721.pdf (childcomjersey.org.je)). The Jersey Children and Young People's survey 2021 (R Jersey Children and Young People's Survey 20220309 SJ.pdf (gov.je)). Views were also sought from the sea scouts and from a JCG student to be captured in the plan as a 'pen portrait' of what the sea means to them and what they would like to see happen in the future.</p>	<p>The workshops raised issues in relation to access to recreational watersports and affordable travel/activities at the beach. This is reflected in Life on the Rock report 2021 in the leisure time and activity section. The Children and Young Peoples survey highlighted that some children never or very rarely visit the beach, but that the majority do on a regular basis. This evidence highlighted that young people in Jersey enjoy the beach and the coastal environment but that not all are able to access it easily and so this has been one of the priorities to address in the plan.</p>	<p>No identified data gaps at this stage. As the JMSP is not statutory, the recommendations within the plan will require their own streams of work and it is at this stage that further engagement with, and consideration of, young people will be possible.</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?		
Groups consulted	How they were involved	What were the findings?
<p>Youth parliament and Geography GSCE event. Interviews with JCG students (eco captain) and sea scouts.</p>	<p>The youth parliament, JCG students and sea scouts were all contacted about the JMSP and asked to contribute (pre public consultation draft). Whereas the GCSE students were made aware of the plan and asked to comment (public consultation phase).</p>	<p>Children were interested and concerned about the marine environment. There were many comments relating to the specialness of the beaches, issues with access, pollution and overcrowding.</p>

<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?
<p>Best interests of the Child (Art 3) to be a top priority Article 3</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The implementation of the JMSP will afford today’s children a higher quality of life than without the plan. The best interests of the child are a top priority. This will be seen in a variety of ways including regulation of pollution, enhancement of biodiversity and improved safety. These will ensure our bathing waters are both clean and safe for current and future children to enjoy and that there is a health thriving marine environment from which fish and shellfish can be taken to supplement a healthy diet.</p>	<p>All groups of children.</p>

<p>Article 13: Freedom of expression 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 (<i>ordre public</i>), or of public health or morals.</p>	<p>Children and young people were invited to participate in both the workshops and the public consultation. This included a workshop with the Youth Parliament in the initial stages and then promotion of the public consultation through a GCSE workshop involving multiple schools. There are multiple recommendations in the plan for improved education and awareness on the marine environment so that children and adults alike can be more informed about marine matters.</p>	<p>All groups of children.</p>
<p>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</p>	<p>The implementation of the JMSP will afford today's children a higher quality of life than without the plan. The recommendations around fishing and marine protected areas will help to ensure adequate nutrition of children by ensuring we have a sustainable fishery that will provision future generations.</p>	<p>All groups of children.</p>

<p>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.</p> <p>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.</p>		
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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?

No negative impacts identified.

10) Conclusions

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

If the recommendations in the plan are implemented this should result in an enhanced marine environment in terms of:

- biodiversity that supports human life;

- resources to support livelihoods such as fishing;
- access and improved facilities for beach users and recreational activities;
- better segregation of bays to improve safety

All of the above are expected to have a positive impact on the rights of children in Jersey as outlined above.