

STATES OF JERSEY



DRAFT TERMINATION OF PREGNANCY (JERSEY) AMENDMENT LAW 202- (P.79/2024) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 6th November 2024
by the Minister for Health and Social Services**

STATES GREFFE

CHILDREN’S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	Tom Binet
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister for HSS
Assessment completed by (if not completed by duty bearer):	Caroline Maffia
Date:	21 October 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>Proposition to remove residency requirements from the Termination of Pregnancy (Jersey) Law 1997. Existing legislation requires a woman requesting a termination of pregnancy to be either:</p> <ul style="list-style-type: none"> • Ordinarily resident • In Jersey for at least 90 days prior to requesting a termination. <p>By removing minimum residency requirements, a small number of additional women, who are present in Jersey, may access a termination in Jersey rather than travelling to the UK or elsewhere.</p> <p>Children’s rights do not apply to unborn children, therefore the provision of termination of pregnancy services to adults does not impact children’s rights. (Vo v. France (Application No 53924/00, the Grand Chamber of the European Court of Human Rights held that: “The unborn child is not regarded as a “person” directly protected by Article 2 of the Convention and that if the unborn do have a “right” to “life”, it is implicitly limited by the mother’s rights and interests.” (para. 80))</p> <p>Amending the law to provide that:</p> <ul style="list-style-type: none"> • a non-resident child who is pregnant (for example, a 16 year old girl) does not need to travel to another jurisdiction for a termination helps protects the child from further distress • a non-resident parent does not need to travel to another jurisdiction for a termination protects children of that parent from a period of potential separation.
<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>See above</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

<ul style="list-style-type: none"> • Will different groups of children be affected differently by this decision?
See above
<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>The removal of minimum residency is not believed to introduce new impacts on children different to that already prescribed by law. Therefore, a full CRIA is not required.</p>