

Children's Rights Scheme

Children (Convention Rights) (Jersey) Law
2022

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1. Ministerial Foreword

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

Having ratified the United Nations Convention on the Rights of the Child (UNCRC), the Law is an important part of Jersey's ongoing commitment to respect, protect and fulfil children's rights.



The Law has now been in force for two years. Since January 2024, all States Members, individually and collectively, must consciously consider how their decisions may affect the rights of children and young people.

The release of this updated Children's Rights Scheme coincides with the extension of the Law to other decision-making bodies: the Parishes, arms-length bodies of the Government and certain named charities. It also reflects what we have learned over the last two years since the Law came into force and provides updated guidance on the circumstances in which a children's rights impact assessment should be undertaken.

It is vital that we keep the guiding principles of the UNCRC at the forefront of our decision-making and ensure:

- that all children survive and develop to their full potential;
- that all children enjoy their rights without discrimination;
- that children's best interests are a top priority in all decisions that may affect them; and
- that where decisions may affect children, they are able to express their views and have them considered by decision-makers.

It is only by fully embracing consideration of children's rights that we will ultimately ensure we are acting in the best interests of all children in Jersey.

Connétable Richard Vibert
Minister for Children and Families

January 2026

2. Introduction

This Children's Rights Scheme is the statutory guidance which the Minister for Children and Families 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, to ensure their human rights are not overlooked or violated.

The Council of Ministers decided to pursue an incremental approach to incorporation of the UNCRC into Jersey law, beginning 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
Due Regard	A balanced consideration of the UNCRC together with all relevant issues
Duty-bearers	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
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 (Note: a <i>Direct incorporation model</i> would have made the UNCRC legally enforceable through the court system)
Minister	Minister for Children and Education
Optional Protocol	A legal instrument related to an existing treaty that addresses issues that the parent treaty does not cover or does not cover sufficiently.
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
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

³ [General Comments | OHCHR](#)

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 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.

These 4 articles 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):

1



DEFINITION OF A CHILD

A child is any person under the age of 18.

2



NO DISCRIMINATION

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.

3



BEST INTERESTS OF THE CHILD

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.

4



MAKING RIGHTS REAL

Governments must do all they can to make sure that every child in their countries can enjoy all the rights in this Convention.

5



FAMILY GUIDANCE AS CHILDREN DEVELOP

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.

6



LIFE, SURVIVAL AND DEVELOPMENT

Every child has the right to be alive. Governments must make sure that children survive and develop in the best possible way.

7



NAME AND NATIONALITY

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.

8



IDENTITY

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.

9



KEEPING FAMILIES TOGETHER

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.

10



CONTACT WITH PARENTS ACROSS COUNTRIES

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.

11



PROTECTION FROM KIDNAPPING

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.

12



RESPECT FOR CHILDREN'S VIEWS

Children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously.

13



SHARING THOUGHTS FREELY

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.

14



FREEDOM OF THOUGHT AND RELIGION

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.

15



GETTING UP OR JOINING GROUPS

Children can join or set up groups or organisations, and they can meet with others, as long as this does not harm other people.

16



PROTECTION OF PRIVACY

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.

17



ACCESS TO INFORMATION

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.

18



RESPONSIBILITY OF PARENTS

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.

19



PROTECTION FROM VIOLENCE

Governments must protect children from violence, abuse and being neglected by anyone who looks after them.

20



CHILDREN WITHOUT FAMILIES

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.

21



CHILDREN WHO ARE ADOPTED

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.

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

 22 REFUGEE CHILDREN	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 CHILDREN WITH DISABILITIES	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 HEALTH, WATER, FOOD, ENVIRONMENT	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 REVIEW OF A CHILD'S PLACEMENT	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 SOCIAL AND ECONOMIC HELP	Governments should provide money or other support to help children from poor families.	 27 FOOD, CLOTHING, A SAFE HOME	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 ACCESS TO EDUCATION	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 AIMS OF EDUCATION	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 MINORITY CULTURE, LANGUAGE AND RELIGION	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 REST, PLAY, CULTURE, ARTS	Every child has the right to rest, relax, play and to take part in cultural and creative activities.	 32 PROTECTION FROM HARMFUL WORK	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 PROTECTION FROM HARMFUL DRUGS	Governments must protect children from taking, making, carrying or selling harmful drugs.	 34 PROTECTION FROM SEXUAL ABUSE	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 PREVENTION OF SALE AND TRAFFICKING	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 PROTECTION FROM EXPLOITATION	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 IN DETENTION	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 PROTECTION IN WAR	Children have the right to be protected during war. No child under 15 can join the army or take part in war.	 39 RECOVERY AND REINTEGRATION	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 WHO BREAK THE LAW	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 BEST LAW FOR CHILDREN APPLIES	If the laws of a country protect children's rights better than this Convention, then those laws should be used.	 42 EVERYONE MUST KNOW CHILDREN'S RIGHTS	Governments should actively tell children and adults about this Convention so that everyone knows about children's rights.	 43-54 HOW THE CONVENTION WORKS	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

Since declaring the UNCRC, the United Nations has adopted 3 Optional Protocols on:

- 1) the involvement of children in armed conflict⁸
- 2) the sale of children, child prostitution and child pornography⁹ and
- 3) a communications procedure¹⁰.

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 Optional Protocols 1 and 2, 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 2022.¹²

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.*'

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).

Under a standard reporting cycle, the UN Committee sends a 'list of issues prior to reporting' (LOIPR) to the state party, which must respond in a written report. After

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 \(jerseylaw.je\)](#)

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 recommendations in a Concluding Observations report.¹³

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. These could include actions such as:

- ensuring legislation is compatible with the Convention;
- making children visible in policy development by using impact assessments;
- analysing government spending on children to ensure resources are used effectively;
- raising awareness, including involving civil society and children themselves; and
- establishing independent offices, such as commissioners or ombudspersons, to protect and promote children's rights.

The Government of Jersey responded to the UN Committee's Concluding Observations in a report.¹⁴

¹³ [Concluding Observations Report CRC/C/GBR/CO/6-7](#)

¹⁴ [R-128-2025.pdf](#)

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

After approval by the States Assembly in 2022, the Law came into force in January 2024 for Ministerial, Elected Member and Assembly Body duty-bearers.

The remaining articles of the Law, relating to Public Authority duty-bearers,¹⁵ come into force in from the beginning of 2026.

a. Duty-bearers

The following are defined in the Law as duty bearers:

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 Standing Orders¹⁶ (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 listed in Schedule 1 of the Law. 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.

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

b. Duty to have Due Regard

Duty-bearers must have **due regard** for (i.e. give conscious and balanced consideration to) the following when making a decision which may have a direct or indirect¹⁷ impact on children:

- Part 1 (Articles 1-41) of the UNCRC¹⁸

¹⁵ Articles 5, 9, 12(4)(b)(iii) and Schedule 1 of the Law

¹⁶ [Standing Orders of the States of Jersey \(gov.je\)](https://www.gov.je/standingorders)

¹⁷ **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.

¹⁸ [United Nations Convention on the Rights of the Child](https://www.unhcr.org/refugees/article/43c47ada/1997/un-convention-on-the-rights-of-the-child)

- Articles 1 to 10 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography¹⁹
- Articles 1 to 7 of the Optional Protocol to the Convention on the involvement of children in armed conflict²⁰; and
- where relevant, to the General Comments²¹ on the Convention issued by the UN Committee from time to time.

If the duty-bearer considers that their decision will have no direct or indirect impact on children, the due regard duty does not arise, and no further action is required under the Law.

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 (budget) 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.

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 activity²² or service 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). 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.

¹⁹ [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | OHCHR](#)

²⁰ [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | OHCHR](#)

²¹ [OHCHR | General comments](#)

²² Regulated Activity is a service provided under the Regulation of Care (Jersey) Law 2014

d. Due regard duty in respect of Assembly propositions

Under Article 3 of the Law, Ministerial, Elected Member and Assembly Body duty-bearers must consider and determine whether or not a proposition (or amendment) will have any direct or indirect impact on children.

If the duty-bearer determines that there may be direct or indirect impacts on children, a CRIA must be completed.

If the duty-bearer concludes that there will be no impact whatsoever on children, the due regard duty does not arise. If there is no due regard duty, there is no need to complete a CRIA.

Where a proposer concludes that there are no impacts on children, the report to the proposition or amendment should record this conclusion. The following, or similar wording should be included in the report:

“The decision contained in this proposition has no impact on children or their rights as set out in the United Nations Convention on the Rights of the Child (UNCRC). Accordingly, a Children’s Rights Impact Assessment is not required under the Children (Convention rights) (Jersey) Law 2022”

e. Additional obligations of Duty-Bearers

Article 10 of the Law says that duty-bearers must 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 have due regard for the views of children who may be directly or indirectly impacted by their decisions. 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:

- 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?
- 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 service²³.

Children's Social Care services encourage the use of Mind of My Own,²⁴ 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 Jersey²⁵.

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 secondary data sources such as surveys and published research which reflects such views.

²³ [Submit feedback to the Government of Jersey](#)

²⁴ [One app - Mind Of My Own](#)

²⁵ [Children's Commissioner for Jersey](#)

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.

f. [Annual Reporting](#)

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.

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 decision-making process, to enable any negative impacts on children's rights to be mitigated.

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

The CRIA template approved by the Minister 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 or negligible impacts only, the CRIA process ends. The CRIA Screener 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 UNCRC rights will be affected by the decision;
- 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 considered in another way;
- is the likely impact 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?

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

If the impacts are assessed as negative, the CRIA should propose alternatives to achieve compliance with the UNCRC or suggest ways of mitigating the negative impacts. Alternatively, it 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 duty-bearer determines that the decision will not have any direct or indirect impact on children, the duty to have due regard does not arise and a CRIA is not required.
- (ii) if a decision will have only a minor, indirect impact on children, or is technical in nature and does not include any assessment of the detail of a policy, the screening stage alone would be sufficient. The screener should still be published, as it provides evidence of the thinking behind the decision not to proceed to full CRIA;
- (iii) if the decision takes the form of an amendment to a proposition or an amendment to an amendment and the duty-bearer has determined that there may be impacts on children, 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
- (iv) certain types of proposition and acts of the States are exempt from the requirement to produce a CRIA and are detailed in Schedule 2 of the Law.²⁶ 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 period²⁷ 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.

²⁶ [Children \(Convention Rights\) \(Jersey\) Law 2022 \(jerseylaw.je\)](#)

²⁷ As set out in Standing Order 26 ([Standing Orders of the States of Jersey \(gov.je\)](#))

d. Demonstrating due regard through CRIA

The circumstances in which different categories of duty-bearer, having determined that their proposed decision may impact children, should complete a CRIA are listed 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	●	
	Discharge of Ministerial functions		●
	Policy Formulation (including changes to existing policy)		●
	Subordinate legislation (including Orders)		●
	Government Plan (Budget) ⁴	●	●
Elected Member	Proposition (unless exempt) ¹	●	
	Amendment to proposition ³	●	
Assembly Body	Proposition (unless exempt) ¹	●	
	Amendment to proposition ³	●	
Public Authority	Discharge of functions		●
	Regulated ⁵ activity or services		●

NOTES:

1. Propositions exempt from CRIA are detailed in Schedule 2 of the Law. A duty-bearer may elect to prepare a CRIA on any proposition, even if exempt
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 (Budget) 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 is at ministers' discretion
5. As defined in the Regulation of Care (Jersey) Law 2014

e. How to complete a CRIA

A CRIA template has been developed to assist duty-bearers in demonstrating fulfilment of their due regard duty under the Law and is available on the Children's Rights pages of the Government of Jersey website.²⁸

Remember that if the duty-bearer determines that their decision will not impact children in any way, they do not have a duty of due regard and no CRIA is required.

The following steps explain how to complete a CRIA:

1. Download and save the Word template to your computer
2. 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
3. If screening indicates that a full CRIA is required, proceed to Part 2 (Full CRIA) and complete all relevant sections
4. If you have completed the CRIA on behalf of the duty-bearer, ensure they have approved the final CRIA before publication
5. Publish the CRIA (Part 1 and Part 2) subject to the provisions in the Law relating to information which is prohibited from publication
6. 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.

²⁸ [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 pseudonymization is capable of being attributed to that data subject; and*
2. *absolutely exempt information or qualified exempt information*²⁹.

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,³⁰ 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 Commissioner³¹ the Children, Young People and Families Plan,³² Children's Outcomes Executive Committee,³³ Jersey Youth Assembly,³⁴ the Youth Justice Review³⁵ and Youth Justice Roadmap³⁶, and the introduction of Participation Standards for children and young people (see Section 8).

²⁹ Defined in the [Freedom of Information \(Jersey\) Law 2011 \(jerseylaw.je\)](http://jerseylaw.je)

³⁰ [General Comment No5](#)

³¹ [Children's Commissioner for Jersey \(childcomjersey.org.je\)](http://childcomjersey.org.je)

³² [Children and Young People's Plan \(gov.je\)](http://gov.je)

³³ [Children's Outcomes Executive Committee \(gov.je\)](http://gov.je)

³⁴ [Jersey Youth Assembly](#)

³⁵ [Youth Justice Review \(gov.je\)](http://gov.je)

³⁶ [Youth Justice Roadmap launched to build a safer, fairer future for all children](#)

8. Engagement with children

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

Article 12(1)

"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."



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:

- 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 such as the Jersey Youth Assembly, Children's Commissioner's Youth Advisory Panel or School Council network.

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

Participation Standards for children and young people

Developed in 2022, the Participation Standards³⁷ 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 the link below to the [Participation Standards Toolkit](#) for more information on engaging with children and young people.

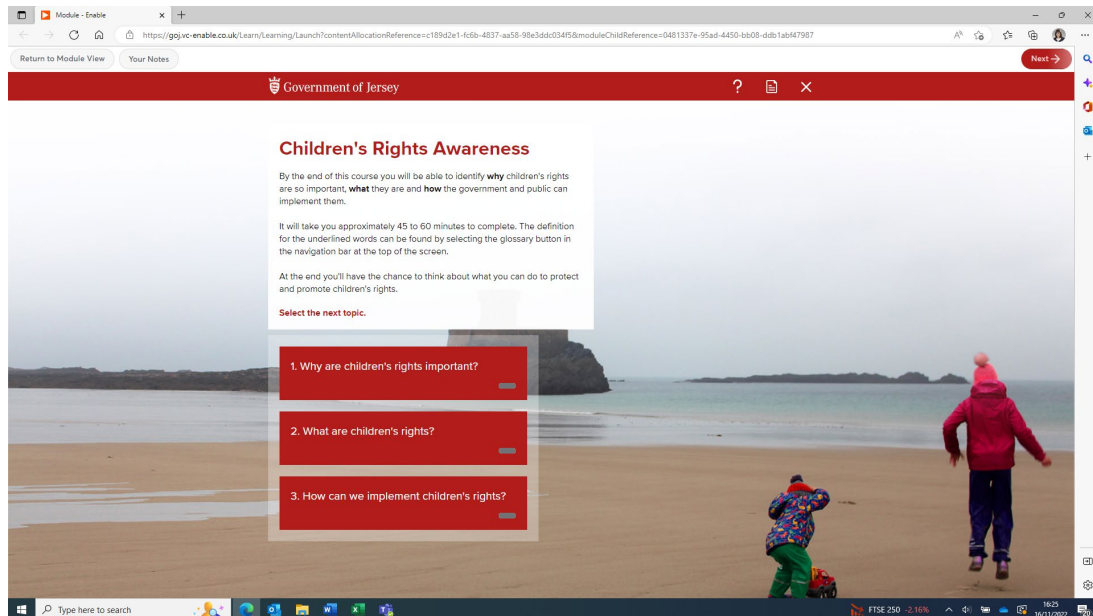


Further advice on children's participation in decision-making can be obtained from the office of the Children's Commissioner. Their Participation and Engagement team supports the development of participation with children and young people in all organisations and settings and can offer advice and guidance.

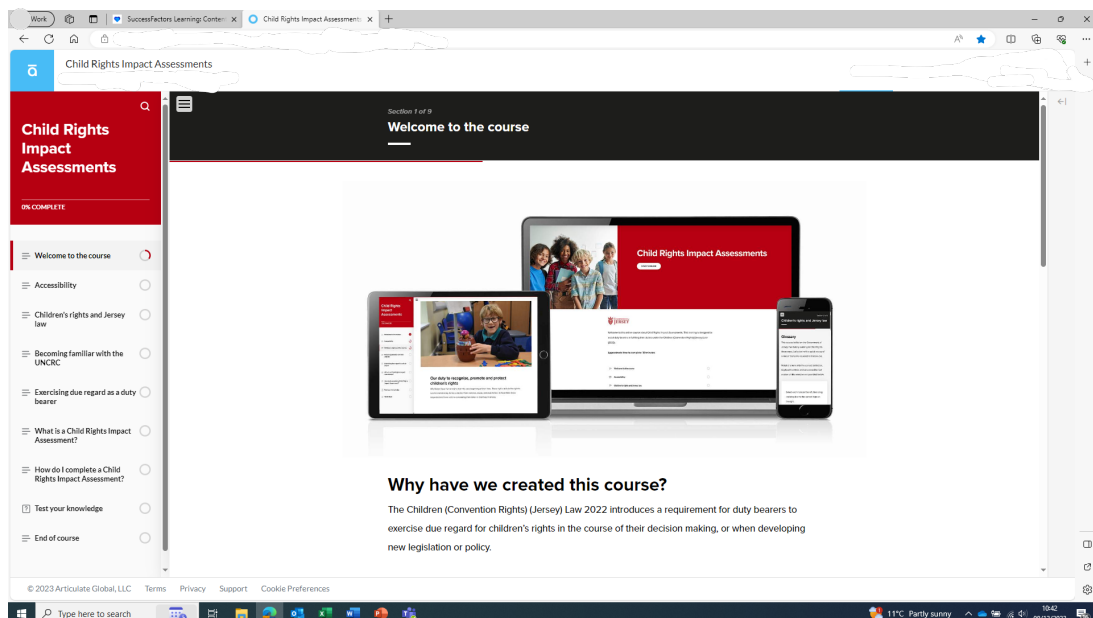
³⁷ [Participation Standards for children and young people \(gov.ie\)](#)

9. Training, resources and support

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



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



10. Office of the Children's Commissioner

The Office of the Children's Commissioner Jersey (OCCJ) was established under the Commissioner for Children and Young People (Jersey) Law 2019. As an independent statutory body, and Jersey's only human rights institution, the OCCJ's role is to protect and promote children's rights in line with the UNCRC. This applies to all children and young people in Jersey who are:

- Under the age of 18;
- Under the age of 25, if they have a disability, have been care experienced or have been sentenced, or held in custody, under the Young Offenders Law;
- Placed off-island for their care or treatment.

The OCCJ's core functions and responsibilities

The OCCJ's principal functions are:

- To make sure children, young people and adults know about and understand the rights of children and young people.
- To ensure that people in power and with influence in Jersey respect, protect and fulfil the rights of children and young people.
- To provide advice to the Government of Jersey on improvements to laws and policies to enhance the realisation of children's and young people's rights.
- To encourage adults to listen to and consider children's and young people's views when decisions are made that affect their lives.
- To monitor how Jersey laws comply with the UNCRC and other international human rights treaties and conventions, and to make recommendations that bring Jersey laws into line with them.
- To encourage the Government of Jersey to sign and implement any other European or international treaties or conventions that will protect the rights of children and young people.

Further detail about these and other aspects of the OCCJ's work can be found on their website³⁸, along with guidance on how to raise a concern if a child (or their parent) believes their rights have not been upheld.

The OCCJ has a responsibility in law³⁹ 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.

³⁸ www.childcomjersey.org.je

³⁹ [Commissioner for Children and Young People \(Jersey\) Law 2019](#)

The OCCJ also undertakes its own policy and research work, as well as commissioning expert reviews on topics relating to children's rights and lives in Jersey. The OCCJ is also an active member of both the British⁴⁰ and European⁴¹ networks of children's commissioners and ombudspersons.

The OCCJ's wider remit

As part of its wider remit, the OCCJ seeks to provide education and guidance on how the Government and other organisations can adopt a child rights approach to the delivery of their services.

The OCCJ also participates in the United Nations reporting cycles under the human rights treaties that Jersey has ratified. Since its establishment, the OCCJ has submitted reports to:

- the UN Committee on the Rights of the Child under the UNCRC;
- the Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR); and
- the Committee on Economic, Social and Cultural Rights under the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁴⁰ [British and Irish Network of Ombudsman and Children's Commissioners \(BINOCC\) - Niccy](#)

⁴¹ <https://enoc.eu>

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 for Children and Families 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.

Further information can be found in the Children’s Rights pages of the Government of Jersey website.⁴²

⁴² [Children's Rights \(gov.je\)](https://www.gov.je/ChildrensRights)

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 consulting 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.⁴³

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.

A link to the database, which is regularly updated, can be found on the Children’s Rights pages of the Government of Jersey website⁴⁴.

⁴³ [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](#)

⁴⁴ [Children's Rights \(gov.je\)](#)