

STATES OF JERSEY



DRAFT CHILDREN (CONVENTION RIGHTS) (JERSEY) COMMENCEMENT NO. 2 ACT 202- (P.88/2025) : COMMENTS

**Presented to the States on 18th November 2025
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

Background

The Children, Education and Home Affairs Scrutiny Panel (the ‘Panel’) welcomed receiving a briefing on 8th October 2025 about the Draft Children (Convention Rights) (Jersey) Commencement No. 2 Act 202- (the ‘Commencement No. 2 Act’) in advance of lodging.

As context for Members, a previous iteration of the Panel published Comments in March 2022 when the primary legislation came to the States Assembly as the Draft Children (Convention Rights) (Jersey) Law 202- ([P.19/2022](#)).

Changes as a result of the Commencement No. 2 Act

The Children (Convention Rights) (Jersey) Law 2022 (the ‘Law’) currently requires Ministers, individual Members and States Assembly Bodies (such as the States Employment Board and the Public Accounts Committee, Scrutiny Panels, etc) to exercise their due regard duty as set out in the Law.

The Commencement No. 2 Act will see the due regard duty extended to Public Authority duty bearers from 1st January 2026. The Public Authorities are listed in Schedule 1 of the Law and are currently listed¹ as:

- Andium Homes Limited
- Autism Jersey
- Family Nursing and Home Care (Jersey) Incorporated
- Jersey Cares Limited, also known as “Jersey Cares”
- Jersey Child Care Trust
- Jersey Society for the Provision of a Children's Resources Centre, also known as “Centre Point Trust” and “Centrepoin”
- Jersey Sport Limited
- The parishes

The “duty to have due regard” is defined in accordance with [Article 3](#) of the Law, which is copied below for reference:

- 3 *Duty to have due regard to the Convention on the Rights of the Child***
Whenever decisions falling under Article 6, 8 or 9 are to be taken which may have a direct or indirect impact on children, duty-bearers are required in accordance with this Law to have due regard –
- (a) *to the requirements of –*
- (i) *Part 1 of the Convention,*
- (ii) *Articles 1 to 10 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, and*

¹ [Children \(Convention Rights\) \(Jersey\) Law 2022](#), Schedule 1 (accessed on 11/11/2025)

- (iii) *Articles 1 to 7 of the Optional Protocol to the Convention on the involvement of children in armed conflict; and*
- (b) *where relevant, to the general comments on the Convention issued by the Committee from time to time.*

The Law sets out the way that due regard should be applied. For Public Authority duty bearers (in Article 9) the preparation of a children's rights impact assessment (CRIA) is not always required for the purpose of fulfilling the duty of having due regard, however, if one is prepared it must be published (unless it contains absolutely exempt information or qualified exempt information). It was not anticipated that the publication, where suitable, would be challenging and it was confirmed that the publication could be as part of a parish magazine, or an organisation's annual report.

During the briefing, the Panel was advised by Government officers that all of the named public body organisations had been contacted in advance of this change and that there was overall positivity about the proposed changes.

It was noted that the Minister for Children and Families had previously published the Children's Rights Scheme (as R.46/2024 on 18th March 2024) and the Panel was advised that an updated version would be published to reflect the enactment of the Commencement No. 2 Act.

Conclusion

The Panel is supportive of the Commencement No. 2 Act and welcomes this development, which supports the integration of Children's Rights into wider process and practice of Jersey's public authorities.