

STATES OF JERSEY



UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD: COMPLIANCE OF DRAFT LAWS AND TRAINING OF STATES OF JERSEY EMPLOYEES

Lodged au Greffe on 7th July 2017
by Deputy L.M.C. Doublet of St. Saviour

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Chief Minister –

- (a) to bring forward the necessary legislative changes to ensure that a Minister who lodges a draft Law –
 - (i) considers whether it will impact upon children’s rights as specified in the United Nations Convention on the Rights of the Child (“UNCRC”);
 - (ii) makes and publishes a statement confirming that this consideration has been given and whether the draft Law does or does not have an impact on children’s rights;
 - (iii) if relevant, makes and publishes a statement as to the compatibility of that draft Law with the UNCRC;
- (b) to consider the desirability of giving the UNCRC a similar status to the European Convention on Human Rights in Jersey by incorporating it into legislation, and to report back to the States Assembly on the outcome of that consideration by 31st December 2017;
- (c) to ensure that every States of Jersey employee receives a copy of the UNCRC and, where relevant, receives training on the UNCRC and how it applies to their role.

DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR

REPORT

The Independent Jersey Care Inquiry (“IJCI”) Report ([R.59/2017](#)) contains several references to the United Nations Convention on the Rights of the Child (“UNCRC”). A copy of the Convention is attached ([in child-friendly language](#)) as an **Appendix** to this report. Having worked in schools, and running the UNICEF ‘Rights Respecting Schools’ scheme which teaches children about their rights and responsibilities, I am very aware of the content of the UNCRC. As a qualified teacher and mother of a small child, I naturally keep children in mind whenever I make decisions in the States Assembly. However, it is easy to absorb the culture and ways of operating that exist around us. Since becoming a member of the States of Jersey, there has been much to distract me from the importance of the UNCRC. I was pleased that the Convention was extended to Jersey 3 years ago, but I believe we need to go further in light of the findings about how children in Jersey have been treated in the past. I have lodged this proposition almost immediately after reading the IJCI Report, as I felt compelled to take action in the light of decades of inaction.

The IJCI executive summary states the following (within 12.10) –

“(v) *Stay connected. Jersey must ensure that child care and youth justice legislation, policy and practice are not only compliant with current standards in the developed world, and with ECHR and with UNCRC principles, but also that legislation policy and practice are regularly being informed and evolving in line with research and developments.*”.

The IJCI Report also states the following (within 12.119) –

“We consider that the most effective way forward will be for people in Jersey to develop Jersey ways of taking forward the principles of our recommendations.”.

This proposition is my contribution. I want to do my part, as a member of Jersey’s legislature, to ensure that the part of this recommendation that I am collectively responsible for, is realised. It is achievable, and I believe it will make a difference and help in a small but significant way to change the culture of the States to one that always puts children first, as per section 12.81 of the IJCI Report –

“12.81 *The interests of children, in Jersey and beyond, trump any other consideration.* Article 2 of the Children (Jersey) Law 2002 refers to the welfare of the child being the paramount consideration. This principle now needs to be applied consistently and robustly, to be embedded in the culture of all States institutions and to be promoted throughout the island. Traditional values, operating and management practices, the needs or employment status of staff, convenience and the reputation of the island should all be secondary considerations to the interests and welfare of children. The States of Jersey members, as corporate parents, should commit to providing no less for children in the care system than they would for their own children and grandchildren through childhood and into adult life.”.

We should be considering children and their rights every time we pass a Law in our Assembly. Of course there will be many Laws to which this will not apply, but the requirement to consider the UNCRC will ensure nothing is missed. This proposition will also support the work of the Children’s Commissioner, which the Chief Minister is working on as one of the first steps since the publication of the IJCI Report. Section 13.8 of the Report discusses the responsibilities that could be assigned to a Jersey Children’s Commissioner –

“While the legislation in each jurisdiction varies, all post holders (Children’s Commissioners in other jurisdictions) have a similar responsibility for safeguarding the rights and interests of children. All have a duty to have regard to the United Nations Convention on the Rights of the Child (UNCRC), to which Jersey is now a signatory.”

I would like to see the States of Jersey – all States Members and all employees, whether frontline or departmental staff – flying the flag of the UNCRC and fully embracing it. I believe that this will be a key part of the culture change recommended by the IJCI Report and necessary if we are to realise the fundamental shifts that need to take place in order to best serve all of the Island’s children. Hence the additional points within the proposition to provide a copy of the UNCRC, and additional training where relevant, to all States employees.

I urge Members to support these simple and achievable steps towards making our Island a place that puts children first.

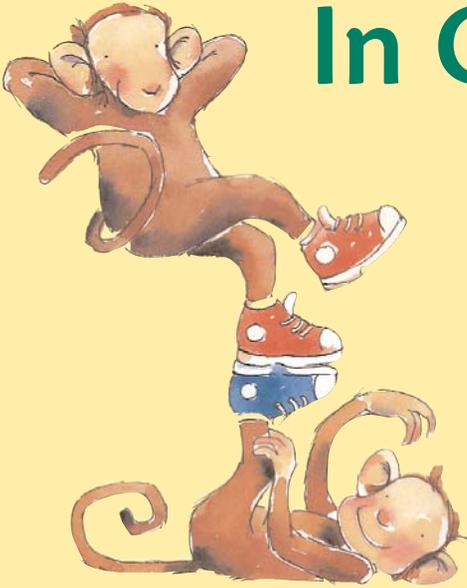
Financial and manpower implications

The costs of providing a copy of the UNCRC to each States employee could vary depending on the quality of materials used. This can be mitigated by providing a digital copy in the form of an e-mail instead of a paper copy. Individual departments may choose to provide paper copies if the cost can be absorbed into existing budgets. Copies placed on noticeboards in communal locations will also help to reduce the cost and increase the impact of the proposition.

Law Drafting time will be required to give effect to the principles of the proposition.

UN Convention on the Rights of the Child

In Child Friendly Language



Article 1
Everyone under 18 has these rights.

Article 2
All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3
All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

Article 4
The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.

Article 5
Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

Article 6
You have the right to be alive.

Article 7
You have the right to a name, and this should be officially recognized by the government. You have the right to a nationality (to belong to a country).

Article 8
You have the right to an identity – an official record of who you are. No one should take this away from you.

Article 9
You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a family who cares for you.

Article 10
If you live in a different country than your parents do, you have the right to be together in the same place.

Article 11
You have the right to be protected from kidnapping.

Article 12
You have the right to give your opinion, and for adults to listen and take it seriously.

Article 13
You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people.

Article 14
You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

Article 15
You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.

Article 16
You have the right to privacy.

Article 17
You have the right to get information that is important to your well-being, from radio, newspaper, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.

Article 18
You have the right to be raised by your parent(s) if possible.

Article 19
You have the right to be protected from being hurt and mistreated, in body or mind.

Article 20
You have the right to special care and help if you cannot live with your parents.

Article 21
You have the right to care and protection if you are adopted or in foster care.

Article 22
You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as all the rights in this Convention.

Article 23
You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.

Article 24
You have the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

Article 25
If you live in care or in other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate.

Article 26
You have the right to help from the government if you are poor or in need.

Article 27
You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

Article 28
You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

Article 29
Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people.

Article 30
You have the right to practice your own culture, language and religion – or any you choose. Minority and indigenous groups need special protection of this right.

Article 31
You have the right to play and rest.

Article 32
You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

Article 33
You have the right to protection from harmful drugs and from the drug trade.

Article 34
You have the right to be free from sexual abuse. Article 35 No one is allowed to kidnap or sell you.

Article 36
You have the right to protection from any kind of exploitation (being taken advantage of).

Article 37
No one is allowed to punish you in a cruel or harmful way.

Article 38
You have the right to protection and freedom from war. Children under 15 cannot be forced to go into the army or take part in war.

Article 39
You have the right to help if you've been hurt, neglected or badly treated.

"Rights" are things every child should have or be able to do. All children have the same rights. These rights are listed in the UN Convention on the Rights of the Child. Almost every country has agreed to these rights. All the rights are connected to each other, and all are equally important. Sometimes, we have to think about rights in terms of what is the best for children in a situation, and what is critical to life and protection from harm. As you grow, you have more responsibility to make choices and exercise your rights.



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