



## **Children's Commissioner for Jersey** Promoting and Protecting Children's Rights

### **Draft Covid-19 (Signing of Instruments) Regulations 202-**

I welcome steps being taken to protect public health during the Covid-19 outbreak by seeking alternative solutions to allow important legal processes to function. I would however wish to highlight a number of concerns as set out below in order to better protect, respect and fulfil children's rights in Jersey.

Firstly, I am concerned about access to technology in order to facilitate these processes. It is important to include provisions to support people to access suitable technology, which takes account of their needs. This includes ensuring access to adaptable technology for disabled people, or additional support for those who require it to be able to participate fully. Any costs involved such as broadband costs to facilitate this should be provided by the State to remove barriers, and where necessary the provision of equipment or support.

Further, the time limit for a witness to file a written declaration within 14 days under Regulation 4(4), and similar provisions in 6(7A)(3), 6(8A)(3), in my view do not allow for sufficient time given the current public health emergency. Currently a period of 14 days for self-isolation is advocated for in official States of Jersey advice in certain circumstances, and so this could present a significant barrier for those adhering to this guidance. It would therefore threaten to undermine the process of acquiring parental responsibility, which has a significant impact on children's right to establish and maintain family relationships under Articles 8 and 16 of the United Nations Convention on the Rights of the Child (UNCRC). An extended period to file forms would reduce this risk, allowing for greater certainty for the child and indeed adults involved.

Additionally, I wish to highlight the lack of uniformity as to the number of witnesses that are required for acquiring parental responsibility through a parental responsibility agreement or through the appointment of a guardian.

Regulation 4 makes reference to 'the witness' indicating that one is required with regards to a parental responsibility agreement. However, they are required to see 'the father **or** mother' sign the form, which could lead to confusion as to whether two witnesses are required, since both the mother and father are required to sign the form. This is particularly of note given that the Regulation to acquire guardianship of a child explicitly requires two witnesses, despite both processes granting parental responsibilities. Consistency here would be welcomed, and two witnesses for both processes would provide better safeguards here.

Further, I wish to take this opportunity to reiterate that the State has the duty to respect, protect and fulfil all rights under the UNCRC and so I continue to advocate for the consideration of the full complement of children's rights in all decisions which affect them.