



Children's Commissioner for Jersey

Promoting and Protecting Children's Rights

Office of the Children's Commissioner

Brunel House
Old Street
St Helier, Jersey
JE2 3RG

25 January 2021

John Le Fondre
Chief Minister
Government of Jersey
J.lef@gov.je

Dear Chief Minister

Ref: Ministerial roles

I am writing regarding the Ministerial roles for Housing, Children and Education.

I thank you for your correspondence in November where you outlined proposals for further discussions with members of the Council of Ministers. The resignation of the Education Minister offers opportunities to strengthen the role of Ministerial positions to protect and promote children's rights.

Construction of Ministerial portfolios must be faithful to the United Nations Convention on the Rights of the Child (UNCRC), the findings of the Independent Jersey Care Inquiry and the Government's commitment to 'Putting Children First'.

UNCRC Article 4 states that the Government should work to make sure the convention on children's rights is known about and upheld. This means that the Government of Jersey should always try to make sure that the rights of children and young people:

- are realised in practice.
- actively help children and young people to live safer and happier lives.

It also means that the Government should take steps so that children, young people, and the adults who work with them all know about the UNCRC.

When a State ratifies the Convention on the Rights of the Child, it becomes obligated under international law to implement it. The Committee on the Rights of the Child has drafted guidance 'General Comment No.5' to outline States parties' obligations to develop and implement "general measures of implementation". This guidance supports the creation of strong Ministerial roles to aid implementation of the UNCRC.

A Minister dedicated to the role of protecting and promoting children's rights will endorse the Government's obligations under Article 4 of the UNCRC. The rights in the UNCRC are indivisible because they cannot be separated from each other. They are interrelated and interdependent. They should not be placed in an order so one is more important than another, because they are all part of a single broad structure that is essential to human dignity.

The creation of a dedicated Minister to protect and promote children's rights would be a positive step and a powerful message to children of the Government's commitment to making their rights a reality in Jersey.

I would respectfully suggest that a Ministerial role with responsibility for all aspects of children's lives be created that mirrors the new Children, Young People, Education and Skills Department. This will mean that the Minister will be able to focus on joining up legislation, policy and practice development that seeks to ensure children's needs are understood and met, and the best interests of children are paramount. I would be pleased to work with the appointee to provide training and guidance on children's rights as part of any induction as well as an ongoing close working relationship with the Minister.

Of course, this must not erode the collective responsibility of the Government obligations under the UNCRC, and the Council of Ministers must maintain a dialogue rather than a monologue on children, childhood, and families so that there is a strong voice for children.

I would also respectfully suggest that you as Chief Minister attend and Chair the Children's Strategic Leadership Board. This will provide strong leadership in implementing the ambitious change for children that is set out in the Boards strategic plan.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D McMillan', with a stylized circular flourish at the beginning.

Deborah McMillan
Children's Commissioner for Jersey