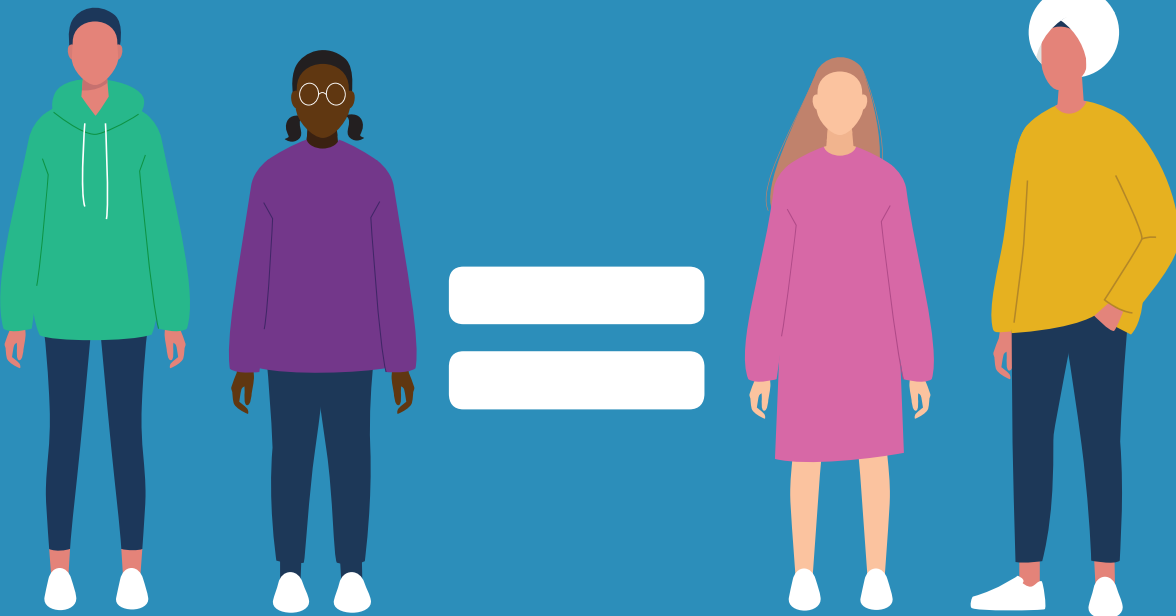


Making Children's Rights a Reality in Jersey: A Children's Rights Approach



A principled and pragmatic framework for working with children, grounded in the UN Convention on the Rights of the Child





Foreword

I am pleased to formally publish the Children's Rights Approach guidance in Jersey. This is a principled framework for anyone working with children, grounded in the UNCRC to help public bodies integrate children's rights into every aspect of decision-making, policy and practice.

Created with expert advice from the Wales Observatory on Human Rights of Children and Young People, and with input from practitioners in Jersey, the guidance encourages public services across the island and all relevant bodies such as charities to commit to the UNCRC and to improve how they plan and deliver their services.

A Children's Rights Approach means that:

- Organisations will prioritise children's rights in their work with children and families to improve children's lives
- All children are given the opportunities to make the most of their talents and potential
- All children are given access to information and resources to enable them to take full advantage of their rights
- Children are provided with meaningful opportunities to influence decisions about their lives
- Authorities and individuals are accountable to children for decisions, and for outcomes that affect children's lives

By adopting this principled approach we can make children's rights a reality for our island's children and young people.



Deborah McMillan,
The Children's Commissioner for Jersey



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Introduction

The States of Jersey ratified the UN Convention on the Rights of the Child (UNCRC or the Convention) in 2014.¹ In December 2017, the States of Jersey Assembly approved a proposition requiring the Chief Minister, in conjunction with the Office of the Children's Commissioner for Jersey to bring forward the necessary legislative changes to give further effect in Jersey Law to the UNCRC.

The Government of Jersey has agreed to introduce legislation which will integrate Convention rights as directive principles for legislation and policy using a 'due regard' model which requires Government Ministers pay close attention to the Convention in the exercise of their functions. The Council of Ministers has also recognised the importance of prioritising children and young people and has committed to 'Putting Children First', in the Government's Plan and Common Strategic Policy.

The Government of Jersey has commenced a legislative transformation programme with all legislation becoming underpinned by the UNCRC. These changes to legislation will establish duties on public authorities that will contribute toward the realisation of children's rights.

A Children's Rights Approach is consistent with these duties and will help public sector bodies to understand their children's rights obligations and meet their statutory duties. Similarly, a range of organisations in the private and non-governmental sectors in Jersey have a significant part to play in the implementation of children services, and therefore can contribute toward better realisation of children's rights. A Children's Rights Approach will help organisations in the private and public sectors give effect to children's rights.

This guide provides principled and pragmatic information on a Children's Rights Approach to planning and delivering services for children. It explains human rights and their relevance for public authorities and other organisations. It introduces sources of children's human rights and human rights duties, before explaining how each of the principles of a Children's Rights Approach may be put into operation. The focus is practical, offering guidance on procedures to give effect to children's rights.

¹ The Convention is available here: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

The Human Rights of Children

Human rights guarantee basic freedoms and meet the basic needs of all humanity, underpinned by respect for human dignity.² Human rights are binding on government and on public authorities at all levels in Jersey and provide a strong framework for planning, decision-making and action.

It is a misconception that the only human rights guaranteed to individuals in Jersey are those set out in the European Convention on Human Rights (ECHR).³ In fact, human rights guarantees are found in a range of international human rights treaties ('core treaties'),⁴ as well as the ECHR. Children in Jersey are entitled to benefit from the full range of human rights that the Government of Jersey has agreed should apply in Jersey.

Children's rights are set out in international treaties, including the European Convention on Human Rights (ECHR), as well as the UNCRC. The Human Rights (Jersey) Law 2000 requires Jersey courts so far as possible to interpret legislation so that it is compatible with rights and freedoms guaranteed by the European Convention on Human Rights.⁵

² Further information on human rights is available here: <https://www.un.org/en/sections/issues-depth/human-rights/>

³ European Convention on Human Rights https://www.echr.coe.int/Documents/Convention_ENG.pdf

⁴ Core Treaties of the International Human Rights Framework <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

⁵ Human Rights (Jersey) Law 2000 <https://www.jerseylaw.je/laws/revised/Pages/15.350.aspx>

The Importance of the UNCRC

Children's rights are entitlements, they are not optional. Children aged 0-17 years are given special human rights protection by the Convention which was adopted by the UN General Assembly in 1989. The Convention guarantees a range of human rights to children (0- 17 years). It is the most important legal source on children's human rights.

The UNCRC recognises children as 'human beings' in their own right.⁶ Prior to the UNCRC children were less visible in the human rights system. Although many of their human rights were included in the other international human rights instruments, the UNCRC is a comprehensive document that is binding in international law that sets out human rights specifically for children.⁷

The UNCRC has made children's rights more visible. In many countries it has succeeded in raising children's issues up the political agenda, empowering them to become active citizens in national and local democracy.⁸ It has encouraged investment in children so they can access health care and nutrition and has succeeded in promoting the development of stronger frameworks to protect children from violence and exploitation.⁹

⁶ Archard D, *Children's Rights and Childhood* (Routledge 2004) 58

⁷ Office of the High Commissioner on Human Rights (1993) Fact Sheet No.10 (Rev.1), *The Rights of the Child* <https://www.ohchr.org/Documents/Publications/FactSheet10rev.1en.pdf>

⁸ Cantwell N, 'Are children's rights still human?,' In Invernizzi A and Williams J (eds) *The Human Rights of Children: From Visions to Implementation* (Farnham: Ashgate 2011); Lundy L, Kikelly U, Byrne B, King J, *The UN Convention on the Rights of the Child: A Study of Legal Implementation in 12 Countries* (Queens University Belfast and NICEF 2012)

⁹ UNICEF <https://www.unicef.org/child-rights-convention/what-is-the-convention>

About the UNCRC

The UNCRC guarantees children over 41 fundamental rights (referred to as Articles). Together these articles aim to support and ensure each and every child's survival and development, and to promote their best interests.

Part 1, Articles 1-41, contains the substantive provisions of the Convention. Part 2, Articles 42-45, are concerned with the implementation and monitoring of the Convention, and Part 3, Articles 46-54, explain how States can become party to the document.

The Convention has three 'Optional Protocols'. These provide additional legal protections for children. The Optional Protocols are:

- **The Optional Protocol on the involvement of children in armed conflict:**¹⁰ key provisions require governments to increase the minimum age that children can join the armed forces, and to ensure that children in the armed forces do not take a direct part in armed conflict.
- **The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:**¹¹ key provisions require governments to end sexual exploitation and abuse of children, and protects children from forced labour, illegal adoption or organ donation.
- **The Optional Protocol on a Communications Procedure:**¹² allows children to submit a complaint to the United Nations when their UNCRC rights have been violated and their country's legal system does not offer a solution. This protocol is not yet available to children in the UK or Jersey.

The remainder of this guide refers to a number of children's rights. To get the most out of the guide, the reader should refer to the Convention and read the rights referred to.

¹⁰ The Optional Protocol on the involvement of children in armed conflict <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCR.aspx>

¹¹ The Optional Protocol to the Convention on the Rights of the Child <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCR.aspx>

¹² The Optional Protocol on a Communications Procedure <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPICCR.aspx>

Human Rights Obligations

The UNCRC applies in Jersey, so the government of Jersey and all public bodies are required to act in compliance with Convention rights and should take action to give effect to children's rights.

Public authorities and other organisations can work toward the realisation of human rights for children by ensuring that they comply with three general human rights obligations.

These are obligations to:

- **Respect Rights.** This means not doing anything that interferes with the enjoyment of human rights. For example, authorities should not treat a child's human rights as less important because they are below a certain age, or because they believe they know what is best for the child.
- **Protect Rights.** This means seeking to ensure that others do not unjustifiably interfere with human rights. This includes taking action where there is evidence that children's rights are being violated, e.g., where children are subject to abuse, exploitation, or discrimination.
- **Fulfil Rights.** This means taking action to facilitate the enjoyment or better enjoyment of human rights. For example, making children and others aware of their rights, and ensuring that children's rights receive proper prioritisation for resources.

Governments are also under an 'express' duty to give effect to children's rights by virtue of Article 4 of the UNCRC. This requires governments to adopt 'legislative, administrative and other measures' to implement the rights guaranteed in the Convention.

More about Children's Rights

The Convention recognises that children are different to adults and as is stated in the UNCRC, 'the child, by reason of his physical and mental immaturity needs special safeguards and care.'¹³ The UNCRC takes a life course approach, respects the inherent dignity of the child and recognises that children's capacities develop with age and maturity while still affirming the importance of the family to children (see Article, 5, 18 and preamble to the UNCRC). The UNCRC by conceptualising children as the subject of human rights is a ground-breaking legal document because it acknowledges children's agency and that a child's voice must be heard and acted upon (Article 12).

The UNCRC covers the full range of human rights, civil and political rights and social, economic and cultural rights.

- **Civil and political rights** are rights which may be described as typical freedoms associated with democratic states. These include, for example, the right to privacy, the right not to suffer torture or other forms of harmful or degrading treatment, liberty of the person, fair trial, as well as freedom of assembly, speech and thought conscience and religion. In the UNCRC these rights are often aimed at protecting the child from harm or abuse or upholding the rights of the child to act as an independent person. Examples of these rights in the UNCRC include: the right to an identity (Art. 8); the right to freedom of assembly (Art. 15); and the right to freedom of thought, conscience and religion (Art. 14). NB these are examples only, many other UNCRC rights fall into this category.
- **Social, economic and cultural rights** may be described as rights which give rise to entitlements resources, goods or services. These include, for example, the right to health or social care, income support, or an education. This type of right can also provide protection against economic exploitation. Examples of these rights in the UNCRC include: the right to the highest attainable standard of health and access to medical services (Art. 24); the right to benefit from social security (Art. 26); the right to an adequate standard of living (Art. 27); the right to an education (Arts. 28 and 29); and the right to rest and leisure (Art 31). NB these are examples only, many other UNCRC rights fall into this category.

It should be noted that categorising rights in this way is no-more than a helpful shorthand for describing the different rights found in the UNCRC. There are other rights which defy categorisation. For example, the right to access to information from the mass media (Art. 17) is difficult to classify. In practice, all children's rights should be treated as indivisible and interrelated. In other words, the rights guaranteed to children should all be available, to all children, at all times, and should not be seen as in opposition to each other.¹⁴ Government and public bodies should take action to ensure that all children's rights are realised, as fulfilling some rights may depend on children being able to exercise other rights.

The UNCRC also provides for specific groups of children who need special protection or other forms of support: disabled children, children who have been exploited or mistreated, refugee and migrant children, children in custody, and children in care.

¹³ Preamble to the Convention on the Rights of the Child

¹⁴ UN Committee on the Rights of the Child, General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration CRC/C/GC/14/2013 para 16 a; Guidelines for Initial Reports, CRC/C/8 para.8 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/5&Lang=en

General Comments

The UN Committee on the Rights of the Child is established under Part 2 of the Convention. It is made up of 18 experts appointed by the UN to monitor compliance with the UNCRC and provide governments with guidance on implementation referred to as General Comments.¹⁵ Since the UNCRC was adopted by the UN in 1989, the UN Committee has issued over 25 General Comments.¹⁶ These General Comments have practical value in assisting public authorities in helping them to better understand how the UNCRC should be applied in daily practice.

¹⁵ Further information on the UN Committee on the Rights of the Child <https://ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

¹⁶ UN Committee on the Rights of the Child's General Comments
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

UN Committee Concluding Observations

The Committee holds periodic sessions to review progress made by States in fulfilling their obligations under the UNCRC and its Optional Protocols. Governments are required to report to the UN Committee as part of this reviewing process.

Following its examination of individual States, the Committee issues recommendations to governments in documents which are referred to as 'Concluding Observations.' The UN Committee on the Rights of the Child last issued their Concluding Observations to the United Kingdom and the States of Jersey in 2016.¹⁷ The States of Jersey will next report to the UN Committee on the Rights of the Child in 2021. Concluding Observations can help public authorities when planning future improvements to their services for children.

¹⁷ Committee on the Rights of the Child (2016) Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En

The Value of a Children's Rights Approach

Some children in Jersey are not receiving the services or resources they need to be healthy, well-educated and to develop to the best of their abilities. Some children do not have the opportunities to develop their talents and potential, and face discrimination because of their background, or simply because they are children. Some children do not know they have human rights which mean they cannot take advantage of their rights. Children are often invisible and ignored, and despite being the best experts on their own lives, are often excluded from decisions that affect them and may be powerless to hold to account decision-makers or those responsible for services. Public bodies may not be aware of their children's rights obligations and will benefit from support to give effect to their UNCRC obligations. A Children's Rights Approach can support implementation of children's rights.

A Children's Rights Approach is:

- a bold vision that sets about changing conceptualisations of children, seeing children as human rights holders who if empowered are capable of exercising their human rights and promoting the human rights of others;
- rooted in the UNCRC and therefore an internationally agreed and enforceable set of rights that can be incredibly powerful in achieving change for the most disempowered and marginalised children;
- not about charity or welfare, it is about recognising that children are entitled to their human rights and the State (and public authorities) is obliged to respect, protect and fulfil them;
- places accountability on duty bearers (the State and public authorities) to uphold the human rights of all children;
- seeks to address the root causes of children's rights violations, to understand children's lived experiences and to empower the most disempowered children to participate in achieving their legal entitlements;
- recognises inequalities are actually human rights violations and strategies are needed to empower children who experience such inequalities to achieve their human rights;
- acknowledges that children are experts on their own lives and should be provided meaningful opportunities to influence all decisions that affect them.

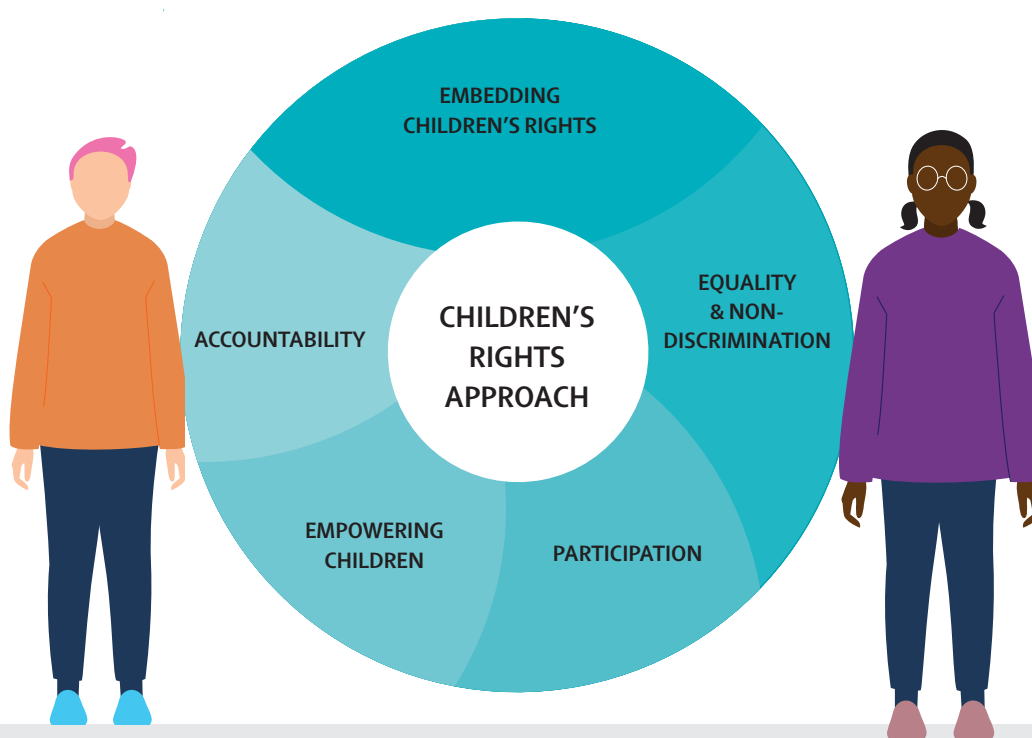
Children's Rights Approach: A Principled Approach

There is no universally agreed model of a Children's Rights Approach.¹⁸ However many organisations globally have implemented approaches that utilise principles derived from the international human rights framework.¹⁹ They encourage the underlying values and the spirit of the international human rights framework and place these at the heart of planning and programmes that impact on children. Children's rights principles create a child rights sensitive framework to help ensure that children's rights guide policy planning, budgeting and programme action, as well as outcome benchmarks and indicators.

The model set out in this guide has been developed with public authorities in Jersey in mind as well as the challenges that children in Jersey currently face. Many authorities will already have procedures in place for planning and delivery which are consistent with a Children's Rights Approach. Adopting the principles and practices outlined below will complement or improve what is already working.

The principles for the practical implementation of a Children's Rights Approach are:

- Embedding children's rights
- Equality and Non-discrimination to children
- Participation of children
- Empowering children
- Accountability to children



¹⁸ Tobin J. 'Understanding a human rights based approach to matters involving children: conceptual foundations and strategic considerations,' In Invernizzi A and Williams J (eds) *The Human Rights of Children: From Visions to Implementation* (Farnham: Ashgate 2011)

¹⁹ Hanson K and Lundy L. 'Does exactly what it says on the tin? A critical analysis and alternative conceptualisations of the So-called "General Principles" of the Convention on the Rights of the Child', *The International Journal of Children's Rights* (2017) (25 (2)285-306

The Lens of Best Interests

Best interests of the child (as guaranteed by Article 3 of the UNCRC) must be a primary consideration²⁰ in all decision-making and actions²¹ affecting the child whether undertaken by public or private welfare institutions.²² The lens of best interests of the child supports a child-centred approach to decision making.²³ It means that whenever decisions are taken that affect individual children or a group of children, the impact of those decisions must be assessed to ensure that their best interests are a primary consideration. In weighing up the various elements, authorities must recognise that the purpose of determining the best interests of the child is to ensure the full and effective enjoyment of all the rights recognised in the UNCRC and its Optional Protocols and the holistic²⁴ development of the child.²⁵ The best interests of the child, recognises the importance of ensuring the well-being of the child.²⁶

Best interests of the child places an obligation on decision makers and those who deliver services to always consider whether a decision will have an impact on children's lives, to assess what that impact will be, and to elevate children's best interests to the level of a primary consideration in the final decision. This promotes the visible integration of children into policy making and sensitivity to their rights.²⁷

²⁰ This acknowledges that there may be competing interests. However in certain circumstances, e.g. adoption (Article 21) or children with disabilities (Article 23 (2)) the higher standard must be applied i.e. best interests must be the paramount consideration.

²¹ "Actions" refer to acts, conduct, proposals, services, procedures and other measures. Inaction or failure to take action and omissions are also "actions", for example, when social welfare authorities fail to take action to protect children from neglect or abuse. UN Committee on the Rights of the Child, General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration CRC/C/GC/14/2013 para 17, 18

²² All institutions whose work and decisions have an impact on children. Article 3 (1) and the principle of Best Interests also refers to courts of law, administrative authorities and legislative bodies.

²³ Kilkelly U, Using the Convention on the Rights of the Child in Law and Policy In, *The Human Rights of Children from Visions to Implementation* (eds) Invernizzi and Williams (2011 Ashgate).

²⁴ The Committee expects States to interpret development as a "holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development" (General comment No.5, para. 12).

²⁵ UN Committee on the Rights of the Child, General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration CRC/C/GC/14/2013 para 82

²⁶ Article 3 (2) of the UNCRC; General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration CRC/C/GC/14/2013 para 71, Children's well-being, in a broad sense includes their basic material, physical, educational, and emotional needs, as well as needs for affection and safety

²⁷ UN Committee on the Rights of the Child (2006) General Comment No 5 General Measures of Implementation para 47

The Five Principles of a Children's Rights Approach

This section sets out the 5 principles of the Children's Rights Approach with practical examples of how they may be implemented, developed from a review of the UNCRC and its General Comments and the wider literature on children's rights.

The examples are followed by case studies demonstrating how public bodies across Jersey are already trying to implement and apply a Children's Rights Approach. The case studies were developed from desk-based research and from research with professionals across Jersey.

This is a dynamic and living document and will expand to include more cases studies as professionals, as well as children and young people provide cases studies highlighting good practice on implementing children's rights.

The 5 principles of a children's rights approach are:

- Embedding children's rights
- Equality and Non-discrimination to children
- Participation of children
- Empowering children
- Accountability to children

These principles are not intended to be used in any particular order. Instead, they should be thought about and used together to inform decision-making and service delivery. Inevitably there are some overlaps. For example, empowering children, e.g., by enabling children to take decisions and take advantage of their rights is very close to providing opportunities for children to participate in decisions that affect their lives. Additionally, in order to empower children public bodies will need to provide them with opportunities and resources. These opportunities and resources should be provided following the principle of equality and non-discrimination so that all children are able to take advantage of their rights.

The overlapping nature of the principles means they are mutually reinforcing and contribute to a holistic, coherent and comprehensive approach to realising children's rights. When this principled framework is put into practice it should be done in combination with the lens of best interests of the Child (Article 3 of the UNCRC, discussed above).

Embedding Children's Rights

Children's rights should be at the core of planning and service delivery. The UNCRC needs to be integrated into every aspect of decision-making through procedures and actions. At its most basic this requires acknowledgement of the UNCRC as a framework for services impacting on children (Articles 2, 3, 4, 5, 6, 12, 42, 44.6, General Comment No.5). Children's rights should guide all decisions and actions having a direct or indirect impact on children's lives; in areas such as education, health or social care and juvenile justice, but also in other areas such as planning, transport and the environment.

There should be coordination across departments, and with external organisations to ensure application of the principles and practice of a Children's Rights Approach. Children's rights should not be an afterthought, but a primary consideration given equal priority with other pressing interests when decisions are taken, and actions carried out. This will help ensure that the best interests of the child are a primary consideration in all decision-making affecting the child (as guaranteed by Article 3 of the UNCRC). Policy, procedures and actions, as well as budgets should all be developed and implemented taking into account their impact on children's rights. All staff should be aware of and understand how to apply and implement children's rights in their daily practice. It should be clear and transparent where children's rights have been taken into account and the maximum extent of available resources should be dedicated to implementing children's rights effectively (Article 4 of the UNCRC).

In order to put this principle into practice authorities should aim to:

- **Create a bold vision of a children's rights approach that sets out where the public authority needs to go and why.** Make express reference to the UNCRC as a framework for service planning and delivery in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g., the corporate plan). This should come from the highest level of an authority. For example: a policy statement, adoption of a charter or pledge (or other instrument).
- **Secure senior level commitment and engagement,** ensuring that leaders and staff, who are required to put the commitment into practice, are aware of this commitment and understand UNCRC obligations.
- **Be ambitious with a clear corporate plan that includes quick wins and longer-term goals,** setting out how it intends to ensure that children's rights are taken into account at all levels of decision-making to facilitate a coordinated Children's Rights Approach across departments and with external organisations.
- **Introduce procedures to give effect to children's rights,** these might include:
 - Developing a communication plan for staff setting out how the organisation intends to develop awareness and understanding of children's rights;
 - Developing and making use of performance indicators which reflect children's rights (e.g., should be incorporated in business planning, budgeting and other strategic planning);
 - Using children's rights impact assessment i.e., the proofing of any policy and budgetary decisions for their direct or indirect impact on children;
 - Introducing children's rights as standing items on the agenda of key strategy meetings;
 - Requiring reporting on progress on children's rights implementation to strategic policy meetings or groups.
- **Prioritise training on children's rights for all staff,** using practical children's rights training that is clearly relevant to people's day to day work and explains why the authority is taking a children's rights approach.
- **Identify key individuals and/or establish a team** with responsibility to promote children's rights within the authority and to act as champions of children rights, who are available to support others to develop and implement policy and practice.
- Carry out an **initial and then regular audit of all significant policy statements** or other documents to assess compliance with the above.
- Carry out an **initial and on-going evaluation** of levels of knowledge and understanding of children's rights amongst staff at all levels.
- Prioritise **protection of children's rights through commissioning** and incorporate the principles of a Children's Rights Approach throughout the commissioning cycle.
- There should be a clear commitment to ensuring **adequate human and financial resources** are allocated to support the organisation to implement children's rights.

Making it a reality: The whole-school approach

Les Landes School has adopted a 'whole-school approach' to embedding children's rights. In practice, this means that, as well as ensuring all staff understand the principles of the UNCRC, the school also regularly communicates child rights information to parents and carers via channels such as e-newsletters and Google Classroom, as well as through the school's policies.

In addition to this, one of the school's Year 5 teachers has the specific role of 'children's rights champion'. This involves leading sessions on the UNCRC with other teachers during staff meetings and inset days, drawing on the training and resources that have been provided through UNICEF's Rights Respecting Schools initiative.

One of the key learning points for teachers involved in this whole-school approach has been that children's rights are most effectively incorporated into the culture of the school when specific time is allocated within the delivery of the curriculum.

To that end, every month, each class at the school chooses an article of the UNCRC to focus on. This culminates in a central display for all pupils to see, which visually describes the detail of the rights in question. UNICEF resources, ranging from video clips through to structured activities, are then also shared more widely, on the school's social media or Google Classroom platforms, so that parents can also learn about new UNCRC rights every month.

The school has also adopted the 'Jigsaw PHSE Scheme', which is described as "being very helpful to incorporate learning about rights into PSHE lessons." Each class does an hour a week from the Jigsaw scheme. These Jigsaw lessons help children to learn about the rights they have, and how children around the world also have these rights, and what people are doing about it. In referring to the weekly Jigsaw lessons, a teacher commented,

'I think that is going to make a big difference, in terms of the natural use of the language of rights.'

Since the introduction of rights into the school, this teacher who leads on IT, has noticed that

'many more of the children are becoming aware of the rights, and the rights within their language, particularly within the e-safety work.'

The school is currently reviewing all its policies through a UNCRC lens, making sure that the language of rights is more embedded within them.





Making it a reality: The World's Largest Lesson

Les Landes School chose to raise awareness of children's rights among staff and pupils by taking part in the UNICEF-backed initiative 'World's Largest Lesson.' This online resource allowed the school's children's rights champion to introduce a range of activities from the World's Largest Lesson to other teachers during an inset day. The teachers were then asked to plan activities for a given week in November, which also commemorated the date that the UNCRC was adopted by the UN General Assembly. The activities revolved around thinking about global sustainable development goals and the global community, while emphasising the clear links of these goals with children's rights.

One teacher commented:

'In my class, we chose "friendly walls" - so we looked at walls, how walls have an impact, how they keep us safe, how they separate us, how they exclude, how they divide, how they include and so on. And then we looked at making the walls around us in our school community friendly and more purposeful, and so on.'

The activities helped to further embed understanding of children's rights and sustainable development. They also successfully linked the aims of the School Council and the Eco Council. The school shared information about the project in their termly newsletter and via social media platforms, so that parents were made aware of the project and were able to better understand how children's rights are being taught in the classroom.

Making it a reality: Trauma-informed training

To effectively consider what is in the best interests of children (Article 3 of the UNCRC) and to ensure their survival and development (Article 6 of the UNCRC), all professionals must be able to fully understand the children they engage with. They also need to listen to those children and give their views due weight (Article 12 of the UNCRC). Early life experiences are the foundations for development, learning and health throughout a person's life, and trauma can have a long-term effect on well-being and functioning for children, adults, families and the community as a whole.

Officers from the States of Jersey Police (SoJP) and Children, Young People, Education and Skills (CYPES) attended an 'Adverse Childhood Experience (ACE) Awareness and Becoming Trauma Informed' training day that was funded by SoJP and Jersey's Children's Commissioner. This training provided attendees with an increased awareness of children's rights, and why they are important (Article 42), as well as giving them a broad understanding of trauma caused by ACEs.

A trauma-informed approach can make an enormous difference when dealing with challenges in policing, education and children's social care. The purpose of this kind of training is for agencies to work in a coordinated way (Article 4 of the UNCRC) when supporting individuals who have experienced traumatic events. This is done through the provision of supportive, trauma-informed strategies and services.

The Detective Superintendent commented:

'This joint training initiative forms part of our States of Jersey Police's mission to better understand, and engage with, young people positively, whilst working in partnership with other agency colleagues. We hope to hold further events in the future.'

The Director of Safeguarding and Care, at Children, Young People, Education and Skills added:

'The experiences we have early in our lives, and particularly in our early childhoods, have a huge impact on how we grow and develop, our physical and mental health, and our thoughts, feelings and behaviour. It is really important that everyone who works with children, young people and their families understands this and provides the right help and support to allow them to grow and develop and reach their full potential.'





Making it a reality: A team around the child

The Jersey Child Development and Therapy Centre (CDTC) provides treatment and support to children from birth to 18 years with complex and/or health needs. The Centre works to ensure that children with complex needs receive tailored specialist support from a 'team around the child'. This involves parents/carers and key professionals working as part of a team around an individual child or young person. Some members of this team will be involved for longer periods, while others will only be part of the team for a short time. Each child or young person will always have one member of the multi-agency team who acts as their lead worker to support the child and family in coordinating care.

The Centre itself was designed with children in mind. It is a purpose-built, child-friendly setting that engages younger service users. Signage is bright and bold, there are activities on the walls, touch-screen televisions and play equipment within a large gym. There is an adaptable sensory room with soft furnishings and sensory equipment, with an emphasis placed on creating the right environment to support efforts to empower children to have a say on the support they receive. This ranges from ensuring good acoustics through to employing staff who have an expertise in supporting children to develop and express themselves. While all the services in the CDTC very much 'think family' and recognise the need to support parents/carers, it is recognised that the child's voice is always paramount and that participation is key.

“Although children’s rights are not explicitly mentioned, it is implicit that the Centre is working towards embedding a child rights approach. It supports a coordinated multi-agency approach to implementing each individual child’s full range of rights (Article 4), promoting the best interests of the child (Article 3 of the UNCRC), the child’s survival and development to their fullest potential (Article 6 of the UNCRC) and aiming to ensure that every child, no matter their complex needs, is given an equal opportunity to make the most of their lives, providing them with opportunities and resources according to their requirements (Article 2 of the UNCRC). The next step would be to make children’s rights explicit throughout this programme.”

Making it a reality: Maternal Early Childhood Sustained Home-Visiting (MECSH)

Maternal Early Childhood Sustained Home-Visiting (MECSH) is a structured programme of sustained nurse home-visiting for families identified to be at risk of poorer maternal, child health and development outcomes (Article 2, 24 of the UNCRC). It is delivered as part of a comprehensive, integrated approach to services for young children and their families, delivered primarily by community health professionals. Although it is not said explicitly by MESCH, this programme is promoting the best interests of the child (Article 3 of the UNCRC), supporting implementation of Article 6 of the UNCRC, the survival and development of the child, and Article 24 of the UNCRC, the right of the child to the highest attainable standard of health.

The programme aims to ensure appropriate pre- and post-natal healthcare for mothers. It also aims to ensure that all segments of society, particularly parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene, environmental sanitation and the prevention of accidents. It also aims to develop preventive healthcare, guidance for parents and family planning education and services.

The programme draws together the best available evidence on the importance of early years, children's health and development, the types of support parents need, parent-infant interaction and holistic, ecological approaches to supporting families to promote the full survival and development of their children.

The importance of engaging and consulting with children (Article 12 of the UNCRC) is also referenced as essential to the programme throughout MESCH's strategy documents. While children's rights are not explicitly referred to in the work of MESCH, it is evident that they are embedding an approach to children that encapsulates many of the rights of the UNCRC.



Equality and Non-Discrimination

Equality is about ensuring that every child has an equal opportunity to make the most of their lives and talents, and that no child has to endure poor life chances because of discrimination. Equality involves treating all children fairly and providing them with opportunities and resources according to their needs, equal with others, ensuring that they are able to develop to their fullest potential. Authorities should also be aware that children can be affected by direct and indirect discrimination and ensure that policies and practise do not indirectly discriminate against those under 18. Promoting equality means taking action to tackle discrimination.

Non-discrimination is a right under the UNCRC (Article 2). There should be no discrimination against children as individuals or as a group, and authorities must be aware of the damaging impact of multiple discrimination: when a child faces discrimination on more than one ground (e.g., a disabled child who is living in poverty). Authorities should be aware of the many barriers impeding access to services, including socio-economic, institutional, and cultural, and should be responsive to the situation of children subject to discrimination and unfair treatment who will need special assistance to enjoy their human rights. Authorities should understand that decisions taken today can have a discriminatory impact on future generations of children.

In order to put this principle into practice authorities should aim to:

- Include a **clear commitment to promoting equality and tackling direct and indirect discrimination** (including multiple discrimination) against children and specific groups of children in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g., the corporate plan).
- Make all staff aware that discrimination can **lead to unfair and unequal outcomes** and should make the implications of discrimination against children widely understood by staff, service users and children themselves.
- Ensure staff understand the need to take account of the **impact of decisions on future generations**, including any discriminatory impacts.
- Gather relevant data, including disaggregated data, **to enable identification of discrimination or inequalities** in the realisation of children's rights to identify children who are being or may be discriminated against.
- Develop appropriate priorities, targets and programmes of **action to reduce discrimination** against excluded, socially marginalised, disadvantaged and vulnerable groups and to promote equality for these groups.
- Include **impact assessment of children's rights** in any equality impact assessment (treating age as a protected characteristic), where there is no separate procedure for a Children's Rights Impact Assessment (CRIA).
- Through the use of CRIA or Equality Impact Assessment (EIA), ensure **children are involved in the proofing** of all budgetary decisions that have a direct or indirect impact on them.
- Provide **information to children** to support their involvement in any of the above procedures, in a language or format appropriate to their age and maturity, culture, or disability.
- Require **commissioned services** to be provided in ways that do not discriminate against children or groups of children.

Making it a reality: Supporting young carers

A young carer is someone under 18 years of age who helps look after someone in their family, or a friend, who is ill, disabled or misuses drugs or alcohol. The project 'My Time' for young carers was established by the Jersey Youth Service in July 2017 as part of funds set aside from the Independent Jersey Care Inquiry. To improve the wellbeing and mental health of young carers, 'My Time' has built up links with local organisations such as Mind Jersey, Autism Jersey, local youth clubs, Youth Enquiry Service (YES) and Silkworth Lodge. Weekly youth club sessions for young carers now take place, allowing them to take part in a range of activities and have fun, with support provided by youth workers.

A Principal Youth Officer said:

'There was very limited support on offer for young carers in Jersey, with many young carers hidden from services. When the opportunity and resource became available, we wanted to provide young carers with a space to meet like-minded young people, provide appropriate support and, more importantly, give them space to play, have fun and make new friends. It also enabled us to listen to children and young people and learn about some of the issues they face. We developed My Time to meet and address these issues.'

As part of this project, an innovative idea for a Young Carer's Card was developed by Pupils at Le Rocquier School. This card has been developed to provide extra support and tackle some of the difficulties that young carers say that they have experienced. The card was developed to help young carers discreetly tell their teachers about any situation, such as being late to school or not having completed homework, without having to explain their personal situation in front of anyone else. The piloting of the card was then supported by the Youth Service and the Children's Commissioner, and is now used by young carers all over Jersey.

This ground-breaking project has been developed to address the many barriers experienced by young carers in accessing services and exercising their human rights.





Making it a reality: LGBTQ+ youth project

One of the gaps identified by the Youth Service after the Jersey Care Inquiry was the absence of a safe space for LGBTQ+ young people to meet with peers and access support from LGBTQ+ friendly staff. LGBTQ+ young people living in such a small island community were struggling to meet up with like-minded individuals. Some young people were seeking friendship via adult dating sites, which is not a safe space. Also, from working directly with LGBTQ+ young people, youth workers became aware that many were struggling with their sexuality, were self-harming and were in general need of support.

The Youth Service has set up a safe space for LGBTQ+ young people to meet and access support from youth workers. The Youth Service has also delivered some training on LGBTQ+ awareness, involving LGBTQ+ young people as training partners for teaching staff and other stakeholders.

Non-discrimination is a right under the UNCRC (Article 2). There should be no discrimination against children as individuals or as a group, and authorities must address the damaging impact of discrimination. This training and support initiative is aiming to ensure that these young people have equal opportunity to make the most of their lives and to challenge discriminatory attitudes towards the LGBTQ+ community.

LGBTQ+ Youth Jersey has worked with young people and their schools in making those spaces inclusive of LGBTQ+ young people through delivering workshops to young people, awareness sessions for staff and working with young people in small groups or on a one-to-one basis to offer support.

Making it a reality: Class and school councils at primary school level

A 'children's rights teaching champion' has established class councils in every class at her school, as well as a school council. Even though the school was described as a 'lovely, happy school', this champion for children's rights believed that more could be done to ensure that children's voices were being heard and their views being given due weight (Article 12 of the UNCRC). The aim was to encourage children to come together collectively to do this (Article 15 of the UNCRC).

To ensure the success of the class and school council programmes, the student noted how important it is that time is allowed within the curriculum to embed it.

Every two weeks, every teacher in the school runs a class council, with their entire class. As part of the class council, children discuss anything that they are worried about, anything they would like to improve or make a difference to, and they then feed this back to the school council. Initially, the children focused on wanting to bring toys into school or wanting a play day. However, over time, they began to focus on other issues that were concerning them or that they wanted to see changed.

Throughout class council meetings, teachers would clarify what is meant by children's rights, explaining the difference between 'wants and needs', and explaining that they 'don't necessarily have the right to a toy day at the end of every month, but they do have the right to play and relax' (Article 31 of the UNCRC). This included further discussions on how this right can be best achieved within the school environment.

In each class there is a suggestion box, so that all children can put in ideas on things they want to change. Each class has three representatives, who then chair and hold class meetings. The teachers in the junior classes sit at the back of the class and allow the children to independently chair and facilitate the discussion, which can last up to one hour.

A teacher commented:

'The idea is that I sit at the back, and at the moment we are training, so I do need to intervene every now and again, but I am in the room and I am listening. I sit at the back of class as an observer, because it needs to be their meeting, their voice, not directed by me.'

In the younger classes (Reception, Years 1 and 2), teachers support the children by facilitating the discussion and, in particular, the transcription of meeting notes. However, over time, the teachers are hoping that even the youngest children will be able to more independently lead their own meetings. As the children's rights champion explains, 'Even the youngest children must have opportunities for them to learn about their right to be heard, learning that you can say something and somebody will listen.'



Participation Of Children

Participation means listening to children and taking their views meaningfully into account. All children should be supported to freely express their opinions; they should be both heard and listened to. Their views should be taken seriously when decisions or actions are taken that affect their lives directly or indirectly (as guaranteed by Article 12 of the UNCRC). Participation can take place in different forms, appropriate to different circumstances. Children should be supported to take part in decisions that contribute to the lives of their family, shape the communities they live in and wider society. Children's views will need to be taken into account and given due weight in light of their age and maturity, but young age or relative immaturity is no reason for discounting children's opinions or for giving them less attention in decision-making processes. Children should be fully informed and given opportunities to be involved in decision making. It should be clear how children have influenced decisions and how their views have been taken into account, with feedback always given to the children who are involved in the process. Participation should not be understood as an end in itself, but as a process, which is safe, enabling and inclusive, and which supports dialogue between children and professionals. Barriers to participation should be identified and removed.

In order to put this principle into practice authorities should aim to:

- Include a **clear commitment to participation of children** in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g., the corporate plan).
- Carry out **initial and regular assessment of children's participation** across all areas of a public authority's functions.
- Decide at what level participation will occur in different policies and procedures.
- A **participation model**²⁸ can help define this and clarify the degree of ownership that young people will experience in the process.
- Prioritise children's participation throughout the **commissioning** cycle.
- Develop appropriate **priorities, targets and programmes of action** to increase participation of children, in particular amongst otherwise excluded/ marginalised or disadvantaged groups.
- **Involve children directly in the design, monitoring and evaluation of service delivery**, and involve children in the proofing of all policy and budgets that have a direct or indirect impact on them, including CRIA or EIA.
- Support children to **act collectively** to share ideas and to influence decisions.
- Identify **safe places and space, including time**, for children to participate.
- **Involve children in the recruitment of all staff** who have responsibilities that impact on children.
- Provide **feedback to children** and staff on the outcomes of children's involvement in any of the above procedures, proactively highlighting any changes and/or benefits brought about by their participation.
- Provide **information to children** to support their involvement in any of the above procedures, in a language or format appropriate to their age and maturity, culture, or disability.
- Ensure that **resources are identified in budgets** to support participation.

²⁸ For examples see Lundy's Participation Model: Lundy, L. 'Voice is not enough, conceptualising Article 12 of the United Nations Convention on the Rights of the Child', British Educational Research Journal (2007) 33/6, 937





Making it a reality: Learner Voice at college level

For a number of years, Highlands College has had a 'Learner Voice' policy. This approach has supported student councils and student representatives to sit on the college's governing body. At the last full meeting of the governing body, the student representatives were invited to have a free voice and contribute their opinions on things they were happy about or had concerns with. The College also runs regular Learner Voice groups, in which, as part of the college's quality assurance, every half term the students get to comment on their 'learner journey' (what their experience has been like at the college). To be as inclusive as possible, the college runs random groupings to encourage maximum coverage of all the students' issues of concern. This feeds into a self-assessment report that evaluates the whole college.

The college runs an anonymous online survey to find out what young people at the college know about their rights, and if they feel safeguarded at the college. This survey has a very high return rate, and it was reassuring to learn that the majority of young people (94%) feel safe when attending college. And despite the fact that the majority of learners (83%) believe that things have got better because of learner views, staff at the college still believe that this is an area for improvement. They are currently reviewing how Learner Voice can have a more direct impact over the curriculum.

One staff member said:

'We want Learner Voice to shape the curriculum.'

Another commented:

'It is so important that the curriculum is made accessible to every young person. Learner Voice is valued highly in this college and the staff are taking all steps to try to ensure young people's voices are heard and acted upon.'



Making it a reality: Involving children in recruitment

The NSPCC has a strong commitment to, and belief that, the involvement of children and young people should be rooted in ethical, high-quality, meaningful participation that is based on 'what we know from experience works well and what children and young people tell us'.

An example of this ethos in practice is the NSPCC recruitment guidance, which ensures that children and young people's involvement is safe, mutually beneficial and will actively promote their involvement in decision-making at the NSPCC.

The recruitment process is split into three parts: a technical interview; a values-based interview; and a children's panel interview.

In Jersey, young people who have been beneficiaries of NSPCC services are supported and prepared for the process by a children's services practitioner from the Gower Centre. The interview is led by them, and they devise the questions that they wish to ask the prospective candidates. A children's services practitioner is present in the room but does not actively take part in the interview process (their role is simply to support the young people, should they require it, and to ensure their safety).

Following the interviews, the young people join the recruiting officers to share and exchange feedback on all three parts of the interview process, and to select the successful candidate. All three parts of the interview process carry equal weight, which means that even if a prospective candidate were to score highly in the technical and value-based interviews, they would not be recruited if the score from the young people's panel was low.

The young people who take part in the NSPCC recruitment process for all staff are viewed as experts, and prospective candidates need to evidence that they can engage respectfully, actively listen and respond effectively. Feedback from the group of young people that support the recruitment process has shown that they find the experience empowering, as it also provides an opportunity for them to build their own skills and confidence.

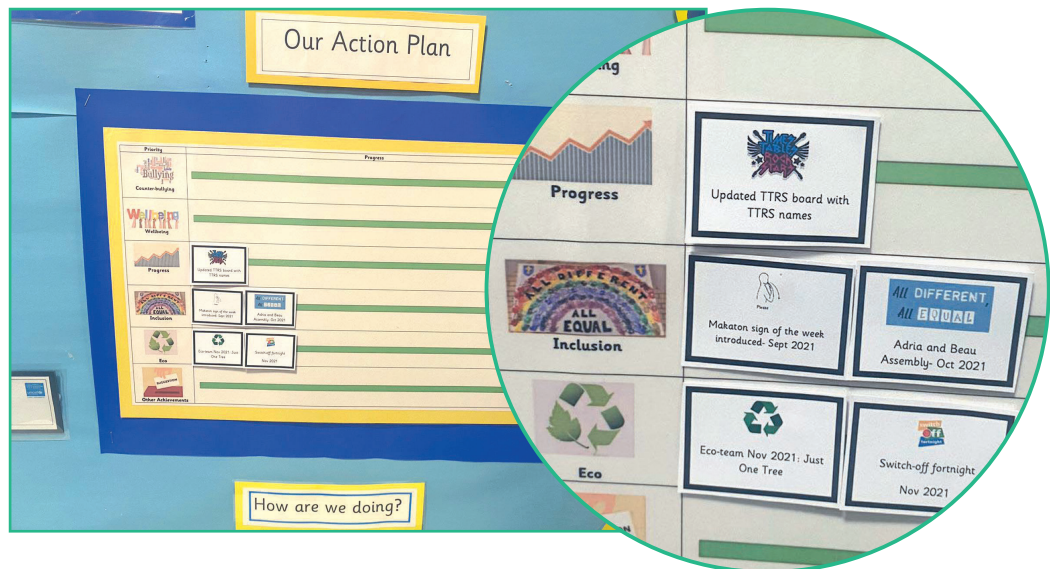
Making it a reality: Creating a children’s version of the school development plan

Students at Les Landes School created their own version of the school’s development plan. From this plan, they also extrapolated an action plan, which aims to measure progress and also ensure accountability when it comes to fulfilling the goals set out in the development plan.

This is how the students’ plan looked, as well as some examples of how it was displayed in the school.



School’s Development Plan



Our Action Plan



Empowering Children

Human rights should empower children. Children's rights should be seen as entitlements; they are not optional. Empowerment means enhancing children's capabilities as individuals, so they are better able to take advantage of rights, and to engage with, influence and hold accountable those individuals and institutions that affect their lives. Children should be given information to increase their understanding about human rights, and access to resources to enable them to make use of rights in their everyday lives. Empowering means removing barriers to children's access to information or resources that enable them to understand and exercise their rights. Empowerment is about enabling children to make choices and to affect outcomes for themselves and their families. It recognises the importance of the evolving capacities of the child (Article 5 of the UNCRC). As children acquire capacities, they also exercise increasing levels of agency over their own rights. Empowerment changes the relationship between children and authorities. It means adults handing over some or all power to children, or sharing power with children, so that children can better control and direct their lives, in particular in areas where this ability was previously unavailable to them. This principle applies equally to younger children and should be seen as an important contribution to the development of the child (guaranteed by Article 6 of the UNCRC). It may be especially relevant to children who are members of excluded, marginalised or disadvantaged social groups (Article 2 of the UNCRC).

In order to put this principle into practice authorities should aim to:

- **Review services and resources to identify barriers** to children's access, including in collaboration with children as service users, in particular in relation to services to excluded/ marginalised or disadvantaged social groups.
- **Develop appropriate priorities, targets and programmes** of action that enable all children to develop their capabilities and to gain access to resources that support realisation of their human rights (for example, health, education or play).
- Provide children with opportunities and the skills to **engage with and influence** policy processes and mechanisms, (including commissioning), by offering training or information accessible to children of (different ages/abilities) and establish clear guidelines for how children will influence and make decisions.
- **Gather relevant data**, including disaggregated data and longitudinal data, on resources available to children, in particular in relation to excluded/marginalised or disadvantaged social groups, and make this available to children.
- Provide children with opportunities to **act collectively to develop ideas and proposals**, to take action and to influence decisions.
- Proactively identify opportunities for children to **take decisions according to age and maturity**, including opportunities to make significant choices which transform their lives, and inform children of these opportunities.
- Provide children with **accessible information, training and education** to develop their understanding of their human rights.
- Provide children with accessible information on **independent human rights providers**, advocacy services and professional legal advice.
- Ensure that **resources are identified in budgets** to support education, training and development opportunities for children.

Accountability to Children

Children's human rights give rise to obligations which demand accountability. Authorities should be accountable to children for decisions and actions which affect their lives. Children should be provided with information and given access to procedures which enable them to question and challenge decision-makers. Accountability requires effective monitoring of children's rights standards as well as effective remedies where there is a failure to meet these standards. For this to be effective authorities need to be transparent and provide reasons for their decisions and actions. Authorities, and all staff with responsibilities that impact on children, must understand that children have human rights and that they have an obligation to respect, protect and fulfil children's rights. All those involved should understand that they are accountable to children for meeting this obligation. Children should be made aware of their human rights and should be given information to understand the responsibilities and obligations of public authorities and other organisations. To obtain any human right a child must know they are entitled to it and be able to actively claim their human rights, including when making a complaint or challenging decisions and actions. Accountability means holding decision-makers to account, which requires information and data on performance against children's rights standards.

In order to put this principle into practice authorities should aim to:

- Include a **clear commitment to accountability** in all significant policy statements or other documents setting out the authority's vision or key objectives (e.g., the corporate plan).
- Ensure that accountability is continued even where **services are commissioned from third parties**.
- Ensure that staff understand their responsibilities and obligations to children including by **making this explicit in job descriptions and policies** governing the conduct of staff.
- **Staff supervision and performance management** should include individual responsibility for children's rights, including by use of individual performance indicators as appropriate.
- Carry out **children's human rights monitoring** consistently against children's rights standards, including developing applicable children's human rights indicators (which should be developed with the participation of children and made relevant to policy or service areas).
- **Publish annual reports** on performance against children's rights indicators and disseminate the findings widely. Make sure you measure progress to keep improving and don't forget to celebrate success.
- Encourage **independent monitoring** of performance against children's rights standards, including by involving children in monitoring and/or external review/inspection.
- Provide children with accessible information on mechanisms and the **process for making complaints**, and for holding the authority, or individual staff, to account.
- Provide children with **accessible information on how to access advice**, such as advisory services, human rights advocacy services or professional legal advice.

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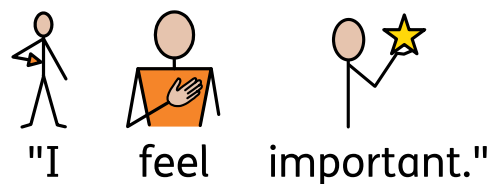
Making it a reality: Mont à L'Abbé School and Rights Respecting Schools

The school council at Mont à L'Abbé School has developed over the last few years to become the 'Rights Respecting school Council' (RRSC). Each year, new class representatives are appointed to the RRSC, and their first job is to recap the tasks from the previous year's group and decide if they wish to continue any ongoing projects.

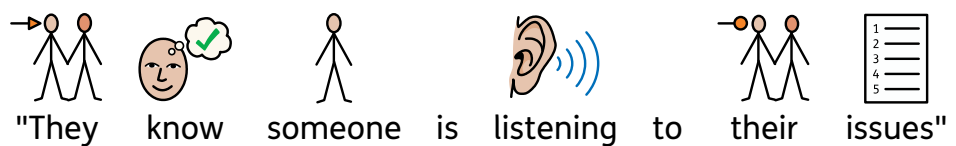
In the past, the RRSC has raised money for global issues, such as the Australian bushfires and for the school to buy play items for lunchtime break. This year's projects include starting a pen pal scheme called 'Mal's Pals' with students at Jersey College for Girls. The first letters have just been written and will be delivered to JCG shortly. The scheme started because some of the girls at Mont à L'Abbé already had existing pen friends and really enjoyed writing and receiving letters and pictures from each other. This gave them a reason to write and improve their communication skills with others outside of the school environment. This is especially important for learners at Mont à L'Abbé, since many are not able to enjoy the same freedoms as other teenagers.

The school also reflects on children's rights whenever they look at a new project, and make sure they link the relevant UNCRC articles to what they are trying to achieve. A chief aim is to embed the concept, through a rights-focussed approach, that Mont à L'Abbé students are just as important as everybody else, and that they need to be included in everyday life.

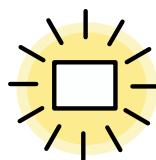
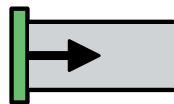
Another current project is to try and gain some outdoor space at the school, so that the secondary students can have permanent access to a safe area where they can enjoy some fresh air and their right to relax and play. The rights to be listened to and taken seriously, to meet with friends and to be kept safe also figure in this piece of work.



A pupil's quote using Widget symbols



A teacher's quote using Widget symbols



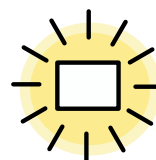
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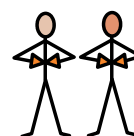
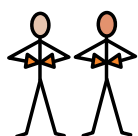
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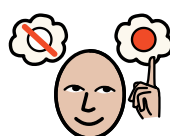
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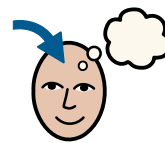
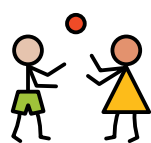
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For advice, resources and information on all aspects of our work and on child rights more generally, visit our website or follow us on social media.



To contact us,
email advice@childcomjersey.org.je



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