

STATES OF JERSEY



JERSEY AND THE SLAVE TRADE (P.78/2020): FOURTH AMENDMENT

Lodged au Greffe on 13th October 2020
by Deputy M. Tadier of St. Brelade

STATES GREFFE

1 PAGE 2, PARAGRAPH (c) –

After paragraph (c) insert the following new paragraph –

- “(d) to request the Chief Minister to commission work on the desirability and practicalities of establishing an Equalities and Human Rights Commission in Jersey and to present a report to the States on the outcome of this work by 23rd August 2021.”

DEPUTY M. TADIER OF ST. BRELADE

Note: After this amendment, the proposition would read as follows –

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

- (a) to request the Minister for Treasury and Resources, as shareholder representative, to request the States of Jersey Development Company to rename Trenton Square as Trenton Lenape Square;
- (b) to request the Chief Minister to commission a report into establishing a permanent memorial which acknowledges Jersey’s part in the Slave Trade, to be presented to the States no later than 23rd August 2021;
- (c) to request the Chief Minister to commission, in conjunction with Jersey Heritage, the Jersey Community Relations Trust, Black Lives Matter Jersey and other potential stakeholders, an audit of all place names and memorials relating to former slave traders in Jersey, in order to inform work on understanding and explaining the full contribution of the slave trade to Jersey’s history, with the outcome of the audit to be presented to the States no later than 23rd August 2021;
- (d) to request the Chief Minister to commission work on the desirability and practicalities of establishing an Equalities and Human Rights Commission in Jersey and to present a report to the States on the outcome of this work by 23rd August 2021.

REPORT

Why should we consider establishing an Equality and Human Rights Commission?

Where a country or a jurisdiction has equality, human rights and anti-discrimination principles inscribed in law, it is increasingly common for them to have an Equality and Human Rights Commission. Of course, the name of such a body may vary, as will their exact remit and legal powers, however, they are there to be statutory authority, independent of government, which can monitor and protect human rights and equality as well as adjudicating and advising on them.

For example, France's equivalent is called *HALDE, Haute Autorité de lutte contre les Discriminations et pour l'Égalité*, or the **Equal Opportunities and Anti-Discrimination Commission**, in English.

It is an independent administrative authority, which has the right to judge all discrimination, direct or indirect, that is prohibited by law or an international agreement to which France is a signatory.

In France, the commissioner is called *Le Défenseur des Droits* (the defender of rights) and is described as *the authority in charge of defending and facilitating access to rights for victims of discrimination. You can reach out to the Defender of Rights if you consider yourself to have been a victim of discrimination.*¹

More details about the French system can be found [Here](#). The website is very user friendly and clearly written.

The U.K. has the Equality and Human Rights Commission and describes itself as *promoting and upholding equality and human rights ideals and laws across England, Scotland and Wales.*

The Equality and Human Rights Commission is relatively new, dating from 2007.

It joined up the work of 3 previous equality organisations, the Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC), as well as taking on responsibility for protecting and promoting equality and human rights for everyone.

The commission's website describes its work and remit: *The Equality and Human Rights Commission is Great Britain's national equality body and has been awarded an 'A' status as a National Human Rights Institution (NHRI) by the United Nations.*

Our job is to help make Britain fairer. We do this by safeguarding and enforcing the laws that protect people's rights to fairness, dignity and respect.

As a statutory non-departmental public body established by the Equality Act 2006, the Commission operates independently. We aim to be an expert and authoritative organisation that is a centre of excellence for evidence, analysis and equality and human rights law. We also aspire to be an essential point of contact for policy makers, public bodies and business.

¹ <https://www.defenseurdesdroits.fr/en/combating-discrimination-and-promoting-equality>

We use our unique powers to challenge discrimination, promote equality of opportunity and protect human rights. We work with other organisations and individuals to achieve our aims, but are ready to take tough action against those who abuse the rights of others.

Jersey has come a long way in the past decade when it comes to anti-discrimination principles. Even in my 12 years as a States Member, the discourse has shifted from equality issues being either not understood, or seen as a ‘nice to have’, to being much more central in the public and political consciousness – and, more crucially, becoming protected in law.

Moving towards a fairer society and eliminating all forms of prejudice and discrimination (whether on grounds of ethnicity, gender, sexuality, disability, age or anything else) should be seen as a journey and not a destination (apologies for the cliché!). It is up to this States Assembly to decide what appetite it has for the creation of such a body, which can safeguard equality and human rights principles in our island community; and if it does, when it should be created and exactly what its powers would be.

For my part, I believe that Jersey would benefit from such a body and such a *defender of rights* as the French put it. I believe a key benefit of an independent commission would be that it would be able to hold government institutions themselves to the account and make sure that it is always leading by example when it comes to equality matters.

That said, equality is, of course, an issue for non-governmental organisations too. Writing in the Jersey Evening Post on 8th August 2020, Professor Claire de Than, who is the vice-chair of the charity Enable Jersey, reminded us that, there is also a responsibility for corporate boards and industry bodies to reflect equality and diversity.

She states that, “*Organisations that lack diversity and inclusion at their top levels tend not to even notice that this is the case, and their decision making may be flawed as a consequence; they also lack many potential insights and improvements that the missing voices could have provided.*”

She goes to say:

“I have argued at length and in detail over the past 5 years, positive change would be greatly facilitated by the creation of an independent human rights and equality body.

The absence of any human-rights-expert body with powers either to scrutinise and report on draft legislation or to perform educational support and investigative functions in society, has a demonstrable negative impact.”

An in principle decision

This proposition today is truly an ‘in principle’ decision. It is not asking us to commit absolutely to an equality commission, but it does ask members who would like to aspire to such a commission, to request the Council of Ministers to conduct a piece of work on the feasibility and desirability of the idea.

As with any *in principle* proposition, the mover is always liable to the accusation that there *is not enough detail*. But I hope that Members will realise that it is not my desire

to put forward a prescribed methodology of what the commission should look like and exactly what powers it should have. Similarly, it will be for the Council of Ministers – and perhaps other stakeholders – to look at options, remits and costing.

It is clear that *if* a commission is established, there will be set up costs and running costs and *it will cost*. However, equality and justice *does* cost money. But discrimination, racism, bigotry, ignorance and hatred, also have a cost, economically, socially and emotionally for the individuals concerned.

It is worth stating here, that a by-product of such a commission is that it would show to the rest of the world, as well as our own citizens, that we take such matters seriously and that there is no room for complacency. Reputationally, this would be an asset for Jersey.

If this proposal is adopted, it will allow the Council to go away, do that piece of work, bring it back to the States with a detail of why it won't work, or they can't support it – at which point, they will have fulfilled the request of the Assembly – or how it could work. In this latter scenario, the final decision would still rest with States Members to decide with all the Terms of Reference and costs in front of them.

Financial and Manpower Implications

If and when the States decides to proceed with the establishment of an Equality and Human Rights Commission, there will be a cost, but it is envisaged that the necessary work for this preparatory work will be done from within existing ministerial budgets.