

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 11th DECEMBER 2012**

Question

“Are Jersey’s courts legally bound by the:

- (a) European Convention on Human Rights;
- (b) International Covenant on Civil and Political Rights;
- (c) Universal Declaration of Human Rights; and the
- (d) International Covenant on Economic, Social and Cultural Rights?

How do the French language statutes comply with Jersey's courts’ legal obligations under the above mentioned international Human Rights laws?”

Answer

The international instruments listed in the question have been ratified on behalf of Jersey and are therefore binding on the government of Jersey as a matter of international law.

However, with the exception of the ECHR, they are not capable of being directly enforced nor do they confer directly actionable legal rights on persons in Jersey. They may only be relevant in a legal action in Jersey where reference to their provisions might assist the court with interpreting a Law or the customary law, the meaning of which is unclear, so as to determine the basis upon which the court’s discretion should be exercised (i.e. in a way which is compatible with Jersey’s international obligations). Only the ECHR, most of the provisions of which are given further effect in Jersey under the Human Rights (Jersey) Law 2000 (the HR Law) can be said to have the force of law in Jersey.

The second (part of the) question does not identify which of the human rights might be engaged, but I do not think in any event that there is any issue of incompatibility with the ECHR or any of the other human rights instruments by virtue of the fact that certain legislation in Jersey is written in French.