

The Jersey Youth Reform Team

Response to 'Progress Jersey' **Friday, 17 February 2006**

The Jersey Youth Reform Team responds to the report submitted by 'Progress Jersey' as follows:

Primarily, 'Progress Jersey' has identified itself as an organisation concerned with the modernisation of the Jersey electoral and political systems and encouraging public participation in the electoral process. By even producing their report, the organisation is extending itself beyond its own remit.

The basis of opposition is poorly created –

- a) there has been little demonstration of this amendment being against the 'public will';
- b) the island voluntarily undertook the convention and therefore has a continued expectation upon it, to comply;
- c) the purported right to 'curtail human rights' in legal terms, a margin of appreciation. In Jersey's case, there is no evidence to support the use of 'margins of appreciation' and the use of such is rarely invoked by member states;
- d) the Law Officers to the States of Jersey have advised members of our government that the island is in breach and the Chief Minister has identified there is no alternative.

It is the recommendation of the Jersey Youth Reform Team that 'Progress Jersey' gain international legal advice, particularly on the European Convention on Human Rights and European Court of Human Rights before creating such reports.

When referring to the admissibility of the case 'Small v. the United Kingdom' in the European Court of Human Rights: international legal advisors have submitted lengthy reports on the case and have concluded that the application is admissible, however, to enter into the details of such would be inappropriate.

The island has in actual fact been challenged under the European Convention on Human Rights in the European Court of Human Rights. The case Dun v. the United Kingdom. The point of obtaining legal advice can only be reiterated.



The predisposed bias argument presented regarding the existing legislation is arguable from both a heterosexual and homosexual angle, as the law prohibits their right to a private and family life. Regardless, by disallowing homosexual males to participate in sexual activities at a different age to that of heterosexual activities, a predisposed bias is clearly demonstrated.

Finally, the point made regarding the breach of Article 6.1 of the European Convention on Human Rights – a breach can exist **but** this is dependent on no other member state or citizen challenging such. If however, a case was brought before the court, on the basis of this breach, the island would also, at the discretion of the court, face a judgement.

The Jersey Youth Reform Team welcomes Progress Jersey members to its conference on this matter. Tuesday 28th February 2006, St Helier Town Hall from 6pm till 8pm – the Jersey Youth Reform Team has a great deal of evidence for this argument and is happy to share the knowledge, expertise and experience its members hold.



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Jersey Youth Reform Team