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4 Deputy L.M.C. Doublet of the Minister for External Relations regarding the extension of the Convention on the Elimination of Discrimination Against Women to Jersey: [OQ.31/2019]

Further to written question 227/2018, will the Minister update Members on work to have the Convention on the Elimination of Discrimination Against Women extended to Jersey?

Senator I.J. Gorst (The Minister for External Relations):

The work undertaken to have the convention extended to Jersey is a cross-government effort, which the Ministry of External Relations is helping to co-ordinate. The Government remains committed to having this important convention extended to Jersey and we anticipate that the formal process for extension will be completed soon. The Law Officers' Department expect to have completed the provisional review of Jersey's compliance early in February. Evidence of Jersey's compliance with the requirements of the convention will then be sent to the U.K. Government Equalities Office for their consideration. Once the U.K. has confirmed that its ratification can be extended to Jersey, the Attorney General's Office will complete their final review. The formal request for extension can then be made through the official channel.

3.4.1 Deputy L.M.C. Doublet:

Could the Minister outline briefly any areas where Jersey is not compliant at present?

Senator I.J. Gorst:

No, I cannot. I understand that good progress is being made and we would expect to have, once the request is formally made, the convention extended. I think we can all think of areas where we may need to make change in early course. That is how some of our legal provisions consider partners, in particular wives. I believe that it is these perhaps slightly more difficult questions that is behind the reason of the Chief Minister setting up the political group that he just mentioned in an earlier question.

Deputy J.H. Perchard:

A point of clarification, sir? Is that allowed?

The Deputy Bailiff:

Well, no, you can put your name down to ask a question of this Minister and I will call you in due course.

3.4.2 Senator S.C. Ferguson:

Given that much discrimination is covert, how does the Minister consider that this can be policed?

Senator I.J. Gorst:

Maybe I was too diplomatic in my opening answer. The reality is that the Ministry for External Relations simply in this role co-ordinates the request from the departments to have a convention to be sought to be extended from the United Kingdom. It is the Minister responsible for these areas that needs to consider those areas, and I would expect that to be undertaken before they were to ask my department to make the request of the U.K. Government again. It might be, in light of the Chief Minister's earlier answer, that these questions should be passed to either the Chief Minister or the Minister for International Development if she is, as was suggested, to be chairing this group.

3.4.3 Senator S.C. Ferguson:

Would the Minister like to initiate the discussions about policing before we start going down the road of bringing in legislation or a convention which we cannot police?

Senator I.J. Gorst:

I stand by my earlier answer. I no longer feel the need to answer every question in this Assembly, having the role that I now do, but perhaps I might be indulged. I do not accept the premise of the Senator's question. I think it is outdated. Of course, every piece of legislation that this Assembly brings forward we should consider the enforcement mechanisms; that is appropriate. This is an international convention and it sits in a wholly different area. Any underlying legislative change that may be required, of course we should consider the mechanisms to ensure it is complied with, but not with regard to this convention.

3.4.4 Deputy J.H. Perchard:

I would just like to ask the Minister how he is able to state that good progress, as he said, has been made but is unable to give an outline of what is yet to be done.

Senator I.J. Gorst:

Because I have been advised by officials in other government departments. It is not my department. The Deputy might not have understood that. I have been advised by officials that good progress is being made and they expect to be in a position to ask for, as I say, the completion of that compliance in late February. They have not informed me of any areas that may need to be changed subsequently.

[10:15]

3.4.5 Deputy M. Tadier:

I seem to recall reading a story recently about a female candidate for a States position who was put off a job because she could not submit her own tax form in her own name. Is that one example of a contravention of C.E.D.A.W., the fact that a man still needs to tick a box on a tax form in 2019 in order for his wife to be able to declare her own income?

Senator I.J. Gorst:

That, like all of the preceding questions, is not a question which falls under my official responsibility. They fall under the responsibility of the Chief Minister or, in relation to tax law, the Minister for Treasury and Resources; in relation to enforcement, the Minister for Home Affairs. I am sure they have all been listening eagerly and will endeavour to provide answers to those questions. However, in the first instance, as the Chief Minister has already mentioned in this morning's sitting, I would suspect and suggest that if Members have such concerns and are worried about the timeline, they take these issues up with the Minister for International Development who will be chairing the political group to ensure that this convention is extended in a timely manner to Jersey.

3.4.6 Deputy M. Tadier:

I asked that question firstly in the spirit of One Gov and I also presume that on occasion, as the Minister for External Relations, he may get asked by individuals, diplomats and politicians outside the Island, about the rumour that they heard that in Jersey women cannot return their own tax forms if they are married. It may be a source of embarrassment.

The Deputy Bailiff:

Could you ask a question please?

Deputy M. Tadier:

Also, because he said he could not think of any examples of ways in which Jersey might currently contravene C.E.D.A.W., so could he confirm that that is one tangible example? It is not the only one. It is perhaps quite low down but it is ...

The Deputy Bailiff:

Do you recognise that that is a tangible example?

Senator I.J. Gorst:

First, I have never been asked that question on any international outbound visit or any inbound visit by any foreign national. So perhaps that is answering that question. We all know there are areas that do not sit well or are difficult in relation to having the convention extended. That is why the Chief Minister has agreed with the Minister for International Development to set up the political group to make sure they can be overcome, and they can be overcome in a timely manner, and then we can seek to have the convention extended. Rather than arguing across the Assembly, it would be far better if Members are rightly concerned, to speak to the Minister, to request to sit on her group and to get this convention extended as quickly as we possibly can.

3.4.7 Deputy L.M.C. Doublet:

The Minister has stated that we should all know that there are areas that are not compliant with C.E.D.A.W. and that if Back-Benchers would like to know this information they should go and sit on a ministerial group. The purpose of question time is so the public can also receive information on these issues. So I will ask my opening supplementary again. Could the Minister please outline any areas where Jersey is not compliant with C.E.D.A.W. currently?

Senator I.J. Gorst:

That is a question which the Law Officers' Department, as I indicated in my opening answer, are continuing to do their review on. That information will be provided now to the new political oversight group or political grouping and they will seek to ensure that those areas that the Law Officers indicate would cause a problem for compliance, and therefore having the convention extended will be addressed. Let us remember though, conventions and their extension do not simply work on a tick-box compliance matrix. One can submit that they will be addressed over a course of a period of time with a programme to address any areas of non-compliance and one can then still seek to have such conventions extended on the understanding of those who oversee the convention at an international level that those areas of non-compliance will be addressed. The Ministry for External Relations acts as a government body to co-ordinate the request to the United Kingdom Government, not to ensure that we are compliant. If Members are asking me and my department to undertake that work, of course we will, but I, as I stand, support the suggestion that the Chief Minister made earlier that the Minister for International Development will lead on these matters and give comfort to Members in this regard.