

# **STATES OF JERSEY**



## **HUMAN RIGHTS COMMITTEE AND STATEMENTS OF COMPATIBILITY (P.78/2008): COMMENTS**

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**Presented to the States on 1st July 2008  
by the Council of Ministers**

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**STATES GREFFE**

## COMMENTS

### **Introduction**

The Proposition of the Deputy of St. Martin seeks to establish a new committee to deal exclusively with human rights matters and also relates to the Statements of Compatibility signed by Ministers when lodging a draft Law “au Greffe”.

### **Paragraphs (a) and (b)**

The Council of Ministers does not support paragraphs (a) and (b)(i) and (ii) of this Proposition. Whilst the implementation of human rights legislation in Jersey is clearly an important issue, it sits alongside a number of important issues that need to be considered when new legislation is proposed. The Council of Ministers does not believe that Human Rights alone should be singled out as a topic for attention by a dedicated committee.

The Proposition identifies that, through a Joint Committee, the United Kingdom has similar arrangements to that being proposed. The Council of Ministers does not believe a comparison with a large jurisdiction such as the United Kingdom is appropriate and would point to the absence of similar arrangements in Guernsey and the Assemblies of both Scotland and Wales.

The Council of Ministers notes the significant cost of this arrangement identified by the Deputy of St. Martin and the requirement for the engagement of both States Members and the Public in the new committee. The Council of Ministers does not believe that this cost and the associated time commitments are justified for what is essentially a single issue.

The Council of Ministers believes that human rights issues should be properly considered, alongside other important issues such as financial, economic and environmental, when legislation is brought forward. In addition, Scrutiny Panels should take particular notice of human rights issues alongside other important issues when scrutinising draft legislation or policy proposals.

### **Paragraphs (c) and (d)**

Paragraphs (c) and (d) of the proposition relate to the Statements of Compatibility that Ministers sign when lodging draft Laws for debate. The Council of Ministers believes that all aspects of legislation should be properly scrutinised but, as stated above, that this should be considered within the remit of existing Scrutiny Panels that have access to legal advice via the Law Officers’ Department.

The Council of Ministers does not believe that the Statement of Compatibility should specify what articles of the European Convention have been considered, as the statement covers all articles, even those of no relevance to the Law being brought forward.