

3.8 The Deputy of St. Martin:

On 8th February 2000, which is 6 years ago, the States approved P.197 of 1999 - the Draft Human Rights Jersey Law 200-. To date the law has not been brought into force. Would the Chief Minister explain the reasons for the continued delay and whether this is having any negative implications for the Island, and give some indication as to when the law will come into effect?

Senator F.H. Walker:

The delay in implementing the Human Rights Jersey Law is because it has been necessary to make significant changes to a considerable number of other pieces of legislation. The final changes to legislation address the requirement for additional court sessions and provide for due legal process for the detention of individuals. It is hoped that the necessary amendments can be made within the next 2 months and that the Human Rights Law can then be brought into force shortly thereafter. The exact timeframe is subject to the States adoption of the amendments that will be lodged in the near future, and to Privy Council consideration of these amendments. I am not aware of any substantial negative implications for the Island. The United Kingdom government is satisfied that every reasonable step is being taken to bring the Law into effect at the earliest opportunity. I have recently discussed this position with the Lord Chancellor and I am pleased to report that the progress being made by Jersey was noted favourably, and in this respect we are certainly well ahead of both Guernsey and the Isle of Man.

3.8.1 Deputy R.G. Le Herissier:

I wonder if the Chief Minister could confirm that there are issues with the legal profession who are not prepared to buy-in to the concept of 24-hour courts and that this problem is far from being resolved. Thank you, Sir.

Senator F.H. Walker:

The information I have is that ways around this problem have been agreed and we now await the necessary proposed legislation before bringing it to the House.

3.8.2 Senator S. Syvret:

Could the Chief Minister confirm to the Assembly that if, in fact, the Crown Dependencies were not compliant with the European Convention on Human Rights, it could indeed cause significant difficulties for the Islands, and indeed I think perhaps the Isle of Man is shortly to experience some difficulties of this nature.

Senator F.H. Walker:

I can indeed confirm that, and that is why I think all members of the Council of Ministers - certainly I know the Minister for Home Affairs and myself - are very anxious that we should complete this process and introduce the Law at the earliest possible opportunity. Senator Syvret is quite right when he says there may be difficulties in another Crown Dependency but certainly we do not have the same problem. I would also point out, of course, that although the legislation is not in force, it has already had a major impact within the Island, both in the public sector and the private sector where due regard is being paid to it.

3.8.3 Deputy R.G. Le Herissier:

Fr a long time we were told that there were two laws - or the absence thereof - holding

it up, namely (I think), RIPA (Regulation of Investigatory Powers Act); and the Police and Criminal Evidence equivalent law. These have obviously been dealt with yet we keep getting new laws - or out of date laws or inappropriate laws - trawled-up or brought out the of the woodwork. Can the Chief Minister assure us, Sir, that a proper check has been done on all Jersey laws and we are ready to go?

Senator F.H. Walker:

I share the Deputy's frustration. I believe I can give him an assurance that a proper check has been done and that when this last outstanding piece is dealt with we are indeed ready to go. That is the advice I have and it is very much the intention of the Council of Ministers - particularly the Home Affairs Minister - that that is how we should proceed.

3.8.4 Deputy G.P. Southern:

If I may refer to the written answer given today in response to a question I set on this issue, and noting the due regard which is given by many States departments and many private individuals acting as if the Human Rights Law were actually in force - even though it has not been brought into force - does the Minister consider that it really is inappropriate to introduce temporary measures to mitigate against the current practice of the States forbidding political activity to all of their States employees? Surely this is a disproportionate reaction to the rights of every person on this Island to freedom of expression and political activity.

Senator F.H. Walker:

I do not agree that interim measures are appropriate and I think my written answer spelt out exactly what we are doing in this process. I believe that is right and we will be looking to adhere to the timetable I suggested in my answer.