

2.12 The Deputy of St. Martin of the Chief Minister regarding a review of the U.K. Human Rights Act 1998:

Given that the U.K. Government has established the Commission on the Bill of Rights to review and report on reform of the U.K. Human Rights Act of 1998, and that the Island has adopted legislation almost identical to the U.K. Act, will Jersey be participating in the review and, if so, would consideration be given to amending the Jersey law should the U.K. decide to amend its Act?

Senator T.A. Le Sueur (The Chief Minister):

Yes, the U.K. established the Commission on the Bill of Human Rights on 18th March this year. The Commission will investigate the creation of a U.K. Bill of Rights that incorporates and builds on all of the U.K.'s obligations under the European Convention on Human Rights and ensure that these rights continue to be enshrined in U.K. law. The Commission will also examine the operation and implementation of those obligations and provide advice to the U.K. Government on any proposed reform. This has nothing to do with the position in Jersey because Jersey has had the European Convention on Human Rights extended to it and it is embodied in our domestic legislation in the Human Rights (Jersey) Law 2000. Any changes made by the U.K. will not of themselves apply in Jersey and it is our domestic legislation that will continue to apply. Naturally, it would be sensible for Jersey to look carefully at any alterations that may be made in the U.K. in order to consider whether or not it would be desirable to make similar alterations in Jersey. A new U.K. Bill of Rights would have no direct effect in Jersey. However, if a proposed U.K. Bill affords additional rights or changes the operation or implementation or obligations in the U.K., consideration might be given by Jersey at that time as to whether the Island would wish to make similar provisions and, if so, what mechanism might be appropriate.

2.12.1 The Deputy of St. Martin:

Yes, I thank the Minister and maybe he might have acknowledged the fact that I did ask these questions by 18th September and 4th October via email but did not get the answers, hence the question being asked today. Will the Chief Minister agree though that some judgments delivered by some judges are bringing the Human Rights Law into disrepute? If he does agree, would he not agree that it would be helpful maybe if the Chief Minister or his successor made a statement reaffirming its support for the Jersey Human Rights Law and it has no truck with some of the decisions that are made by some judges in some courts?

Senator T.A. Le Sueur:

While it is quite possible that judges, not only in human rights law but in any aspect of law, may make decisions which appear unusual or perhaps bizarre, the judges are generally in a better position to judge the facts of a particular case than a third party, such as ourselves reading what we see in our newspapers. Nonetheless, to the extent that there may well be questions raised by certain judgments in certain cases, that will no doubt be taken into account by the Commission at that time.