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### **3.4 Deputy M. Tadier of the H.M. Attorney General regarding the implications of a decision of Mexico's Supreme Court regarding access to cannabis:**

Following the recent decision of Mexico's Supreme Court that access to cannabis is a fundamental human right, what implications does this have for Jersey, if any, and what is the likelihood of such a test case precipitating a similar decision in Jersey?

#### **Mr. R.J. MacRae, H.M. Attorney General:**

The recent decision of the Mexico Supreme Court in relation to access to cannabis has no implications for Jersey and does not increase the likelihood of a case precipitating a similar decision in Jersey. This is because the decisions of the Mexican Supreme Court are not persuasive in Jersey in comparison to the case law of common law or European civil jurisdictions which are party to the European Convention on Human Rights. Furthermore, a decision of a single national Supreme Court would not be taken by or in the European Court of Human Rights as indicative of international human rights standards of general application.

#### **3.4.1 Deputy M. Tadier:**

I thank the Attorney General for that answer. He will be aware that there is similar pressure being brought in the U.K. I think by M.P.s (Members of Parliament) ... at least one M.P. and wider civil society to suggest that in the U.K. the access to cannabis, certainly for those with medicinal needs, should be considered a human right. Could he give us any update or any thoughts about the legal position in the U.K. as to whether that position is likely to be legally viable?

#### **The Attorney General:**

I am sorry but I cannot; I do not know enough about it. But what I will say is the relation to human rights generally, the European Court of Human Rights, which are one the principal founts of our guidance and literature in relation to these issues would look in the first instance to European decisions in relation to these sort of issues. Generally, the Strasbourg Court has chosen to avoid decisions in relation to the merits of introduction of such legislation as same-sex marriage, abortion and would probably avoid this issue leaving national courts and national parliaments to determine this sort of human rights issue.