

2.8 Deputy M.R. Higgins of the Chief Minister regarding Human Rights audits undertaken by the Judicial Greffe, or other public authority: 1(407)

Further to Oral Question 1(290), will the Chief Minister confirm whether any human rights audits, undertaken by the Judicial Greffe, or other public authority, explicitly included all of the courts and tribunals listed in the answer to Written Question 1(260)? If so, will he request the Judicial Greffe to publish the audits that were carried out and, if not, can he explain why not?

Senator I.J. Gorst (The Chief Minister):

I would like to ask Senator Routier to answer this question.

Senator P.F. Routier (Assistant Chief Minister - rapporteur):

The Attorney General has previously outlined that all courts and tribunals, whether civil or criminal, are required to act in a way that is compatible with the rights protected by the European Convention on Human Rights, and all legislation, insofar as possible, must be read and given effect in a way which is compatible. Any audits covering these matters are available on request.

2.8.1 Deputy M.R. Higgins:

Supplementary. I am requesting them, now. I have been requesting them for months. These reports seem not to exist. I have even asked the Judicial Greffe for them. I am not only just concerned about the courts, but it is about the procedures that are being used. Unlike many Members, I have been attending many court cases over the last few months and observing procedures. The actions of lawyers ... I find in some cases, we find that lawyers are communicating with the judge through a back door.

The Deputy Bailiff:

Deputy, could you focus this into a question?

Deputy M.R. Higgins:

Yes, Sir, I know I am getting close to the bone on this. I will say that I am concerned about the procedures and processes. I know that when the Human Rights Law came into being, all States departments, and I assume the judiciary and all the other bodies, were expected to do an audit. Those audits were supposed to be published. I am asking the Minister now: will you publish all the human rights audits of the court and court procedures and, if not, will you come back to the House and explain why you cannot? Thank you.

Senator P.F. Routier:

I am informed that the Judicial Greffier has informed the Deputy that he can have access to those copies that he has been asking for. With regard to this Assembly, any States Member trying to influence the Judicial Greffe - we have to respect that they are independent from this body here and we are not in a position to be able to direct them to do anything.

Deputy M.R. Higgins:

Just for the Assistant Chief Minister's knowledge, the Judicial Greffe have told me that they have 2 documents; one covering the audit of the Judicial Greffe itself and the other, the Data Protection Office, which was part of the Judicial Greffe at that time. They were the only documents that they say they have.

The Deputy Bailiff:

Deputy, the process is to ask a question and have an answer, not provide information.

Deputy M.R. Higgins:

Yes, Sir, but the Minister gave a misleading answer to the States and I think that is wrong.

The Deputy Bailiff:

You mean, of course, an unintentional misleading answer, do you?

Deputy M.R. Higgins:

Yes, the Minister is well-known for not really checking his facts, so I can believe it was inadvertently misleading the States.

The Deputy Bailiff:

I think you must withdraw that; it is not correct to impute a slapdash approach.

Deputy M.R. Higgins:

I will take it back, Sir, but I will tell the Minister his nickname out of this States Assembly.

The Deputy Bailiff:

Deputy, will you please ask a question or sit down?

2.8.2 Deputy M.R. Higgins:

Yes, Sir, I will ask the question. Once again, the Minister says that we are interfering with the courts if we ask for copies of audits; we are not. We are doing our job. It is the role of the Assembly to pass the Human Rights Law and make sure it is enforced. Will he please ask the ...

The Deputy Bailiff:

Deputy, I asked you to ask a question and you again made an assertion.

Deputy M.R. Higgins:

Well, I just asked for it to be ... would he ...

The Deputy Bailiff:

Please sit down.