

STATES OF JERSEY



INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: FIFTH PERIODIC REPORT OF THE STATES OF JERSEY (AS AT APRIL 2007)

**Presented to the States on 14th May 2007
by the Chief Minister**

STATES GREFFE

REPORT

Introduction

This is the Fifth Report submitted by the States of Jersey. A number of new measures have been introduced in the Island which support implementation of the principles of the Covenant and reference is made to these in the answers provided below.

Part I

1. Statistics

Statistics (includes the sections “land and people” and “economic, social and cultural characteristics”)^[1]

Population	• 88,200 (Bailiwick of Jersey – in 2005).
Number of men per 100 women	• 95 (Bailiwick of Jersey – in 2001).
Ethnic Groups	• 51% Jersey, 35 % U.K., 6% Portuguese/Madeiran, 3% Irish (Bailiwick of Jersey – in 2001).
Percentage of population under 15	• 17% (revised) (Bailiwick of Jersey – in 2001)
Percentage of population over 65	• 14.1% (revised) • (Bailiwick of Jersey – in 2001).
Percentage of population in urban areas	• 50% approx. (Bailiwick of Jersey – in 2005).
Religion	• Christian (majority)
GNI	• £3.2 billion (Bailiwick of Jersey – in 2005).
GNI per head	• £36,000 (Bailiwick of Jersey – in 2005).
Inflation	• 3.1% (Bailiwick of Jersey – in 2006).
Government (deficit)/surplus	• £51.8 million surplus (Bailiwick of Jersey – in 2006 – to be finally confirmed).
Government debt	• £111.8 million (Bailiwick of Jersey – in 2006 – to be finally confirmed: pre-1987 pension scheme deficit)
Economic activity rate	• 84% (Bailiwick of Jersey – in 2006).
Adult literacy	see Education section
Languages	• English, French (Bailiwick of Jersey).
Life expectancy	• 77 – M; 82 – F (Bailiwick of Jersey – in 2004).
Infant mortality – number of deaths of children aged under one year per 1,000 live births	• 2.4 (Bailiwick of Jersey – in 2005).
Fertility rate ^[2]	• 52.4 (Bailiwick of Jersey – in 2005).

2. General political structure

Since the last Report submitted in January 2000 the structure of the Island’s Government has undergone major change. The Machinery of Government review has resulted in a ministerial system of government being established in place of the former committee system. The new system commenced in December 2005. The governing and legislative body, the States, has retained its rôle and there are still 53 elected members comprising

12 Senators, 29 Deputies and 12 Connétables.

(i) New ministerial structure:

However there are currently 10 Ministers and 13 Assistant Ministers appointed from the elected States members. All the Ministers, including the Chief Minister, are appointed by the States. These Ministers make up the Executive and they are responsible for proposing and developing policy.

The 10 Ministers are headed by a Chief Minister and all meet on a fortnightly basis at the Council of Ministers.

(ii) New Scrutiny Panels:

The remaining 30 non-executive members are available to sit on the newly formed Scrutiny Panels. Scrutiny Panels are responsible for examining policy and holding the Council of Ministers to account. The 6 Scrutiny Panels are: Corporate Services; Economic Affairs; Education and Home Affairs; Environment, Health, Social Security and Housing Scrutiny Panel and the Public Accounts Committee.

(iii) Departmental structure:

Several departments have been re-aligned and each is now headed by a Minister. Ministers have authority to make decisions on a number of matters within the framework of the States Strategic Plan that has been approved by the States Assembly. Such decisions are recorded as Ministerial Decisions and come into effect once signed. Decisions are placed on the States Internet site in accordance with the Code on Public Access to Official Information.

The new departments are:

Chief Minister's	Transport and Technical Services
Home Affairs	Social Security
Health and Social Services	Education, Sport and Culture
Housing	Treasury and Resources
Planning and Environment	Economic Development

The judicial structure remains as previously.

(iv) States Strategic Plan:

The Council of Ministers produced a visionary States Strategic Plan in 2006.

<http://www.gov.je/NR/rdonlyres/7D462750-EFD8-446E-A0E6-E024EEA59DE5/0/StatesStrategicPlan2006to2011.pdf>

The Plan covers the period 2006 – 2011 and was agreed by the States. It is a road map that sets out the direction that the Government of Jersey wishes to follow. It includes six commitments that the Government has committed to work towards achieving. The work of all departments is both set and measured against the Strategic Plan.

(v) The six commitments are:

One: We will maintain and enhance a strong, successful and environmentally sustainable economy.

Two: We will create an environment in which everyone in Jersey has the opportunity to enjoy a good quality of life.

Three: We will promote a safe, just and equitable society.

Four: We will maintain and enhance the natural and built environment.

Five: We will create a strong, recognised identity for Jersey and promote a real sense of belonging.

Six: We will ensure that States services are necessary, efficient and of good quality.

This Plan evolved from a major consultation exercise engaging the community and particularly young people. Consultation and engagement with the community is seen to be a key element of its future success. To this end a

Communications Unit has been established in the Chief Minister's Department. Departments are formulating new policies such as the Cultural Policy and the Income Support policy to ensure that the commitments in the Plan are met. Others, including a Health and Social Care Strategy, a Social Inclusion Strategy and an Energy Strategy, are being worked on at present. Great emphasis is also being placed on the need for Government to adopt "joined up, coherent working" practices.

The Government of Jersey believes that the new style of ministerial government and the commitment to the States Strategic Plan are important achievements that support the spirit of the Covenant on Economic, Social and Cultural Rights and the implementation of the rights into Island life.

3. General legal framework within which human rights are protected

The 2000 Report referred to the Human Rights (Jersey) Law 2000, which incorporated the European Convention on Human Rights in the Island's domestic law. This Law came into force on 10th December 2006. Human rights are also protected under the common or customary law of the Island, and by the international conventions on the protection of human rights to which the Island is a party through the United Kingdom.

4. Information and publicity concerning the Covenant on Economic, Social and Cultural Rights and the reports to the Committee

Under the provisions of the new ministerial government system this Report will be submitted for the Chief Minister's approval by a Ministerial Decision. As a result it will then be placed in the public domain on the States website. Public access to the Internet, for those who do not have private access, is available free of charge in the public library.

5. Legal status and specific implementation of the Covenant on Economic, Social and Cultural Rights

The International Covenant is not part of the domestic law of the Island, but as an international obligation undertaken on the Island's behalf by the United Kingdom with the Island's consent, it will be taken into account by the courts of the Island in the application of domestic law – see *Benest -v- Le Maistre*, Jersey Law Reports 1998 at page 213, a decision of the Jersey Court of Appeal confirming, in relation to the International Covenant on Civil and Political Rights, that the Convention was relevant to assist the Court in resolving ambiguities in legislation, in considering the principles on which the Court could exercise a discretion and when the common law is uncertain. In addition, the States of Jersey will not enact Laws which would put the Island in breach of its international obligations.

6. Response to the concluding observations:

Paragraph 24: Affirming the principle of the interdependence and indivisibility of all human rights, and that all economic, social and cultural rights are justiciable, the Committee reiterates its previous recommendation (see paragraph 21 of its 1997 concluding observations) and strongly recommends that the State party re-examine the matter of incorporation of the International Covenant on Economic, Social and Cultural Rights in domestic law. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee draws the attention of the State party to its General Comment No. 9 on the domestic application of the Covenant.

The Government of Jersey has the utmost respect for the views expressed by the Committee; nevertheless it considers it would not be appropriate at this time to incorporate the Covenant into the domestic law of the Island. This position will naturally be kept under review.

Paragraph 25: The Committee further recommends, recalling its previous recommendation (see paragraph 33 of its 1997 concluding observations), that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national legislation and policy on

issues such as poverty reduction, social welfare, housing, health and education. Given that its general comments are based upon experience gained over many years, including the examination of numerous States parties' reports, the Committee urges the State party to give careful consideration to its general comments and statements when formulating policies that bear upon economic, social and cultural rights.

Ministers of the Jersey Government are required, when promoting legislation to have regard to all the Island's international obligations on human rights, and in particular to issue a certificate confirming that in their opinion the Law is compliant with the European Convention on Human Rights. Whilst there is no statutory requirement to issue a certificate of compliance with the ICESCR, this International Covenant is nonetheless taken into account in the formulation of legislation and policies that bear upon economic, social and cultural rights.

Paragraph 30: The Committee urges the State party to ensure that human rights education curricula and training programmes for schoolchildren and for the judiciary, prosecutors, government officials, civil servants and other actors responsible for the implementation of the Covenant give adequate attention to economic, social and cultural rights.

The issue of human rights training in schools is covered in the response to Articles 13 and 14. Prior to the implementation of the Human Rights (Jersey) Law 2000 in December 2006 a further training programme for Government officials was run by the Chief Minister's Department assisted by members of the legal profession.

Paragraphs 33/34: The Committee urges the State party to ensure that the level of the national minimum wage is determined with due regard to the requirements of an adequate standard of living. Moreover, the Committee recommends that minimum wage protection be extended to workers under 18 years of age and that the scheme be applied in a non-discriminatory manner to persons between 18 and 22 years of age.

The Committee reiterates its previous recommendations (see paragraph 23 of the Committee's 1997 concluding observations) that the right to strike be incorporated in legislation and that strike action no longer entail the loss of employment.

So far as Jersey is concerned these issues are referred to in the Responses to Articles 7 and 8 below.

Paragraph 35: The Committee recommends that the State party continue its efforts to combat domestic violence and, in particular, to ensure that there are sufficient refuge places to meet the needs of victims of domestic violence. The Committee requests that the State party provide information in its next periodic report on further measures taken by the State party in relation to domestic violence, as well as on the results and effectiveness of such measures.

The States of Jersey Police Domestic Violence Unit has been restructured and was placed under the direction of a new Public Protection Detective Inspector in mid-2006. Her remit was initially focused on child protection issues but significant research has also gone into the introduction of innovative practices aimed at tackling domestic violence. In the meantime, States of Jersey Police continues to pursue a positive enforcement policy.

In June 2006, States of Jersey Police, the Women's Refuge and other partner agencies launched a Domestic Violence campaign with a theme of '*Is Your Home A Prison Without Bars?*' to coincide with International Human Rights Day and the World Cup.

A number of measures are being introduced or promoted in the year ahead to support better protection for the victims of domestic violence and facilitate better intervention against the perpetrators of these offences –

- The Jersey Domestic Violence Forum, of which States of Jersey Police is a member, is exploring the benefits of a Specialist Domestic Violence Court (SDVC). In England and Wales, the SDVC programme aims to ensure that the courts recognise the difficulties and special concerns faced by victims of domestic violence when using the system.
- A new Domestic Violence Perpetrators Programme starts in January 2007. Many domestic violence victims support the concept as a means of changing the abusers' behaviour. Offenders can self-refer to the

programme but referrals can also be court-mandated.

- One of the key policing priorities in 2007 is to protect vulnerable victims by targeting dangerous offenders. Prolific domestic violence offenders will be identified and targeted in 2007 in order to improve the safety of their victims.

Paragraph 36: Given the principle of the dignity of the individual, which provides the foundation for international human rights law (see paragraph 41 of the Committee's General Comment No. 13) and in the light of article 10.1 and 10.3 of the Covenant, the Committee recommends that the physical punishment of children in families be prohibited, in line with the recommendation of the Committee on the Rights of the Child (see paragraph 31 of the 1995 concluding observations of that Committee (CRC/C/15/Add.34)).

The Island's government respects the views of the Committee; nevertheless it considers the existing legal position whereby a parent has a defence to a charge of assault if the physical punishment amounted to reasonable correction, creates a fair balance of all the different human rights involved. However, the government will keep this matter under review.

Paragraphs 38/39: The Committee recommends that the State party focus its efforts to combat homelessness on those groups in society which are disproportionately affected, such as ethnic minorities. The Committee further recommends that the State party take the necessary measures to ensure that homeless persons suffering from serious health problems receive adequate health care.

The Committee recommends that the State party take immediate measures to improve the situation of the large number of families and individuals who live in poor housing conditions and to relieve the situation of those who are "fuel poor".

So far as the Island is concerned these observations are referred to in the response for Article 11.

Paragraph 41: The Committee urges the State party to take effective measures to ensure that the introduction of tuition fees and student loans does not have a negative impact upon students from less privileged backgrounds, in accordance with paragraphs 14, 20 and 45 of the Committee's General Comment No. 13 on the right to education. The Committee requests the State party to provide, in its next periodic report, detailed information on the impact of tuition fees and student loans on lower socio-economic groups.

The Education, Sport and Culture Department is currently undertaking a review of the way in which Government support is provided to assist with payment of tuition fees and funding for those pursuing further education. A consultation process has been followed in which the community has been engaged. The results of the review are yet to be finalised.

Paragraph 44: The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary. It also encourages the State party to involve non-governmental organisations and other members of civil society in the preparation of its fifth periodic report.

This Report will be placed in the public domain on the States website (see paragraph 4 above).

Part II

Article 1 – Self-determination

Jersey is a small Island with its own independent government and legislature, the United Kingdom remaining ultimately responsible for its defence and international relations. The Island is globally recognised as a politically stable community.

Article 2 – Realisation of the Rights contained in the Covenant

Since the Second World War the Bailiwick has developed into a modern and forward-thinking society in which there are few restraints upon individuals wishing to freely pursue their political, economic, social or cultural development. Although Jersey has been a party to the European Convention on Human Rights since the U.K.'s ratification in 1951, the implementation of the Human Rights (Jersey) Law 2000 in 2006 has further secured the rights of the individual in accordance with the terms of the Convention.

Article 3 – Gender Equality

At present none of the rights of the covenant are specifically subject to non-discrimination provisions in the Island's legislation.

A public consultation paper on the Island's proposed Discrimination (Jersey) Law 200- was published in July 2006. The paper promoted the idea of an over-arching enabling law with subordinate Regulations to be phased in over a period of time to provide protection from discrimination on the grounds of, as a minimum, race (to include colour, race, nationality, ethnic origin or national origin), sex, gender, sexual orientation, trans-sexuality; disability and age. However it is recognised that it is important to keep in perspective the need for legislation versus the size of the Island and the impact that legislation will have on resources.

The consultation closed in October 2006 with strong support received for the proposals. Work is currently being carried out on the final drafting of the Law and it is hoped to present it to the States for debate in the latter half of 2007.

The Discrimination Law is also intended to protect anyone who suffers a detriment as a result of discrimination or a range of prohibited acts such as victimisation, unlawful advertising, harassment and other discriminatory practices in certain conditions, and will provide an enforcement mechanism for complaints brought under the Law.

It is proposed that the scope of the Law should extend to employment, including selection for employment, treatment of employees, contract workers, partnerships, professional or trade organisations, professional bodies and vocational training, and also discrimination in education, provision of goods, facilities and services, access to and use of public premises, disposal or management of premises and membership of clubs.

Article 6 – Right to work

- *Please supply information on the situation, level and trends of employment, unemployment and underemployment in your country, in respect of both the aggregate and particular categories of workers such as women, young persons, older workers and disabled workers. Please compare the respective situation 10 years ago and 5 years ago. Which persons, groups, regions or areas do you consider particularly vulnerable or disadvantaged with regard to employment?*

There is little change in the situation since the 2000 Report. The Island has a workforce of approximately 52,000 (51,780 as at December 2006) which is increased by approximately 8,000 in the summer months. The Island has a relatively low unemployment rate and, by most economic measurements, would be deemed as having full employment. The average rate is around 0.5% and has not risen above 3% in the past 10 years. As a rule unemployment levels fluctuate throughout the year in Jersey, reducing when seasonable work is available in the spring/summer and increasing during the winter. On average, unemployment levels are recorded at 400-450 unemployed people per month. Generally, those who find themselves out of work find new employment within 6

to 8 weeks.

- *Please describe the principal policies pursued and measures taken with a view to ensuring that there is work for all who are available for and seeking work.*

Employment agencies in the Island and various larger businesses advertise and manage a variety of recruitment programmes throughout the year. The media are also involved in promoting awareness of job opportunities in the Island.

The Job Centre managed by the Social Security Department continues to provide a comprehensive and professional service on all matters relating to employment and vacancies in the Island. The services provided by the Job Centre to both employers and those seeking work are free and are separate to those provided by private employment agencies.

The States also continues to take an active rôle in ensuring that work opportunities exist for persons with special needs. The Social Security Department allocates financial resources to support a range of sheltered, therapeutic and other work programmes for people with special needs. The budget for 2007 for the Workwise programme, referred to in the 2000 Report, and the Jersey Employment Trust totals £1,324,700. Support continues to be given by the public sector in providing placements for people with special needs.

- *Please indicate what measures have been adopted to ensure that work is as productive as possible.*

No measures have been considered necessary to adopt to ensure that work is as productive as possible.

- *Please indicate what provisions ensure that there is freedom of choice of employment and that conditions of employment do not infringe upon fundamental political and economic freedoms of the individual.*

Every person has the right to gain a living by work which they freely choose or accept.

- *Please describe the technical and vocational training programmes that exist in your country, their effective mode of operation and their practical availability.*

The 2000 Report referred to the work of the Training and Employment Partnership (“TEP”). This work continues but since the establishment of the new system of ministerial government responsibility for it has passed to the newly created Enterprise and Business Development (E&BD) section of the Economic Development Department. The aim of this new service is to stimulate business start-ups, support growth within new and existing organisations and encourage diversification across all sectors of the economy.

A new Island Skills Strategy was jointly developed and published by the Education Sport and Culture and Economic Development Departments in 2005. The Strategy covers all areas of non-compulsory education.

In order to prioritise training needs, the Island continues to commission Employers’ Surveys to examine the size and structure of the Island’s workforce, recruitment activity and difficulties, training and business development activities, and other challenges facing businesses. The results of the 2004 survey helped develop the 2005 Skills Strategy.

In response to these findings, E&BD has worked with employers and training providers to develop programmes and initiatives aimed at improving workforce skills. The approach was to concentrate on business development rather than selling training per se, in the belief that if employers are managing their business well, they will automatically see the relevance and value of training and developing staff. Recognising that there are specific skills deficiencies in the trades sectors, the Jersey Apprenticeship Scheme continues, aimed at the achievement of NVQ Level 3, a nationally recognised standard for skilled craftspeople.

In addition, specific training programmes have been delivered for seasonal workers who predominantly work in the tourism sectors but also work in retail and other sectors of the economy. The initiative, *Beinv’nue*, has provided customer care training for over 1,000 individuals. Other sector-specific training schemes include a local

Nurse Training Cadet Scheme, Health and Safety training in the construction sectors and a large investment in the achievement of the European Computer Driving License qualification.

The major provider of vocational training is Highlands College which is supported by its governing body under the aegis of the Education Department.

Take-up on training initiatives has increased since the 2000 Report. Between 2001 and 2006 the Island has supported –

- 500 businesses through management development training;
 - 1,500 businesses, translating into 10,000 people, in the achievement of qualifications, the majority of which are nationally recognised;
 - 300 businesses, translating into 2000 people, in the achievement of National Vocational Qualifications (NVQs);
 - 1,000 individuals to achieve the ECDL qualification;
 - 450 businesses on business planning seminars;
 - 100 companies work towards Investors in People;
 - enrolled over 400 onto the Jersey Apprentice Scheme, which provides structured, work-based training in construction, the motor trade and electrical installation. This has helped to develop local residents to a skilled craft level, supplemented with basic business and management skills;
 - improved communication lines with employers which has resulted in the successful promotion of the job-matching service, the increased use of interview rooms for employers to use for recruitment purposes, and more open day initiatives allowing employers to conduct recruitment drives from within the centre;
 - the Jersey Undergraduate Internship programme to help university students find and secure work placements;
 - invested in an e-learning environment for prisoners in custody at the Island's prison.
- *Please state whether particular difficulties have been encountered in attaining the objectives of full, productive and freely chosen employment, and indicate how far these difficulties have been overcome.*

Non-applicable – see above.

- *Please indicate whether there exist in your country any distinctions, exclusions, restrictions or preferences, be it in law or in administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation. What steps are taken to eliminate such discrimination?*

There are no distinctions, exclusions or restrictions on any of these grounds in the protections offered to employees by the existing (or planned) employment legislation. Additional protection against any such eventuality will also be provided when the Discrimination (Jersey) Law 200- and supporting Regulations affording protection from discrimination on the grounds of race (to include colour, race, nationality, ethnic origin or national origin); sex, gender, sexual orientation, trans-sexuality; disability and age are introduced (see Article 3 above).

- *Please supply information on the actual situation in your country regarding vocational guidance and training, employment and occupation of persons according to their race, colour, sex, religion, and national origin.*

No information is available regarding vocational guidance and training, employment and occupation of persons according to their race, colour, sex, religion, and national origin.

- *Please indicate the main cases in which a distinction, exclusion or preference based on any of the above-named conditions is not considered in your country as discrimination, owing to the inherent requirements of a particular job. Please indicate any difficulties in application, disputes or controversies which have arisen in relation to such conditions.*

There is currently no discrimination legislation in the Island but see Article 3 above for details of current proposals.

- *Please indicate what proportion of the working population of your country holds more than one full-time job in order to secure an adequate standard of living for themselves and their families. Describe this development over time.*

There is no available data to know what part of the working population holds more than one fulltime job.

- *In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the right to work.*

See responses on the developments in the new employment legislation in Article 7 below.

- *Please indicate the role of international assistance in the full realisation of the right enshrined in article 6*

The rôle of international assistance is not relevant.

Article 7 – Right to fair conditions of employment

- *Please supply information on the principal methods used for fixing wages.*

Please see answer below.

- *Please indicate whether a system of minimum wages has been established, and specify the groups of wage earners to which it applies, the number of persons covered by each group as well as the competent authority for determining these groups.*

A minimum wage system is established under the Employment (Jersey) Law 2003, and came into force on 1st July 2005. It introduced a minimum wage and trainee rate which apply to all employees over compulsory school leaving age.

The Employment Law provides that certain “special classes of person” may not be covered by the minimum wage provisions, as in the U.K. Those not covered include: mariners employed wholly outside the Island or not ordinarily resident in the Island; share fishermen; charities, voluntary organisations or statutory bodies; prisoners (except those undertaking work outside the prison under a rehabilitation programme, who must be paid the minimum wage); and residential members of religious and other communities.

- *Are there any wage earners remaining outside the protection of the system of minimum wages in law or in fact?*

Young people under age 16 and special classes of person as detailed above remain outside the system of protection.

- *Do these minimum wages have the force of law and in which ways are they secured against erosion?*

The minimum wage is established by the Employment Law and employees may enforce their right to receive the correct minimum wage via the Jersey Employment Tribunal. Fines may also be levied against employers who wilfully neglect or refuse to pay an eligible employee the minimum wage, or who fail to keep the required records.

The minimum wage is protected against erosion by the Employment Law which established the Employment Forum; an independent, non-political consultation body, set up for the purpose of consulting upon and making recommendations to the Social Security Minister on minimum wage rates, having taken into account the economic implications for the Island. The Employment Forum is made up of nine members of the community, 3 employer, 3 employee and 3 independent. The Social Security Minister must consult the Employment Forum before setting new minimum wage rates.

- *To what extent and by which methods are the needs of workers and their families as well as economic factors taken into consideration and reconciled with each other in determining the level of minimum wages? What standards, goals and benchmarks are relevant in this respect?*

The Employment Law requires the Employment Forum to take economic factors into account in the preparation of its recommendations. The Forum takes into account all evidence and responses presented to it during the consultation process.

The Forum considers all statistics available at the time of review, including the household expenditure survey, average earnings figures and retail price index, plus any other labour statistics available. It also must consider the aims set out in the States of Jersey strategic plans for the Island, advice from the States Economic Adviser, minimum wage rates in other jurisdictions (particularly the U.K. and Isle of Man), but also other jurisdictions worldwide and how their minimum wages compare to median earnings.

It has always been essential in the Employment Forum's deliberations to achieve the correct balance between the desire to make a real difference to employees' pay packets, against the sustainability of the 2 most affected industries; agriculture and hospitality. These 2 industries tend to employ seasonal employees and are the industries that have the most employees who are paid at (or close to) the minimum wage. They are mainly export-driven and therefore face competition with other jurisdictions with low (or no) minimum wage. The Forum is aware that it is vital that the needs of local employees generally, are balanced against the competitiveness of these 2 industries (and therefore the security of work opportunities within those industries).

- *Please describe briefly the machinery set up for fixing, monitoring and adjusting minimum wages;*

The Forum currently reviews the minimum wage system annually, at the direction of the Minister for Social Security. The Forum conducts a wide-ranging public consultation with its database of approximately 150 interested and affected parties, including unions, staff associations, employers, employers associations, employees, independent people, and advisory bodies. The Forum considers all representations received and will meet with relevant parties for detailed discussion.

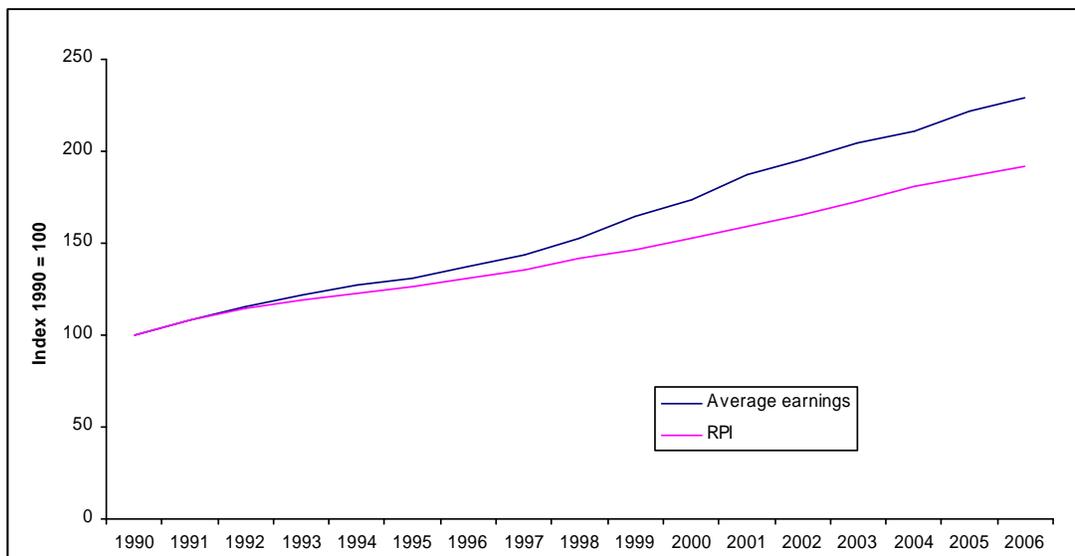
After completing its consultation, the Forum produces a recommendation to the Minister for the new rates that should apply the following 1st April, along with any other issues that have either been raised during the consultation, or that the Minister has specifically asked the Forum to consult upon.

The Minister then issues a response to the recommendations, including the reasons for the rejection of any of those recommendations (if any). The Minister then requests the preparation of the required legislative changes for any proposed changes to the minimum wage system or rates.

- *Please supply information on the development of average and minimum wages 10 years ago, 5 years ago and a present, set against the respective development of the cost of living;*

There was no minimum wage 5 or 10 years ago. However, the chart below demonstrates the way in which average earnings have increased against the retail price index over the last 10 years.

Index of Average Earnings and RPI



- *Please indicate whether, in practice, the system of minimum wages is supervised effectively.*

There have been two reviews of the minimum wage so far since its introduction on 1st July 2005. The above described method, as required by the Employment Law, has provided a very effective method of supervising the minimum wage with numerous check points along the way. The same method is used in the U.K. and Isle of Man, with public consultation via an advisory body that is independent of the Government department that ultimately proposes new minimum wage rates.

- *Please indicate whether there exists in your country any inequality in remuneration for work of equal value, infringements of the principle of equal pay for equal work, or conditions of work for women which are inferior to those enjoyed by men.*

Equal pay legislation is part of Phase 2 of the employment legislation, as agreed by the States of Jersey in 2000. Work has already started on other aspects of Phase 2, including maternity pay and requests for flexible working. Following the completion of the Employment Forum's consultation on those issues, work on equal pay issues will begin.

- *What steps are taken to eliminate such discrimination? Please describe the successes and failures of these steps with regard to the various groups that are discriminated against;*

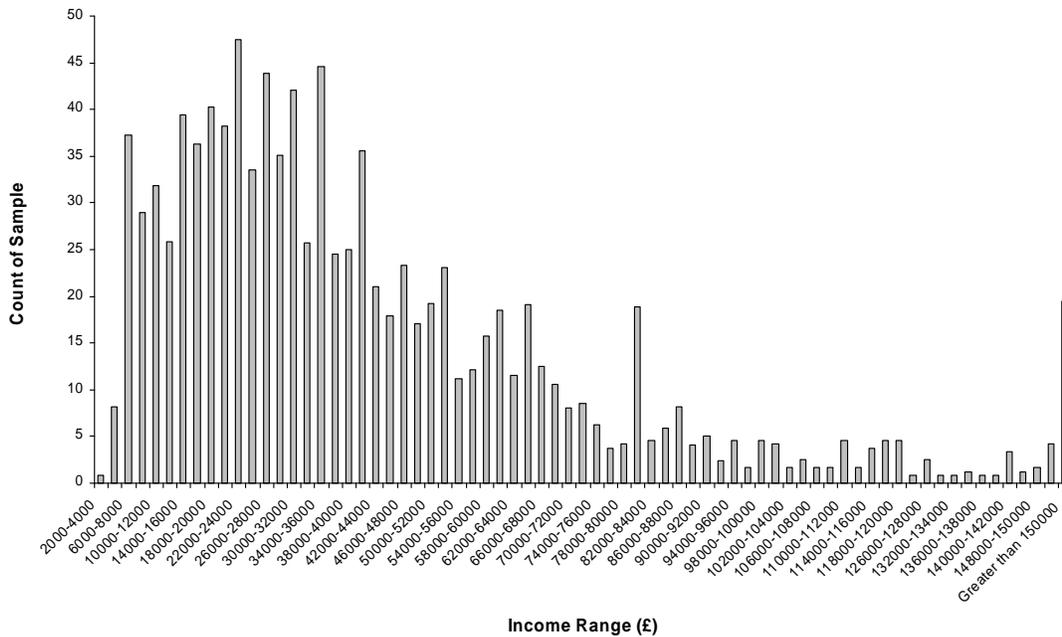
There is no legislation dealing with work of equal value at present. It is intended to address this issue in the employment law programme for 2009-10.

- *Please indicate what methods, if any, have been adopted to promote an objective appraisal of jobs on the basis of the work to be performed.*

No such appraisal has been carried out.

- *Please indicate the income distribution of employees, both in the public and private sector taking into account both remuneration and non-monetary benefits. If available, give data on the remuneration of comparable jobs in the public and private sector.*

There is no specific data on comparable jobs in the public and private sector. However, the table below shows the income distribution of households in the Household Expenditure Survey (HES 2005)



The 2005 medium household annual income was £34,000 (HES 2005).

- *What legal, administrative or other provisions exist that prescribe minimum conditions of occupational health and safety. How are these provisions enforced in practice and in which areas do they not apply?*

The main statutory law that has been enacted is the Health and Safety at Work (Jersey) Law 1989, which sets out the legal and administrative framework for occupational health and safety. The Law includes –

- general duties placed on all parties involved with work activities, including designers, suppliers, employers, the self employed and employees,
- provision for the States of Jersey to make subordinate legislation dealing with specific health and safety matters including licensing of specified activities,
- arrangements for the Minister for Social Security to approve codes of practice, issue licenses for specified activities and direct investigations and inquiries,
- the appointment of Inspectors who are empowered to carry out investigations, inspect workplaces and issue administrative sanctions, and
- the prosecution of organisations and individuals for failing to comply with occupational health and safety legislation.

The Health and Safety at Work (Jersey) Law 1989 does not apply to domestic servants working in a private household.

Persons who have been injured at work or suffer from work-related ill-health are able to pursue a claim for compensation from their employer by instigating civil proceedings in the Courts.

- *Please indicate which categories of workers, if any, are excluded from existing schemes by law and what other categories benefit from such schemes only insufficiently or not at all.*

Persons who work as domestic servants in private households are the only category of worker not covered by the Health and Safety at Work (Jersey) Law 1989.

They are, however, still able to pursue a claim for compensation from their employer by instigating civil proceedings.

- *Please provide statistical or other information on how the number, nature and frequency of occupational accidents (particularly with fatal results) and diseases have developed over time (10 years ago, 5 years as compared with the present).*

Statistical information is based on claims which have been paid through the Social Security Benefit Scheme for 2 days or more off work. The benefit scheme was changed in 2004 resulting in a direct comparison not being available.

The new scheme introduced in 2004 also provided for work-related ill-health statistics. No work-related ill-health statistics were recorded prior to this date.

In 2005, the last year that statistics were published, 1,226 claims for work-related accidents and ill-health were recorded through the Social Security Benefit System, of which 864 were as a result of accidents and 327 due to ill-health. 1,059 of the claims were made by employees, with 326 of these employees recorded as working in the construction industry. Further analysis of information provided by 757 claimants identified 37% of work-related accidents to be due to over-exertion of strenuous movements, with 53% of claims for work-related ill-health as a result of occupational musculoskeletal disorders.

In 2001, claims for benefit made as a result of accidents at work amounted to 1,456. Of these accidents, 497 occurred in the construction industry. The cause of 32% of these accidents was reported to be due to handling or lifting.

The accident statistics for the 12 month period ending 30th September 1995 indicate that 1,510 claims were made as a result of accidents at work, of which 540 occurred to employees in the construction industry. 32% of these reported accidents were due to handling or lifting.

There were no fatal accidents recorded to persons at work for the recording period for 1995 or 2005 but 3 fatal accidents occurred to local fisherman (2 as a result of a single incident) in 2001.

- *Please supply information on the actual realisation in your country of the principle of equal opportunity for promotion.*

This issue is not currently listed for consideration in forthcoming phases of employment legislation in regard to promotion opportunities.

- *Which groups of workers are currently deprived of such equal opportunity? In particular, what is the situation of women in this respect?*
- *What steps are taken to eliminate such inequality? Please describe the successes and failures of these steps with regard to the various disadvantaged groups.*

Please see above.

- *Please describe the laws and practices in your country regarding rest, leisure, reasonable limitations of working hours, periodic holidays with pay and remuneration for public holidays.*

There is no limit on number of working hours for employees under the Employment Law. There are limitations on the number of working hours and rest periods for young persons not who are not covered by the Employment Law (ask Education).

The Employment Law requires that all employees have 10 days' paid annual leave per year and paid time off for any Public and Bank holidays (9 in Jersey). If an employee is required to work on a public or bank holiday, he is entitled to receive another paid day off in substitution for that working day.

The Employment Law provides that all employees must have one uninterrupted 24 hour rest day in every 7 days. If the employee and employer agree, the employee may have on uninterrupted period of 48 hours' rest in 14 days or 2 uninterrupted rest periods of 24 hours in a 14 day period.

- *Indicate the factors and difficulties affecting the degree of realisation of these rights.*

There are no difficulties envisaged surrounding annual leave. There have been some issues around public holidays regarding non-work days and rest days falling on days that are also a bank or public holidays. However additional guidance has been given on this point to ensure that employees do not lose any entitlement to paid leave or rest days.

The requirement to provide ‘uninterrupted’ rest days could potentially cause difficulties for organisations with call-out and standby arrangements, which guarantee uninterrupted provision of service and emergency services in various organisations, and meeting operational urgency through shifts and standby.

A definition of what constitutes ‘interrupted’ is therefore provided in a code of practice, as follows –

*A rest period should be considered to have been interrupted if, either contractually, or due to business requirements, the employee is **required** by the employer to do one of the following on their rest day –*

- *to be available at the employers’ disposal to take a work related action away from the workplace (e.g. at home, on the telephone).*
- *attend the workplace, or*
- *be at or near the place of work.*

If the employee’s rest day is interrupted, compensatory rest must be made available within 14 days of the rest days that were interrupted. If a rest day is not interrupted, it counts as a ‘rest day’ and no compensatory rest would be required.

- *Indicate which categories of workers are excluded by law or in practice, or both, from the enjoyment of which of these rights. What measures are contemplated or currently taken to remedy this situation?*

The rights apply to all employees.

- *In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, or administrative rules, procedures and practices during the reporting period affecting the right to just and favourable conditions of work.*

Minimum wage and trainee rate increases anticipated annually. No other changes anticipated, other than those resulting from the development of Phase 2 of employment legislation as mentioned above.

- *Please indicate the role of international assistance in the full realisation of the right enshrined in article 7*

The rôle of international assistance is not relevant.

Paragraph 33 of the Concluding Observations. The Committee urges the State party to ensure that the level of the national minimum wage is determined with due regard to the requirements of an adequate standard of living. Moreover, the Committee recommends that minimum wage protection be extended to workers under 18 years of age and that the scheme be applied in a non-discriminatory manner to persons between 18 and 22 years of age.

The baseline for future increases in minimum wage has been recommended (and approved by the Social Security minister) at 40% of the local average earnings figure. This is very close to the percentage or average (or sometimes median) earnings in other jurisdictions worldwide and is considered to be appropriate. For 2008, the minimum wage rate is intended to increase by average earnings from the baseline of 40%. The Forum intends to recommend increasing the baseline from 40% to 45% gradually over the coming years.

The minimum wage applies to all employees who have ceased to be of compulsory school leaving age (over 16).

All employees aged over 16 are entitled to receive either the full minimum wage, or a lower trainee rate, which can be paid to an employee (of any age) who is undergoing “accredited” training for a maximum period of one year, in a new job, with a new employer. Accreditation of training is via the approval of the Social Security Minister or meeting the requirements of a code of practice.

Article 8 – Right to form and join trade unions

- *Please indicate what substantive or formal conditions, if any, must be fulfilled in order to join and form the trade union of one’s choice.*

There is currently no law relating to trade unions in Jersey and consequently, there are no conditions which must be fulfilled upon the establishment of a trade union. However, there are several branches of the larger organisations active in the Island. In so far as meetings are concerned, the legal position rests on the right of the citizen to liberty of person and speech.

However, a great deal of work has been undertaken since 1997 to develop legislation relating to trade unions. The Employment Relations (Jersey) Law 2007^[3] has since been prepared and consulted upon extensively by the Minister for Social Security. The draft Law was adopted by the States of Jersey on 17th May 2005 and has since been approved by the Privy Council and registered in the Royal Court. It is anticipated that it will come into force in mid-2007.

The Law is intended to provide a straightforward system of legal identification and registration of trade unions, collective associations and employer associations, and to accord such bodies clear legal status, which they do not have in customary law. Unions and associations will be required to provide information to verify their status on applying for registration. It is envisaged that all existing unions in Jersey will be automatically registered on enactment of the law.

The criteria required by the Employment Relations Law for a union to apply for registration are that the application is made by at least seven members of the trade union or employers’ association, or an officer of the union or association. A person may only apply if they are authorised by the union or association to make the application.

The Law requires that an application must be accompanied by the name and address of the union or association, the name of each person who is an officer of the union or association and a copy of the constitution of the union or association (that has been verified by each applicant). It also requires that any fee payable accompanies the application, however the Government does not intend to prescribe a fee at this time; the provision is available only if the process becomes administratively onerous in the future.

- *Please specify whether there exist any special legal provisions regarding the establishment of trade unions by certain categories of workers and, eventually, what these special provisions are, how they have been applied in practice, as well as the number of persons subjected to them.*

There are no special legal provisions for certain categories of worker.

- *Are there any restrictions placed upon the exercise of the right to join and form trade unions by workers? Please provide a detailed account of the legal provisions prescribing such restrictions and their application in practice over time.*

To date this right has arisen by virtue of the common law right to associate for lawful purposes. However, as described above, the new Employment Relations Law will establish a simple registration process for unions. However this is not a limitation; it is a minor administrative requirement that will not be overly onerous, or adversely effect the free functioning of unions.

The Government does not intend to introduce criteria in respect of the ‘representativeness’ of unions or associations applying for registration. It is considered that the requirements are not overly prescriptive and are a formality.

- *Please supply information on how your Government secures the right of trade unions to federate and join international trade union organisations. What legal and practical restrictions are placed upon the exercise of this right?*
- *Please indicate in detail what conditions or limitations are placed upon the right of trade unions to function freely. Which trade unions have been adversely affected in practice by these conditions or limitations? What measures are being taken to promote free collective bargaining?*

Once registered, trade unions or employers' associations are granted immunities from liability for civil wrongs, such as intimidation, interference with business, or inducing a breach of contract, and from criminal liability insofar as it relates to restraint of trade, in respect of its actions or those of its members.

These immunities are limited in that they do not apply to the union or association (or its officials) if:

- the union or association is not registered under the Law, or
- a trade union takes an action without the agreement of the majority of members as determined by a ballot and as provided for in a code of practice, or
- if action is taken or conduct is such that it falls outside of what is defined as reasonable by a code of practice.
- *Please supply data on the number and structure of trade unions established in your country, and on their respective membership.*

The forthcoming Employment Relations Law will introduce registration requirements for unions. Currently the Transport and General Workers Union, a branch of the United Kingdom Union, is by far the largest union organisation.

- *Please indicate whether in your country workers are granted the possibility to strike as a matter of constitutional or legal right. If your answer is in the negative, what other legal or factual approach is used to guarantee the exercise of this right?*
- *What restrictions are placed upon the exercise of the right to strike? Please provide a detailed account of the legal provisions governing such restrictions and their application in practice over time.*

The forthcoming Employment Relations Law does not refer specifically to strike action. At present the provisions relating to strike action are in the codes of practice which are currently subject to final consultation before being finalised.

However, no award by the Employment Tribunal under the Employment Law or Employment Relations Law will have the effect of compelling a person to work. Under the Employment Relations law, instead of allowing the Tribunal to order the specific performance of an employment contract, the Tribunal may make declarations in relation to terms and conditions of employment.

Referral of a collective dispute to the Employment Tribunal is the last resort if a voluntarily negotiated settlement cannot be reached by other methods at any stage of the dispute, such as through negotiation, conciliation, mediation or arbitration (where both parties agree), with or without the assistance of the Jersey Advisory and Conciliation Service. Referral of a dispute to the Tribunal does not preclude a settlement by other means, if at all possible.

- *Please indicate whether there exist any special legal provisions regarding the exercise of the right to strike by certain categories of workers and what these special provisions are, how they have been applied in practice, as well as the number of workers subjected to them.*

There are no legal provisions regarding specific categories of workers.

- *Please indicate whether any restrictions are placed upon the exercise of the rights mentioned in paragraphs 2 and 3 above by members of the armed forces, the police or the administration of the State. How have such restrictions been*

applied in actual practice?

The Employment Law does not apply to the employment of a person as an officer of the States of Jersey Police Force. The forthcoming Employment Relations Law does not contain the same exemption.

- *In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the rights enshrined in article 8.*

The Employment Relations Law and associated codes of practice are intended to come into force during 2007.

The main aims of the Employment Relations Law are –

1. To provide a straightforward system of legal identification and registration of trade unions, collective associations and employer associations, and to accord such bodies clear legal status.
2. To create a legal dispute resolution process which supports and develops good employment relations in the Island, with the aim of reducing disputes and enabling early resolution of disputes by due process where they occur.
3. To support codes of practice.

Draft codes of practice have been prepared following consultation by the Employment Forum, an independent body that has been established for the purpose of consulting and recommending on employment legislation. The Forum has a balance of representatives (3 employers, 3 employees and 3 independents).

Responses were collated and the Forum presented a recommendation to the previous Employment and Social Security Committee on the proposed content of the codes. Since that time, draft codes have been prepared and consulted upon and a working draft of the codes of practice is available.

The Minister for Social Security intends to finalise the associated codes of practice after one last stage of public consultation. The codes will then be presented to the States of Jersey along with a proposed appointed day for the Law, which is intended to occur in mid-2007.

The Jersey Advisory and Conciliation Service has been operational since 2001 and part of its function is to promote the improvement of industrial relations in Jersey by settling employment disputes between employers (or employers' organisations) and employees (or trade unions/employee associations) through conciliation, mediation or arbitration.

JACS operates as an independent, publicly-funded body, is not subject to political direction and is a statutory body, established under the Jersey Advisory and Conciliation Law.

Conciliation is recognised and promoted via JACS as an effective method of resolving collective disputes, without the need for reference to the Tribunal under the Employment Relations Law. If necessary, JACS can arrange for an independent arbitrator if the parties to a dispute are unable to resolve their differences through negotiation, conciliation or mediation.

JACS dealt with more than 75 requests for assistance in collective issues during 2005, and 48 in 2006, including pay disputes, interpretation of collective agreements and requests for assistance in recognition disputes. Whether or not mediation results in an immediate settlement of the dispute, it is almost invariably the case that it allows both parties to explore alternatives without prejudice, leading to a negotiated settlement at a later date.

Whilst the draft Employment Relations Law will provide a formal, legal process for resolving disputes, most parties prefer to raise matters informally. When the Law comes into force and a collective dispute is notified to the Tribunal, JACS will first be asked to try to settle the dispute by giving advice and assistance, and by offering conciliation or arbitration (if agreed by both parties).

During this process, JACS will be allowed sufficient time to try to encourage agreement via other methods and a voluntarily negotiated settlement may be reached between the parties at any stage of the process. Referral of the dispute to the Tribunal is a last resort if the dispute cannot be settled by other methods.

Paragraph 34 of the Concluding Observations. The Committee reiterates its previous recommendations (see paragraph 23 of the Committee's 1997 concluding observations) that the right to strike be incorporated in legislation and that strike action no longer entail the loss of employment.

The Employment Law provides that it is automatically unfair (which means that the normal upper age limit and length of service requirements do not apply) where an employee claims to have been dismissed on grounds relating to –

- being, or proposing to become a member of a trade union;
- taking part in, or proposing to take part in trade union activities at an appropriate time;
- not being a trade union member, or refusing to become (or remain) a member;
- selection for redundancy on grounds relating to union membership or activities.

When it comes into force, the Employment Relations Law will provide additional protection for employees in that it will also be automatically unfair for an employee to be dismissed on the grounds of having taken 'reasonable' industrial action (i.e. action that has not been specified as 'unreasonable' within the codes of practice drawn up under that Law).

The existing award that an employer must pay to an employee where a dismissal is found to have been unfair is considered to be significantly dissuasive. The award is an uncapped amount based on a scale, which relates to age and length of service, and can be up to 26 weeks pay. The award is provided in the Employment (Awards) (Jersey) Order 2005.

This can result in considerable awards being made against an employer and is deemed to provide adequate protection. Additional sanctions for anti-union dismissal are not considered appropriate given that this level of protection has been deemed appropriate for all other types of automatically unfair dismissal, such as dismissal on the grounds of pregnancy.

During this process, JACS will be allowed sufficient time to try to encourage agreement via other methods and a voluntarily negotiated settlement may be reached between the parties at any stage of the process. Referral of the dispute to the Tribunal is a last resort if the dispute cannot be settled by other methods.

Article 9: The Right to Social Security

- *Please indicate which of the following branches of social security exist in your country:*
 - *Medical care*
 - *Cash sickness benefits*
 - *Maternity benefits*
 - *Old-age benefits*
 - *Invalidity benefits*
 - *Survivors' benefits*
 - *Employment injury benefits*
 - *Unemployment benefits*
 - *Family benefits.*
- *Please describe for each branch existing in your country the main features of the schemes in force, indicating the comprehensiveness of the coverage provided, both in the aggregate and with respect to different groups within the society, the nature and level of benefits, and the method of financing the schemes.*

The provisions of this Article are implemented by the following –

Social Security (Jersey) Law 1974, as amended;
Health Insurance (Jersey) Law 1967, as amended,

and a substantial body of subordinate legislation made thereunder. Copies of this legislation have previously been submitted. Copies of more recent instruments (which introduced some major reforms), passed since the submission of the last periodic report, are submitted with this report. These are –

Social Security (Amendment No. 14) (Jersey) Law 2000;
Social Security (Amendment No. 15) (Jersey) Law 2002.

As stated in the last report from the Insular Authorities, the following branches of social security exist in the Island –

Medical Care

Free hospital treatment is now provided by the Health and Social Services Department Committee.

Every person insured under the Health Insurance Law is entitled, subject to satisfying a 6 month residential condition, to medical benefit in the form of part reimbursement of the cost of the general medical practitioner's services and subsidised drugs and medicines (pharmaceutical benefit).

The benefits are financed from contributions to the Health Fund. A person whose income is below a prescribed limit can apply for Health Insurance Exemption, and thus qualify for the above-mentioned benefits without payment. Initiatives continue to maximise the use of IT links amongst doctors providing primary care, this being in the best interests of patient care.

Contributory benefits

The Social Security Law provides, in return for earnings-related contributions, various cash benefits.

The Scheme is compulsory for all persons between school-leaving age and pension-age (subject to special provision for certain prescribed categories of persons).

Benefits are increased annually, as are contributions. The money to pay for the benefits comes from contributions payable by the employer, employee and the States. A staggered introduction of increased contribution percentages was completed in 2002 to secure a Social Security Fund, which is adequate to cope with the forecasted demographic shifts in the dependency ratio, thus safeguarding pensioners' rights to an income.

All of the following benefits, listed as (i) – (iv) below, have been reformed since the last report to ensure benefit payments are targeted on those who need them, and to ensure that claimants are not unintentionally barred from eligibility.

- (i) *Short Term Incapacity Allowance* is payable in respect of periods during which a person is incapable of work through illness or accident, subject to certain conditions being satisfied.
- (ii) *Long Term Incapacity Allowance* replaces sickness benefit after 52 weeks, subject to certain conditions being satisfied. The benefit is based on the loss of faculty resulting from the illness or injury. Existing *Invalidity* benefit claimants continue to receive this benefit.
- (iii) *Injury benefit* has been replaced by STIA
- (iv) *Disablement benefit* is the same benefit as LTIA. It is payable as a result of loss of physical or mental faculty following an accident or illness. It is not payable at the same time as STIA. The amount of benefit depends on the extent of disablement, and may be increased in respect of a wife or adult dependent.

- (v) *Maternity grant* is a lump sum payment to help with the general expense of having a baby, and may be paid either on the mother's own insurance or that of her husband. An *Adoptive parent's grant* has been introduced at the same rate as *Maternity grant*.
- (vi) *Maternity allowance*. A woman who leaves her employment because of pregnancy is entitled to a weekly allowance for 18 weeks. The allowance is payable by virtue of her own insurance.
- (vii) *Survivor's Allowance* to help a widow/widower over the initial period of widowhood. A widow's allowance is payable for the first 52 weeks of widowhood. Thereafter, a Survivor's Benefit will be payable to a widow/widower to ensure pension rights for widowers as well as widows.
- (viii) *Incapacity pension* has been introduced for those people under 65 who cannot work anymore due to illness or injury.
- (ix) *Old age pension*. Prior to 1975, the pension age was 60 for women and 65 for men. The 1975 Law provided for a common pension age of 65. However, the rights of women who were insured prior to 1975 are safeguarded in that they can claim an old age pension at 60 through their own insurance. The wife of a pensioner, though not herself insured, may qualify for a pension of her own at age 65 based on her husband's contribution record. A new 'flexi-pension' has been implemented which allows people to draw a reduced pension from the age of 63 years.
- (x) *Death grant*. A lump sum is payable on the death of a contributor, or of his spouse or child. A non-contributory Death Grant may also be payable in certain cases.

Non-contributory pensions

- (i) *Attendance Allowances* (Jersey) Law 1973 provides for a monthly cash payment to be made in respect of persons who are so severely disabled, physically or mentally, that they need constant attention. Such an allowance is subject to a generous income limit, is tax free, and is in addition to any other benefits payable.
- (ii) *Non-Contributory Pensions* (Jersey) Law 1954 provides for the payment of non-contributory pensions to people born before 1896 (i.e. those who were too old to contribute and thereby qualify for old age pension).
- (iii) *Family Allowances* (Jersey) Law 1972 provides for the payment of a tax-free allowance for the benefit of the family as a whole. It is paid to families who have at least one child under the age of 16 and the scale of payment is related to family income/number of children. The allowance is reviewed annually.
- (iv) *Welfare milk*. Milk at less than the retail price is available to the following categories –
 - (a) children under five years of age;
 - (b) expectant mothers;
 - (c) persons between the ages of 65 and 70 who –
 - are in receipt of parish welfare; or
 - hold a health insurance exemption; or
 - require milk as a necessary and substantial part of their health;
 - (d) persons over the age of 70.
- (v) *Adult Disablement Allowance*. Payable to adults who have been unable to work for some time because of a disability. ADA is paid monthly and subject to residence and income conditions.
- (vi) *Invalid Care Allowance*. ICA is paid to individuals of working age who are unable to work because they stay at home to care for a person who is receiving an Attendance Allowance. The carer's social security

contributions are also credited to protect their individual entitlement. As with some other benefits, there are income conditions.

- (vii) *Child Disablement Allowance* is payable for children under 16 years who are disabled but not to the extent that they qualify for Attendance Allowance. CDA is subject to residence and income conditions.
- (viii) *Disability Transport Allowance*. DTA is intended to assist adults and children who cannot safely leave home without help because they are severely physically or mentally disabled. The benefit is paid subject to medical, residence and income conditions.
- (ix) *Child Care Allowance*. CCA is paid to qualifying claimants to offset the cost of Child care for parents who work. The policy intent of this benefit is to seek to ensure that those who do not earn enough to pay Income Tax, and thereby qualify for taxation relief for child care costs, are not disadvantaged by virtue of earning less than the Tax threshold.
- (x) *Parish welfare grants* (administered by the Parishes). The purpose of a welfare grant is to supplement the income of those people who are not in full-time work and whose income (if any) from Social Security benefits or other sources is not sufficient to meet their requirements.

Welfare grants are payable to people who were born in the Island or who have resided in the Island for at least 5 consecutive years.

In 2007 all the above-mentioned benefits, as well as the States Rent Rebate and Abatement Schemes are to be subsumed into an income support benefit based on a common means test of current income.

Unemployment benefit

No such benefits are payable under the Social Security Law. Unemployed persons can claim a welfare grant from their Parish Welfare authority, (provided they pass the qualifying test described above).

- *Please indicate what percentage of your GNP as well as of your national and/or regional budget(s) is spent on social security. How does this compare with the situation 10 years ago? What reasons are there for any changes?*

1998 expenditure on Social Security was £87 million; the Health Fund– £13 million; and on non-contributory benefits – £21.5 million. In 2005 (latest published accounts) these figures were Social Security £146 million Health £18.5 million and non contributory benefits£30.5 million.

- *Please indicate whether in your country the formal (public) social security schemes described are supplemented by any informal (private) arrangements. If such is the case, please describe these arrangements and the interrelationships between them and the formal (public) schemes.*

The formal social security scheme described is not supplemented by any informal arrangements and private insurance systems, occupational or individual have no impact on the social security scheme.

- *Please indicate whether in your country there are any groups which do not enjoy the right to social security at all or which do so to a significantly lesser degree than the majority of the population. In particular, what is the situation of women in that respect? Please give particulars of such non-enjoyment of social security.*
- *Please indicate what measures are regarded as necessary by your Government in order to realise the right to social security for the groups mentioned above.*
- *Please explain the policy measures your Government has taken, to the maximum of its available resources, to implement the right to social security for these groups. Give a calendar and time-related benchmarks for measuring your achievements in this regard.*
- *Please describe the effect of these measures on the situation of the vulnerable and disadvantaged groups in point, and report the successes, problems and shortcomings of such measures.*

All groups enjoy the right to social security. Since 2002 the scheme is based on individual entitlement and every woman, married or not, has a liability to pay contributions. Pension provisions have been altered to cover cases of married women divorcing who might receive small pension because they chose not to pay whilst married and working.

- *In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the right to social security.*

The States of Jersey continues to review the operation of the Social Security and Social Assistance systems and on completion of the Income Support project will be looking at pension provision in the Island.

- *Please indicate the role of international assistance in the full realisation of the right enshrined in article 9.*

Other than through Reciprocal Agreements no international assistance is necessary.

Article 10 – Right to Protection of the Family

- *Please indicate what meaning is given in your society to the term “family”.*

The definition of “family” provided in Article 4(1) of the Family Allowances (Jersey) Law 1972, as amended is as follows –

“4 Meaning of “family”

- (1) Subject to the provisions of this Law, each of the following shall be treated for the purposes of this Law as constituting a family, that is to say –
 - (a) a man and wife living together, any child or children being issue of theirs, his or hers, and any child or children being maintained by them;
 - (b) a man not having a wife or not living together with his wife, any child or children being issue of his, and any child or children being maintained by him; and
 - (c) a woman not having a husband or not living together with her husband, any child or children being issue of hers, and any child being maintained by her.”

- *Please indicate the age at which in your country children are deemed to attain their majority for different purposes.*

The age of majority is 18. The minimum school leaving age is 16. Protection is granted through the Employment (Jersey) Law 2003 for those aged 16 and over in the workplace (see Article 6 response). Men and women are entitled to marry at 16 with parental consent and at 18 without.

- *Please supply information on the ways and means, both formal and informal, employed in your country to grant assistance and protection to the family. In particular:*
- *How does your country guarantee the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family? Please indicate and eventually give particulars about cases where the measures taken were not successful in abolishing practices adversely affecting the enjoyment of this right.*

The freedom of men and women to marry and establish a family is restricted only by those provisions of the Marriage and Civil Status (Jersey) Law 2001 which prohibit marriage between close relatives; step-relations or in-laws.

- *By what measures does your country facilitate the establishment of a family as well as maintain, strengthen and protect it, particularly while it is responsible for the care and education of dependent children? Despite these measures, are there families which do not enjoy the benefit of such protection and assistance at all or which do so to a significantly lesser degree than the majority of the population? Please give details of these situations. Are extended families or other*

forms of familial organization recognized in determining the availability or applicability of these measures, particularly with respect to government benefits?

- *With regard to shortcomings visible under subparagraphs (a) or (b), what measures are contemplated to remedy the situation?*

The situation with regards support provided through the social security Family Allowances; parish welfare and Health Insurance system remains as indicated in the 2000 Report.

The Bridge is a new centre that opened in 2006. It has been established to bring together various agencies both statutory and voluntary who are working to support families and young people. Those it supports are often those who might not normally access support easily. Support is offered to individuals of all ages including families and young people, often in times of crisis and allows individual skills to be developed to help them access the world of work. Individuals can either be referred through schools and agencies or by self-referral.

The Separation and Maintenance Orders (Jersey) Law 1953 empowers the Petty Debts Court to make orders with respect to the separation of married persons, and the maintenance of either party to and the children of the marriage. On 20th October 2000, the Separation and Maintenance Orders (Amendment No. 2) (Jersey) Law 2000 came into force. It provided for the jurisdiction of the Court to be exercised on an equal footing between either party to the marriage.

- *Please provide information on your system of maternity protection. In particular:*
 - *Describe the scope of the scheme of protection;*
 - *Indicate the total length of the maternity leave and of the period of compulsory leave after confinement;*
 - *Describe the cash, medical and other social security benefits granted during these periods;*
 - *Indicate how these benefits have been developed over time.*
- *Please indicate whether there are in your society groups of women who do not enjoy any maternity protection at all or which do so to a significantly lesser degree than the majority. Please give details of these situations. What measures are being taken or contemplated to remedy this situation? Please describe the effect of these measures on the situation of the vulnerable and disadvantaged groups in point, and report on successes, problems and shortcomings of such measures.*

The Social Security Department is about to start a consultation process to consider the issue of maternity pay and maternity leave entitlement as part of its phased introduction of Employment legislation. Preparation of legislation dealing with this issue will follow after the consultation has finished. Currently a number of Island employers have their own maternity schemes. A maternity grant and a maternity allowance are also available to those women who have paid sufficient social security contributions (see Article 9 response).

- *Please describe the special measures of protection and assistance on behalf of children and young persons, especially measures to protect them from economic and social exploitation or to prevent their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development.*
 - *What are the age limits in your country below which the paid employment of child labour in different occupations is prohibited?*
 - *Please specify how many children, and of which age groups, engage in paid employment, and to what extent.*
 - *Please specify to what extent children are being employed in their families' households, farms or businesses.*
 - *Please indicate whether there are in your country any groups of children and young persons which do not enjoy the measures of protection and assistance at all or which do so to a significantly lesser degree than the majority. In particular, what is the respective situation of orphans, children without living biological parents, young girls, children who are abandoned or deprived of their family environment, as well as physically or mentally handicapped children?*
 - *How are the persons mentioned in the preceding paragraph informed of their respective rights?*
 - *Please give details of any difficulties and shortcomings. How have such adverse situations developed over time? What measures are being taken to remedy these situations? Please describe the effect of these measures over time and report on successes, problems and shortcomings.*

As indicated in the response to Articles 13 – 14, attendance at school is compulsory in Jersey. The Island does not have an issue with children working when they should be at school and there are no statistics recorded on children

in employment outside of school hours on a part-time or a holiday basis; in family households, farms or businesses.

However, Article 48 of the Children (Jersey) Law 2002⁴¹ gives the Minister for Health and Social Services power to make orders with respect to the employment of children generally, including a power for the Minister to give notice in writing to an employer prohibiting the employer from employing a child or imposing restrictions upon how the child may be employed if it is felt that the child's employment is prejudicial to his or her health or renders the child unfit to obtain the full benefit of education provided for the child. The Law also requires that the Minister grant a licence before any child can take part in a performance for which an admission fee is paid; a broadcasting or television performance or work on licensed premises.

In addition, the Careers Office has a Code of Practice in which they advise that children under the age of 14 should not work more than 19 hours per week and no more than 2 hours per day on a school day and no more than 7 hours per day on a non-school day.

More generally, as reported in the 2000 Report, specialist services exist in Jersey to protect children and to assist children and families in need. Statutory powers and responsibilities are vested in the Health and Social Services Department to protect and promote child and family welfare under the comprehensive Children (Jersey) Law 2002. Services provided are free, and available to all regardless of national origin or period of residence. A new facility, known as "The Bridge" was opened in 2006. It offers a variety of facilities for young people with a youth worker to support them and advisory and parenting services.

The Children (Jersey) Law 2002 also makes it an offence for any person who has responsibility for a child under the age of 16 to intentionally or recklessly cause any harm to that child; expose the child to a risk of harm or neglect the child in a manner likely to cause the child harm. Any such offence is punishable by imprisonment for a term up to 10 years and a fine.

- *In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions as well as administrative rules, procedures and practices during the reporting period affecting the right enshrined in article 10.*

The Children (Jersey) Law 2002, which has been referred to above, was introduced in 2005.

- *Please describe the role of international assistance in the full realisation of the right enshrined in article 10.*

The issue of international assistance is not applicable.

Article 11 – Right to an adequate standard of living (particularly the right to water and food, and housing)

- *Please supply information on the current standard of living of your population, in respect of both the aggregate and different socio-economic, cultural, and other groups within the society. How has the standard of living changed over time (e.g. compared with 10 years ago and 5 years ago) with regard to these different groups? Has there been continuous improvement of living conditions for the entire population or for what groups?*

Jersey is regarded internationally as having a very high standard of living and there is no prevalence of hunger, malnutrition or thirst in Jersey. Current Government policy is to provide comprehensive welfare support for those on lower incomes and, as indicated in the States Strategic Plan and throughout this Report, will continue to support a high quality of life and improve where possible on these standards.

- *In case your Government has recently submitted reports relevant to the situation with respect to all or some of the rights contained in article 11 to the United Nations or a specialised agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.*

The Island has not submitted a recent report on the general standard of living and is content to rely on the answers of this Report.

- *Please indicate the per capita GNP for the poorest 40 per cent of your population. Is there a "poverty line" in existence*

in your country and, if so, what is the basis for this line?

There is no recorded “poverty line”. Measurements are based on “relative low income”.

Jersey Income Distribution Survey 2002

Relative Low Income: 60% of median equivalised income

60% Median Income Thresholds for different Household Types (£ per week)

	<i>Before housing costs</i>	<i>After housing costs</i>
Adult living alone	192	133
Married couple	314	241
Couple, two pre-school children	427	328
Couple, children aged 5 and 11	458	354
Single parent, children aged 5 and 11	336	246

Jersey Income Distribution Study 2002

Relative Low Income (60% of median equivalised income) by Household Type
(% of each household type)

ype of household	Before housing costs	After housing costs
erson living alone (pensioner)	33	45
wo or more pensioners	40	36
ngle parent with at least one child < 16	37	64
ngle parent with all children > 15	23	37
ouple with at least one child < 16	17	28
ouple with all children > 15	4	11
ouple one pensioner	15	19
erson living alone (not pensioner)	6	19
ouple not pensioners	5	9
wo or more unrelated persons	4	4
ther	7	11
ll households	16	24

- Please indicate your country's Physical Quality of Life Index^[5].

Jersey does not maintain a Physical Quality of Life Index.

The right to adequate food and water

- Please provide a general overview of the extent to which the right to adequate food and water has been realised in your country. Describe the sources of information that exist in this regard, including nutritional surveys and other monitoring arrangements.

The situation is as in the 2000 Report. There is more than adequate food and water available in Jersey and most of the problems relating to nutrition continue to be those of excess rather than shortage. Further relevant information is provided in the response to Article 12.

- *Please provide detailed information (including statistical data broken down in terms of different geographical areas) on the extent to which hunger and/or malnutrition or thirst exists in your country. This information should deal in particular with the following issues:*
 - *The situation of especially vulnerable or disadvantaged groups, including:*
 - *Landless peasants*
 - *Marginalised peasants*
 - *Rural workers*
 - *Rural unemployed*
 - *Urban unemployed*
 - *Urban poor*
 - *Migrant workers*
 - *Indigenous peoples*
 - *Children*
 - *Elderly people*
 - *Other especially affected groups;*
 - *Any significant differences in the situation of men and women within each of the above groups;*
 - *The changes that have taken place over the past five years with respect to the situation of each of the above groups.*

The population of the country does not suffer from hunger or malnutrition.

- *During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the access to adequate food and water by these groups or sectors or within the worse-off regions? If so, please describe these changes and evaluate their impact.*

Non-applicable.

- *Please indicate what measures are considered necessary by your Government to guarantee access to adequate food and water for each of the vulnerable or disadvantaged groups mentioned above and for the worse-off areas, and for the full implementation of the right to food and water for both men and women. Indicate the measures taken and specify time-related goals and nutritional benchmarks for measuring achievements in this regard.*
- *Please indicate in what ways measures taken to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge have contributed towards, or have impeded the realisation of the right to adequate food and water. Please describe the impact of these measures in terms of ecological sustainability and the protection and conservation of food and water producing resources.*

Non-applicable.

- *Please indicate what measures are taken to disseminate knowledge of the principles of nutrition and specify whether any significant groups or sectors within society seem to lack such knowledge.*

Reference is made in the response to Article 12 to the Government's current health strategy and 'healthy schools programme' both of which involve advising on nutrition issues. In addition, State Registered Dietitians (SRDs or RDs) are employed by the Health and Social Services Department. They provide a source of nutritional expertise for the island and participate in the training of other health care professionals. They are specially trained to advise on individual diets and nutrition and have a mixed caseload of ward work (at the General Hospital and within the elderly care/rehabilitation hospitals) and out-patient clinics. They also provide help and support for patients in the community. Patients in Mental Health establishments are seen as requested.

- *Please describe any measures of agrarian reform taken by your Government to ensure that the agrarian system is efficiently utilised in order to promote food security at household level without negatively affecting human dignity both in the rural and urban settings taking into account articles 6 to 8 of the Covenant. Describe the measures taken:*
 - *To legislate to this effect;*
 - *To enforce existing law to this effect;*
 - *To facilitate monitoring through governmental and non-governmental organisations.*

The principal measures aimed at improving agrarian systems are economic growth support and the conservation of agricultural land. The Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974 requires, subject to exemptions, approval to be obtained before agricultural land can be leased or purchased. All land deemed to be productive agricultural land may only be worked by a bona fide agriculturist. Other aids to improve agricultural structures include a Rural Initiative Scheme and other business development measures. In addition, the Pesticides (Jersey) Law 1991 ensures strict adherence to codes of practice on the use of chemicals, the banning of certain chemicals and a programme of Maximum Residue levels in foodstuffs.

Conservation and cleanliness of the natural and farmed fish stocks for the best long-term interest of the Island is also practised. In July 2004 the Granville Bay Treaty was entered into by the United Kingdom (on behalf of Jersey) and France. The Treaty allows for the joint management of fisheries resources by Jersey and France on the basis of the precautionary approach, but having regard to socio-economic factors.

Yields from the fishery are maximised by management using minimum landing sizes and other types of control. Fish and shellfish are monitored regularly for pollution. Fish-farming is actively supported by research, control of zones and monitoring of water quality and produce.

A new Coastal Zone strategy is currently being finalised. The strategy will help towards achieving a balance between the development of the fish-farming industry, the wider needs of the community and the quality of the resource.

Relevant legislation, which has amongst its aims the promotion of food security, includes –

Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974
Protection of Agricultural Land (Jersey) Law 1964
Agricultural Marketing (Jersey) Law 1953
Agricultural Returns (Jersey) Law 1947
Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965
Agriculture (Loans and Guarantees) (Jersey) Law 1974
Sea Fisheries (Jersey) Law 1994
Pesticides (Jersey) Law 1991.

The Environment Department publishes a monthly guide for growers, advising them of new developments and offering guidance. The fisheries section has an enforcement team and utilises a research/surveillance vessel for research work in the capture fishery and to monitor catches. Management measures are changed in the light of research to provide the best long term yield from the fishery.

On a general note, protection and conservation of the Island's food and water producing resources has been improved because of the merging of the former Agriculture and Fisheries section into the Environment division of Government^[6].

- *Please describe and evaluate the measures taken by your Government in order to ensure an equitable distribution, in terms of both production and trade, of world food and water supplies in relation to need, taking into account the problems of both food-importing (and water-importing) and food-exporting (and water-exporting) countries.*

The right to adequate housing

- *Please furnish detailed statistical information about the housing situation in your country.*

30,242 structurally separate and occupied or partly-occupied dwellings were recorded in the 2001 Census, of which 94% contained a single household. A further 2,065 units of residential accommodation were identified as being unoccupied at the time of the census. The increase in the total number of dwellings between 1991 and 1996 was 3,448, an increase of 12%.

35,562 private households containing a resident population of 87,186 people were recorded in 2001. These figures

give an average number of persons per household of 2.38.

18,031 or 51% of all households were owner/occupied.

- *Please provide detailed information about those groups within your society that are vulnerable and disadvantaged with regard to housing. Indicate, in particular:
The number of homeless individuals and families;*

There are very few homeless individuals and families in the Island. The Housing Department has a responsibility for housing homeless families with residential qualifications and does so unless homelessness is self-imposed – e.g. a family has sufficient income or assets to house itself. The Housing Department no longer has homeless family hostels. The Health and Social Services Department and a number of voluntary agencies, in particular The Shelter Trust, provide emergency accommodation for people who might otherwise find themselves homeless. In his 2005 annual report, the General Manager of the Shelter Trust stated that during the reporting period 58 individuals were found to have spent at least one night ‘sleeping rough’. One person spent more than 100 nights ‘sleeping rough’ during the period. Almost all of the other ‘rough sleepers’ spent ‘the odd night out’. ‘Rough sleeping’ is now viewed by homeless people as the ‘least best option’ available to them. The reduction in the ‘rough sleeping’ numbers is marked and attributable to the work of the Trust’s Outreach Service. The overarching aim of the Service is to persuade homeless people to ‘come in’ to the emergency hostel provision that is available with a view to moving into mainstream accommodation as soon as is practicable. The 3 accommodation sites that the Trust provides for the homeless community were used by 411 people during 2005.

The Health and Social Services Department through the Children’s Service also provides accommodation for up to 9 homeless young people with residential qualifications between the ages of 16 and 18. In addition, various charitable organisations provide emergency accommodation for people who would otherwise find themselves homeless. Whilst such organisations tend to give preference to those with residential qualifications, this is not necessarily always the case.

- *The number of individuals and families currently inadequately housed and without ready access to basic amenities such as water, heating (if necessary), waste disposal, sanitation facilities, electricity, postal services, etc. (insofar as you consider these amenities relevant in your country). Include the number of people living in over-crowded, damp, structurally unsafe housing or other conditions which affect health;*

Insofar as residentially qualified persons are concerned, the best guide to the number of individuals and families who are considered to live in sub-standard or over-crowded conditions, or are in need of re-housing for urgent medical reasons, are the urgent categories on the States rental waiting list. As at 31st March 2007 the States rental waiting list stood at 264 with 122 of the applicants being “Urgent” or “High Priority”. There are now no homeless family hostels administered by the Housing Department but individual units within the housing stock are used for “short stay” purposes from time to time.

Non-residentially persons are restricted to occupying uncontrolled accommodation. The Population Office controls standards in all registered lodging accommodation through legal powers and a Code of Practice. Any property in which residential accommodation is provided, for reward, for more than 5 persons, must by law register with the Population Office, which lays down strict conditions for registration e.g. – maximum number of persons who can occupy dependent on size of individual unit, provision of adequate cooking facilities, provision of toilets, washbasins, baths and showers, decor, etc. Re-registration is an annual matter and thorough inspections are made. Currently, there are 250 registered lodging houses, providing accommodation for 5,375 persons.

- *The number of persons currently classified as living in “illegal” settlements or housing;*

The number of persons who may be living in accommodation illegally is unknown, but the Population Office is proactive in investigating alleged breaches of both the Housing Law and Lodging House Law, and submitting case files to the Attorney General for consideration of possible prosecution.

- *The number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction;*

There is no record of the number of persons evicted within the last 5 years. In terms of tenants, the figure remains likely to be less than 200 and between 400 and 500 if lodgers are included. The number of persons living in lodgings remains at about 10,000. Increased competition in the rental sector is giving the tenants the ability to move on where better terms or lower rentals can be achieved.

- *The number of persons whose housing expenses are above any government-set limit of affordability, based upon ability to pay or as a ratio of income;*

5,329 residentially qualified householders who rent accommodation cannot afford to rent without a subsidy. Annual rent subsidy paid is currently £23.5 million per annum. The Housing Department operates generous subsidies for residentially qualified persons who rent in the public and private sectors, whose income is not sufficient to meet their housing costs. Tenants with low incomes, are provided with subsidies to ensure that not more than 27% of income is paid in rent. Persons without residential qualifications, however, are likely to have to pay considerably in excess of one-quarter of their income to provide for their accommodation.

- *The number of persons on waiting lists for obtaining accommodation, the average length of waiting time and measures taken to decrease such lists as well as to assist those on such lists in finding temporary housing;*

As stated above, the States rental waiting list stood at 264 applications on 31st March 2007. The length of waiting continues to vary according to priority and urgency ranging from a day to perhaps 5 years. The Housing Department no longer administers Hostels but the average length of time for a family with 2 children to be provided with three-bedroom accommodation is 12 months.

Rent subsidy schemes for both private and public sector tenants help to ensure that affordable accommodation is available for the majority of residents.

The Department is continuing to support Housing Trusts with financial subsidies in order to assist the Department in building sufficient units for social rented housing.

- *The number of persons in different types of housing tenure by: social or public housing; private rental sector; owner-occupiers; “illegal” sector; and other.*

Figures are taken from the 2001 census –

Total number of households – 35,562

Owner/occupied	18,031	51%
Public rental housing	5,017	14%
Private sector rental and lodgings/staff accommodation	12,365	35%

Within the private rental/service etc. there are some 1,000 units of Housing Association accommodation.

- *Please provide information on the existence of any laws affecting the realization of the right to housing, including:*
 - *Legislation which gives substance to the right to housing in terms of defining the content of this right;*
 - *Legislation such as housing acts, homeless person acts, municipal corporation acts, etc.;*
 - *Legislation relevant to land use, land distribution; land allocation, land zoning, land ceilings, expropriations including provisions for compensation; land planning, including procedures for community participation;*
 - *Legislation concerning the rights of tenants to security of tenure, to protection from eviction; to housing finance and rental control (or subsidy), housing affordability, etc.;*
 - *Legislation concerning building codes, building regulations and standards and the provision of infrastructure;*
 - *Legislation prohibiting any and all forms of discrimination in the housing sector, including groups not traditionally protected;*
 - *Legislation prohibiting any form of eviction;*
 - *Any legislative repeal or reform of existing laws which detracts from the fulfilment of the right to housing;*
 - *Legislation restricting speculation on housing or property, particularly when such speculation has a negative*

impact on the fulfilment of housing rights for all sectors of society;

- *Legislative measures conferring legal title to those living in the “illegal” sector;*
- *Legislation concerning environmental planning and health in housing and human settlements.*

The legislation remains the same as that referred to in the 2000 Report except that it is now the Population Office that controls registration, standards, etc. of private lodgings which offer accommodation for more than 5 persons in accordance with the terms of the Lodging Houses (Registration) (Jersey) Law 1962, as amended from time to time and the Lodging Houses (General Provisions) (Jersey) Order 1962 and subsequent Orders.

The relevant legislation dealing with eviction issues is –

- *the Loi (1919) sur la location de bien-fonds, which deals with the required period of notice in relation to land;*
- *the Loi (1946) concernant l’expulsion des locataires réfractaires, which confers discretion on the Judge of the Petty Debts Court to grant a delay before any eviction order is enforced.*

As indicated previously, the proposed Discrimination (Jersey) Law will, amongst other aspects of its scope, extend to discrimination in relation to the disposal and access to premises including residential accommodation.

- *Please provide information on all other measures taken to fulfil the right to housing, including:*
 - *Measures taken to encourage “enabling strategies” whereby local community-based organisations and the “informal sector” can build housing and related services. Are such organisations free to operate? Do they receive Government funding?*

The situation remains the same as in the 2000 Report.

- *Measures taken by the State to build housing units and to increase other construction of affordable, rental housing;*

The provision of new housing in recent years has primarily been facilitated using housing trusts which are provided with support from the States in the form of loan interest subsidy for their borrowing.

- *Measures taken to release unutilised, under-utilised or mis-utilised land;*

The Island’s Planning and Environment Department is responsible for rezoning sites and is currently preparing a new proposition to rezone land to provide potentially another 250 homes specifically for those over 55 years of age. Rezoning plans were contained in the Island Plan approved by the States in 1987, and the States have periodically approved additional land rezoning since, in response to regulate updated estimates of projected housing requirements. The States is also involved in an on-going ‘urban site initiative’ aimed at securing the release of previously used land in the built-up areas of the Island.

There is a growing need to refurbish the States-owned housing stock. The principle hurdle to this remains securing adequate funding. A programme of works has been identified and initial funding secured from the Capital programme. To meet the shortfall in funding the Department will look to its substantial property portfolio as a means of generating that additional funding. 26% of States tenants are not receiving any financial subsidy to rent and this together with other factors has suggested a considerable demand from tenants to be able to purchase affordable homes. The Department has produced a ‘Property Plan’ which if approved by the States in 2007 will provide for the sale by way of shared equity of some 800 homes to existing tenants over a 10 year period. The income derived from these sales will be used to offset the shortfall in refurbishment costs and to allow the Department to purchase sheltered accommodation which is needed to satisfy the demands of the Island’s increasingly ageing society.

- *Financial measures taken by the State including details of the budget of the Ministry of Housing or other relevant Ministry as a percentage of the national budget;*

Range of financial assistance provided, e.g. –

- (i) Rent subsidies – approx. £23.5 million per annum;
 - (ii) States loan subsidies outstanding – approx. £70 million;
 - (iii) Cheap loans to parishes to provide residential accommodation for elderly persons;
 - (iv) Cheap loans or grants and/or property leased at nominal rents to voluntary organisations to provide accommodation for various categories including the elderly; handicapped; homeless; low income families; battered wives; individuals dependent on alcohol and drug dependency.
- *Measures taken to ensure that international assistance for housing and human settlements is used to fulfil the needs of the most disadvantaged groups;*

The issue of International Assistance is not applicable.

- *Measures taken to encourage the development of small and intermediate urban centres, especially at the rural level;*

The Planning and Environment Department and many parishes have worked together in the past on small village developments. States loans can be granted to assist first-time buyers purchasing dwelling units in those developments.

- *Measures taken during, inter alia, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics, expositions, conferences, etc.), “beautiful city campaigns”, etc., which guarantee protection from eviction or guaranteed re-housing based on mutual agreement, by any persons living on or near to affected sites.*

There is no additional protection to that available under the 1946 Law quoted above.

- *During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the right to adequate housing? If so, please describe the changes and evaluate their impact.*

There have been no changes in national policies, laws and practices during this reporting period.

- *Please give details on any difficulties or shortcomings encountered in the fulfilment of the rights enshrined in article 11 and on the measures taken to remedy these situations (if not already described in the present report).*

The issues and actions being taken remain the same as those referred to in the 2000 Report.

- *Please indicate the role of international assistance in the full realisation of the rights enshrined in article 11.*

The issue of International Assistance is not applicable.

Article 12 – Right to health

- *Please supply information on the physical and mental health of your population, in respect of both the aggregate and the different groups within your society. How has the health situation changed over time with regard to these groups?*

The right to physical and mental health is included in the overall strategy for health and social care in Jersey. The Government measures population health through a variety of performance measures and health surveys. These measures are set in the States Business Plan, Health and Social Services Department Business Plan and Annual Report of the Medical Officer for Health. Some examples are given below –

INCREASE LIFE EXPECTANCY AT BIRTH IN JERSEY FOR MEN AND WOMEN

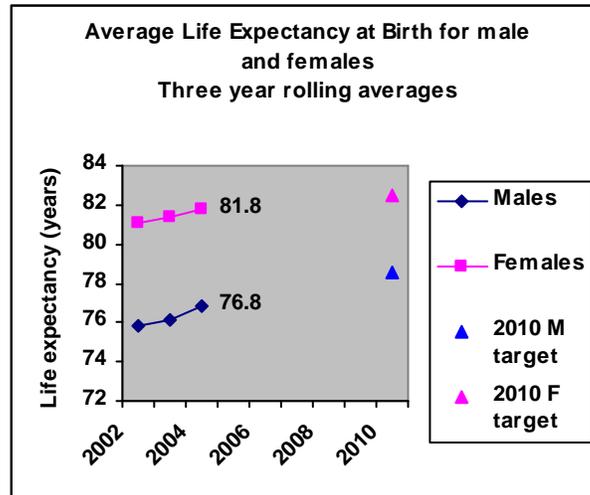
What we measure: Life expectancy at birth in Jersey for men and women.

y it is important: A fundamental indirect measure of health in a particular country is life expectancy.

ough healthcare systems have an influence on life expectancy – as equally important if not more so are a wide range of other factors such as personal income, lifestyle, education, nutritional standards, housing quality.

One way of measuring life expectancy is the number of years that individuals born 'now' can be expected to live if current patterns of mortality and disability continue to apply.

Target: for men to 78.6 AND for women to 82.5 by 2010



Performance: for men 76.8 ☺ ▲ and women 81.8 ☺ ▲

Life expectancy at birth has been increasing for men and women in Jersey and is approaching the 2010 target.

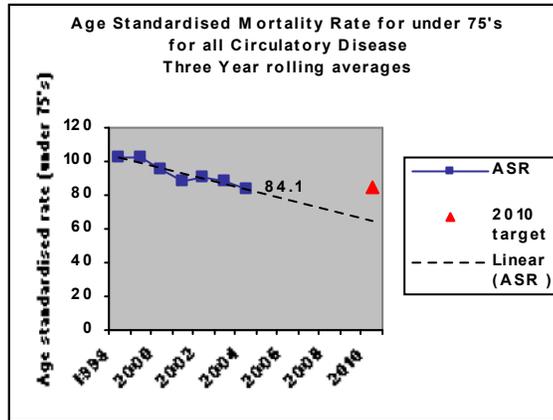
England rate for men 76.6 and women 80.9. [7]

REDUCE MORTALITY FROM HEART DISEASE AND STROKE

What did we measure: Mortality rates from heart disease and stroke and related diseases for people under 75.

Why it is important: The most significant causes of death from disease in Jersey are cardio-vascular illness and cancer.

Target: 85 per 100,000 population (aged standardized mortality) by 2010.



Performance: 84.1 per 100.000 ☺ ▲

This target is close to being achieved and is projected to do so before 2010. [8]

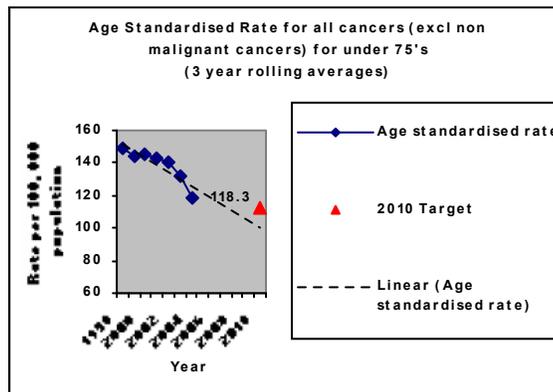
England rate 96.7. [9]

REDUCE MORTALITY FROM CANCER

What did we measure: Mortality rates from cancer for people under 75.

Why it is important: The most significant causes of death from disease in Jersey are cardio-vascular illness and cancer.

Target: 113 per 100,000 population (aged standardized mortality) by 2010.



Performance: 118.3 per 100,000 ☺ ▲

This target is close to being achieved and is projected to do so before 2010. [10]

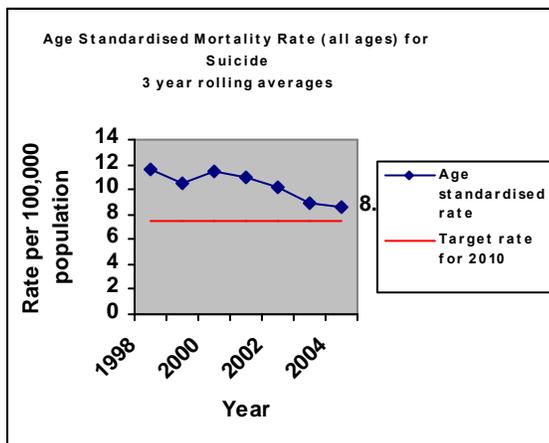
England rate 121.6. [11]

REDUCE MORTALITY FROM SUICIDE AND UNDETERMINED INJURY

What did we measure: Mortality rates from suicide and undetermined injury.

Why it is important: Death from suicide and undetermined injury is a key concern, not only as it relates to the individual involved but also its effect on family members.

Target: 7.4 per 100,000 population (aged standardized mortality all ages) by 2010.



Performance: 8.6 per 100,000 ☺ ▲

This target is close to being achieved and is projected to do so before 2010. [12]

England rate 8.6. [13]

REDUCE ADULT AND CHILDREN SMOKING RATES

What did we measure: Adult and children’s smoking rates.

Why it is important: Smoking is the single greatest cause of illness and premature death. It accounts for a third of all cancer and a seventh of all cardiovascular disease.

Over 80% of deaths from lung cancer are the direct result of smoking [14].

Target: Adults 16+ = 24% (prevalence) by 2010.

Children aged 14 & 15 = 29 % (prevalence) by 2006.

Rate	Previous Year	2006
Adult	29% [15]	25%
Children	33% [16]	–

Performance: ☺ ▲ Adults - 25% [17]

Performance continues to improve and it is most likely that the target will be attained by 2010 if not sooner.

Children 33% – children’s data available later in the year.

England rate Adult 25%. [18]

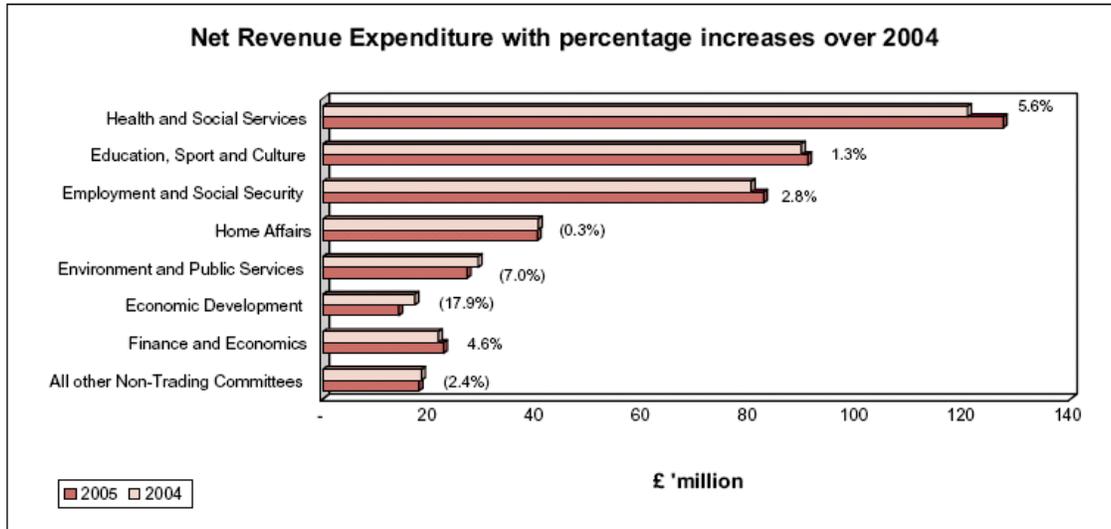
- Please indicate whether your country has a national health policy. Please indicate whether a commitment to the WHO primary health-care approach has been adopted as part of the health policy of your country. If so, what measures have been taken to implement primary health care?

The combination of health insurance for primary care and comprehensive, free public secondary health care means that all the population, including the ‘disadvantaged’, have access to health care. Provision of ‘health insurance exemption’ ensures access to primary health care and prescriptions free of charge for some individuals (see Article 9 response).

- Please indicate what percentage of your GNP as well as of your national and/or regional budget(s) is spent on health. What percentage of those resources is allocated to primary health care? How does this compare with 5 years ago and 10

years ago?

The net revenue actual expenditure 2005 for the Health and Social Services Committee (now Department) on secondary health services and social care was £127,493,011 (approximately 26% of total net revenue expenditure).



Health and Social Services Committee

Net revenue expenditure increased by £6.8 million (5.6%) in 2005, compared with 2004. Those service areas with significant increases in expenditure during the year were Special Needs (£1.4 million) reflecting a transfer of clients from a nursing care to a social care setting together with costs associated with caring for clients previously being cared for in the UK; and Surgical Specialities (£1.2 million) and Theatres (£1.1 million) due in part to the cost of tertiary referrals to the UK for specialist treatment as well as costs associated with reducing the waiting time for elective surgery.

- Please provide, where available, indicators as defined by the WHO, relating to the following issues:
 - Infant mortality rate (in addition to the national value, please provide the rate by sex, urban/rural division, and also, if possible, by socio-economic or ethnic group and geographical area. Please include national definitions of urban/rural and other subdivisions);

See the table in the Statistics information in Part 1.

- Population access to safe water (please disaggregate urban/rural);

90% of the population are on the Island's mains water supply which has a supply network throughout the Island. The remaining residents are supplied either by boreholes and wells or they purchase water through one of the mains water suppliers.

- Population access to adequate excreta disposal facilities (please disaggregate urban/rural);

In total 86% of the Island's population is connected directly to the foul sewer. The remainder of properties being on septic tanks which are emptied into the network for treatment. The sewage is treated to the European Urban Waste Water Treatment Directive standards. After full mechanical and biological treatment and separation, prior to discharge into the aquatic marine environment the effluent is subjected to ultraviolet disinfection. Jersey was the first in Europe to install a large scale uv plant. This system protects the Island's recreational water users and high bathing water quality encouraging Tourism. Sewage Sludge is treated utilising advanced treatment methods

prior to recycling to land or disposal.

- *Infants immunised against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis (please disaggregate urban/rural and by sex);*

Please see information below re prevention of disease.

- *Life expectancy (please disaggregate urban/rural, by socio-economic group and by sex);*

Please see information in Table 1.

- *Proportion of the population having access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs, within one hour's walk or travel;*
- *Proportion of pregnant women having access to trained personnel during pregnancy and proportion attended by such personnel for delivery.*

All the population has access to trained personnel as specified above.

- *Please provide figures on the maternity mortality rate, both before and after childbirth;*

The maternity mortality rate in Jersey is exceptionally low. No such occurrence has been recorded in the last 10 years.

- *Proportion of infants having access to trained personnel for care.*

All infants have access to trained personnel.

- *(Please provide breakdowns by urban/rural and socio-economic groups for indicators (f) to (h).)*

Non-applicable.

- *Can it be discerned from the breakdowns of the indicators employed in paragraph 4, or by other means, that there are any groups in your country whose health situation is significantly worse than that of the majority of the population? Please define these groups as precisely as possible and give details. Which geographical areas in your country, if any, are worse off with regard to the health of their population?*

Jersey is a small Island, so there is no meaningful breakdown of data possible for the size of sample. However, there is no evidence of significant differences between groups within the community.

- *During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the health situation of these groups or areas? If so, please describe these changes and their impact.*
- *Please indicate what measures are considered necessary by your Government to improve the physical and mental health situation of such vulnerable and disadvantaged groups or in such worse-off areas.*
- *Please explain the policy measures your Government has taken, to the maximum of available resources, to realize such improvement. Indicate time-related goals and benchmarks for measuring your achievements in this regard.*
- *Please describe the effect of these measures on the health situation of the vulnerable and disadvantaged groups or worse-off areas under consideration, and report on the successes, problems and shortcomings of these measures.*

The above four bullets are non-applicable.

- *Please describe the measures taken by your Government in order to reduce the stillbirth rate and infant mortality and to provide for the healthy development of the child.*

Mortality rates are consistently amongst the best compared with OECD states. There is an active child health surveillance programme aimed at ensuring healthy development in children.

- *Please list the measures taken by your Government to improve all aspects of environmental and industrial hygiene.*

Under the provisions of the Water Pollution (Jersey) Law 2000, which was fully enacted on 27th November 2000, a year-round monitoring programme of surface waters and groundwater is carried out by officers of the Planning and Environment Department. The results are entered into a comprehensive database of the Island's aquatic environment for the benefit of the whole community.

It is planned to introduce comprehensive water resource management legislation in the near future (States Debate 5th June 2007) which will allow for the protection, better management and enhancement of water resources in Jersey and will protect the water rights of current and future abstractors.

The Waste Management (Jersey) Law 2005 was fully enacted on 1st February 2005. This Law requires all waste sites to be licensed (unless exempted) and for the on-Island movements of hazardous and healthcare wastes to be carried out only by registered carriers. It will also allow for the resumption of shipments of the Island's hazardous wastes for specialist treatment and disposal to the U.K. and other E.U. States.

- *Please describe the measures taken by your Government to prevent, treat and control epidemic, endemic, occupational and other diseases.*

The Department has an extensive immunisation and screening programme covering –

- Flu immunisation
- DPT
- MMR
- Men C
- Hib i
- Breast Screening
- Cervical Screening.

The Government also has a pandemic flu plan and has stockpiled the required levels of Tamiflu.

- *Please describe the measures taken by your Government to assure to all medical service and medical attention in the event of sickness.*
- *Please describe the effect of the measures listed in subparagraphs (e) to (h) on the situation of the vulnerable and disadvantaged groups in your society and in any worse-off areas. Report on difficulties and failures as well as on positive results.*
- *Please indicate the measures taken by your Government to ensure that the rising costs of health care for the elderly do not lead to infringements of these persons right to health.*

As hospital treatment is free and everybody, regardless of age, is covered by health insurance which provides individual subsidies for G.P. and pharmaceutical services, rising costs are not barriers to accessing health care. For those of limited means, G.P. and pharmaceutical services can be provided free at the point of access.

- *Please indicate what measures have been taken in your country to maximise community participation in the planning, organisation, operation and control of primary health care.*

Primary medical services in Jersey function entirely as a private sector operation which maximises the opportunity for direct interaction between members of the community and health professionals. In addition, community nursing services are provided by a charitable organisation under the supervision of a Board of Trustees. Funding is largely provided in accordance with a public service level agreement.

- *Please indicate what measures have been taken in your country to provide education concerning prevailing health*

problems and the measures of preventing and controlling them.

The Government has a clear health strategy and works with ‘third sector’ organisations to deliver health improvements. The current focus is on –

- Reducing smoking;
- Tackling rising obesity levels;
- Chronic diseases e.g. diabetes.

The Government also has an extensive ‘healthy schools programme’. This is an ambitious programme that aims to –

- Support children and young people in developing healthy behaviours;
- Help to raise pupil achievement;
- Help to reduce inequalities;
- Help to promote social inclusion.

The focus is on –

- Personal, social and health education (PSHE) covering – sex and relationship education, drug education (including alcohol, tobacco and volatile substance abuse);
 - Healthy eating;
 - Physical activity;
 - Emotional health and well being (including bullying).
- *Please indicate the role of international assistance in the full realisation of the right enshrined in article 12.*

The rôle of international assistance is not applicable.

Articles 13 and 14 – Right to Education

- *With a view to achieving in your country the full realisation of the right of everyone to education: How does your Government discharge its obligation to provide for primary education that is compulsory and available free to all? (If primary education is not compulsory and/or free of charge, see especially article 14.)*

The right to education is governed by the Education (Jersey) Law 1999^[19]

The education of all children between the ages of 5 and 16 years is mandatory. Primary schools have been established within reasonable distance of all parts of the population. Special provision is made in the case of children requiring special educational needs, including those for whom English is a foreign language. Primary education covers 100% of children of 5 to 11 years of age. 74% of the primary population choose free education the remaining 26% choose fee-paying schools, almost all of which receive States aid. It is considered that the right of free education is fully realised.

- *Is secondary education, including technical and vocational secondary education, generally available and accessible to all? To what extent is such secondary education free of charge?*

Secondary education is compulsory up to the age of 16 years and freely available after that age, subject to academic ability. Technical education covers approximately 10% of the curriculum. It is considered that most education is vocational in some respect. Free secondary education is available at all academic levels (11-18 years); in addition, there are a number of private schools which are subsidised by the States. It is considered that the right to secondary education is fully realised. Full-time education is compulsory up to the age of 16 in the Island, and 90% of students choose to remain in education thereafter with 45% subsequently going on to enrol in further education courses. Only 0.07% of children leaving school do so with no formal qualifications.

- *To what extent is general access to higher education realised in your country? What are the costs of such higher education? Is free education established or being introduced progressively?*

The overall investment in supporting students in higher education is in the region of £17,000,000. The States contribute approximately £10,000,000 of this through a scheme of means-tested support to individuals. Students who meet higher education entrance requirements through the United Kingdom examinations taken locally are able to apply for, and obtain, places in higher education. Owing to the small size of the Island, there is little higher education in Jersey (except through the Open University and Highlands College) and students generally receive university education in the United Kingdom. It is estimated that 45% of the schools population go on to participate in higher education and state aid is provided for these students on the basis of parental income. Approximately 40% of each cohort will achieve a first class degree.

- *What efforts have you made to establish a system of fundamental education for those persons who have not received or completed the whole period of their primary education?*

Recent research into levels of literacy and numeracy in Jersey suggested that one in five adults would welcome additional support. This figure is similar to findings of similar research carried out in the U.K. Much of the issue in Jersey is attributed to new Island residents, many of whom do not speak English as a first language and a minority of whom did not complete secondary education in their country of origin. A 'skills for life' strategy has been developed and basic skills tuition and "English as a second language" courses have been increased.

- *In case your Government has recently submitted reports relevant to the situation with respect to the right contained in article 13 to the United Nations or a specialised agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.*

The educational system is designed to encourage the development of each individual intellectually, aesthetically, morally and spiritually. Each pupil is given an understanding of the society in which he lives, its historical background, its rights and its privileges in order that he may compare this with other social structures. A pupil's entitlement to a broad and balanced curriculum is described in the Jersey National Curriculum, which is based upon the curriculum model currently used in the United Kingdom. 'Human rights teaching' as reflected in the Charter of the United Nations would in one way or another, form part of a pupil's curriculum. Links are developed and encouraged with neighbouring nations, particularly France and the United Kingdom; people of all other nations legitimately living or working in the community have equality of access to education. Pupils are made aware of the functions and activities of the United Nations as a fundamental part of the curriculum.

- *What difficulties have you encountered in the realisation of the right to education, as spelt out in paragraph 1? What time-related goals and benchmarks has your Government set in this respect?*

Not applicable.

- *Please provide statistics on literacy, enrolment in fundamental education with information on rural areas, adult and continuing education, drop-out rates at all levels of education as well as graduating rates at all levels (please disaggregate, if possible, according to sex, religion, etc.)*

Mandatory education has been in operation long enough for all of the population to have been educated to some extent, but for those who require it, confidential individual Basic Skills tuition is available for all adults. Adult illiteracy is a very minor problem in Jersey and is dealt with on an individual basis. Detailed statistics on drop-out rates are not available, however there is no drop-out rate from compulsory education, all children must attend. Approximately 11% of those remaining in education at 17 drop out before completing 2 years.

- *Also provide information on measures taken to promote literacy, with data on the scope of the programmes, target population, financing and enrolment, as well as graduation statistics by age group, sex, etc. Please report on the positive results of these measures as well as on difficulties and failures.*

The Department for Education, Sport and Education has a literacy strategy targeted at three distinct groups. The percentage of the adult population involved in basic adult education in 2005 was 0.58%. The proportion of the adult population engaged in learning was 5.5% spread across 35 learning venues. 391 adults were enrolled in the

learning programme. Figures for 2006 are not yet available.

Work is carried out within the community with the following target groups –

- Adults for whom English is not the first language: The majority of these students are from the Polish and Portuguese communities and sessions have been successfully run with the Catholic church on church premises.
 - Adults for whom English is the first language: In this case, the Department works in partnership with the Probation, Prison and Youth Service to identify need and promote the programmes.
 - Finally, the Department's strategy for the 14-19 curriculum places greater emphasis on literacy, numeracy and ICT skills in order to stem the flow of adults with literacy and numeracy issues in the future.
- *Please provide information on the percentage of your budget (or, if necessary, regional budgets) spent on education.*

The percentage spend on Education, Sport and Culture for 2005 was 21.5% of total States of Jersey non-trading expenditure. Net revenue expenditure was £90.8 million in 2005: an increase of £1.2 million (1.3%) compared with 2004. The main increase in expenditure during the year related to an increase in student numbers within both secondary and higher education totalling £1.6 million.

Since the last report the Department has assumed responsibility for sport, leisure, culture and heritage – net expenditure on these areas totalled approximately 1.4% of total States of Jersey non-trading expenditure (included within the 21.5%).

- *Describe your system of schools, your activity in building new schools, the vicinity of schools, particularly in rural areas, as well as the schooling schedules.*

Primary	25 schools (5-11 years)	population	5,714
Special	2 Schools (5-11 years)	population	55
Secondary	4 schools (11-16 years)	population	3,034
	2 colleges (11-18 years)	population	1,398
	1 high school (14-18 years)	population	694
	3 Special Schools (11-16 years)	population	94
College of Further Education (16+ years) full and part-time courses –			
	full-time enrolments		813
	part-time vocational		3,763
	adult education		6,059
	Jersey Business School		1,043

All parishes in Jersey have at least one primary school. Children from outlying areas have the opportunity to use the school bus service to their secondary school.

Jersey is coming to the end of a comprehensive building programme, begun in the early 1990s, which has seen nearly all primary and secondary schools either rebuilt or redeveloped over that period.

Over the last 10 years the Department has –

- completed the new build construction of 2 secondary schools for 11-16 age pupils;
- completed the new build construction of a College for Girls aged 11-18;
- completed new build construction of a school for 14-18 age pupils;
- undertaken the phased reconstruction of another secondary school for 11-16 age pupils;
- completed the construction of 2 sports centres serving secondary schools and the College of Further Education;
- completed the new build construction or major refurbishment of 7 primary schools;
- undertaken significant refurbishment work in 3 further primary schools;
- developed a new special needs provision on the site of an existing secondary school.

Current and planned (funded) building projects include –

- the construction of a new primary school and nursery on the site of an existing school, plus the major refurbishment of another primary school;
- the major refurbishment of a special needs school;
- a further phase in the redevelopment of a secondary school;
- the major refurbishment and redevelopment of a secondary school;
- a major refurbishment project at the College of Further Education.

The Department has developed standard briefs for the accommodation required in primary and secondary education which ensure the creation of spaces which are appropriate for the delivery of a modern curriculum.

All Island schools work to a similar schedule whereby school starts at about 8.30 a.m. and finishes at about 3.30 p.m. Start and finish times vary slightly to help ease traffic congestion. In addition, some schools have extra curricular activities that extend the academic day. At least 2 breaks are included, one in the morning and one in the afternoon.

- *To what extent is equal access to the different levels of education and measures to promote literacy enjoyed in practice? For instance:*

What is the ratio of men and women making use of the different levels of education and taking part in these measures?

6,500 students (10% of the adult population) are involved in some sort of further education at Highlands College. Equal access is afforded to all adult educational programmes, however, there are no statistics available on the ratio of men and women who partake in the programmes. Information on literacy programmes is provided above.

- *With regard to practical enjoyment of the right to these levels of education and measures to promote literacy, are there any particularly vulnerable and disadvantaged groups? Indicate, for instance, to what extent young girls, children of low-income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children of indigenous people, enjoy the right to literacy and education spelt out in article 12.*

The Education Service has a clear policy of equal opportunity in the curriculum for all levels and amongst all groups –

- (a) the ratio is in proportion to the numbers of each sex in the population;
- (b) all groups enjoy the right to literacy and education described above;
- (c) continuous monitoring of materials and teaching methods;
- (d) provision for families where the mother tongue is not English has been extended over the years as

the need has grown.

- *What action is your Government taking or contemplating in order to introduce or guarantee equal access to all levels of education within your country, for instance in the form of anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action? Please describe the effect of such measures.*

The Department for Education, Sport and Culture has an inclusive approach to its provision of education. In adopting these inclusive values every effort is made to ensure that pupils and staff are treated equally and that schools strive to minimise discriminatory practices. The Department's support of equality and diversity are further illustrated in the response to the question above.

- *Please describe the language facilities provided to this effect, such as the availability of teaching in the mother tongue of the students.*

The Department has fully funded and implemented a programme for English as an additional language (EAL). The rôle of Head of EAL and a support post has recently been appointed, both rôles will be responsible for co-ordinating the language requirements of pupils whose first language is not English. Additional language support is also provided within nursery and reception classes at various primary schools.

- *Please describe the conditions of teaching staff at all levels in your country, having regard to the Recommendation concerning the Status of Teachers, adopted on 5 October 1966 by the Special Intergovernmental Conference on the Status of Teachers, convened by UNESCO. How do teachers' salaries compare to salaries of (other) civil servants? How has this ratio developed over time? What measures does your country take or contemplate to improve the living conditions of teaching staff?*

Teachers' salaries are negotiated locally with increases generally in line with other civil servants. Teachers who come to the Island on contract are provided with rent subsidies. It is considered that the requirements of this Section are adequately complied with.

- *What proportion of schools at all levels in your country is not established and administered by the Government? Have any difficulties been encountered by those wishing to establish or to gain access to those schools?*

Independent schools may operate within the Island provided that the Minister for Education, Sport and Culture is satisfied that they are adequately staffed and that pupils receive a satisfactory education. There are currently 7 schools with approximately 2,307 pupils which are not established and administered by the Government. No difficulties have been encountered by those wishing to establish or gain access to these schools other than the limitations on numbers that can be accommodated.

- *During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the right enshrined in article 13? If so, please describe these changes and evaluate their impact.*

During the period there have been no changes negatively affecting the right enshrined in Article 13. The Island has updated the legislation in this area to reflect and provide for current practices.

- *Please indicate the role of international assistance in the full realisation of the right enshrined in article 13.*

Rights have been achieved without international assistance.

- *If compulsory and free primary education in your country is not currently enjoyed, please provide details on the required plan of action for the progressive implementation, within a reasonable number of years fixed in this plan, of this principle. What particular difficulties have you encountered in the realisation of this plan of action? Please indicate the role of international assistance in this respect.*

Not applicable.

Article 15 – Right to culture

- *Please describe the legislative and other measures adopted by or in your State to realise the right of everyone to take part in the cultural life which he or she considers pertinent, and to manifest his or her own culture. In particular, provide information on the following:*
 - *Availability of funds for the promotion of cultural development and popular participation in cultural life, including public support for private initiative.*

The States of Jersey made a formal commitment to the support of cultural life through its adoption in September 2005 of the Island's first Cultural Strategy. This set a far-reaching agenda for cultural development and established a new mechanism for channelling public funds to the organisations established to support cultural activities.

The scope of the strategy is broad, covering seven principal strategic objectives –

- To foster, develop and strengthen the Island's identity.
 - To make cultural activities integral to the development of Jersey.
 - To help develop and boost economic activity.
 - To enrich the quality of life for all residents and enhance our visitors' experience.
 - To help strengthen culture at the grass roots.
 - To encourage all the major cultural providers to become learning organisations dedicated to helping their staff and volunteers in their self-development.
 - To widen access to and participation in cultural activities.
- *The institutional infrastructure established for the implementation of policies to promote popular participation in culture, such as cultural centres, museums, libraries, theatres, cinemas, and in traditional arts and crafts.*

The States of Jersey provides funding directly to 4 major cultural organisations: the Jersey Heritage Trust, the Jersey Arts Trust, the Jersey Arts Centre and the Jersey Opera House. In order best to encourage cultural development and the achievement of the many detailed objectives of the Cultural Strategy, the Minister for Education, Sport and Culture has established a Cultural Council as a means of drawing together the various agencies involved in cultural activity. It has 2 aspects: an annual conference open to all Islanders, whether members of cultural organisations or individuals, and a number of core and project groups which encourage the sharing of ideas across the cultural sector, encompassing government departments, non-profit cultural organisations and the voluntary sector. Funding is also available in order to help realise the aims set out in the strategy.

The Jersey Heritage Trust

The rôle of Jersey Heritage Trust "is to care for [Jersey's Heritage], promote wide access to it, act as advocates on its behalf and bring imagination to telling its stories so [to] inspire people to create a better island for everyone."

In July 2000 the Jersey Archive opened creating a repository for all the Island's records, public and private. The archive catalogue is available online and the archive plays an important role in the Public Records (Jersey) Law 2002.

In 2004 the Island celebrated 800 years of its unique constitutional arrangement with the Crown of England; and the Jersey Heritage Trust was one of the major partners in the organization of the celebrations with which the Island marked this major anniversary.

In 2006 after a 5-year programme of archaeological excavation, academic research and building work and restoration, the refurbished and re-interpreted Mont Orgueil castle opened to great acclaim.

As an organization the Jersey Heritage Trust continues to work with community groups and volunteers to facilitate access to 'cultural life' in Jersey through both formal and informal education programmes and through a

variety of media including open days, events, flash days, workshops, talks, evening classes, exhibitions and tours.

A strategy of encouraging participation in cultural activities has sought to reduce economic barriers access to heritage. Flashcards ensure all local students in full time education have free entry to Jersey Heritage Trust sites, Gold cards issued to the over-60s mean that the Island's senior citizens are able to enjoy unlimited free access; the Jersey Archive is free to all.

The Jersey Heritage Trust has an agreement to make funds from the States of Jersey available to the Société Jersiaise, a learned society dedicated to the study, understanding and promotion of Jersey's history and culture. It operates a research library and photographic archive available not only to members but also to the general public to facilitate research.

The Jersey Arts Trust

The rôle of the Jersey Arts Trust has been directed by the Cultural Strategy towards support for the local arts and crafts community. The Trust gives grants to practitioners and also supports the activities of that community by publicising events in listings and by e-mail, by organising specific activities (e.g. a competition to encourage original writing, artists' open studio days etc.), by publishing work, and by offering an advice service to local practitioners, covering subjects including export procedures for artists showing outside the Island, sponsorship and promotion. The Trust also offers annual bursaries and it provides a means by which the wider community can communicate with practitioners across a range of art forms.

Among the individuals and organisations funded by the Trust is the Jersey Eisteddfod which runs creative and performing arts festivals in spring and autumn each year, attracting for each some 3,000 entries. There are currently 14 autonomous sections, each of which sets its own syllabus, engages one or more adjudicators and supervises the entries and the management of the competitions; and is responsible for communications with the competitors. Next year the organisation celebrates its centenary.

Jersey Opera House

The Jersey Opera House, a traditional 650-seat proscenium theatre, re-opened in 2000 after a major refurbishment programme, and receives a revenue grant from the States of Jersey in order to present an annual programme which balances professional work brought to the Island with productions staged by the active community sector within Jersey.

The Jersey Arts Centre

The Jersey Arts Centre comprises a 250-seat theatre, a gallery and a number of craft rooms used for classes and as meeting spaces for local cultural organisations. The Centre has an active outreach programme which includes the co-ordination of an open-air programme of summer concerts and street performances with support from Jersey Tourism; an active Youth Theatre which has toured productions to France and Germany, and a recent history of Theatre in Education with productions promoting and celebrating Jersey's history and culture.

Significant support from the States of Jersey is also given to a range of festivals and special events, including the Battle of Flowers, the Jersey International Air Display and the annual celebration of the Island's Liberation from Occupation on 9th May.

- *Promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions.*

A major celebration was mounted in 2004 of the 800th anniversary of the Island's allegiance to the English Crown; it included exhibitions, special events, the commissioning of historical research and the commissioning of a holographic portrait of Her Majesty The Queen which has been shown in a number of major galleries in the U.K. and abroad. These celebrations draw attention to the extent to which Jersey's cultural heritage, and in particular the emergence of its autonomous institutions, depend upon the link with the Crown forged in 1204 and confirmed over subsequent centuries. The celebration has led to a deeper understanding of Jersey's identity.

The Jersey Heritage Trust has been increasingly active in producing publications which explore the nature of this identity, including a new history of the Occupation of the Channel Islands from 1940-1945, and a scholarly study of the significance of 1204 to the development of the Island community.

As part of initiatives to promote an understanding of Jersey's cultural heritage, the Education, Sport and Culture Department's Citizenship programme will, from 2008, include a cultural component to introduce Primary school pupils to the institutions of their legislature (the States of Jersey) and judiciary (the Royal Court), and to the importance of Jersey's links with the Crown through which these autonomous institutions have developed. Focusing on a single year group across the Island's schools, the introduction of the programme will ultimately mean that every pupil in state primary education will have had such an introduction as a formal element in the curriculum.

- *Promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples.*

Particular attention is being focused on recognising the impact which minority groups are making on the cultural fabric of the Island today. With regard to the latter, the Jersey Arts Trust supported a Polish Festival in 2005 which drew upon the creative strengths of the members of that community, and included a Polish film festival element. Other minority groups including the Portuguese (largely Madeiran), French and Italian communities continue to play an important part in Island life and to take part in alfresco cultural and gastronomic events for the benefit of residents and visitors. Both the Jersey Heritage Trust and the Jersey Arts Centre have included in their programmes events which specifically celebrate the cultural life of indigenous groups within the community.

Efforts have been made to consolidate Jersey's historical and physical links with the neighbouring French regions of Brittany and Normandy. A number of Jersey Parishes are twinned with communities in Lower Normandy and there are regular events which bring together those communities. Organisations including the Amitiés Franco-Britanniques and the Association Jersey-Coutançais, take an active interest in French cultural activities and the Commission Amicale, established in 1994 between the States of Jersey and the Conseil Régional de Basse Normandie, continues to reinforce cultural and commercial links between the two areas. The Maison de Normandie et de la Manche, an information and advice centre in Jersey supported by the Conseil General de la Manche and Conseil Regional de Basse Normandie, is active in promoting Normandy in the Island. Meanwhile, La Maison de Jersey which opened in July 1998 in Caen, and now has an office in Rennes, promotes the Island in Brittany as well as Normandy. Jersey is an active member of both the Commonwealth Parliamentary Association and the Association Internationale des Parlementaires de Langue Française.

In May 2003, the Friendship Agreement between Jersey and Madeira signed on 12th May 1998 was renewed, and a number of visits to the Island have taken place by cultural groups from the community. After many years working towards reconciliation, the Parish of St. Helier has successfully twinned with the South-German town of Bad Wurzach to which Islanders were deported during the Occupation of the Channel Islands (1940-1945). A number of cultural exchanges have taken place as a result of the twinning, including exhibitions of work by leading artists and performances by the Youth Theatre. A group of students from Bad Wurzach were involved in a short performance on Liberation Day 2005 given as part of the celebrations for the visit of Her Majesty The Queen.

- *Role of mass media and communications media in promoting participation in cultural life.*

The local communications media, which include television and radio stations and press, all participate actively in promoting the Island's cultural life with a combination of coverage integrated into news and current affairs programming, and dedicated specifically to the arts and culture. Emphasis has been given to encouraging support for local creative talent whether through publication of creative writing, the playing of music on air or coverage of the visual arts.

- *Preservation and presentation of mankind's cultural heritage.*

The States of Jersey has obligations under the Convention for the Protection of the Architectural Heritage of Europe (Granada, October 1985); the European Convention on the Protection of the Archaeological Heritage

(revised) (Valletta, January 1992); to –

- identify and protect buildings and places of cultural significance (arising from their architectural, archaeological, historical or other relevant interests);
- maintain an inventory of these cultural heritage assets;
- develop public awareness and understanding of the Island's architectural and archaeological heritage.

Through the adoption and implementation of a legislative and policy framework, principally represented by the Planning and Building (Jersey) Law 2002 and the Jersey Island Plan 2002, together with associated secondary legislation and supplementary planning guidance, these obligations are met. The Island's Register of Buildings and Sites of Architectural, Archaeological and Historic Importance in Jersey is a key tool: it is a complete list of individual sites, buildings and areas which are specifically identified as being of cultural heritage value at any one time. Inclusion of a cultural asset on the Register is intended to preserve its contribution to the cultural heritage and amenity of Jersey, and to ensure that it is a material consideration in the planning process where protection is conferred upon buildings and sites of cultural interest either by statutory listing and/or planning policy. The Island also operates a scheme to provide some financial assistance in support of the repair, maintenance and restoration of the Island's historic built fabric for buildings included on the Register.

The States of Jersey recognises that the form and the quality of the Island's built environment makes an important contribution to its local distinctiveness and cultural identity. Through the planning process, it is committed to securing a high quality built environment and public realm where buildings, public spaces, art and design make a positive contribution to maintaining and enhancing its unique character. Design principles have been adopted which require considerable weight to be given to ensuring the local relevance of new development and the inclusion of public art is encouraged in development schemes of a significant scale. Good quality design and local distinctiveness is recognised and celebrated through a biennial award scheme to showcase and raise awareness of new buildings and places that have made a positive contribution to the Island's built environment.

- *Legislation protecting the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, as well as an indication of any restrictions or limits imposed on the freedom.*

There is no legislation protecting the freedom of artistic creation and performance; however, the only limitations imposed on such freedom are that no display should offend morals or contravene the laws on public nuisance.

- *Professional education in the field of culture and art.*

The Island has a strong tradition of education in the field of culture and the arts, with specialist teaching supported by provision of high quality facilities in schools and at the further education college. A significant number of students go on to take arts-related degrees and other courses each year.

- *Any other measures taken for the conservation, development and diffusion of culture.*

The States' Cultural Strategy gives emphasis to developing a sense of the Island's identity through the understanding and promotion of its culture. Specific objectives include exploring the desirability of adopting Jèrriais as Jersey's official minority language and working with a number of agencies to revive its use in the Island; the commissioning of programmes which celebrate a sense of identity particularly among the young; and reviewing the scheme by which plaques are erected to help increase awareness of the way in which a sense of place has been defined by historical events or celebrated people. Responsibility has been conferred upon the Department of Education, Sport and Culture to monitor progress on all aspects of the delivery of the Cultural Strategy and its updating in the future.

- *Please report on positive effects as well as on difficulties and failures, particularly concerning indigenous and other disadvantaged and particularly vulnerable groups.*

The Island is a small community and the Cultural Strategy seeks to embrace all its members.

- *Please describe the legislative and other measures taken to realise the right of everyone to enjoy the benefits of*

scientific progress and its applications, including those aimed at the conservation, development and diffusion of science. In particular, provide information on the following:

- *Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures aimed at the preservation of mankind's natural heritage and at promoting a healthy and pure environment and information on the institutional infrastructures established for that purpose.*
- *Measures taken to promote the diffusion of information on scientific progress.*

The following Measures have been taken in the period 2000–2006 –

- **Departmental consolidation.** In 2004 as part of Jersey government reorganization the former Environmental Services Unit (natural history and semi-natural land management), The Department of Agriculture and Fisheries, the Water Resources Section and the Meteorological Department merged to form the Environment Division of the Planning and Environment Ministry. This merger consolidated most of the environmental scientific work carried out by Jersey government departments. Listed below are the relevant activities.
- **State of Jersey Report (2005)** outlined current and future responsibilities towards the Island's environment, categorizing them into 12 'environmental perspectives'. Using these perspectives, 5 'environmental priorities' are identified. The key actions needed to address them together with baseline data and proposals for monitoring progress are included. This report is available online and in printed form (<http://www.gov.je/>)
- **Biodiversity action plans** Indicators of changes in biodiversity and key populations are measured by the Environment Division's monitoring programme. Indicator measures include habitat condition of proposed and existing sites of special interest, and population status of indicator species such as birds and butterflies in a sample of habitats in the island. The monitoring proposals for each of the priority species are detailed in individual action plans. A campaign to involve volunteers in data collection and in practical action to implement the plans has been launched and has been well subscribed.
- **Establishment of Ramsar^[20] areas:** designation of 3 new Ramsar sites effective World Wetlands Day, 2nd February 2005, all of them reef and shoal systems off-shore from the Channel Island of Jersey. With huge tidal ranges in the area of the Golfe de St.-Malo along the northwestern coast of France, all 3 sites present an array of reef and intertidal habitat types. Les Écréhous & Les Dirouilles is a large area of reefs off the northeast coast of Jersey, Les Minquiers is the area of shoals 34 km. south of the main island, and the Les Pierres de Lecq, lies off the northwest coast.
- **International Conference** "Biodiversity that Matters" on conservation in U.K. Overseas Territories and other small island communities was held in Jersey in 2006. This conference brought together delegates from most of the United Kingdom Overseas territories and dependent territories to discuss environmental issues on small islands and exchange information.
- **Bathing water standards** bathing water quality research carried out under the auspices of the States of Jersey Environment Division informed development of the newly revised EC directive (EC 2006/7/EC) on bathing water standards.
- **Monitoring commercial fish stocks** is carried out by the fisheries section of the Environment Department and includes a Ray tagging programme.
- **Research into potentially damaging species** is part of the Department's remit and studies include Gypsy Moth pheromone auto-confusion studies. Resistance testing of local races of fungal pathogens to fungicides aim to investigate possibilities of more targeted chemical use.
- *Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment*

of all human rights, including the rights to life, health, personal freedom, privacy and the like.

- *Any restrictions which are placed upon the exercise of this right, with details of the legal provisions prescribing such restrictions.*

There are no such measures.

- *Please describe the legislative and other measures taken to realize the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author. In particular, supply information on the practical measures aimed at the full implementation of this right, including provision of the necessary conditions for scientific, literary and artistic activities, and the protection of intellectual property rights resulting from such activities. What difficulties have affected the degree of realisation of this right?*

The following relevant legislation is in place –

Copyright – Loi (1913) au Sujet des Droits d’Auteur;

Registered Designs (Jersey) Law 1957;

Trade Marks (Jersey) Law 1958; Trade Marks (Amendment) (Jersey) Law;

Patents (Jersey) Law 1957, as amended in 1981;

The Trade Marks (Jersey) Law 2000;

Loi (1908) au sujet des droits de compositeur.

The intention of the Island Authorities is to bring its Intellectual Property Legislation up to international standards and significant progress has been made on this.

- *What steps has your Government taken for the conservation, development and diffusion of science and culture? Please describe in particular:*
 - *Measures at the constitutional level, within the national educational system and by means of the communications media.*
 - *All other practical steps taken to promote such conservation, development and diffusion.*

There are no laws or agreements covering this subject. In a progressive society, members are made aware, through the news media, and, where appropriate, through the educational system of development in the field of science and culture throughout the world.

Everyone has the right to the freedom of scientific research and creative activity, although, in a small community such as Jersey it is neither appropriate nor economical for much research to be carried out locally.

Those persons who do engage in the scientific and creative work referred to in this Section are obviously free to consult with appropriate organisations, both within and outside the Island.

- *Please describe the legal, administrative and judicial system designed to respect and protect the freedom indispensable for scientific research and creative activity, in particular:*
 - *Measures designed to promote enjoyment of this freedom including the creation of all necessary conditions and facilities for scientific research and creative activity.*
 - *Measures taken to guarantee the freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions.*
 - *Measures taken to support learned societies, academies of science, professional associations, unions of workers*

and other organisations and institutions engaged in scientific research and creative activities.

- *What difficulties have affected the degree of realisation of this freedom?*

Please see answers to questions above and below.

- *Please describe the legislative and other measures by which your Government encourages and develops international contacts and co-operation in the scientific and cultural fields, including measures taken for:*
 - *The fullest utilisation, by all the States concerned, of the facilities afforded by their adherence to regional and international conventions, agreements and other instruments in the scientific and cultural fields.*
 - *Participation by scientists, writers, artists and others involved in scientific research or creative activity, in international scientific and cultural conferences, seminars, symposiums, etc.*
- *What factors and difficulties have affected the development of international co-operation in these fields?*

The States of Jersey is party to a number of international conventions governing the scientific and cultural fields, including the European Cultural Convention and it follows that international co-operation takes place when appropriate.

- *During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the rights enshrined in article 15? If so, please describe these changes and evaluate their impact.*

During the reporting period, there have been no changes in national policies, laws and practices which negatively affect the rights enshrined in this Article. On the contrary, the adoption of the Cultural Strategy commits the States of Jersey to a strategic approach to the encouragement of cultural activities.

- *In case your Government has recently submitted reports relevant to the situation with respect to the rights contained in article 15 to the United Nations or a specialised agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.*

The Island has not submitted recent reports relevant to this Article to any United Nations or specialised agency.

- *Please indicate the role of international assistance in the full realisation of the rights enshrined in article 15.*

The issue of International Assistance is not applicable.

[1] *States of Jersey Statistics Unit, 'Jersey in Figures 2005, Report of 2001 Jersey Census, States of Jersey 2005 Financial Accounts'.*

[2] *Calculated in live births per 1,000 females aged 15-44.*

[3] <http://www.jerseylegalinfo.je/Law/Display.aspx?url=LawsInForce%2fhtm%2flawfiles%2f2007%2fL-03-2007.htm>
[http://www.jerseylegalinfo.je/Law/display.aspx?url=LawsAdopted/Employment_Relations_\(Amendment_No._2\)_\(Jersey\)_Law_200-.htm](http://www.jerseylegalinfo.je/Law/display.aspx?url=LawsAdopted/Employment_Relations_(Amendment_No._2)_(Jersey)_Law_200-.htm)

[4] http://www.jerseylegalinfo.je/Law/display.aspx?url=lawsinforce%5cconsolidated%5c12%5c12.200_ChildrenLaw2002_RevisedEdition_1January2006.htm

[5] http://en.wikipedia.org/wiki/Physical_quality-of-life_index

[6] *This has taken place as part of the recent government changes described in Part 1.*

[7] *National Centre for Health Outcomes Development 06.*

[8] *95% confidence intervals for the 2004 data (2002-2004) are 66-102
i.e. the actual population rate is between 66 and 102 per 100,000 with 95% confidence.*

[9] *National Centre for Health Outcomes Development 06.*

[10] 95% confidence intervals for the 2004 data (2002-2004) are 97-140
i.e. the actual population rate is between 97 and 140 per 100,000 with 95% confidence.

[11] National Centre for Health Outcomes Development 06.

[12] 95% confidence intervals for the 2004 data (2002-2004) are 3 – 14.
i.e. the actual population rate is between 3 and 14 per 100,000 with 95% confidence.

[13] National Centre for Health Outcomes Development 06.

[14] *Delivering Choosing Health*, DoH 2005.

[15] *Jersey Health Survey 1999*.

[16] *Jersey Health Related Behaviour Survey 2002*.

[17] *Jersey Annual Social Survey 2005*.

[18] National Centre for Health Outcomes Development 06.

[19] http://www.jerseylegalinfo.je/Law/display.aspx?url=lawsinforce%5cconsolidated%5c10%5c10.800_EducationLaw1999_RevisedEdition_1January2007.htm

¹ Jersey is a party to the “Ramsar Convention” which recognises the conservation and wise use of wetlands to achieve sustainable development throughout the world.