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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT

Initial reports of States parties due in 1977

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND 1/

[23 February 1979]

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1/ The present report constitutes the third part of the initial report and concerns some of the dependent territories administered by the United Kingdom. Information concerning other dependent territories is contained in part II of the initial report reproduced in document CCPR/C/1/Add.37. The initial report of the United Kingdom (CCPR/C/1/Add.17) was considered by the Committee at its 67th, 69th and 70th meetings (see CCPR/C/SR.67, 69 and 70).

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INTRODUCTION

1. This supplementary report by the United Kingdom describes the position in the Channel Islands and Isle of Man. The three annexes to this report contain reports prepared by the authorities in those Islands regarding the manner in which effect is given in the Islands to the rights recognized in the Covenant.
 2. The Channel Islands and the Isle of Man are not part of the United Kingdom, but internally self-governing dependencies of the Crown with their own legislative assemblies and administrative, fiscal and legal systems. Her Majesty's Government is responsible for the defence and external relations of the Islands, and the Crown has ultimate responsibility for their good government.
 3. The Islands are not represented in the United Kingdom Parliament, and its legislation does not normally apply to them. While Parliament has, in the last resort, power to legislate for the Islands on any matter, it does not, by convention, legislate for them without their agreement on matters of purely domestic concern.
 4. If, however, after the customary consultations with their Governments, it is decided to extend United Kingdom legislation to any of the Islands, that is usually done by an Order of The Queen in Council, specifying any changes that may be necessary to make the law workable in the differing Island circumstances.
 5. The Island governments were consulted about the International Covenant on Civil and Political Rights before its ratification by Her Majesty's Government on behalf of the United Kingdom and its dependent territories. The observations made by the United Kingdom in paragraph 1 of the Introduction to its report, regarding the effect of the Covenant on the internal law of the United Kingdom, apply equally in respect of the Islands.
- The subjects covered by the Covenant are domestic matters in respect of which it would be customary for the Island legislatures to enact any necessary laws. Very little, therefore, of the legislation listed in the United Kingdom report applies to the Islands. Examples of those Acts that do apply are the British Nationality Act 1948, the Genocide Act 1969, and the Immigration Act 1971. As with the United Kingdom (see para. 2 of the Introduction to the United Kingdom's report), the legal rules concerning human rights and freedoms are not embodied in any one legislature instrument or in a series of such instruments. They derive both from legislation, in many fields, and from common law, and cannot be succinctly and comprehensively enumerated.
7. The Islands' reports contain short general explanations, article by article, of the way in which the rights referred to in the Covenant are recognized, citing, where appropriate, the enactments in which any relevant rules are embodied. ^{2/} The explanations should not be regarded as an exhaustive statement of the safeguards provided.

^{2/} Texts of the laws and regulations mentioned in this report, made available by the Government of the United Kingdom, may be consulted in the original language upon request to the secretariat.

ANNEX 1

REPORT BY THE STATES OF JERSEY

PART I

1. The Covenant itself does not have force of law in Jersey, but, except where indicated in this report, the laws and customs of the Island are generally in conformity with the provisions of the Covenant.
2. The Insular Authorities are very conscious, as have been their predecessors for centuries past, of the importance of safeguarding the rights and freedoms of the individual.
3. The Island has a population of 74,000 and a legislature (the States of Jersey) with 57 members.

PART II

Article 1

4. Jersey is an internally self-governing dependency of the Crown with a democratically elected government. The status of the Island reflects the wish of its people.

Article 2

5. The rights referred to in the Covenant are conferred on all individuals without distinction of any kind, and it has not been considered necessary to introduce specific legislative measures to give effect to those rights.
6. In addition to judicial remedies in respect of violation of rights available to all individuals without discrimination, the Administrative Decisions (Review) (Jersey) Regulations, 1976 (which, on expiration, will be re-enacted as permanent legislation) enable persons aggrieved by any act or decision of any administration of the States, to have the matter reviewed by a Board.
7. Legal aid is available for those who cannot afford to pay for legal assistance.

Article 3

8. In connexion with the draft Convention on the Elimination of Discrimination against Women, the Island has undertaken to adopt progressively all such measures as will ensure the equality of men and women, in all spheres - civil, political, social, economic, and cultural. (Measures aimed at implementing the provisions of this Article are at present under consideration by the legislature.)

Article 4

9. It has not so far been necessary for the Island to derogate from its obligations under this Covenant pursuant to this Article. Emergency powers such as exist in the Island are by means of temporary legislation enacted by the States, and by means of United Kingdom legislation extended to the Island. (The Prevention of Terrorism (Temporary Provisions) Act 1976.)

Article 5

10. The Island has not taken any measures designed to derogate from its obligations under this Covenant.

Article 6

Paragraph 1

11. Murder is a common law offence. It is a criminal offence to deprive a person of his life except in the following circumstances:

- (a) in pursuance of a sentence of a competent court;
- (b) in self-defence, provided that no more force is used than, having regard to all the circumstances, is reasonable;
- (c) in the prevention of crime, provided that again only reasonable force is used.

12. Where death is caused by a negligent act or other intentional or unjustified act, the personal representatives of the deceased had a cause of action against the person whose act caused the death of the deceased: Law Reform (Miscellaneous Provisions) Jersey Law, 1960.

Paragraph 2

13. The death penalty has not been abolished for murder. Sentence of death, which may be passed only by a competent court, and from whose decision there is a right of appeal, is subject to review by the Secretary of State. In all recent cases the Royal Prerogative of mercy has been exercised and the sentence commuted to one of life imprisonment.

Paragraph 3

14. The Island is bound by the Convention on the Prevention and Punishment of the Crime of Genocide. Under the Genocide (Jersey) Law, 1969, genocide is an offence punishable with imprisonment for life if the offence consists of killing any person, or in any other case, with imprisonment for a term not exceeding 14 years.

Paragraph 4

15. Every person sentenced to death has a right to seek pardon or commutation of sentence.

Paragraph 5

16. By virtue of the Children (Jersey) Law, 1969 (Article 12), the death sentence may not be pronounced on or recorded against a person under the age of 18 years; nor by virtue of the common law, may it be carried out on pregnant women.

Article 7

17. The right not to be subjected to torture or other cruel, inhuman or degrading punishment or treatment is protected by law. It is a common law offence to use force against a person (assault) other than that appropriate to the circumstances in certain cases, e.g. self-defence, defence of property, prevention of crime.

18. In addition to their normal liability under the criminal law, both prison officers and police officers are subject to a code of discipline, which inter alia, is designed to protect the individual from the treatment referred to in this Article.

Police Force (Jersey) Law, 1974

Police Force (General Provisions) (Jersey) Regulations, 1975

Police Force (Prescribed Offences) (Jersey) Order, 1974

Prison (Jersey) Law, 1957

Prison (Jersey) Rules, 1957

Article 8

19. There is no slavery or servitude within the Island, nor is there forced or compulsory labour. A convicted prisoner may be required to engage in useful work for a maximum of 10 hours per day, and may receive payment for that work; Rule 47 of the Prison (Jersey) Rules, 1957.

Article 9

20. No person may be arrested, detained, or deprived of his liberty other than by due process of law:

Police Court (Miscellaneous Provisions) (Jersey) Law, 1949

"Loi (1864) reglant la procedure criminelle".

Liberty of the person and freedom from arbitrary arrest are protected by the common law. Any person who arrests or details another without lawful cause will be liable not only to a civil action in damages for false imprisonment but also to prosecution for a criminal offence. Every restraint on the liberty of one person in the custody of another is treated as imprisonment.

Article 10

21. Effect is given to the provisions of this Article under the following legislation:

Prison (Jersey) Law, 1957

Prison (Jersey) Rules, 1957

Children (Jersey) Law, 1969

Article 11

22. The common law allows imprisonment for debt after judgement has been obtained. By virtue of the "Loi (1862) sur les Saisies en vertu d'Ordres Provisoires", a debtor may be arrested, prior to judgement, where there is reason to believe that he might leave the jurisdiction as a means of evading payment of the debt.

23. The 1862 Law is invoked in exceptional cases where the debtor is unwilling, as opposed to unable to fulfil his contractual obligations. It is thought that, in the interests of the Island, this safeguard should be retained.

24. A reservation to this Article has been made in respect of the Island.

Article 12

25. The provisions of this Article are recognized in the Island except in so far as the Housing (Jersey) Law, 1949, imposes restrictions on the sale, purchase and lease of property in the Island, in order to protect the rights and freedoms of persons born there.

26. The reservations made by the United Kingdom Government in respect of matters covered by the Immigration Act, 1971 (as extended to Jersey by the Immigration (Jersey) Order, 1972) apply equally to the Island.

Article 13

27. Jersey law has the effect required by the Article, but the Police Court Magistrate is empowered where a person has been convicted of an offence (usually of a minor nature against public order) either instead of, or in addition to, the imposition of any other penalty, to order the convicted person to be bound over to leave the Island for such period as may be specified, if, in the opinion of the Magistrate, such an order would be in the public interest.

28. The Immigration Act, 1971, as extended to the Island, provides that a person who is not patrial shall be liable to deportation in the following circumstances:

(a) if, having only a limited leave to enter or remain, he does not observe a condition attached to the leave or remains beyond the time limited by the leave; or

(b) if the Lieutenant Governor deems his deportation to be conducive to the public good; or

(c) if another person to whose family he belongs is or has been ordered to be deported.

Article 14

Paragraph 1

29. Every person is equal before the Courts and Tribunals; proceedings are conducted in accordance with the rules of natural justice, and are in conformity with the requirements of this Article.

Paragraph 2

30. It is a fundamental principle of law that a person is innocent until proved guilty.

Paragraph 3

31. The provisions of this paragraph are covered by the following legislation:

"Loi (1863) sur la procedure criminelle".

Police Court (Miscellaneous Provisions) (Jersey) Law, 1949

Paragraph 4

32. Procedure with regard to juveniles is set out in the Children (Jersey) Law, 1969.

Paragraph 5

33. There is an absolute right of appeal from the Police Court to the Royal Court: Police Court (Miscellaneous Provisions) (Jersey) Law, 1949 (Article 14).

34. Right of appeal from the Royal Court is covered by the Court of Appeal (Jersey) Law, 1961 (Article 24).

Paragraph 6

35. There are no provisions conferring a right on persons convicted of criminal offences but later exonerated to receive compensation from public funds for any loss or hardship they may have suffered. It is open to the States to make ex gratia payments if they consider such a course to be justified.

36. A person may have a right to bring a civil action for damages against any person or authority responsible, if the criminal proceedings were instituted maliciously and without reasonable cause.

37. Article 3 (2) of the Costs in Criminal Cases (Jersey) Law, 1961, provides for the payment of compensation at the discretion of the Court. Compensation is limited to expenses properly incurred.

Paragraph 7

38. It is a common law principle that a person may not be tried twice for the same offence.

Article 15

39. It is a fundamental rule that an enactment creating an offence or increasing penalties in respect of offences, may not be made retroactive.

Article 16

40. Every person is entitled to the protection of the law.

Article 17

41. No person may lawfully be subjected to any such intrusion on his privacy as is envisaged in this Article. A person whose rights are violated would have an effective remedy in trespass, libel, slander etc. according to the circumstances.

42. The limited right of entry and search of premises granted to persons acting in an official capacity is governed by the relevant enactment, e.g. the Children (Jersey) Law, 1969.

Article 18

43. Every person has right of freedom of thought, conscience and religion, without hindrance. It has not been necessary to prescribe any such limitations as are envisaged under this Article.

Article 19

44. Every person is free to hold and express his opinions without interference. Such freedom of expression is restricted by law only in those cases where it is necessary in the public interests, e.g. the Official Secrets (Jersey) Law, 1952.

45. Public law and order is preserved by the common law.

Article 20

46. A reservation has been made in respect of this Article, since it is considered unnecessary to enact legislation prohibiting propaganda as envisaged in this Article.

Article 21

47. The right of peaceful assembly is recognized; it has not been necessary to restrict this right, other than in 1797 for the protection of law and order, when the object of the assembly was to incite hatred or disaffection with intent to disrupt public law and order: "Loi (1797) sur les Rassemblements Tumultueux".

Article 22

48. Every person has the right to freedom of association, including the right to form and join trade unions for the protection of his rights.

Article 23

49. The matters referred to in this Article are covered by the following legislation:

Matrimonial Causes (Jersey) Law, 1949

"Loi (1842) sur l'Etat Civil"

Marriage of Infants (Jersey) Law, 1961

Article 24

Paragraph 1

50. The welfare of children is safeguarded under the Children (Jersey) Law, 1969. The education of children is covered by the "Loi (1912) sur l'Instruction Primaire" and the "Loi (1920) sur l'Instruction Publique".

Paragraph 2

51. Registration of births is provided for in the "Loi (1842) sur l'Etat Civil".

Paragraph 3

52. Nationality of Children is governed by the British Nationality Act, 1948, of the United Kingdom.

Article 25

53. The rights mentioned in this Article are governed by the following legislation:

States of Jersey Law, 1966

"Loi (1897) sur les Elections Publiques"

Franchise (Jersey) Law, 1968

Civil Service (Administration) (Jersey) Law, 1948

Article 26

54. As previously stated, all persons have the equal protection of the law without discrimination on any grounds.

Article 27

55. There is no restriction on the rights conferred by this Article.

ANNEX 2

REPORT BY THE STATES OF GUERNSEY

PART I

1. The Covenant itself does not have the force of law in the Bailiwick of Guernsey but the **laws** and customs of the Islands are in conformity with the provisions of the Covenant except where indicated in this report. Guernsey, together with the Islands of Alderney and Sark, form the administrative group of the Bailiwick of Guernsey.
2. The Insular Authorities are very conscious, as have been their predecessors for centuries past, of the importance of safeguarding the rights and freedoms of the individual.
3. Where appropriate copies of the enactments referred to in this report are attached herewith. It has not, therefore, been considered necessary to detail information contained in the legislation. The list of the enactments attached are set out in the appendix hereto.
4. The report relates to the Island of Guernsey, which has a population of 54,500 and a legislature (the States of Guernsey) with 60 members. Some of Guernsey's laws and administration apply also to the smaller islands of Alderney (population 1,800) and Sark (population 550). Alderney and Sark also have their own legislatures, of 13 and 54 members respectively.
5. Except where otherwise indicated, the report reflects the situation in Alderney and Sark as well as in Guernsey.

PART II

Article 1

6. Guernsey is an internally self-governing dependency of the Crown with a democratically elected Government. The status of the Island reflects the wish of its people. The Government of Alderney is democratically elected. The status of the Island reflects the wish of its people. The Government of the Island of Sark is partially democratically elected; those members of the Chief Pleas (the governing body), who are not democratically elected hold their seats by virtue of rights, appurtenant to the ownership of certain properties. The status of the Island, too, reflects the wish of its people.

Article 2

Paragraph 1

7. The States of Guernsey respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in this Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Paragraph 3

8. Although Guernsey law does not confer a specific right of action in respect of violation of any basic rights or freedoms as such, prevention of the free exercise of the rights and freedoms set forth in this Covenant will normally involve some unlawful interference with the person, liberty or property of the victim for which the law provides a civil remedy and/or a criminal sanction. In general a person aggrieved by an act or decision of any administration of the States has a right of appeal to the Royal Court.

9. In criminal proceedings legal aid is available under Article 1 of the "Loi par Rapport aux Procedures en Crime" of 30 August 1877 which provides that where an accused has been committed for trial on indictment a Law Officer of the Crown may summon him before the Royal Court so that he may choose an advocate to act on his behalf.

10. In addition, there are limited legal aid provisions which assist persons pursuing criminal appeals.

Article 3

11. In connexion with the draft Convention on the Elimination of Discrimination Against Women, the States of Guernsey have undertaken to adopt progressively all such measures as will ensure the equality of men and women, in all spheres - civil, political, social, economic and cultural.

Article 4

12. It has not so far been necessary for the Island to derogate from its obligations under this Covenant pursuant to this Article.

13. Emergency powers such as exist in the Island are by means of temporary legislation enacted by the States of Guernsey Emergency Council acting under the provisions of the Emergency Powers (Bailiwick of Guernsey) Law, 1965 and by means of United Kingdom legislation extended to the Island (The Prevention of Terrorism (Temporary Provisions) Act 1976).

Article 5

14. The States of Guernsey will abide by its obligations under this Covenant.

Article 6

Paragraph 1

15. Murder is a common law offence. It is a criminal offence to deprive a person of his life except in the following circumstances:

- (a) in pursuance of a sentence of a competent court;
- (b) in self-defence, provided that no more force is used than, having regard to all the circumstances, is reasonable;
- (c) in the prevention of crime, provided that again only reasonable force is used.

16. Where death is caused by a negligent act or other intentional or unjustified act, the personal representative of the deceased has a cause of action against the person whose act caused the death of the deceased; the "Loi relative à la Compensation qui pourra être accordée aux Familles de Personnes dont la Mort aura été causée par Accident" of 28 December 1900; the Fatal Accidents (Guernsey) Law, 1960.

Paragraph 2

17. The death penalty for murder has been abolished under section 1 of the Homicide (Guernsey) Law, 1965.

Paragraph 3

18. The Convention on the Prevention and Punishment of the Crime of Genocide has been extended to the Bailiwick of Guernsey. The Extradition (Genocide) Order 1970 refers also thereto.

Article 7

19. The right not to be subjected to torture or other cruel, inhuman or degrading punishment or treatment is protected by law. It is a common law offence to use force against a person (assault) other than that appropriate to the circumstances in certain cases, e.g. self-defence, defence of property, prevention of crime.

20. In addition to their normal liability under the criminal law, both prison officers and police officers are subject to a code of discipline, which, inter alia, is designed to protect the individual from the treatment referred to in this Article.

21. A person who has been ill-treated may bring an action in tort for damages against the person or persons who, it is alleged, were responsible for the assault.

Article 8

22. There is no slavery or servitude within the Island, nor is there forced or compulsory labour. A convicted prisoner may be required to engage in useful work for a maximum of 10 hours per day, and may receive payment for that work; section 49 of the Prison Administration (Guernsey) Ordinance, 1959.

The Alderney Court has power to sentence convicted offenders up to a maximum period of two months under the Government of Alderney Law 1948, as amended, and it may provide that prisoners serve part or all of their sentences in Guernsey under powers conferred by the Prison Sentences (Reception of Alderney Prisoners) Law 1949. Prisoners convicted in Sark for any term of imprisonment in excess of three days must, under the provisions of the Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law 1971, serve their sentences in Guernsey.

23. Although no recent cases have come before the Court, it is believed that the right of action for false imprisonment exists in tort and ensures the protection of the subject from wrongful detention or confinement, whether for the purpose of exacting labour or for any other purposes. False imprisonment is, however, certainly a criminal offence at common law.

Article 9

24. No person may be arrested, detained, or deprived of his liberty other than by due process of law. All the provisions of this Article are observed by customary law; section 89 of the Prison Administration (Guernsey) Ordinance, 1959.

25. Liberty of the person and freedom from arbitrary arrest are protected by the common law. Any person who arrests or detains another without lawful cause will be liable not only to a civil action in damages for false imprisonment but also to prosecution for a criminal offence. Every restraint on the liberty of one person in the custody of another is treated as imprisonment.

Article 10

26. The management of the States' Prison in Guernsey is covered by the Prison Administration (Guernsey) Law, 1949 and the Prison Administration (Guernsey) Ordinance, 1959.

27. Punishment regarding young persons is governed by the Children and Young Persons (Guernsey) Laws, 1967 and 1971; the "Loi relative à la probation de Délinquants" of 23 November, 1929; the Criminal Justice (Power to Suspend Sentence) (Bailiwick of Guernsey) Law, 1972.

Article 11

28. The provisions of this Article are observed. Attention however is drawn to the "Loi ayant rapport aux Debiteurs et à la Renonciation" of 2 August 1929, and to the provisions of Article 4 of the "Loi relative à la Separation de Mariés en Police Correctionnelle" of 21 August, 1930 (failure to pay a maintenance order) and Article 2 of the "Loi relative à l'Entretien des Enfants Illégitimes, 1927" (failure to pay an affiliation order).

Article 12

29. The provisions of this Article are recognized in the Island. In order to protect the rights and freedoms of persons born in the Island the Housing (Control of Occupation) (Guernsey) Law, 1975; the Housing (Control of Occupation) (Implementation) Ordinance, 1975; the Housing (Control of Occupation) (Implementation) (Amendment) Ordinance, 1976 impose restrictions on certain persons occupying certain properties.

30. The reservations made by the United Kingdom Government in respect of matters covered by the Immigration Act, 1971 (as extended to the Bailiwick by the Immigration (Guernsey) Order, 1972) apply equally to the Bailiwick.

Article 13

31. Guernsey law has the effect required by the Article but the Police Court Magistrate is empowered, where a person has been convicted of an offence (usually of a minor nature against public order) either instead of, or in addition to the imposition of any other penalty, to order the convicted person to be bound over to leave the Island for such periods as may be specified, if, in the opinion of

the Magistrate, such an order should be in the public interest. Such a binding over may, however, only be made with the consent of the convicted person.

32. The Immigration Act, 1971, as extended to the Bailiwick, provides that a person who is not patrial shall be liable to deportation in the following circumstances:

(a) if, having only a limited leave to enter or remain, he does not observe a condition attached to the leave or remains beyond the time limited by the leave; or

(b) if the Lieutenant Governor deems his deportation to be conducive to the public good; or

(c) if another person to whose family he belongs is or has been ordered to be deported.

Article 14

Paragraph 1

33. Every person is equal before the Courts and Tribunals; proceedings are conducted in accordance with the rules of natural justice and are in conformity with the requirements of this Article.

Paragraph 2

34. It is a fundamental principle of law that a person is innocent until proved guilty.

35. There are, however, some enactments where the onus of proof of his innocence ~~has~~ been shifted upon the accused and, when that happens, it is sufficient for him to prove the exculpatory fact on a balance of probabilities. The burden of proof on the accused is thus never as high as that on the prosecution.

Paragraph 3

36. Criminal proceedings in Guernsey are conducted in accordance with the provisions of this paragraph.

Paragraph 4

37. Procedure with regard to juveniles is set out in the Magistrate's Court (Juvenile Cases) (Procedure) Rules, 1956. Due note is taken in Alderney and Sark of the age of the accused in these cases.

Paragraph 5

38. The rights of appeal in criminal matters from the Magistrate's Court to the Royal Court are set out in sections 2 and 3 of the "Loi par rapport aux Appels des Sentences Rendues en Police Correctionnelle (1939)". Rights of appeal from the Court of Alderney are provided in the Court of Alderney (Appeals) Law, 1969, and from the Court of the Seneschal of Sark in the Reform (Sark) Law 1951, as amended.

39. The rights of appeal in criminal matters to the Guernsey Appeal Court are set out in section 24 of the Court of Appeal (Guernsey) Law, 1961.

Paragraph 6

40. There are no provisions conferring a right on persons convicted of criminal offences but later exonerated to receive compensation from public funds for any loss or hardship they may have suffered. It is open to the States to make ex gratia payments if they consider such a course to be justified.

41. A person may have a right to bring a civil action for damages against any person or authority responsible, if the criminal proceedings were instituted maliciously and without reasonable cause.

42. Section 36 (1) of the Court of Appeal (Guernsey) Law, 1961 provides for the payment of compensation not as of right, but at the discretion of the Guernsey Court of Appeal. Compensation is limited to expenses properly incurred by the person acquitted in the prosecution of his appeal, including any proceedings preliminary or incidental thereto.

Paragraph 7

43. It is a common law principle that a person may not be tried twice for the same offence.

Article 15

44. It is a fundamental rule that an enactment creating an offence or increasing penalties in respect of offences, may not be made retroactive.

Article 16

45. Every person is entitled to the protection of the law.

Article 17

46. No person may unlawfully be subjected to any such intrusion on his privacy as is envisaged in this Article. A person whose rights are violated would have an effective remedy in trespass, libel, slander etc. according to the circumstances.

47. The limited right of entry and search of premises granted to persons acting in an official capacity is governed by the relevant enactment.

Article 18

48. Every person has a right of freedom of thought, conscience and religion, without hindrance. It has not been necessary to prescribe any such limitations as are envisaged under this Article.

Article 19

49. Every person is free to hold and express his opinions without interference. Such freedom of expression is restricted by law only in those cases where it is necessary in the public interests. Section 12, Article 7 of the "Loi relative à l'Application des Peines, tant au Criminel qu'en Police Correctionnelle" of 1856 provides as follows:

"Seront censés Vagabonds.

Ceux qui auront distribué ou exposé des Images,
Gravures ou Imprimés contraires aux bonnes mœurs
ou à la religion".

50. Public law and order is preserved by the common law.

Article 20

51. The reservations made by the United Kingdom in respect of this Article apply equally to the Bailiwick since it is considered unnecessary to enact legislation in Guernsey prohibiting propaganda as envisaged in this Article.

Article 21

52. The right of peaceful assembly is recognized under the common law.

Article 22

53. Every person has the right to freedom of association including the right to form and join trade unions for the protection of his rights.

Article 23

54. The rights referred to in paragraphs 1, 2 and 3 are recognized throughout the Bailiwick, the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978, which has just been enacted in Guernsey effectively terminates any significant inequalities of rights and responsibilities as envisaged by paragraph 4. In Alderney and in Sark the father normally is guardian of his legitimate children but custody may be displaced by an Order of the Court in a breakdown of marriage. Sark law does not provide for dissolution of marriage but where there is a breakdown the Court has power to make maintenance orders.

Article 24

Paragraph 1

55. The welfare of children is safeguarded under the Children and Young Persons (Guernsey) Law, 1967.

56. The education of children is covered by the Education (Guernsey) Law, 1970.

Paragraph 2

57. Registration of births is governed by the "Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Ile de Guernesey" of 9 March 1935.

Paragraph 3

58. Nationality of children is governed by the British Nationality Act, 1948, of the United Kingdom.

Article 25

59. Citizens enjoy the rights referred to in this Article.

Article 26

60. As previously stated, all persons have the equal protection of the law without discrimination on any grounds.

Article 27

61. There is no restriction on the rights conferred by this Article.

ANNEX 3

REPORT BY THE ISLE OF MAN GOVERNMENT

PART I

1. The Isle of Man is a Crown dependency of the United Kingdom and the latter is responsible for its international relations.
2. Tynwald is the Parliament of the Isle of Man. Tynwald has two Branches namely the 24 member House of Keys (elected by the people) and the 11 member Legislative Council (mainly elected by the House of Keys). Tynwald is claimed to be the oldest continuous legislative assembly in the world having been in existence in the tenth century during the Scandinavian period when the Kings of Mann were feudatory to the Kings of Norway. Tynwald will celebrate a millennium in 1979.
3. The legal framework in the Isle of Man depends either upon Acts of Tynwald or upon legislation of the United Kingdom extended to the Isle of Man or upon the common law. The common law of the Isle of Man is substantially the same as that in England and Wales and principles of equity recognized by the English courts are adopted in the Isle of Man. English decisions on the common law have invariably been accepted in the Isle of Man in the absence of local laws to the contrary, to the great advantage and uniformity of legal practice.
4. Although the Isle of Man as a Crown dependency has bound itself to Conventions on Human Rights and Freedoms such rights have not been enacted in legislation of Tynwald.
5. In the field of human rights and freedoms any citizen has the right to present to Tynwald, at its annual open-air meeting, a petition for redress: it is believed that this right is unique. Such a petition must relate (a) to a matter of public interest, (b) fall within the province of Tynwald and (c) be not capable of adjudication upon by the High Court of Justice or by any tribunal, arbitrator or other body or authority constituted under Act of Tynwald. The right is jealously guarded and was exercised in 1977.

PART II

Article 1

6. The Isle of Man as a Crown dependency, whilst not at present seeking independence, has over a long number of years evolved towards a greater degree of self-government, now almost complete in all domestic matters, including all rules relating to civil and political freedoms, and is a civil and political democracy.

Articles 2 and 3

7. The Isle of Man does not discriminate between any of those categories of person referred to in Article 2.1. Persons detained in penal establishments are governed by special rules for the preservation of custodial discipline and accordingly the Isle of Man Government applies to those persons such laws and procedures as it may from time to time deem necessary for this purpose.

8. The Isle of Man provides both a civil remedy and a criminal sanction in respect of violation of fundamental freedoms. These matters are specifically referred to in this report in each Article. Legal proceedings can be taken in the Isle of Man against the Government and public authorities in the same manner as against private individuals. There are no restrictions on a person's right to recourse to the courts and legal aid is available both in civil and criminal cases for those unable to afford legal assistance.

Article 4

9. It has not so far been necessary for the Island to derogate from its obligation under this Covenant pursuant to this Article. Emergency powers in the Island are by a declaration of a state of emergency by the Lieutenant Governor acting under the provisions of either the Emergency Powers Act 1936 or the Civil Aid Services (Planning) Act 1976 and by means of United Kingdom legislation temporarily extended to the Island (The Prevention of Terrorism) (Temporary Provisions) Act 1976.

Article 5

10. Tynwald has taken no action aimed at the contravention of this Article.

Article 6

Paragraph 1

11. The right to life is protected both by the civil and criminal law. If death is caused by negligence or by wilful intent in civil cases a right to damages arises and the relevant statutory authorities are the Law Reform (Miscellaneous Provisions) Act 1938 and the Fatal Accidents Acts, 1852 to 1961. An attempt to procure an abortion is an offence under sections 71 and 72 of the Criminal Code 1872.

Paragraph 2

12. Judgement of death can be passed for treason, murder and genocide. In the one case of murder in the last 30 years the sentence of death was commuted to one of life imprisonment by the exercise of the Royal Prerogative of Mercy on the advice of the Home Secretary.

Paragraph 3

13. The Isle of Man is bound by the Convention on the Prevention and Punishment of the Crime of Genocide. Under the Genocide (Isle of Man) Act 1969, genocide is an offence punishable with death if the offence consists of the killing of any persons, or, if not, with imprisonment of not more than 14 years.

Paragraph 4

14. A pardon or commutation of sentence may be granted in all cases in the exercise of the Royal Prerogative of Mercy by the Lieutenant Governor as representative of the Sovereign in the Isle of Man (except in the case of a death sentence, where it is the Home Secretary's responsibility to advise the Sovereign).

Paragraph 5

15. In those cases (treason, murder and genocide) where the death penalty has been retained, judgement of death cannot be passed upon any person who, at the time of the offence, was under the age of 18 - Children and Young Persons Act 1966, section 47 (1). Although no provision is made by law for exempting pregnant women from the death penalty, no such penalty has been carried out on a pregnant woman within living memory.

Article 7

16. The right not to be subjected to torture or to various other forms of ill-treatment is protected both by the criminal law and by the civil law and is in most respects similar to the position appertaining in the United Kingdom. The position of the police in the Isle of Man including the question of police discipline is generally the same as that in the United Kingdom.

Article 8

17. There is no slavery or servitude, nor any forced or compulsory labour as described in this Article. The right of action for false imprisonment is available in the Isle of Man as is the writ of habeas corpus. Imprisonment with hard labour may not be imposed - Criminal Justice Act 1963, section 1 (3). Community Service Orders requiring a convicted person to perform unpaid work for not less than 40 or more than 240 hours are contained in legislation at present under consideration by the House of Keys. This follows the success of such Orders in several parts of the United Kingdom.

Article 9

18. The legislative provisions relating to arrest in the Isle of Man are similar to those in the United Kingdom. Bail is discretionary under the provisions of the Bail Act 1952, and if a summary court refuses bail there is a right of appeal to a Deemster of the High Court.

19. Both writs for habeas corpus and actions for false imprisonment and malicious prosecution are maintainable in the Isle of Man.

Article 10

Paragraph 1

20. The Prison Rules 1965 made under the Prison Act 1965 of Tynwald are similar to the Prison Rules 1964 of the United Kingdom. Amendments equivalent to the latest amendments to the Prison Rules recently passed in the United Kingdom are at present being drafted and are expected to be introduced within the next six months. The Isle of Man has the same system and procedures in relation to its prison as those in the United Kingdom including the appointment of a Prison Visiting Committee. The person responsible for the Isle of Man Prison is the Lieutenant Governor of the Isle of Man.

Paragraph 2

21. In all cases involving children and young persons (those who have not attained the age of 17 years) committing offences, whether on remand, awaiting sentence or trial or whether serving a period of detention (maximum of three months) such persons are committed to Tromode House, a remand and detention centre, purpose built and opened in 1976. No persons of the age of 17 or over are admitted to Tromode House.

22. Only if the Court certifies that a child or young person is of so unruly character that he cannot be safely remanded at Tromode House can such person be detained in prison - Children and Young Persons Act 1966, section 28.

Paragraph 3

23. Because of the limited size and use of the Isle of Man Prison, prisoners serving a sentence of imprisonment of more than 12 months are, where necessary, transferred to a prison in the United Kingdom where they become subject to United Kingdom rules and where they can benefit from United Kingdom rehabilitation facilities.

24. The Borstal training facilities for young people aged between 15 and 21 are available to persons convicted in the Isle of Man. Such persons are transferred to the United Kingdom as there is no Borstal Institute in the Isle of Man.

Article 11

25. Domestic law does not permit the imprisonment of any person on the ground of his failure to fulfil a contractual obligation.

26. A person may be imprisoned for default in payment of a debt only where the debt arose under a High Court Judgement and where it is proved to the satisfaction of the court that the person making default has the means to pay but refuses to pay - Imprisonment for Debt Act, 1928.

Article 12

27. There is no restriction on the free movement of persons in or out of the Isle of Man nor in relation to the choice of a place of residence. The provisions of the Immigration Act 1971 of the United Kingdom and the rules made thereunder apply, with the consent of Tynwald, to the Isle of Man. The reservation entered by the United Kingdom Government in respect of this Article applies also to the Isle of Man.

Article 13

28. The law of the Isle of Man follows that of the United Kingdom in relation to the expulsion of aliens.

Article 14

29. The principles of this Article are applied in the Isle of Man in the same way as they are in the United Kingdom.

Article 15

30. The Isle of Man would not contemplate the introduction of retroactive criminal legislation.

Article 16

31. No legislation exists which would deprive a person from the protection of the law.

Article 17

32. Privacy, family, home and correspondence are protected under the law. Unlawful attacks on honour and reputation may give rise to an action for damages for defamation usually as a civil wrong but sometimes as a criminal offence.

Article 18

33. The liberty of religious worship is unrestricted in the Isle of Man, save for the necessity to secure public order. Religious Instruction is a compulsory subject at schools but parents have legal rights to insist on children being excused from Religious Instruction - Education Act 1948, Section 54.

Article 19

34. There are no restrictions under this Article, save in respect of statements which are in contempt of court, blasphemous, seditious, defamatory of another person, in breach of confidence or likely to provoke a breach of the peace.

Article 20

35. The position in the Isle of Man is similar to that referred to in the United Kingdom. The reservation entered by the United Kingdom Government in respect of this Article applies also to the Isle of Man.

Article 21

36. There is no restriction on the exercise of the right of peaceful assembly. The Riot Act 1836 punishes riotous assemblies.

Article 22

37. There are no objections to complete freedom of association other than those concerned with public safety, national security and the prevention of crime.

Article 23

38. The family law of the Isle of Man is similar to that of the United Kingdom. Whilst the Isle of Man has seen fit not to abolish the common law actions for enticement and harbouring and the right to claim damages for adultery, recent legislation namely the Matrimonial Homes Act 1971, the Judicature (Proceedings and Property) Act 1972, the Domicile and Matrimonial Proceedings Act 1974 and the Judicature (Matrimonial Causes) Act 1976 have maintained Isle of Man family law in complete uniformity with that of the United Kingdom.

Article 24

39. The position of children in the Isle of Man is similar to ~~that~~ of children in the United Kingdom.

Article 25

40. Democratic elections to the House of Keys have taken place since 1866. The right of women to vote in elections to the House of Keys was granted as far back as 1881. All persons over 18 can vote provided they do not suffer from any legal incapacity and are British subjects or subjects of the Republic of Ireland. Subject to certain statutory exceptions all persons are eligible for election and membership of the House of Keys. Elections to local authorities in the Isle of Man are conducted on similar principles to those for elections to the House of Keys.

41. House of Keys elections under the Representation of the People Acts have to be held at least once every five years and voting is by secret ballot.

42. The Civil Service has been set up under Act of Tynwald and is conducted under rules similar to those appertaining in the United Kingdom.

43. A reservation to Article 25 (C) was made in respect of the Isle of Man in relation to women being liable for jury service. A bill has now been drafted and will be introduced into the Branches of Tynwald for consideration within the next six months. Under the bill as drafted ~~women~~ in the Isle of Man will become liable to jury service.

Article 26

44. The rule of law coupled with the rules of natural justice are upheld in the Isle of Man as fundamental principles of the constitution.

Article 27

45. There are no restrictions on the enjoyment by any group of persons of the rights as to culture, religion and language which are the subject of this Article, other than those such as are referred to in Article 22 (2) of the Covenant relating to the right of association. Members of any group of persons are entitled to the same protection of law as applies to others.