

**The European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment
(Privileges and Immunities) (Bailiwick of Guernsey)
Ordinance, 2021**

THE STATES POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on the States by sections 1 and 3 of the Privileges and Immunities (Bailiwick of Guernsey) Law, 2004^a, and all other powers enabling them in that behalf, and on that Committee by Article 66A of the Reform (Guernsey) Law, 1948^b, hereby orders:-

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment - privileges and immunities.

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("the CPT"), established by and in accordance with Article 1 of the Convention, is specified for the purpose of section 1(a) of the Privileges and Immunities (Bailiwick of Guernsey) Law, 2004, and the provisions of the Convention specified in section 2 have force of law in the Bailiwick for the purpose of conferring the privileges and immunities to be enjoyed by –

^a Order in Council No. XII of 2005; amended by Ordinance No. XXXIX of 2015; No. IX of 2016; and No. XXVI of 2018.

^b Ordres en Conseil Vol. XIII, p. 288; Article 66A was substituted by Order in Council No. XVII of 2015; there are other amendments to the Law not relevant to this Ordinance.

- (a) members of the CPT, and
- (b) experts and interpreters chosen by the CPT to assist it in its functions, in accordance with Article 7(2) of the Convention.

Convention to have force of law in the Bailiwick.

2. The relevant provisions of the Convention referred to in section 1 are Article 16 of, and the Annex to, the Convention (reproduced at the Schedule to this Ordinance).

Policy & Resources Committee power to make regulations.

3. The States of Guernsey Policy & Resources Committee may make regulations for the purpose of further particularising the privileges and immunities conferred under section 1 on the persons listed in that section.

Interpretation.

4. (1) In this Ordinance, the "**Convention**" means the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, signed at Strasbourg on the 26th November, 1987.

(2) References in this Ordinance to the Convention are references to it as from time to time amended, but only if the amendment has been ratified, or otherwise has effect in the law of, the United Kingdom.

Extent.

5. This Ordinance has effect throughout the Bailiwick.

Citation.

6. This Ordinance may be cited as the European Committee for the

Prevention of Torture and Inhuman or Degrading Treatment or Punishment
(Privileges and Immunities) (Bailiwick of Guernsey) Ordinance, 2021.

Commencement.

7. This Ordinance shall come into force on the 13th April, 2021.

SCHEDULE

Section 2

ARTICLE 16 OF, AND THE ANNEX TO, THE CONVENTION

"Article 16

The Committee, its members and experts referred to in Article 7, paragraph 2 shall enjoy the privileges and immunities set out in the annex to this Convention."

"ANNEX

Privileges and immunities

(Article 16)

1. For the purpose of this annex, references to members of the Committee shall be deemed to include references to experts mentioned in Article 7, paragraph 2.
2. The members of the Committee shall, while exercising their functions and during journeys made in the exercise of their functions, enjoy the following privileges and immunities:
 - (a) immunity from personal arrest or detention and from seizure of their personal baggage and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
 - (b) exemption from any restrictions on their freedom of movement on exit from and return to their country of residence, and entry into and exit from the country in

which they exercise their functions, and from alien registration in the country which they are visiting or through which they are passing in the exercise of their functions.

3. In the course of journeys undertaken in the exercise of their functions, the members of the Committee shall, in the matter of customs and exchange control, be accorded:

- (a) by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official duty;
- (b) by the Governments of other Parties, the same facilities as those accorded to representatives of foreign Governments on temporary official duty.

4. Documents and papers of the Committee, in so far as they relate to the business of the Committee, shall be inviolable.

The official correspondence and other official communications of the Committee may not be held up or subjected to censorship.

5. In order to secure for the members of the Committee complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

6. Privileges and immunities are accorded to the members of the Committee, not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions. The Committee alone shall be competent to waive the immunity of its members; it has not only the right, but is under a duty, to waive the immunity of one of its members in any case where, in its opinion, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded."