

## Town Church

Dear Scrutiny Panel Members,

This comes in response to the invitation for comment on matters contained within the draft law entitled “Draft Marriage and Civil Status (amendment No. 4) (Jersey) Law 201” and I write as a key stakeholder.

First, whilst not my primary reason for writing, I express my objection to change in Jersey’s marriage law to allow same-sex couples to get married in Jersey. My primary reason for writing is that such a change, whilst affording no legal benefit to same-sex couples, will undermine the freedom to act and speak consistently for those who hold to a traditional understanding of marriage for reasons of faith and good conscience.

The European Court of Human Rights has consistently held that that the European Convention on Human Rights requires member states to provide legal recognition of same sex unions (through civil partnerships), but does not require marriage to be opened to same-sex couples. While the States of Jersey may choose to extend a right to marry to same-sex couples, it has an obligation to protect the longer-established and more universally recognised right to freedom of religion and conscience which includes both freedom to believe and act in accordance with one’s faith or moral convictions.

Without adequate protections for conscientious objectors, persecution of people of faith and of traditional convictions is inevitable. The draft law itself acknowledges that fact (chapter 1, section C, paragraph 3, footnote 2) and it has been demonstrably and increasingly true in other similar jurisdictions where same-sex marriage has been legislated for. In the UK, Ben Harris-Quinney (Chairman of the Bow Group think tank) comments that *“same-sex marriage was promoted in the UK, as an issue of supposed tolerance and equality. What we have seen, is the most unequal and intolerant outcomes of any political issue in recent history.”*

In the UK, even those who at the introduction of same-sex marriage had spoken about the importance of exemptions on the basis of freedom of religion are now working to undermine them and to enforce uniformity. Equalities minister Justine Greening, insisted that churches must be made to “keep up with modern attitudes” and the Speaker of the House of Commons, said “I feel we’ll only have proper equal marriage when you can bloody well get married in a church if you want to do so, without having to fight the church for the equality that should be your right.” We would be utterly naive to think that the draft law, without a conscience clause, is fit-for-purpose in our society where many—of all faiths and of none—will not, in good conscience, be able to consent to same-sex marriage.

Whilst section B of the draft law outlines the protection for religious organisations and officials, it is

incongruous to provide protection for religious officials operating in their professional capacity, whilst providing no protection for religious people holding precisely the same moral conviction. Footnote 2 on page 7 of the Draft Law highlights the damaging effects of enforcing uniformity. There are now numerous cases of service-providers in the UK being targeted for their traditional view of marriage and facing penalties for failing to provide what their faith and conscience simply will not allow. And beyond freedom to act, what about freedom of speech for those such as school teachers, social workers, or registrars who in good-conscience cannot promote same-sex marriage? The failure in the UK to provide a conscience-clause—and the ongoing fallout of that—is surely reason for Jersey to do far better.

Other jurisdictions have done better and offer conscience clauses. For example the Netherlands allows for the conscientious objection of registrars and the State of Mississippi has passed a more comprehensive conscience-clause: House Bill 1523: Protecting Freedom of Conscience from Government Discrimination Act.

I therefore urge the Scrutiny Panel to pull the draft law from States debate in order to prepare revisions to Jersey's discrimination law which would protect conscientious objectors from discrimination. Such radical changes to marriage law in Jersey must not be rushed and must protect the rights of the many thousands of people living in Jersey who wish to uphold a traditional view of marriage.

Yours faithfully,

James Taylor

**The Revd James Taylor | Vicar**

**Town Church**