



Friday, 03 November 2017

Dear Jersey Scrutiny panel,

Thank you for the opportunity to write to you. We would like to raise with you some concerns about how the proposed changes to the Draft Marriage and Civil Status (Amendment no 4) could be used to discriminate against and curtail the freedom of expression of those who respectfully hold a traditional view of marriage. These concerns are held by many of our JEA members and by many other Religious groups in our community.

We seek to build a community in Jersey where mutual respect and tolerance, freedom of expression and freedom of religion are upheld, and we need to be especially careful when we ask individuals or organisations to act in a way that goes against their conscience or their faith.

We understand that if this legislation is put into place in Jersey it will have the necessary quadruple lock to protect members of the clergy from legal proceedings against them for discrimination if their organisation or they themselves refuse to take a Same-sex marriage. We are thankful that this has been seen to. Unfortunately, this still leaves many people of who provide services around a Marriage unprotected under the discrimination act, if they in good faith and conscience cannot provide that service.

We have had a number of Christian photographers, professional musicians and organists who have raised with us their growing concern that if they were to turn down an invitation to play at a Samesex marriage that they could face a fine or face a charge of discrimination. For many struggling musicians this would mean financial bankruptcy or could mean that they would have to withdraw their service in the community totally.

A number of Christian teachers and social workers have also raised their concerns with me as the chair of the Jersey Evangelical Alliance that if they were to respectfully express their views on traditional marriage in the classroom, in public or on social media that they might well face disciplinary proceedings for discrimination in the future too if a conscience clause isn't included as an amendment to the Discrimination Act. In a society that prides itself on freedom of speech and freedom of religion there is a concerning trend that those who would respectfully speak up for a traditional view of marriage are no longer going to be able to do that as warmly and as clearly in Jersey anymore without fear of litigation.

Can the scrutiny panel also kindly look at the matter of the buildings and community centres that are made available by a number of religious and non-profit organisations? These organisations need to be reassured that they will be able to continue to hire their premises out only on the basis that the core beliefs of the organisations aren't denigrated or disrespected through the use of the premises.

In the past we have wisely managed to provide Conscience clauses for Doctors and Nurses who have due to their faith been unable to be involved in an Abortion. Actually, as I was writing this letter to you a long standing Nurse within the Jersey Community came to speak to me and told me a story





where she was put under huge pressure to be involved in an Abortion in Jersey Hospital but due to the Conscience clause she was able to uphold her faith and not be involved in the Abortion but she was very fearful that she could have lost her job. In the past too we have in Law provided a Conscience clause for Pacifists and Conscientious objectors so that they can remain true to their beliefs and yet also provide a different kind of service to their country.

There is evidence that this kind of legislation has already led to discrimination occurring in the UK. In the light of the growing number of legal cases in the UK (please see attached document from Christian Concern) can we suggest that the scrutiny panel look at the following or similar conscience clauses which would ensure mutual respect and tolerance can be upheld in our island in the years to come.

Suggested Conscience clauses:

No discriminatory activity shall be permitted, in whole or in part, against a religious organisation or individual on the basis that said religious organisation or individual.

- Declines to provide services, facilities or goods for any purpose related to the solemnisation, celebration or recognition of any relationship not consistent with the sincerely held beliefs of that religious organisation or individual in relation to marriage.
- Makes employment related decisions regarding hiring, terminating, or disciplining anyone based on conduct which is inconsistent with the ethos of that religious organisation or religious employer.
- Makes any decision relating to the letting or occupancy of any property under it trusteeship based upon a manner consistent with its sincerely held religious or moral beliefs
- Freely speaks about a traditional view of marriage or speaks out in a respectful and noninflammatory way against Same-Sex marriage.

Our concerns do not stem from ignorance or prejudice. I personally have had the privilege of working alongside, providing pastoral care and being good friends with some amazing people who are same-sex attracted. Some of whom would also share our concerns listed above.

Kind regards

Rev Martyn Shea JEA Chair





JEA Member Churches:

Bethesda Methodist Church Bethlehem Methodist Church (tbc) Christian Portuguese Mission Elim Rock Church Freedom Church Gourav Church Grouville Parish Church Igreza Pentecostal Catedral De Vida **Jersey Baptist Church Lighthouse Christian Church** St Andrew's Church **St Lawrence Church** St Mark's Church St Matthew's Church **St Ouen's Parish Church** St Paul's Church **Tesson Chapel**

JEA Member Christian Organisations:

Béthanie Christian Ministries (Jersey) Christian Solutions Grace Trust Jersey