

Freedom Church

For the attention of the Corporate Services Scrutiny Panel,

In response to the scrutiny panel's call for evidence, we would like to express that we are against some of the proposed changes to the marriage laws, specifically because there is no provision in the proposed changes which would protect private citizens, government employees or businesses, who are conscientious objectors to same-sex marriage.

As Church Pastors, we are grateful for the inclusion of the quadruple lock in the Draft Marriage Law and the proposed protection it affords Church Ministers/ Leaders from claims of discrimination, should they not agree to the solemnization of same-sex marriage. Although the inclusion of the quadruple lock is vital, due to the conscience of Church Leaders or Ministers, it needs to be understood that a very large number of Christian people hold the same level of faith and belief as the Church Leaders, and the 'Clergy / Laity' divide is not a clear distinction as is often supposed. All Christian believers should be given freedom of choice to adhere to their moral conscience.

In communities where same-sex marriage laws have been passed, without appropriate protection for conscientious objectors, individuals and businesses have been targeted and intimidated, simply because they choose to live by their moral convictions and choose not to participate in a Same-Sex wedding. These convictions can't be written-off lightly, since they are shared by billions of people around the globe and are articulated in nearly every major faith tradition - including that of the established Church here in Jersey.

We have recently had sight of a report from the Christian Legal Centre which is attached to this email. The results of the change of the law in the UK has resulted in a number of circumstances:

There are examples of devout Christian believers losing their employment, their place as a student at their university, the ability to adopt or foster children, and loss of ability to say what they believe, which is in line with orthodox and widely held Christian Biblical teaching.

Before this drastic change to the definition of marriage is debated in the States, protections for conscientious objectors should be passed. We would recommend the draft language that has been published by the Christian Legal Centre. This draft language is included in the attached memorandum and clearly states a way forward for all.

The protections mentioned in the attached memorandum go beyond the proposed marriage law and as such we believe should be part of the Discrimination Law. The issue of conscience and conscientious objectors appears to be too easily dismissed in the Draft Marriage Law and although it states the following:

'In the event that the States Assembly determine that further consideration should be given to a conscious clause, this can be done as a separate piece of work, as it does not require any further amendments to the 2001 Law'.

There are wider issues relating to the Discrimination Law, that would relate in part to marriage, that also have wider implications in relating to the use of buildings owned by religious organisations. In the proposed 'quadruple lock' it has been recognised that the trustees of religious organisations, in not allowing solemnization of same sex marriage, would not be contravening the Discrimination Law. Again, this is most welcome and essential. However, there should be provision within the

Discrimination Law relating to the use of buildings owned by religious organisations, this law should have a conscience clause relating to use of their building(s) beyond marriage solemnization.

The present trend within religious organisations and Churches is to open up their facilities for general use, serving the community needs and also sometimes for hire. There are existing halls and Church Centres in Jersey being used in this way, which would be severely affected by not being able to choose which activities, whether moral, political or religious are in accordance with their moral or religious belief.

Buildings registered for public worship, as well as ancillary buildings owned by the religious organisation, are used for multiple purposes, interacting with and serving the wider community. If there were to be a legal imposition that these buildings are required to be used for any purpose, whether or not they are contrary to the belief and moral viewpoints of the religious organisation, then the result could or would be that these facilities would no longer be made available for use for wider purposes in the community. This would be completely in contrast to our desire to connect with and serve community purposes.

This would also apply to different Faith Groups wanting to use a facility which has quite different belief to the owners of the buildings. Mostly, people from the Faith Groups would be very sensitive to the belief system of others, but without a Conscience Clause in the Discrimination Law, there would be a remote possibility of claim of discrimination by one religious group against another.

There is mention in the Draft Marriage Law relating to the use of Parish Halls and the decision of the Connetable. Surely, in the wider context of the Discrimination Law there must be an option for the Connetable to refuse the use or hire of the Parish Hall or other Parish facilities, should the values held by those wishing to hire the facility are not considered to be in line with moral or political norms, such as an extreme 'Right Wing' group or even an extreme religious group.

There appears to be no serious consideration in the document to the very real negative and even unintended results of the implementation of the Draft Marriage Law as it presently stands, which does not have a robust Conscience Clause included.

We would like to end with this quote from the Draft Marriage Law: *'Lady Hale, Deputy President of the Supreme Court, has publicly stated that the law should protect people's rights to refuse to do things that go against their belief, even if those beliefs clashed with equality laws'*.

Thank you for your consideration of these held views.

Yours sincerely,

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