

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 22nd OCTOBER 2019**

Question

Further to the response to Oral Question 241/2019, will the Minister –

- (a) detail the instances in which people are treated differently within legislation or policy during the registration and administration of key life events, whether on account of their sex or their sexual orientation;
- (b) advise, in particular, whether there is any difference in treatment between the father and mother of a child, or between a same-sex couple and mixed-sex couple, at the time of the registration of the child's birth and, if so, state what that difference is; and
- (c) commit to review the instances where people are treated differently in order that any such differences arising from the application of legislation and policy are removed?

Answer

Part A

Solemnization of marriage: The Marriage and Civil Status (Jersey) Law 2001 provides that any couple, regardless of sex can marry. It also provides that religious officials are not required to marry same sex couples or couples where one of the parties is of an acquired gender. Nor do religious organisations have to consent to their usual places of religious worship being authorised for the solemnization of marriage between a same-sex couple.

Registration of birth: The Marriage and Civil Status (Jersey) Law currently only provides for the registrar of births to include details of the child's mother and the child's father. Where a child:

- a. has two parents of the same sex, the law does not currently provide for registration of two mothers or two fathers
- b. has a mother and a father who are not married to each other, the father cannot be entered onto the birth certificate without the consent of the mother or by Court Order.

Both of the above are differences of treatment based on sex as opposed to sexual orientation. There is no requirement in law or policy for the Superintendent Registrar to ascertain details relating to a person's sexual orientation or make decisions based on a person's sexual orientation.

Part B

As set out in Part A above, the law does not currently allow for two parents of the same sex to register their child, nor for an unmarried father to be entered onto the birth certificate without the consent of the child's mother or by Court Order.

Part C

Amendments to the law to provide that two mothers or two fathers can registrar their child's birth are currently being developed and will be brought forward in early 2020.

Unmarried fathers will continue to require consent to be named on child's birth certificate as these restrictions, which are common in other jurisdictions, are in place to help protect unmarried mother in the event of rape or sexual abuse.

The right of religious officials and religious organisations not to participate in the solemnization of marriage between same-sex couples, or couples where one party is of an acquired gender, will remain.