

E Mail from Deputy Ben Fox

Dear Mike

My brief submission is really a series of questions which I believe is important when considering this subject.

1. If this Sexual Offences (Jersey) Law 200- is of international importance to the Islands reputation and embarrassing the United Kingdom if it is not ratified then why was it not taken to the new Council of Ministers and endorsed by them prior to being presented to the States?

2. The UK legislation provides additional safeguards to protect young people from older predatory males. Although it is the intention of the Home Affairs Minister to introduce such legislation to the States. Why has such legislation not been brought forward to be in place prior to the States being asked to ratify this Sexual Offences legislation? I believe that the States should defer bringing this Sexual Offences (Jersey) Law legislation until such safeguards have been brought into place before any further considerations are made.

3. A French newspaper in English, The Connexion in their April 2005 issue 30 publication, outlined on the front page under News in Brief the following:-

GIRL MARRIAGE AGE SET TO RISE 15 TO 18

The French government is backing moves to raise the minimum age of girls to marry from 15 to 18 - the same as for boys - in a bid to clamp down on forced weddings an amendment to an opposition Bill on family violence backs the measure and went before the Upper House, the Senate last month. The existing rule "is in contradiction with recent laws on equal rights", the preamble to the amendment reads.

If the French are proposing to increase the age in their current legislation to 18 years, does the Minister of Home Affairs have knowledge of this proposal? If not, will the Scrutiny Panel examine the background to this article to see whether it has any relevance that might affect the statement made in the States that "A defeat in the House would seriously jeopardize our international reputation." ?

4. If the whole emphasis of this legislation is Human Rights, why does the European Convention of Human Rights not recognise the difference in the two types of sexual intercourses, namely to allow one age for vaginal intercourse and another age for anal intercourse regardless of gender? This would not differentiate between the sexes only the method of penetration? Has this been considered by the European Convention of Human Rights?

5. In general terms, if young ladies are supposed to be more developed than their male counterparts, then why cannot the European Convention of Human Rights recognise that one can have an age difference if one separates the penetrating functions i.e. vaginal and anal?

6 A question although not directly associated with this subject is why does the European Convention of Human Rights differentiate between my wife's official retirement age at 60 years and my official retirement is at 65 years?

7. To conclude, I do not believe that it is necessary to change the current ages due to the different nature of the sexual acts for the reasons that I have discussed above. In light of the French article reported in The Connexion I question whether the ratification of this proposed legislation will really affect our international reputation and embarrass the United Kingdom government.

8. I do not believe that the States should be asked to consider this proposition any further until more work has been done to answer some of the questions that I have raised and that the Council of Ministers should have the opportunity to consider this subject in far greater detail before such proposed legislation is returned to the States, especially with the assertion that it will affect our international reputation and embarrass the United Kingdom government.

With kind regards.

Ben

Deputy Ben Fox