

## Equal Marriage and Partnership

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### Residency

**Are you a Jersey Resident?** Yes

**Are you responding as an official representative of an organisation or group?** Yes

**If yes, is that organisation or group:** a group representing people who identify as being lesbian, gay, bisexual or transsexual

**Please state the name of the organisation you represent.**

Liberate (Jersey branch)

**a) Do you agree that all couples, regardless of their gender, should be able to get married?** Yes

**b) Do you agree with the introduction of same-sex civil marriage?** Yes

**c) Do you agree with the introduction of same-sex civil marriage and same-sex religious marriage, where the religious organisation and religious official agree?** Yes

**d) Do you agree with replacing the current system of civil marriages and religious marriages, in favour of civil marriages only for both opposite-sex and same-sex couples? (i.e. remove the right of religious** Yes

**organisations to conduct religious marriages). This is also known as civil union?**

**e) If same-sex marriage is introduced in Jersey which one of the following three options do you think should be used?:**

Option 2: Introduce same-sex civil marriage and same-sex religious marriage, where the religious organisation and religious official agrees.

f) Please note any further comments in the box below:

Although Union Civile (option 3) would introduce truly equal marriage the disturbance that its introduction would cause to the long-standing relationship of the Church of England to the Crown and the State would necessitate a much bigger and longer constitutional debate. Although option 2 is a compromised version of option 3, it is a compromise worth making to achieve essentially the same goal of equality for all couples regardless of gender. As far as the transgender community is concerned, it is vital that any law arising from adopting option 2 is modelled on the Marriage and Civil Partnership (Scotland) Act 2014 not the Marriage (Same Sex Couples) Act 2013.

**a) Do you think we should allow for humanists and other forms of non-religious marriage? Please tick one:** Yes

b) Please note any further comments in the box below:

This is not an issue that directly affects the LGBTQ community. However, Liberate supports equality in all its forms and, as such, it is important that the States of Jersey permit humanists to solemnise marriage in their chosen form of celebration.

**a) Do you think that civil partnerships should be available to opposite-sex couples?** Yes

c) Please note any further comments in the box below:

Retaining civil partnerships for same-sex couples only is just as unequal as having marriages for opposite-sex couples only. Liberate, therefore, supports the opening up of civil partnerships to opposite-sex couples in the interests of true equality.

**a) Do you think we should remove the differences in the grounds for divorce in marriage and dissolution in civil partnership?** Yes

**b) If yes, which one of the following options do you most agree with?**

Option 2: Remove adultery as grounds for divorce in a marriage

c) Please note any further comments using the box below:

Ideally, Liberate would like to see option 2 adopted because it equalises the grounds for divorce/dissolution of a marriage/partnership. In doing so, it would no longer relegate the sexual congress of same-sex couples to something less than that of opposite-sex couples. The implication currently being that adultery in a same-sex partnership either cannot be defined because "we don't really know what they do" or is less important than "real" sexual congress between a man and a woman. Liberate recognises there would be a considerable amount of legal work required to adopt a new definition of adultery, which would be the other option to equalise the current position. Since adultery can be covered by citing the grounds for divorce/dissolution as "unreasonable behaviour" we feel that,

on balance, all marriages would be protected from sexual infidelity via this route and, therefore, option 2 is the simpler option to pursue.

Although Liberate would like to see equality on this matter, it must not become more important in any debate on equal marriage than the goal of equal marriage itself. Liberate would, therefore, be prepared for the status quo regarding adultery to remain, to be revisited at a later date, if it meant that equal marriage was passed in the States chamber.

**Please add any further comment on the Equal marriage and partnership consultation**

Liberate congratulates Ruth Johnson and her team on an excellent consultation paper.