



SOCIAL & COMMUNITY DEVELOPMENT COMMITTEE

PUBLIC CONSULTATION REPORT ON VARIOUS LEGISLATION

Members of the Social & Community Development Committee held seven public consultation meetings during October 2017 to gauge views and support on the following legislation, the results of which are contained within this report:

1. Marriage Bill:
 - a. Options.
2. Welfare of Children's (Amendment) Ordinance:
 - a. Child Labour.
3. New Domestic Abuse Bill.

The public also submitted two petitions at appendix 3.

It is also recognised that consultation on the Marriage Bill was held in 2016 but due to the poor attendance at the first round of meetings, the new Council made the decision for a second round of consultation to be held. There was also a new option added, Civil Partnerships which needed to be discussed with the public.

Professional Consultation on the new Domestic Abuse Bill was also undertaken with the Chief Magistrate, the Chief Justice, Judicial Services, Magistrates, Public Solicitor's Office and Lay Advocates. Feedback received from them is enclosed at appendix 2.

1. Summary of Public Consultation Meetings (*detailed comments from the public meetings at Appendix 1*)

1.1 [HTH Community Centre](#)

Marriage Bill –Twenty two members of the public attended the meeting along with six Councillors and one representative from the media. Four persons present at the meeting were in favour of same-sex marriage and seven were in favour of civil partnerships; the majority of those present did not express a preference.

Welfare of Children's Ordinance (Child Labour) – the public supported the amendment to the Ordinance but also expressed issues over the provisions of the Bill which was to be followed up by the Committee.

New Domestic Abuse Bill - the public supported the enactment of the new Domestic Abuse Bill.

1.2 [Jamestown Community Centre](#)

Marriage Bill – Eighteen members of the public were present at the meeting as well as four Councillors and one representative from the media. 12 members of the public supported same sex marriage and two people were in favour of civil partnerships.

Welfare of Children's Ordinance (Child Labour) - the public supported the amendment to this Bill, however some members of the public felt that the age ranges should be looked at.

New Domestic Abuse Bill - the public supported the enactment of the new Domestic Abuse Bill, however members of the public felt that there were key issues that still need to be addressed, in particular; housing.

1.3 [Harford Community Centre](#)

Marriage Bill – Thirteen members of the public were in attendance and five Councillors were present. Eleven members of the public were in favour of civil partnerships and one member of the public was in favour of same sex marriage.

Welfare of Children's Ordinance (Child Labour) - the public supported the amendment to this bill but also expressed issue over the payment of children.

New Domestic Abuse Bill - the public supported the enactment of the new Domestic Abuse Bill.

1.4 [Levelwood Silver Hill Bar](#)

Marriage Bill – Five members of the public were in attendance at the meeting and three Councillors. Of the five members of the public that were present at the meeting, one was in favour of same sex marriage, two supported civil partnerships, one was happy with the status quo and one did not express a preference.

Welfare of Children's Ordinance (Child Labour) - the public supported the amendment to this Bill.

New Domestic Abuse Bill - the public supported the enactment of the new Domestic Abuse Bill.

1.5 [Blue Hill Community Centre](#)

Marriage Bill – Three members of the public were in attendance along with four Councillors and one representative from the media. The public questioned the relevance of passing the Marriage Bill at this stage and why it was so important when the Island has other important issues to deal with. One person was in favour of civil partnerships, one person did not feel that the Island was ready for this whilst the other person did not express a preference.

Welfare of Children's Ordinance (Child Labour) – the public supported the amendment to this bill but also expressed issue over the age of children allowed on a tavern premises (13 years old).

New Domestic Abuse Bill – the public supported the enactment of the new Domestic Abuse Bill.

1.6 [Sandy Bay Community Centre](#)

Marriage Bill – Twelve people attended the meeting and four Councillors were present; the majority (10) of the public were not in favour of enacting the Marriage Bill to allow same sex marriage but in favour of civil partnerships and two members of the public did not express a preference.

Welfare of Children's Ordinance (Child Labour) - the public supported the amendment to this bill but also expressed concern over the age (13).

New Domestic Abuse Bill - the public supported the enactment of the new Domestic Abuse Bill.

1.7 [Kingshurst Community Centre](#)

Marriage Bill – Thirteen members of the public attended the meeting and five Councillors were present. Seven members of the public were in favour of same sex marriage, four members of the public in favour of civil partnerships and two abstained from expressing a view.

Welfare of Children's Ordinance (Child Labour) - the public supported the amendment to this bill.

New Domestic Abuse Bill - the public supported the enactment of the new Domestic Abuse Bill.

Figures:

As a result of the public meetings held, 25 people were in favour of enacting the Marriage Bill to allow Same Sex Marriage on St Helena and 37 people were in favour of Civil Partnerships. 24 people at the meetings were undecided and did not give a vote. The below table shows the figures from each of the respective public meetings in relation to the Marriage Bill:

Public Meeting	Total in attendance (excluding Councillors)	Enacting the Marriage Bill in favour of Same Sex Marriage	Civil Partnerships	No view expressed
Half Tree Hollow	22	4	7	11
Jamestown	18	12	2	4
Longwood	13	1	11	1
Levelwood	5	1	2	2
Blue Hill	3	0	1	2
Sandy Bay	12	0	10	2
Kingshurst	13	7	4	2
Total	86	25	37	24

2. Written Feedback

To date, 20 written letters/emails were received from members of the public. Please see Appendix 2.

3. Petitions by the Public (copy of the petitions at addendum 3)

The public also submitted two petitions, one in support of marriage equality and the enactment of the Marriage Bill and one to prevent the introduction of same sex marriage but instead consider the introduction of a civil partnership.

For

258 people on St Helena signed the petition in support of equal marriage and the enactment of the Marriage Bill. This equates for an estimate of '6' % of the total on Island resident population for ages 18 +. This is based on the fourth Statistical Newsletter November 2017.

Against

225 people on St Helena signed the petition to prevent the introduction of the Marriage Bill allowing same sex marriage on St Helena. This equates for an estimate of '5' % of the total on Island resident population for ages 18 +. This is based on the fourth Statistical Newsletter November 2017.

The number of objections received verbally by Hon Tony Green were 2.

The number of people, who verbally told Hon Tony Green that they were in favour of same sex marriage were 3.

Social & Community Development Committee
23 November 2017

APPENDIX 1– COMMENTS FROM THE PUBLIC MEETINGS

Comments/questions from members of the public who attended the Public Consultation meetings were as follows:

1. Marriage Bill

- Where did this all start from as it was understood that the Attorney General was asked to look at other places other than the Registrar's Office but how did same sex marriage come into it?
- Don't have anything against gays but if two males wanted to adopt a child there has to be some law.
- Respect Human Rights but the law has to come into as well.
- Case history – Males bring up girl then abuse her.
- Has the clergy been approached on the matter and if so what are their views?
- If all the clergy on the island were approached and all say no what will the decision be?
- Think people on the islands are torn between Human Rights and Religious beliefs.
- Lesbians and gays have been on the island for over 30 years why push for this now?
- Are there any important bills to deal with on the books other than this?
- Surprised that other people didn't turn up for the meeting. If the attendance is the same for the other meetings what will council do?
- Children need to be educated. Children are bullied and called gay even if they are not gay. Councillors need to work on that – it could be a task for Councillor Christine Scipio-O'Dean as children's champion.
- Don't think island is ready for it at the moment. Don't think it should go through at the moment.
- Need to read in conjunction with the constitution.
- Is there a difference between equal treatment and equal rights?
- Is there a big demand for same sex marriage?
- Has this anything to do with tourism as heard on the radio that people won't come if this bill is not passed?
- A lot of people listen to the council meeting with the Attorney General. Had they been the speaker they would have thrown the AG out. His behaviour was appalling.
- A referendum should be held to enable people to vote either for or against same-sex marriage without having to publically state their views.
- A referendum would not take account the rights of minority groups and would mean that MLCs would be dodging their decision making responsibilities; they should uphold the Constitution.
- An important point in the St Helena Constitution was being missed in that enabling same-sex marriage would lead to a desire for same-sex couples to have a family by way of adoption, which the Constitution provided for. The point was made that children of same-sex couples might face bullying because of the small community that St Helena is made up of and this could lead to psychological problems for those children. The question of what Safeguarding Directorates' view of this was asked and it was stated that there is no objection to same-sex couples adopting children.

- There are children with same sex parents who are happy, well-adjusted children so this should not be a concern for MLCs.
- What would happen if the Registrar of Marriages was not supportive of same-sex marriage – would s/he be forced to conduct them? It was considered that as an SHG employee, they may have to do so but also noted that the current Marriage Bill provides for a Registrar General as well as a Registrar which would mean two officials would be in place to perform those duties. The Church would not be forced to perform ceremonies for same-sex couples.
- Civil partnerships had been ruled out in the UK so why is it proposed as an option for St Helena?
- MLCs should take into account the rights of minority groups, which the Constitution provides for.
- Same sex marriage should be supported to enable equality – civil partnerships would not provide equality.
- There could be moral difficulties with same-sex marriage being introduced in a small community; some find it difficult to accept.
- MLCs have some strong personal views on same-sex marriage and may find it difficult to divorce themselves from those when taking account views of the public and having to make a decision on the way forward.
- If the Constitution provides for same-sex marriage, how can it be a decision for the people to make?
- Why should gay people be refused the right to marry and have a child – that is unfair and not equality with the rights of opposite sex couples; why should others stop them having the life that they want to lead? Everyone should be treated equally regardless of their sexual orientation.
- Would civil partnerships benefit opposite sex couples? It was explained it had been abolished in the UK and replaced with same-sex marriage following a European Court ruling.
- Could the UK enforce same-sex marriage in St Helena? – No, as we have our own Constitution – would only do this if SHG was acting irresponsibly and not mindful of the law.
- Does equal treatment mean same-sex marriage?
- Because of age, cannot get to grips with this. No other way than mother, father and children. The norm was for a man and woman to be married when growing up. Feel sorry for the parents and child when the child come out and say that they are different.
- Same sex – people not happy with getting married, suffering of child if same sex adopt as they will not have mum and dad.
- Will petition have any influence in the decision?
- As to who will pay the cost of the Court proceedings/ where will it come from in SHG, which budget?
- What percentage of persons feel they would not have the right to Marriage?
- Suggestion - That Civil Partnership and Marriage should be defined and taken out for people so as they can decide what they would like.
- Marriage is between a woman and a man, therefore would object to same sex marriage on Island.
- Does the cost implication of the Court proceedings go out for consultation or who will pay the bill, will we pay the bill?
- What about adoption and children?

- Don't agree with same sex marriage, goes against the bible which says man and woman.
- Marriage is to multiple, how would you multiply if same sex. When you marry you want to then raise a family.
- Human Rights come into it, marriage is between a man and a woman.
- Saying about the rights of these people what about our Human Rights.
- Whose decision is it to take it to Court?
- An important issue like this should go to a ballot so all people can vote as some might not be so forthcoming in expressing their views openly.
- Why has this come about again, it was presented at LegCo and Council was not for it so why bring it back?
- Why is this being rushed, feels like there is going to be a rush decision?
- Many stated that although in St Helenian law, those who were joined by civil union and those who were joined by marriage would be entitled to the same treatment legally, they felt it was not actual equality. It was explained that elsewhere in the world, civil unions are not recognised and that this would create legal implications for those who chose this route of commitment.
- Lots of comments were made stating that this is dealing with actual people's lives and emotions and that this decision should be really thought about by all Councillors. Many agreed that this would have very little impact on the majority of the population, but it would have a huge impact on a minority group on the Island and that they should be the main priority.
- Questions were raised as to why it was so important to enact this legislation now and why it hadn't been discussed prior to 2016. Some members of the public also felt that St Helena was not ready for such a drastic change (legalising same sex marriage) and that civil union is a smaller step that should be taken. It was also noted that other countries first enacted civil unions and then went on to same sex marriage and that St Helena should do the same. A member of public then counteracted this saying that St Helena should learn from the mistakes of other countries and should go straight for same sex marriage.
- Special mention was made to a debate that was had on Saint FM by a Councillor and it was stated that this debate was biased. Others felt that the Councillor did a good job by going on to the radio to express his views.
- Questions were asked about a current petition that is circulating round the Island against same sex marriage, and it was asked if this was organised by the Elected Members. Tony Green was able to confirm that this petition was not organised by the Council, but it had been organised by members of the public, some of whom seem to be supported by the Church. It was stated by a member of public that the petition should not have any effect on the decision that is made, as the matter in question involves only a minority group and the petition only takes into account the say of a majority group. They continued to say that a decision should be based on the Constitution and nothing else and that the Constitution states that minority groups should be protected and treated equally. Others felt that the majority should still be listened to and that civil union is what the majority of people want.
- A Civil Partnership now seem more acceptable.
- It was a constitutional right but there was no onus on the Church.
- In Same Sex Marriage, what is the meaning of marriage?
- A man and a woman become husband and wife.
- In the Matrimonial Ordinance it says that marriage is between a man and a woman.
- If a civil partnership is the same as Same Sex Marriage, why is it not recognised?

- All should be equal and that should apply to Same Sex marriage.
- Marriage is a Christian standpoint and he has nothing against the individuals making their choice and wants as a Christian to protect marriage. He said the Census showed there were many Christians on Island. He has no problem accepting a Civil Partnership because everyone will be equal in the eyes of the law. There are many anomalies in the law as it does not cover a man and woman who cohabits.
- Openly gays like to have equal rights, not 95%.
- My two children were baptised but if one say they are gay what are their rights?
- The argument is on principle saying it's a sin.
- We baptise and agree to lead children in an upright way.
- Whatever religion we are we have to respect all for they are human and have a right to choose and it doesn't mean she support what they do, she can't fully support Same Sex Marriage but would help them and stand up for them but her belief is marriage was ordained between male and female. She is happy to hear something is there for them but believes it is not Saint Helena culture, the Island has for generations had people of that nature but called them different things and this is not what St Helena culture is about and everyone got a right to believe what they want.
- Christianity is important; it does say in the Constitution with respect to Christian and Family values. The Constitution was to abolish discrimination so looking at how SSM can have equal right not looking at whether it is moral so looking at faith but politicians concern by equal rights.
- Being Christian don't give you the right to tell people what to do.
- Respect others views, we get married commit adultery get divorced. Being gay nothing to do with Christianity the Island has to open to the outside world and move towards gay and same sex have rights as a man and woman she will support the bill; it's like disabled given the rights as able people.
- Gay marriage is a money spinner so don't want St Helena to go down that road nothing against SSM our saints deserve that.
- The marriage ordinance goes back to 1851, a time when same sex marriage was a crime, which is why it is silent on the matter and would not have even been contemplated. Therefore we can't argue its silence as avoiding the subject because the subject was as an official crime in other parts of the law. This argument is too weak.
- A similar situation happened in South Africa where the issue of Same Sex Marriage was raised because of polygamy but in some of the African tribal cultures it is legal so they came up with the common law wife which is similar to Civil Partnerships. In addition, in Britain and many western countries, that legislation was there for the Ten Commandments and established churches; adultery was illegal at one point but move to secularisation so that laws are not religiously motivated. There was a time where you could live with each other without getting married other than unwillingness to commit. In this instance, homosexual couples are definitely in the scriptures condemned. This is a difficult one and the Church of England feel a moral obligation in having a say in how society see what is acceptable and what isn't and it is a losing battle.
- A marriage is naturally between a male and a female and the Baptist church would not allow it.
- Homosexuals are prepared to test legislation and challenge and then there are organisations that will challenge a civil court or a court of justice who have a religious symbol e.g. 10 commandments and they have a law suit to challenge that and is really active. They may be justifying there way of life to suit their life.
- If we carry on about rights, then if we want to we have the right to have two husbands, polygamy. So the issue is not 'my right' but what is correct and what is marriage etc.

- Growing up on St Helena, we did not grow up around a lot of gay people but in recent months have seen that they are decent individuals and they do not want to cause harm. Prefer Civil Partnerships to same sex marriage as the latter has a lot of religious connotations and the majority of the community is religious and hold marriage as sacred so we have to take them into account as well. If people don't believe in God or the bible, they also have a right and should not be forced to believe it. You should have the same rights but marriage is a separate topic altogether. We do not go around beating up gay people; we are not an antigay community, where they don't feel safe. This issue perhaps might have been blown out of proportion that we are homophobic.
- Marriage is not equal at the end of the day as two same sex couples can't procreate and marriage should be open to have children and it also questions whether children within a gay marriage would have a stable family unit. Would the child be confused if they have two mums and vice versa? Can they adopt?
- Ok with Civil Partnerships as the best compromise.
- What entitlement are we talking about? We are not entitled to steal a car just because we want it? What is the entitlement? Nothing stops them from living together. There is actually little that would marginalise them, therefore this must be a psychological perception.
- Adoption - research is required to show how that would affect the child in their formative years and whether they would become gay as well if this was the case.
- Civil Partnerships - would one party have legal rights over the other?
- Marriage is simply for a man and a woman as mentioned in the scriptures but would not hold or impose this on others.
- Would choose civil partnerships if we had to choose one or the other.
- If homosexuals want to get married, why can't they do so in Cape Town; jump on the plane and get married there?
- The most important aspect of marriage is that it establishes a legal and social relationship which makes it easier for people to be there for each other economically, emotionally and psychologically. Most of the rights and privileges that go with marriage are, in fact, ways to help spouses to support each other. Marriage is a successful institution and it makes therefore sense to open it to many people as possible. We should have no say on how consenting adults conduct their lives. If two people love each other and want to get married they should be allowed to do so, regardless of colour, religion, nationality or gender of their partner. Love and marriage should be a purely personal choice. A civilised society does not discriminate on grounds of race, religion, gender or sexuality and the denial of marriage right is clear discrimination.
- Same sex marriage is legal in Germany and it works fine and understand that saints do not have exposure to gay couples.
- The repulsiveness of same sex gets mixed in the debate.
- If we encourage same sex marriage, is that good for society overall as two same sex couples can't procreate?
- Same Sex Marriage would add more strength in society as there would be equal rights.
- In Germany, they had Civil Partnerships in place for many years up to the year 2000. 17 years same sex marriage has been in place in Germany.
- Children in same sex relationships can be bullied for a number of reasons not just because they have no mum or dad.
- Marriage is a union between a man and a woman in its Christian sense. The problem would be if a couple under Civil Partnerships asks for membership of the church.
- Civil Partnerships would be the better option.

- Civil Partnerships is a compromise and this debate is new whereas Germany had this debate for years; St Helena needs more time to come to terms with this as we have not grown up with this and people need to adjust.
- We have to respect the rights of all people.
- Appreciate the enshrined freedom of religion and worship on St Helena and this is important as in some places this is under threat e.g. in South Africa.
- In this society a same sex marriage might not be detrimental due to peer relationships here.
- Certain rules remain the same and there are still some today that would infringe on the rights of others but now we are told that things that were a crime 20-30 years ago is not a crime but a right. How many other things are going to change that we going to consider right or wrong; how will it change 10-30 years later? There is no consistency. The teachings at school differs from what is taught at home whereas in the past, society and school taught the same thing.
- There shall be no breaching of any persons Human Rights or interference of the population in general if equal marriage is enacted. The only persons which will be affected by this will be couples of the same sex who wish to marry and this shall be a positive impact – everyone will therefore be equal with equal rights and opportunities.

2. WOCO – Child Labour

- If 13 year old get injured would they be covered by workmen's compensation/employees liability?
- It doesn't seem right that a 16 year old DJ has to be accompanied by parent or supervised but other 16 years olds can be there for enjoyment without those conditions.
- Is there some protection for in place for people who employ children?
- Why does this legislation have to come in? Children should be doing other activities.
- Happy with that to go ahead.
- The need for apprentices to have some basic knowledge before they are taken on by contractors for work experience as they do not have the time to provide supervision, which is a requirement of the Bill. Such training had been missing since the Trade School closed some years ago. It was very important to ensure that the Island has the various trade skills for the future.
- What would happen if a 16 year old playing music at a tavern under supervision of a parent and the parent wanted to go home – could the 16-year old remain at the tavern continuing to play music under the supervision of the tavern owner?
- Payment of children – Employer charges for child as labour full price but pays child small amount.
- What about children who are 14 and working – what about their homework?
- Why the age of 13 and not 14 as per UK
- There were some concerns over the age groups that have been set out in the Bill and some felt that 11 years old was far too young to be completing work. There were also concerns over children completing 'hazardous work' and many felt that despite their being supervision of the child, this kind of work should not be completed by children.
- Councillor Kylie Hercules spoke in detail on the Welfare of the Child and Labour Bill and answered all the questions which included how long children can stay on the premises, the differences between hazardous work and substances, when can a child leave school, what is work experience, how can you prevent the exploitation of children, child labour, PPE and the minimum wage for under sixteen's.

- This will help children who want to play music in bars. They are allowed in the bar but not allowed to DJ on a bar premises so this ordinance will make them happy.
- We need more people in the Fisheries industry and this will encourage young children to enter this employment.
- How did St Helena come out when it was scrutinised by the US Labour department?
- Even if we ask a child to mow the lawn, this also can be classed as hazardous machinery and we could be breaking the law.
- There are some concerns which could be addressed within the regulations, however these should be addressed.
- There should be a requirement for any employer to provide DBS/Vetting before any child under 16 can be employed.
- There needs to be rates of pay for the ages of child as to the work they are able to perform. Employer is then stopped from taking advantage of employing children to carry out work and pay them a marginal wage but charges the full amount for such child in the project they are carrying out.
- Penalties need to be placed for employers who employ children to perform work that is not in line with the age category and work set out as to this category.
- 'Light work' should be better defined and defined robustly.
- Another concern is PPE, there should be something setting out the employers statutory (?) requirement to provided PPE as relevant to the work.
- The employer should be statutory bound to provide insurance to cover injury/ death of child, there is a clause in some other Ordinance however given the age of children employed this should be made by law to cover such age groups.
- Ensure that this is also applicable within family run businesses as opposed to family run business just being chores as this is not protecting the rights of the child. There should be some limit to what is classed as 'chores' for the business and then what is classed as work and should be paid.

3. Domestic Abuse

- What happens when the person needs to see their children?
- Don't have a problem with this
- Content.
- In favour.
- Who would be the first point of contact for person who is suffering DA?
- Derek Thomas introduced this item of the meeting and explained what the Bill sets out. He explained that the Bill proposes early intervention to protect victims of domestic abuse as well as their children. He also stated that the order can be applied without the permission of the victim. One member of public supported this idea as it is useful if the victim does not want to go to Court, however others were not comfortable with this.
- It was explained that if an order is applied then it would protect the victim and children from instability as the perpetrator would have to leave the family home not them. The issue was raised as to where those who have been removed from their family home would go, as there isn't currently enough social housing to houses them all. Concerns were raised over people becoming homeless due to this issue and it was also mentioned by a member of the public, that once a perpetrator becomes homeless, the victim could be likely to feel sorry for them and welcome them back to the family home. Many felt that the issue of housing needs to be looked at in general, but especially if this Bill is to come into force.

- Some members of the public also felt that the length of 3 years as a maximum time for an order to be in place is far too long, and this should be reduced.
- A member asked if this covered physical or mental abuse and Derek said it did.
- A member said it provided protection and another said it was 50 years too late
- Would there be an investigation if you claimed to be a victim? Would you just accept what I am saying as the truth?
- Through experience, very wary of Safeguarding as they seem to be biased with female abuse not male. Familiar of a situation with a rough marriage and when the woman is in anger and verbally abuses her husband for a while - when the husband asks her to move out of the room or pushes her because he is unable to handle the abuse any longer, she calls the Police and then she is safeguarded. A member of the public who is also a Safeguarding officer advised that if someone gets removed from a situation, it is very often based on whose house it is; it is not just the victim that is removed.

APPENDIX 2– WRITTEN FEEDBACK

1. Marriage Bill

-----Original Message-----

From: Tracey Williams [mailto:cgp@helanta.co.sh]

Sent: 17 October 2017 16:04

To: tony.green@helanta.co.sh

Subject: Meeting at Kingshurst

Dear Tony

I must give my apologies as I had hoped to attend the meeting at Kingshurst on Wednesday but now have another function on and am unable to do so.

I would like to comment on the Marriage Bill in that Same Sex Marriage has my support and that I hope that personal beliefs will not stand in the way of equality. It seems unfair that what we may believe as individuals will impact on the rights of others who perhaps do not share the same beliefs. Two people who chose to enter a contract together (marriage) should be allowed to do so. This basic choice has no impact on me as an individual and I don't see why I have any right to prevent this from taking place therefore I fully support Same Sex Marriage.

Best regards

Tracey

Tracey Williams

21 October 2017

Dear Honourable Members

Re Same-Sex Marriage

My parents brought me up to empathise with others and to believe in the ideals of compassion, tolerance and equality. It is because of this that I feel I must comment on the issue of same sex-marriage, which sadly, seems to be causing such divisions in our community.

As a heterosexual with the legal right to marry the man I love, should I so wish, I respond to those 'outside the law' with empathy. How would I feel if I was denied the right to commit myself to a partner in a loving, faithful and legally-binding relationship? Could I ever understand the decisions of those who used their power to deny me happiness?

Whilst I accept and respect the fact that the Church has its own laws, I believe that in a free and fair society, the State has a duty to uphold the rights of all citizens. Therefore I ask that you, as elected members, can empathise and allow compassion, tolerance and a sense of equality for all to guide your decision. Indeed we know only too well the sadness that a lack of these intrinsic human values can wreak.

Thank you for your careful consideration.

Yours sincerely

Kath Squires

Despite the claims of the opposition group to the contrary (who seemed to have needed to preface the exposition of their views with a disclaimer), the justification for their prejudice is indeed a religious one. The main aims of their stance are to maintain or to regain a status quo, rarely offering forward-looking reasons such as the likely break-up of society, or the negative influence on tourist numbers, or the increased incidence of HIV/AIDS or any other such unsubstantiated claims. They are based on a fear of change and a eagerness to maintain the church's influence which is waning.

The church should anyway not be the arbiter for such topics for two main reasons:

1. Separation of the legislature and religion
2. No monopoly on morals

We, with a Christian background, will fervently decry those states that impose laws on their citizens which demand adherence to a religious code, with severe consequences for those that object. Yet we have in the past done the same in Christian and Jewish communities. Our laws have prohibited working on Good Friday, Easter Sunday and Christmas Day (for no non-religious reason), they have decided that being married to more than one person simultaneously is a criminal offence, they have, in many places, outlawed abortion, homosexuality, nudity, even public shows of affection, again, without any non-religious reasoning.

These laws have a common theme. They attempt to codify, as law, the morals of the community. Yet, no-one alive today has ever explicitly granted the church on St.Helena the right to determine what is acceptable and what is not. Quite rightly, our laws should be determined by rationality not by belief; we should be striving to keep religion totally separate from the law, lest we return to the abhorrent practices of ethnic cleansing, the Spanish Inquisition, the Holocaust etc, justified by lawfulness. Clearly, we have a long way to go, since every Councillor (until recently) was required to swear an oath on a bible and even now, every LegCo session begins with prayers. (The Bishop enjoys certain privileges in law that ordinary citizens do not, which also tells you a lot! I suspect that an Imam would not also be so blessed).

There are two myths. One, that people who profess a religion are good people, and two, those that do not are evil. Neither of these generalisations is remotely true. We can see that there are numerous examples of Christians, Muslims, Hindus, Buddhists, Maoists etc, who are more than capable of persecution, extortion, violence and much more, and be completely unconcerned with the contradiction. This even extends to the higher echelons of the major faiths, where sexual abuse of children seems to be epidemic. But most of those belonging to a faith are not so duplicitous. Similarly, atheists have a hard time explaining that just because Hitler was a professed atheist, they are not themselves also, by definition, Nazis.

If we want to enshrine a moral code in our laws, it must not be the remit of any religious faith institution. Those who are believers are welcome to practise their faith and I do not contest their right to do so, but I do contest their right to insist that I comply.

Is marriage simply the signing of a document which changes the marital status of the participants in the eyes of the law, or is it the entering into a partnership which the church seems to regard as more holy than a simple partnership? The answer is clear. Our laws do not require a religious ceremony in order to take that step – a civil document-signing ceremony is all that is required. And our Constitution does not impose any restriction on the gender of the two participants, and neither do our laws, even if it is difficult these days to identify what the benefits of a state-recognised marriage are.

So let them get married. Whether they are heterosexual (opposite-sex) partners, homosexual (same-sex) partners, or any combination of these and trans-genders, bisexuals and intersexuals, let them convert their, now acceptable, loving relationships into state-recognised marriages (whatever the small benefits may be). If the Church denies a religious ceremony to those that do not conform to its narrow view of acceptable relationships, so be it – it is not necessary anyway.

Live and let live. Another's marital status does not materially affect me.

Stuart Moors

Alarm Forest, St.Helena

T: (+290) 23255 M: (+290) 63661

E: moors@helanta.co.sh

25 October 2017

FAO: Social and Community Development Committee

RE: Marriage Bill

<https://www.theguardian.com/inequality/2017/oct/19/my-love-isnt-second-class-struggle-marriage-equality-northern-ireland-dup>

Having read the above article I thought it might be useful for Councillors to read given the comments made regarding Northern Ireland and their rights to marriage differing from the rest of the UK. Given that Northern Ireland is a recent example of a functioning post-conflict society where the peace agreement in place remains in its relative infancy, I do not believe that there are significant parallels with St Helena, however I have included points I consider to be relevant to the discussions that took place at the consultation below. Councillors may draw their own conclusions from this article.

Shane Sweeny, subject of the article, a gay male from Northern Ireland wishing to get married there;

The legal differences between civil partnership – which is legal for same-sex couples – and marriage are minimal in Northern Ireland. Civil partnerships cannot include religious elements in the ceremony, while the grounds for a dissolution cannot include adultery, unlike a marriage. Some bureaucratic documents list separate tick boxes for marriage or civil partnership, effectively forcing individuals to disclose their sexuality.

What's at stake, couples say, is more than specific legal rights. They want their public representatives to recognise that gay couples are deserving of equal dignity and acceptance. "My love isn't second-class and neither should the legal recognition of it be," says Shane .

Mairtin O'Muilleoir Member of Legislative Assembly in Northern Ireland;

...[LGBT rights](#) is "one of the great civil rights issues" of the era. "In my lifetime, the two biggest changes in society have been the peace, and what a great gift that is, but also the emergence of this wonderful, vocal LGBT community, which is a boon to our society," he says. "The fact that in 2017 you can't marry someone you love because you're gay is an absolutely shameful indictment of our inability to embrace the future."

Ciaran Moynagh Lawyer representing Gay Marriage Rights in Northern Ireland;

Many couples had delayed weddings or engagements until the court ruling, he explains. "A lot of people are still resilient ... but others are saying: 'We're not waiting, it's a disgrace.' And they're going elsewhere. That's happening a lot more, they're not willing to put their lives on hold."

Amid the setbacks, the political deadlock may provide an unexpected path to marriage equality. Under power-sharing rules, if Stormont is left vacant then Northern Ireland will cease to have a devolved government, and instead be ruled directly from Westminster. The Northern Ireland secretary, James Brokenshire, has repeatedly issued deadlines for a deal between the parties, none of which have been met. The negotiation process can't continue indefinitely, and the likelihood of direct rule is increasing.

Under direct rule, the British government could pass legislation to legalise same-sex marriage in the North. If it did not, it could face a legal challenge over differential treatment. Moynagh explains: "We have to be mindful that the UK including Northern Ireland is one member state before the human rights court in Europe. So I think, if there is direct rule, there is no real justification for [the ban] and a European court wouldn't look too kindly on it."

Fiona Campbell

From: Mikko Paajanen

Sent: 25 October 2017 15:52

To: 'tony.green@helanta.co.sh' <tony.green@helanta.co.sh>

Subject: Equality in marriage

Dear Tony,

I would like to comment, and ask kindly for you to record my opinion, that I support gender neutral marriage on St Helena, including same sex marriage and adoption. To my understanding St Helena's constitution forbids discrimination based on sexual orientation. I would expect the marriage bill to be updated so that it meets the equality requirements of the constitution.

I would also like to ask whether, if I got married to my (potential) male partner on Ascension or in my original home country Finland (where marriage is possible for male couples), our marriage would be recognized on St Helena and we would be treated in the same manner as other married couples on the island please? If we would *not* be treated in the same way as other married couples on St Helena, I would like to ask what this is based on, and would this be regarded as discrimination based on my and my (potential) partner's sexual orientation? I have St Helenian status, and my potential male partner may or may not have St Helenian status.

Kind regards

Mr. Mikko Paajanen

Consultation: Extending Full Marriage to everybody

Dear Councillors,

I write to make my formal submission on the above.

I believe Council is now clear that it is required to implement the Constitution in respect of Marriage, as it is with all other local laws. This means that, in Marriage offered by the State it is required to not discriminate on grounds of "*sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, age, disability, birth or other status*" (Paragraph 5).

I reject the suggestion that this obligation could be met by introducing a new form of Marriage called Civil Union, Civil Partnership or whatever. Such attempts have failed in the past, most relevantly in the UK where the Civil Partnership option was found by the Courts not to offer an equivalent to Marriage. If the UK lawyers could not define a compliant Civil Partnership, what hope have we?

And if Civil Partnership has all the same rights and benefits as Marriage then why not simply call it Marriage? It is very bad lawmaking to have two identical items with different names. And if they are not identical then the requirements of the Constitution are not met.

In addition Civil Partnerships are not portable - Marriage is recognised everywhere and the rights and obligations of a married couple are automatically recognised in every jurisdiction. Civil Partnerships - however constructed - do not have the same level of international recognition, and hence do not meet the requirement of our Constitution.

Finally I think it appropriate for me to address those that object to any extension of Marriage to same-sex couples, on religious or other grounds. This is both a Constitutional and also a Human Rights issue, and it is a fundamental principle of Human Rights that anything that does not directly affect me cannot allow me to override anybody else's Human Rights. A Same-Sex couple engaging in a Marriage cannot possibly be said to affect anybody else. Same-Sex couples have both a Constitutional and a Human Right to full Marriage by the State. While the objectors may dislike same-sex couples they do not have the power to deny those couples their Constitutional and Human Rights.

I trust Council will now announce that it is immediately extending full Marriage by the State to ALL persons, irrespective of "*sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, age, disability, birth or other status*".

27 October 2017

The EHRC Comments on the Marriage Bill 2016

Marriage Bill 2016

The Equality & Human Rights Commission Comments



The subject of Marriage Equality is a very sensitive subject which raises issues on many levels - moral, religious, cultural, legal - and on occasion gives rise to homophobic feelings and comment. It is the Equality and Human Rights Commission's (EHRC) role to comment solely on the human rights aspects of this legislation.

Background

In order to provide accurate and considered comment the Commission has:

1. Extensively researched current world wide jurisprudence including (but not limited to) the decisions of the European Court of Human Rights, the US Supreme Court and the African Commission on Human and Peoples Rights as all of these play a role in determining how a Judge or the Privy Council will determine the outcome of any case brought before them;
2. Attended four of the seven public meetings;
3. Received feedback and comments from members of the public including a number of young people aged 14-18; and
4. Discussed the issues involved and/received advice from other relevant bodies including the Human Rights Law Department, De Montfort University, Stonewall and various Equality & Human Rights Commissions in the UK and Overseas Territories.

Below is a very brief outline of the EHRC's position on equality in marriage. Because of time constraints, this has not been properly footnoted and referenced. However, all the research quoted is authentic and can be substantiated if required.

[The Constitution and the 1851 Marriage Ordinance.](#)

The Commission supports the Social and Community Development Committee's opinion that if the ordinance does not allow for equal marriage for all couples of eligible age it will be in conflict with the Constitution of St Helena, Ascension and Tristan da Cunha, Part 2, Fundamental Rights and Freedoms of the Individual, which states...

"5. Whereas every person in St Helena is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, without distinction of any kind, **such as sex, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, age, disability, birth or other status**, but subject to respect for the rights and freedoms of others and for the public interest, to ...

(c) protection for his or her private and family life ...

... this Part shall afford protection to these rights and freedoms, and to related rights and freedoms, subject to the limitations contained in this Part, being limitations designed to ensure that the enjoyment of the protected rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Protection of right to marry, and of spouses' and children's rights

14. (1) Every man and woman of marriageable age (as determined by or under any law) shall have the right to marry and found a family."

For the EHRC the question is: do the two proposals - equal marriage or civil union/partnership - satisfy the requirements of the Constitution and/or meet SHG's obligations under international human rights law?

[Equal Marriage](#)

The answer to this is yes, if the Bill allows for equal marriage then there is no discrimination everyone gets treated equally. This meets the European Legislation and the UK and St Helena obligations under human rights laws and Covenants.

"Human Rights" arguments against this view are that:

1. It restricts the right to practice one's religion/marriage as a religious act;
2. It is not democratic if the majority don't want it.

Right to Religion – this is not compromised at all. Everyone can still believe whatever they wish to believe, attend their religious services and follow their faith without restriction. No Church will be forced to carry out ceremonies and no one will be forced to attend a wedding they do not wish to attend.

Before the 1851 Marriage Ordinance, all marriages on St Helena were carried out by the Governor not the Church, even today, all marriages carried out are done so under the delegated responsibility of the Registrar General. Marriage is a State institution; in many Churches the signing of the register is done away from the altar as it is seen as secular, it is the vows that are religious.

Democracy – It is often necessary for leaders in democratic societies to make decisions which are not popular with the majority. Leaders are elected to do what is best for the State as a whole. This is why despite the fact that nobody wants to pay duty and taxes we still have to pay them. It is right that sometimes decisions are made that the majority disagree with. The important human rights concept is that we are all treated equally, women are not taxed more than men and one religious group does not pay more duty on its communion wine than another. We do not say that gay people cannot go to school or receive treatment in hospital; equally, marriage is a service offered by the state and gay people should have equal access to it. It is the Councillors' role to uphold the Constitution and protect minorities.

Civil Union/Partnership

There is no clear answer to this question. The European Courts have so far stopped short of saying that only marriage is acceptable and stated that so long as same-sex couples have all the rights heterosexual couples have that is fine. However, the detail of how that equality is achieved is a minefield. The proposal for St Helena is that this partnership arrangement will allow all couples who choose to have it, the same legal rights as a married couple; and that they just will not be married, but it will not be discriminatory because it is open to heterosexual couples too. What is unclear is why this would be an option heterosexual couples would choose when they can get married. There is no proposed legislation for Civil Union but one would assume that it will involve two people signing something, presumably under the guidance of a registrar, and in effect this is what a civil marriage is.

The EHRC is concerned that were this to be the favoured proposal there would still be discrimination. First of all, the vast majority of those heterosexual people wishing to be a legally sanctioned couple will choose to marry. Civil union will be seen as not as good as being married as it will not be perceived to be equal. Even the Chair of the S&CDC referred to it as "some people may prefer to *just* have a civil union" several times during the community meetings. This will mean that same-sex couples will still be "outed" (exposed) every time they fill out a form because no one will expect heterosexual people to have a civil union. Indeed, some heterosexuals may not even consider civil unions because "people will think they are gay". This is indirect discrimination and will fall foul of the European Courts.

Another major issue with Civil Unions is portability. There are many countries (even in Europe) that do not have the legal concept of civil union because they allow equal marriage. Should a Saint couple, in a civil union, of any gender combination travel to one of these countries they will be at risk of not being treated as if they are married under that country's laws. Opportunities for work and travel abroad for Saints are already limited and this situation will only make it worse for them.

Without seeing the legislation, the EHRC cannot say whether it would meet the required standard for Civil Union to be non-discriminatory, but on the balance of probabilities it is unlikely that legislation would be put forward that would not potentially be taken to the Supreme Court.

To have two identical unions called something different seems to the EHRC to be potentially discriminatory. If they are not identical then that too is potentially discriminatory.

Other issues

The following are potential human rights issues which could result in cases being brought against SHG if there is no marriage equality:

1. No thought seems to have been given to the situation of Saints married overseas who return to the island. Potentially a couple who marry on Ascension (covered by the same Constitution) and return to St Helena may not have their marriage recognised.
2. Adoption – A person's sexuality is not a hindrance to adoption currently. Nothing will change with the introduction of the marriage Bill. LGBT people both here and overseas have children of their own and foster or adopt - this is not a problem. Research has shown that so long as a child is loved and nurtured he/she is likely to grow up stable and happy. Any attempt to prevent an LGBT person/couple from adopting on the grounds of their sexuality could result in legal action.

Education

Much of the anti-LGBT rhetoric heard at the recent meetings was, we believe, due to ignorance and fear of the unknown, and not due to homophobia. The Commission would welcome dialogue with the Legislative members on how this can be overcome. The EHRC has a statutory duty to inform and educate the community on human rights and we are willing to take responsibility for it. It is worrying that people genuinely still believe that gay people are paedophiles when there has been a mass of peer reviewed research that has shown that this is not the case; and that respected members of our community have stated that they are "uncomfortable" around gay people and are prepared to deny members of our community their human rights. Whatever the result consideration needs to be given to how we tackle these issues.

Conclusion

The EHRC understands that this will be a difficult and uncomfortable decision for some of the elected members, particularly for those who have grown up with the teachings of the Church here on St Helena. However, as Councillors you have sworn an oath to uphold the Constitution and to protect the minority groups the Constitution protects. The only sure and certain way this can be achieved is to pass the Marriage Bill 2016 as is.

If you require further details of the research quoted please contact Catherine Turner on catherine@humanrightssthelenahelena.org or on Tel. 22133

From: Shayla Ellick [mailto:shayla.ellick@gmail.com]

Sent: 27 October 2017 12:21

To: tony.green@helanta.co.sh;

Cc: Adam Sizeland <adam.aethis@gmail.com>

Subject: Marriage bill consultation comments

Dear Cllr Green,

We would like to comment on the Marriage Bill consultation in support of the option to pass the drafted bill to enact equal marriage provision on St Helena.

We attended the public meeting at HTH on the 24th October and expressed our support for this option there as well. We would also like to express our opinion that some concerns raised at the meeting pertaining to same-sex couples' right to adoption and their capability in parenting children have no relevance to the matter under consultation, which is marriage equality. We sincerely hope that personal beliefs will not stand in the way of equality.

It is clear to us that the St Helena Constitution includes a right for individuals not to be discriminated against because of their sexual orientation. From the options and information presented at the meeting (1, do nothing and wait for the outcome of the Supreme Court case; 2, enact the Marriage Bill; 3, draft legislation for Civil Partnership), it is evident to us that the only option that provides equality to all parties (both opposite- and same-sex couples) is option 2 – to enact the Marriage Bill. We hope that this will be the outcome of this consultation and the bill can be enacted into law swiftly.

Thank you for the opportunity to comment.

Best regards – Shayla Ellick & Adam Sizeland

From: Sasha Bargo [<mailto:SLBargo@live.com>]
Sent: 27 October 2017 13:12
To: tony.green@helanta.co.sh
Subject: Supporting same sex marriage

Hi Tony

I'd like to comment on the Marriage Bill and inform that same sex marriage has my full support. I understand that others will have concerns regarding this matter as expressed at the HTH public consultation meeting. However, from my personal view I would not want anyone to be discriminated against and don't see why I or anyone else has the right to prevent happiness (marriage) of same sex couples.

Kindest regards

Sasha

Sent: 27 October 2017 14:58
To: tony.green@helanta.co.sh
Subject: Marriage Bill Comments

Hi Tony,

Thank you again for the meeting at Silver Hill on Wednesday evening. I found a very good article online giving good reasons as to why traditional marriage should be supported which I thought you might find useful. The main points include:

- *Redefining Marriage Undermines Important Norms*
- *Children Have a Right to Their Biological Parents*
- *Children Fare Better with Their Biological Parents*
- *Same-sex Marriage Turns Children into Commodities*
- *Civil Marriage Protects Human Liberty*
- *Redefining Marriage Jeopardizes Religious Liberty*

You can read the full article here: <https://discussingmarriage.org/>

I hope this is in some way helpful.

Best regards,

(Name withheld at request of author)

From: Earl Henry [<mailto:earlyjersey@helanta.co.sh>]

Sent: 31 October 2017 20:32

To: clint.beard@helanta.co.sh; councillor.buckley@helanta.co.sh;
councillor.Ellick@helanta.co.sh; cs.essex@helanta.co.sh; tony.green@helanta.co.sh;
lawson.henry@helanta.co.sh; kylie.hercules@helanta.co.sh; brian.isaac@helanta.co.sh;
ckleo@helanta.co.sh; christine.scipio@helanta.co.sh; DEREKTHOMAS@helanta.co.sh;
russellk.yon@helanta.co.sh

Cc: sec.em@helanta.co.sh

Subject: Same Sex Marriage

Dear Elected Members,

Same Sex Marriage.

I attended the public consultation meeting at Kings Hurst and was very please with Councillor Green's introduction to the topic and the tone of the discussion.

Firstly, I wish to make it clear that I do not have a phobia about same sex relationships. What one chooses to do in private behind closed doors, albeit same sex relationships or extra marital affairs are personal to the individuals.

However, I am opposed to amending the "Marriage Ordinance of 1851" to include same sex marriage. My reasoning being that St Helena is predominantly a "CHRISTIAN Community" and I would like to see the "sanctity of marriage" protected, (the 2017 census returned a count of 87% of the population who categorised themselves as CHRISTIANS, which I am sure included the majority of Elected Members if not all).

The PREAMBLE of our CONSTITUTION states:

The people of St Helena:

- (a) Wish to affirm their allegiance to the United Kingdom, its Government and the Crown; and
- (k) wishing to continue as communities of tolerance, with respect for government and the law, **Christian and family values** and protection of the environment.

The bond of marriage (when respected) leads to the good of the couple, their children and society as a whole, for the family units is the building blocks of any society. I trust that as a sincere Christian community we have built a society that can show tolerance but also be staunch enough to bear witness to love of Jesus Christ, which so many claims to believe in.

I believe that the introduction of a "Civil Union" will provide legal protection for both couples of the same and the opposite sex alike, thus giving equality to all in accordance with the Constitution, to which I give my full support. We must be mindful that legislation provides parity in respect of the law and we cannot legislate to pardon sin.

I have some difficulty in accepting the arguments put forward for the proposed change to allow "same sex marriages":

1. Legislative Council is being advised by the Attorney General Chambers, when the Attorney General is complicit to the subject because of his personal interest; and we the general public have no independent legal advice:
2. The idea that a “**Civil Union**” is insufficient because it is not recognised in UK! We have a plain and simple answer why the English Law is flawed and the fact that the European Court of Human Rights has determined that civil unions are sufficient to protect guaranteed rights:
3. I would also like to point out to Members that the information paper that is being used for discussion and information omits a fundamental fact; from my research I have discovered that the European Court of Human Rights in accordance with ARTICLE 12, has ruled on four occasions that Same Sex Marriage is not a human right. These cases were from Italy, Austria, United Kingdom and France, with the French case as recent as June 2016 and that Civil Unions are sufficient to guarantee rights. I would encourage all of you to research this to avoid believing or being misinformed that Same Sex Marriage is a fundamental human right:
4. Yes! I accept that Court costs are expensive at a time when St Helena is strapped for cash. Rumour on the street has it that the parties who had no intention of being married in St Helena, was advised to published their intentions to test the system by the same office who now is crying foul about court costs. By the same token, the Attorney General's Chambers appealed against the judgement of the Supreme Court in the cases where compensation for medical negligence was awarded in line with UK directives, clearly shows that he is of the opinion that “**methods used in the United Kingdom need not apply in St Helena**” and furthermore are the services of the **Appeal Court free?**
5. I would be very disappointed if our case for positive discrimination for “Saints First Policy” is jeopardize by same sex marriage issues, because some of the other overseas territories had positive discrimination prior to their adoption of same sex marriages. Our Constitution is so new and we should never be in this situation if we were given genuine advice at the beginning. It is the same old story, we have nowhere else to turn to, and therefore we are forced to accept whatever we are being told at face value. I trust the Privy Council will deal with each case on its own merits:
6. I understand that we are in changing times, but I feel sure that the introduction of same sex marriage in our community will do nothing to enhance our economic development and social well-being, which is of serious concern to all, both young and old.

Honourable Members, I now appeal to your conscience, please think carefully and choose wisely.

Yours faithfully,

Earl H Henry

Thompson's Hill.

From: Barry Francis [<mailto:barry.francis@live.co.uk>]

Sent: 01 November 2017 14:34

To: tony.green@helanta.co.sh; Councillor.Ellick@helanta.co.sh;

Greetings from Thompson's Hill. I hope you are all well.

Please note that I am sending this e-mail as a concerned citizen, not a representative of the Human Rights group as they are drafting a formal response themselves. In all honesty, I was urged by friends and family to send an e-mail highlighting my views. I am a pacifist so this kind of communication makes me very uncomfortable. But my friends and family are right. I should make my views known. At least for the sake of my own conscience.

As I'm sure you all know, I posted a very popular statement on Facebook about a month ago which was very well received by the public. First of all, please note the screenshot below listing the amount of "likes" gathered by this post. I'd also like to mention that I have been contacted by quite a few gay St Helenian's who felt too nervous to "like" the page, but thanked me for my efforts. Yes, make no mistake, members of our own society are feeling alienated by the current discussions.

Also, this post was made public, which means it was open for the entire Facebook community, not just my friends and family but globally. However, you'll also notice that 99 % of the likes are from current locals or former locals. And if there is any concern about the number of "expats" and "non-saints" then I will be sorely disappointed. The fact is many "outsiders" have made a home here on the island and, as far as I'm concerned, if they contribute (ie, pay taxes and put money back into the island) they count. We wouldn't have gotten here without the help of the outside world. For example having a ship, airplane and democratic government. To blindly ignore the opinions of a non-saint who have fallen in love with this island would be a shocking waste of insight. It's not wrong of them to want the best for us. The fact is, sheltering saints from gay marriage, and causing a divide in the community (if you don't think so, I urge you to ask a homosexual saint if they feel welcome right now) only hurts our society. The second any young St Helenian steps foot in the UK, Ascension, The Falklands they will be taken back by how accepting of the gay community those places are. And I'm just naming the most common destinations for a young St Helenian to travel. The notion that Saint Helena "isn't ready right now" is callous and condescending. It's NOW that we must learn to be more accepting. The doors to the world are open.

And I understand the current argument is about civil union and marriage as the preferred option. My question then is, how many civil unions have you crossed in your life? If it's the same, why isn't it more common? How many civil unions have we conducted here on St Helena? Has there been a demand for civil unions before now?

As I said on SAMS radio yesterday, it's not a case of "should the gay community have the right to marry"... the real issue is... what gives US more rights than them? Because I am straight? I remember not being allowed into the Exiles club on Ascension as a child. I'm only 36, but I remember being chased out of that building by a white South African banging a broom on the ground. We've come a long way since then. And I'm NOT a racist. I feel no animosity towards any race or gender. Yet... I was chased out of a building by a white man banging a broom on the ground like I was a wild dog! I mention that twice because it's important to be tolerant in life. Once I saw that people are people, my resentment for any race, culture, gender or sexual orientation was nullified. When I have conversation with a friend I'm not there thinking "remember you're talking to a white man" or "remember you're talking to a Jewish man". I talk to the person.

I understand that comparing the current discussions with racism might make people feel uncomfortable and might be seen as an exaggeration BUT - If we remove the ill-conceived notion that homosexuality is a CHOICE then ALL opposing arguments breed discrimination towards a minority. A homosexual has about as much control of their sexual and emotional preferences as I have over the colour of my skin.

Society learned decades ago that it's not a choice. Modern history is filled with evidence of homosexuals being brutally maimed, tortured and discriminated against in pursuit of that answer. I'll happily provide evidence both legal and scientific if need be. It will literally take me 5 minutes on google or an hour in any public library.

I have completely ignored all religious argument. If it's relevant, I am agnostic. But the fact is, straight atheist's can marry.

Finally, I urge you to take in account that we are a fresh nation on the world stage. We can be anything we want. We all remember the horror we felt when the daily mail newspaper labeled us as a community of pedophiles. Even though we informed the daily mail of the FACTS the article was not removed. It was amended in the footnote of the article. The fact is that the headline sold. The headline "Island apposes gay marriage" will sell a lot of papers. Likewise, the article "Island embraces same sex marriage" will sell a lot of papers and will be great promotion for tourism. If we rule against gay marriage, do you think the daily mail will care about the "innocent" reasons for the decision? Or will they write the article that sells best? Unethical? - yes. But they've proven they will.

Moving on, the reason for my e-mail...

Here's a screenshot of the current number of "likes"...



Here's the post...

"Yesterday I posted a joke about having a rant on Facebook. Today I actually have one. Usually I sleep on these things and try to put it behind me. But I'm gonna be pretty angry with myself if I don't speak my mind this time. The truth is I'm almost ashamed to be a St Helenian today. I'm talking about GAY MARRIAGE. Bold. Underlined. Send it up the flagpole. If you're uncomfortable talking about this, reading about this or even just thinking about it, move on. To be honest, we're up to our eyeballs with time wasters.

Here's my biggest problem with the whole argument... It's just plain selfish to oppose gay marriage. Ok, there are those members of the community who consider gays an abomination. You know what? Fair enough. You are entitled to those beliefs. I don't agree with you. I don't think anyone has any right to dictate who we can and cannot love. But still, I respect your view on this. I'll even go as far as sympathizing with you for the stress you're feeling. Change is scary. I'm a little nervous writing this to be honest. I'm intentionally leaving out religious argument because it wouldn't be fair on my many religious friends. Plus, I'd rather we find a way to resolve this entire issue without having to "pick a side". Let's stay focused here my friends.

What's selfish about the whole argument is our economy and our future. We are on the brink of the biggest change this island has ever seen. We've worked so hard to get this far and we risk it by opposing gay marriage? Oh, but how can opposing gay marriage affect our economy and future? Tourists. Oh Barry, it's not that big a deal. You're getting worked up over nothing.

Um... do we have Starbucks? McDonalds? A theme Park? Girls in grass skirts handing out flowers at the airport? No. At least not yet. And definitely not for a long time. Ok, maybe the girls if we... ANYWAY! So what do we have to offer the world? Our culture. Our history. Who we are as a people. Because WE. ARE. ST. HELENA. Without us, it's just a pretty little rock in the middle of the big blue thingy. Be proud of that.

Now, before Mr and Mrs Smith decide on their next vacation destination they decide on a theme for the trip. Disneyland? Lego Land? New York? Jamaica? Or should we explore somewhere rare, beautiful and untouched. Keeping in mind, it's cheaper to travel to any of those places than here. So Mr and Mrs Smith figure they'd better research it first. Aaaaaaand there it is on a google search... we opposed gay marriage. F**k that then!!! I'm taking my family to Cancun!!!! (they support gay marriage. Don't even bother trying to catch me out on that one).

It matters to Mr and Mrs Heterosexual Smith. Why?

Right here on Facebook we've seen how social media has almost made tolerance and understanding fashionable. Example?

[Literally a 5 second search on google later]

Remember the 2016 Orlando shootings? A 29 year old security guard stormed into the Pulse Gay club and killed 49 people. For about 6 months facebook was plastered with prayers and sympathy to those involved. The shooting was just one of many events that sparked a new level of tolerance and understanding across the globe. Half my friends had changed their Facebook profile pictures to a rainbow flag motif (I'm sure a lot of you remember that).

We use Social Media to promote our island. How we act now matters to those people online. They're probably already watching us. So let's see a show of hands. Those in favor of setting an example on the world stage as a community of tolerant caring people, and sharing our wonderful island with the world – raise your hand. Now those who just want to do whatever it takes to keep that filth away from my house, even if it means jeopardizing everything we've worked towards over the last 30 years – raise your hand.

That airplane is coming over that horizon any day now. Tourism HAS to work. Gay marriage must be approved. If not, I don't want to tell the next generation of young saints how we dropped the ball back in 2017.

Now let's just approve this thing and move on to some REAL issues please!!? I'm getting vertigo from this soap box I'm standing on.

Oh yeah, I was pretty darn respectful writing this (you should have seen the first draft). If there is going to be a debate in my comments section, please keep it clean. Please respect all arguments, for and against. We get nowhere screaming at each other across satellites."

Feel free to check the comments on my page. There was only 1 "against" comment which has since been removed. Not by me but by the author themselves.

Thank you for your time.

Barry Francis

10 November 2017

To the Elected Members of Legislative Council

Law Pertaining to Same-Sex Marriage

I attended the public meeting at the Half Tree Hollow Community Centre where members of the Social and Community Development Committee discussed the options of introducing legislation for same sex marriage or civil partnership for same sex couples.

Apparently, the purpose of this meeting was for the public to express their views and concerns on these two options. Members of the public present were advised that their views would be noted, collated and will be discussed with all Elected Members of Legislative Council. This information would provide Elected members a steer to which piece of legislation should be enacted in December of this year. Members of the public were asked to vote by a show of hands as to who was in favour of what would be the preferred option.

I raised my concerns at this meeting and it appears that the Social and Community Development Committee members were not in tune with current legislation and rulings on this subject or had not researched the subject sufficiently or did not have sufficient understanding of the law.

The Constitution of St Helena, Ascension and Tristan da Cunha which is the primary law includes fundamental rights and freedom of the individual (known as the Human Rights Act) therefore all other legislation pertaining to St Helena must comply with this Constitution. In my opinion, if any new legislation is proposed and enforced that do not comply with Part 2 of this Constitution, is a violation of a person or persons fundamental right or rights.

It is the responsibility of Elected Members of the Legislative Council to uphold the Constitution and comply with the law which means ensuring that all individuals have the ability to exercise their rights.

A few months ago, a case was heard by the Supreme Court in Bermuda, (like St Helena, Bermuda is a British Overseas Territory whose Constitution includes the Human Rights Act) where the Registrar refused a marriage application from a gay couple. The facts of this case was that the applicants were discriminated against on the basis of their sexual orientation when the registrar refused to process their notice of intended marriage. As a result, same-sex marriage was legalised in Bermuda.

It is my understanding that according to Bermuda's legislation, the common law definition of marriage is the voluntary union for life of one man and one woman. In her ruling, Judge Charles-Etta Simmons stated that the existing laws in Bermuda "are inconsistent with the provisions of the Human Rights Act as they constitute deliberate different treatment on the basis of sexual orientation". She also stated that the "common law discriminates against same sex couples by excluding them from marriage and more broadly speaking the institution of marriage". It appears that the Human Rights Act took superiority and protected the gay couple's fundamental rights to marry.

If the Social and Community Development Committee wanted a steer in respect of the options, they should be seeking guidance from the Attorney General Chambers and researching judgments in respect of same-sex marriage.

Elected Members of Legislative Council, it is my belief and it is the law that individual's fundamental rights should not be denied or obstructed irrespective of sexual orientation.

It is hoped that this letter provides additional detailed information due to lack of evidence provided at the public meeting by the Social and Community Development Committee. The case heard in Bermuda is a landmarked case which should be relevant to St Helena.

Yours faithfully

Jeff Ellick

2. Welfare of Children's Ordinance (Child Labour)

From: Christine Scipio-O'Dean [<mailto:christine.scipio@helanta.co.sh>]

Sent: 24 October 2017 11:56

To: Anthony Green

Subject: WOGO - Employment of Children

Morning Tony

Re Welfare of Children Ordinance (Employment of Children)(Amendment Bill) s158A 1(c)
may I suggest the wording " with the permission of the Director" to be included so that it is not left to interpretation.

Regards

Christine

From: Environmental Health Technical Officer [<mailto:leslie.herne@publichealth.gov.sh>]

Sent: 25 October 2017 12:11

To: 'Kylie Hercules' <kylie.hercules@helanta.co.sh>

Subject: FW: Amendment to WOCO

Hi Kylie

I haven't had time to take a good look at each bill however I do have a question about the domestic abuse bill:

- 1) Would domestic abuse include land lord and tenant for example a B'n'b , small apartment within the same building setting? If so what safeguards are there against rouge land lords? (happy to expand on the question if need be)

Also just checking if you had any answers from the four/five queries we had on the WOCO?

Kind regards

Charlie

Leslie.C.Herne

Environmental Health Technical Officer

Environmental Health Section

Health Directorate

Jamestown

Tel: 22500 ext 2037

27 October 2017

The EHRC Comments on the Proposed Changes to the Welfare of Children Ordinance

Proposed Changes to the Welfare of Children Ordinance

The Equality & Human Rights Commission Comments

The Equality & Human Rights Commission (EHRC) having read the proposed changes to the Welfare of Children Ordinance make the following comments for your consideration. In making



Article 1 ... a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

*Article 3 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the **best interests** of the child shall be a primary consideration.*

*Article 31 1. States Parties recognize the right of the child to **rest and leisure**, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*

Article 32 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

1. The EHRC welcomes the minimum age of 18 for those employed in hazardous work this meets the ILO standard and fits with the age of majority on the island which is also 18.
2. The prohibition on hazardous work for those aged 16 and 17 in full time work (having completed their education) is also welcomed as this recognises that the law defines 16 and 17 year olds as young people, not adults and therefore they may be without with the full maturity to make informed decisions in potentially life threatening situations.
3. The Commission recognises that the ILO sets a minimum age of 13 for children to engage in light work and that this is why it is the age proposed in this amendment. However, the EHRC is deeply concerned that this too young an age for children to be engaging in work on regular basis. Under the Convention on the Rights of the Child Article 31 the Child's right to play and rest are protected (see above). During school term time a 13-year-old will be at school all day, have an hour/an hour and a half of homework and study towards GCSEs and household chores most week days. **The EHRC recommends consideration of a minimum age of 15 for work outside of the home**
4. Likewise, the EHRC believes that 11 years old is too young for work experience, this could include children in year 6, still in primary school. It was suggested in the public meetings that this was to assist the Education Directorate with children who do not respond well to academic work. While the Commission applauds the recognition that children have individual learning styles. **The EHRC recommends that consideration**

be given to extending the range of vocational activities in school until the child is 15.

5. It is proposed that “A child will not be undertaking hazardous work for purposes of subsection (1)(a) if— (a) in respect of work generally: (i) the child has received adequate training in the use of any dangerous machinery, equipment or tools; and (ii) where reasonably necessary to ensure the child’s health and safety, the work is supervised...” etc. This clause caused the Commission a lot of concern and we strongly urge you to reconsider this caveat to section 1.
 - a. Apart from questions as to what constitutes “adequate” training and the level of supervision required, the EHRC questions the need to have children working in such circumstances at all.
 - b. Where children are to be on board a vessel defining this as acceptable if a family member is present is dangerous. How qualified would a parent be to supervise a child if it was their first time sailing too?

The EHRC requests that this section be reviewed and recommends that no child under 18 be engaged in hazardous work and that should those aged 15 and above be on a vessel they are supervised at all times by qualified/experienced boat operator.

6. The Commission welcomes the prohibition on children working between 7 pm and 7 am, but again wishes to raise its concern with the exemptions, which may contravene some of the rights protected by the Convention on the Rights of the Child and in particular Article 31 sections 1 and 2 (see above). **The EHRC would like the Social and Community Development Committee to consider extending these limitations not just to the hours during which a child may work and give consideration to limiting the number of hours per day/week too** particularly if the minimum working age is to remain as low as 13. The UK guidelines are detailed below:

	Daily limit			Weekly limit	
	School day	Non-school day Mon – Sat	Sunday (school terms or holidays)	School term	School holidays
Children Under 15 (If this proposal remains)	2 hours	5 hours	2 hours	12 hours	25 hours
Children aged 15 and over but under the school leaving age	2 hours	8 hours	2 hours	12 hours	35 hours

In addition

- A child may not be employed for more than two hours on a day on which he or she has to go to school, or on a Sunday.
- A child under 15 may not be employed for more than five hours on any day from Monday to Saturday on which he or she does not have to go to school.
- A child aged 15 or over may not be employed for more than 8 hours on a weekday on which he or she does not have to go to school.
- A child may not be employed for more than 12 hours in any week if that week includes a day on which the child has to go to school. ‘Week’ here is any period of seven consecutive days.
- A child under 15 may not be employed for more than 25 hours in any week where that week does not include a day on which the child has to go to school. ‘Week’ here is any period of seven consecutive days. So, for example, if term ends on a Wednesday, it will not be until the week commencing on the following Wednesday that the child can work up to 25 hours.

- A child may not be employed for more than four hours without at least one hour's break.
 - A child under the school leaving age must have a two-week break from any employment in each year. 'Year' here is a calendar year, not a school year. This break must be taken during the school holidays
 - A child aged 15 or over may not be employed for more than 35 hours in any week where that week does not include a day on which the child has to go to school.
7. The EHRC recommends that a minimum wage for working children be introduced to avoid exploitation and discrimination on the basis of age.
 8. Consideration should also be given to the entitlement of children to paid leave or a requirement to have a compulsory number of non-working days.
 9. Consideration will need to be given to whether employers and their other employees will need police vetting certificates.
 10. The EHRC welcomes the punitive arrangements for those breaching this legislation.
 11. The EHRC welcomes the amendment allowing persons of 16 and over to play music on tavern premises solely for purposes of providing musical entertainment and the recommended safeguards.

The commission is grateful for the opportunity to comment on this important piece of legislation and hopes that the Committee will consider the recommendations above.

3. Domestic Abuse Bill

25 October 2017

FAO: Social and Community Development Committee

RE: Proposed Domestic Abuse Bill

Whilst I support the introduction of specific legislation to support the victims of domestic abuse on St Helena, I just wanted to provide the following comments on the proposed Domestic Abuse Bill.

Firstly, as a point of comparison we can look to UK practice where Domestic Violence Protection Notices (DVPN) are immediate notices for emergency protection issued by the police. This is similar to the 'Ex Parte Interim Order' proposed in the new Ordinance. A Domestic Violence Protection Order (DVPO) request is then submitted to a magistrates' court within 48 hours of a DVPN being issued. A UK DVPO can be made for a minimum of 14 days and a maximum of 28 days and as such is specific to the role it provides in assisting police investigations in addition to protecting the victims. Such an Order automatically ends following the 28 days and there are no powers for Courts to revoke these. It is unclear in the new proposed legislation whether there are intentions for the Protection Orders are to be used in such a manner and in doing so 'filling the gap' between the time domestic abuse takes place, until the point of charging where bail conditions can then be imposed. Bail conditions offer the victim protection following a perpetrator getting charged and therefore during ongoing investigations. Post-conviction, Restraining Orders would then offer the victim long term protection where required.

A further comparison can be made with a UK Non-Molestation Order or an Occupation Order which are also made in a civil court under the Family Law Act 1996 and designed to protect victims of domestic abuse. Requests for such Orders are commonly made by victims or

safeguarding agencies/non-government organisations. These can be made for a longer period but typically range between 6 – 12 months. These orders have much less stringent conditions attached to them. A non-molestation order is aimed at preventing a partner or ex-partner from using or threatening violence against the victim or the child, or intimidating, harassing or pestering the victim. Restrictions therefore reflect this, namely that the parties **can** still have contact as long as this is not meeting any of the aforementioned criteria eg the contact is of a threatening nature or persistently harassing the individual. An occupation order regulates who can live in the family home, and can also restrict an abuser from entering the surrounding area. Despite the terms in these Orders being less prescriptive than that of a Restraining Order or Bail conditions, a breach of a non-molestation order is a criminal offence; although the civil court can still hear the matter where it is appropriate.

It is unclear whether the proposed Protection Orders are an attempt to fill the clear gap in Ordinance on St Helena for a type of Non-Molestation Order, or instead to assist police investigations akin to the UK DVPN/DVPO process detailed and therefore to be used in a short term context. The maximum period of the proposed orders is also not clearly stated. It was mentioned at the community consultation that this would likely be a 3 year maximum, however given likely changes in circumstances, but to also allow for progress to be made, a shorter maximum period would likely be more suitable.

Fiona Campbell

27 October 2017

The EHRC Comments on the Domestic Abuse Bill 2017

Domestic Abuse Bill 2017



The Equality & Human Rights Commission Comments

The Equality & Human Rights Commission (EHRC) having read the Domestic Abuse Bill make the following comments for your consideration.

12. The EHRC welcomes this much needed legislation as it fills a gap in our current legislation and has the potential to improve the lives of the survivors of such abuse.
13. The Commission welcomes the non-gender biased language of the Bill and the clear definitions under commencement.
14. The Bill itself is excellent giving the courts wide scope to restrict abusive behaviour and protect the children involved.

Concerns

1. This bill does not reach the standard of Domestic Abuse legislation required by the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in that it does not inter alia:
 - a. Acknowledge that domestic abuse is a manifestation of violence against women is therefore a form of discrimination and a violation of women's human rights;
 - b. Define discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;

- c. Provide that no custom, tradition or religious consideration may be invoked to justify violence against women.
- d. Criminalise all forms of violence against women
- e. mandate the allocation of a budget for its implementation

The EHRC will be happy to submit proposals for legislation that is CEDAW compliant.

2. The current housing situation is not going to assist the implementation of this legislation. Already St Helena has seen several instances of the perpetrators of domestic abuse being released from prison with the condition that they do not go home to their victim. Due to the lack of housing these people have had to sleep rough. The consequences of this have on a couple of occasions led to the perpetrator returning home drunk, angry and violent or the victim has felt sorry for them, allowed them in and they have been returned to goal for breaking the terms of their release. If we are to have as the supporting documentation to the legislation suggests "There are likely to be more applications soon after this Bill is brought into effect as those suffering long-standing abuse become aware of it. However, once that initial surge has been dealt with, the number of applications is expected to settle at a relatively low number. This is not expected to exceed 5 applications per year." Suitable accommodation will need to be found, or the prison extended.
3. The EHRC's final concern is to the accuracy of the figures collected and quoted in the supporting documentation and its gender bias. While it is the case that the majority of those who come forward are female, a significant percentage of men are abused too. There have been reports to the police of such abuse and in 2012 a woman was sentenced to 3 years' probation for stabbing her boyfriend. The same document reported no elder abuse but the same man has been imprisoned twice for assaulting his 80-year-old mother, with whom he lived.
4. The EHRC is experiencing an increase in the number of men seeking advice due to abuse from their partner, therefore if the situation with regard to accommodation for the perpetrators is being considered, this needs to cater for both genders particularly as male victims cannot use the safe haven.

Professional Consultation feedback received on the new Domestic Abuse Bill were as follows:

From: Yvonne Williams

Sent: 14 November 2017 10:54

To: Nicole Plato <nicole.plato@sainthelena.gov.sh>

Cc: AGREEN <tony.green@helanta.co.sh>; Cyril Leo <ckleo@helanta.co.sh>; Derek Thomas <DEREKTHOMAS@helanta.co.sh>; kylie.hercules@helanta.co.sh; 'Councillor Ellick' <Councillor.Ellick@helanta.co.sh>; Christine Cooper <christine.cooper@sainthelena.gov.sh>

Subject: RE: SCDC Letter - CJ re Domestic Abuse Bill Consultation

Chief Justice responded as follows:

'Please thank Mr Green for this consultation. I have considered both the draft Ordinance and the Rules. I have not been able to open the Forms but I readily approve the draft Ordinance and Rules. It seems to me that they will fulfil a much needed purpose and provide additional protection to those who are most vulnerable in particular. I commend the SCDC for this initiative.'

Regards

Yvonne

From: Jenny Corker [<mailto:belle.vue@helanta.co.sh>]

Sent: 15 November 2017 14:48

To: Yvonne Williams <yvonne.williams@sainthelena.gov.sh>

Subject: Domestic Abuse Bill

Dear Yvonne

Re my previous mail I've had another look at the bill..the section I noted is 11(6) with 11(7) stating following remand they can be granted bail...could be a bit misleading as remand can be with or without conditions or in custody.

Regards

Jenny

APPENDIX 3 – PETITIONS BY THE PUBLIC

27th October 2017

Dear Cllr Green,

Re. Marriage Bill Consultation

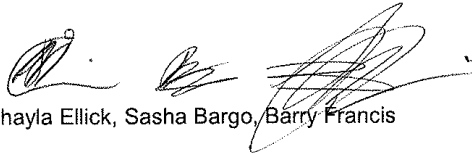
Please see attached signatures in support of marriage equality and the enactment of the Marriage Bill. This was not a formal petition but was rapidly organised this week in response to comments from Councillors that the petition opposing equality would be considered as part of the consultation process.

The collection of these signatures of support was only organised on the afternoon of Wednesday 25th October and we believe the volume of signatures collected in such a relatively short amount of time clearly shows how strongly the people of our island support marriage equality.

Freedom from discrimination is a right under our Constitution; two consenting adults who wish to enter into a marriage contract should be allowed to do so. This basic choice has no impact upon us as individuals and thus we fully support equality in our Marriage Bill.

We hope you will give equal consideration to the attached and hope for a victory for equality.

Yours sincerely,



Tracey Williams, Shayla Ellick, Sasha Bargo, Barry Francis

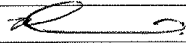

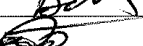


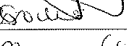
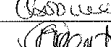
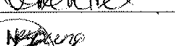
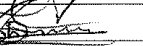

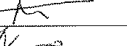

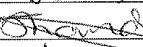
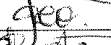
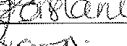
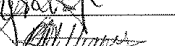
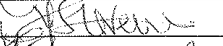







①

We the undersigned believe that everyone should be treated equally and therefore support same sex marriage on St Helena. Our constitution states that we cannot discriminate based on sexual orientation and therefore we request that the Marriage Bill should give everyone this right to equality.

NAME	ADDRESS	SIGNATURE
KIRSTEN PRITCHARD	ALARM FOREST	
Sasha Bange	HTH	
Alonso Berra	NEW GROUND, ST PAUL'S	
Denny Leo	Half way house	
Mike Jervois	Jamestown	
Jeremy Harris	Ladder Hill	
Robert Jones	H.T.H	
LISA BENJAMIN	KUNJIE FIELD	
Eric HENRY	HTH	
Kimberly van	H.T.H	
Santana Fowler	HTH	
Marilyn Bange	H.T.H	
MBYAN	H.T.H	
Shelana Clingham	Ladder Hill	
Wendy Foster	Ladder Hill	
Gerardine Bailey	"	
Kelly Jones	Ladder Hill	
Dylan STEVENS	H.T.H	
Shayla Ellick	HTH	
Mike H	Jamestown	
Nicola Essex	Alarm Forest	
Mariene Harris	HTH	
Keirah Wade	Cleugh's Plain	
Charlie Biffen	Jamestown	
Julie Lawrence	Cleugh's Plain	
Andy Lawrence	Sapper Way	
Charlotte Williams	Longwood	
CHEYL THOMAS	JAMESTOWN	
NEUSA WARD ANDREWS	CRACK PLAIN	
Noleen Fowler	Nr Half Way	
William	Jamestown	
KIMBERLY PETER	THOMPSONS HILL	
LEE McMAHON	Cleugh's Plain	
SAMANTHA CHARETT	CLEUGH'S PLAIN	



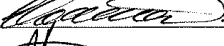
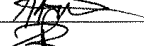

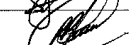
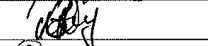


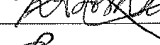
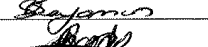


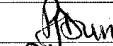

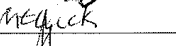
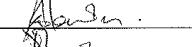

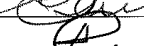
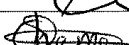
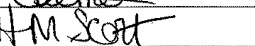

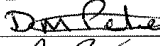
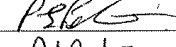




2

We the undersigned believe that everyone should be treated equally and therefore support same sex marriage on St Helena. Our constitution states that we cannot discriminate based on sexual orientation and therefore we request that the Marriage Bill should give everyone this right to equality.

NAME	ADDRESS	SIGNATURE
TRACEY WILLIAMS	ST PAULS	
Dayna Henry	Longwood	
Kam Bennett	Eleven Steps	
Apple Lee	Trap Cove	
MONICA CONSTANTINE	ESTCOURT GARDENS	
SHELLEY CRANFORD	GORDON'S POST	
GARWITE CROWIE	COWPATN	
FREDERICK CROWIE	COWPATN.	
Joyce Greentree	Clough's Plain	
NAOMI YOUNG	JAMESTOWN	
Laura Duncan	ST PAULS	
Patricia Williams	ST Pauls	
ARON LEE	SANDY BAY	
Julie George	HTH	
Annelene Young	HTH	
Eiselle Richards	New Ground	
Siene Thomas	H.T.H	
CANDICE LEO	ALARM FOREST	
Emma-jay Constantine	HTH	
Donna Crowie	Jamestown	
ROXANNA WILLIAMS	HTH	
Amber Constantine	HTH / Ascension Island	
Vanessa Stevens	H.T.H	
Michelle Thomas-Lawrence	Bluemant Field	
Noleen Fowler	Nr Half Way	
Nola Henry	Cow Patn	
Caitlyn Buckley	H.T.H.	
Sarah Wilkes	The Broom	
Emma Yon	H.T.H	
Jayden Andrew	Longwood	
MARTINA PETERS	BARREN GRUND	
GILLIE JOHNSON	BRIARS	

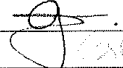

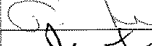
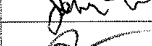
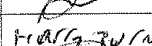


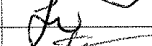


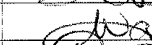

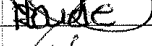

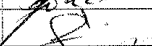

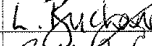
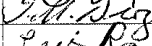
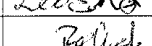
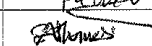



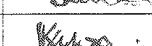
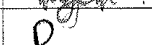







③

We the undersigned believe that everyone should be treated equally and therefore support same sex marriage on St Helena. Our constitution states that we cannot discriminate based on sexual orientation and therefore we request that the Marriage Bill should give everyone this right to equality

NAME	ADDRESS	SIGNATURE
DENNIS P FRANK	THOMPSONS HILL	
JEANETTE DIERGAARDT	LADDER HILL	
EMILY CAIRNS-WICKS	JAMESTOWN	
Hilma K Amapindi	Ladder Hill	
Brianna 4m	Ladder Hill	
S.D. Diergaardt	H.T.H	
Ryan Bearens	Lower Cremons Plain	
MERRILL JOSHUA	ST PAULS	
MANDY O'BEY	H.T.H	
Grace Peckers	Gordon's Post	
Justine Green	Deserodwood	
Kirsty Joshua	Half Way	
Shaneen Bayman	H.T.H	
Kayla Igno Brady	H.T.H	
Kimmy leo	Levelwood	
Suzanne Nixon	St. Paul's	
Patra Duncan	Burnt Rock	
David Vago	Ladder Hill	
Thelma Ellick	CCC	
Amanda E Fowler	The Log House	
Denzil Fowler	" " "	
LINDSAY KENNEMA	HTH	
Ashley CISHAM	LOW PATH	
Christopher Heme	Clay Gut	
HELEN SCOTT	JAMESTOWN	
TESSA PETERS	RED HILL	
DAPHNE PETERS	RED HILL	
PETER PETERS	RED HILL	
BESSIE PETERS	RED HILL	

4

We the undersigned believe that everyone should be treated equally and therefore support same sex marriage on St Helena. Our constitution states that we cannot discriminate based on sexual orientation and therefore we request that the Marriage Bill should give everyone this right to equality.

NAME	ADDRESS	SIGNATURE
CATHERINE TURNER	NAPOLEON ST	
Lucia Piale	Thompsons Hill	
Teo-y Lucy	Knollcomb	
JOHN TURNER	NAPOLEON ST	
ANDREW TURNER	Napoleon ST	
Harry Turner	Napoleon ST	
KARRY FRANCIS	THOMPSONS HILL	
Arthur Buckett	Hammis Hill	
John Noddall	China Lane, Jamestown	
SCOTT CROWIE	JAMESTOWN	
DANIEL ANTHONY	JAMESTOWN	
CHRISTIAN CASTEL	20 BARRACK SQ	
Phyllis Witten	CHURCH HILL	
KATHERINE YOUNG	CHURCH SPRING	
Renee Youde	Jamestown	
NORMAN YOUNG	JAMESTOWN	
Dorothy YOUNG	"	
Anel Haywood	Jamestown	
DAMIEN OBEN	JAMESTOWN	
Lydia Buchanen	Jamestown	
Julia Orzowski	Jamestown	
Luis Solo	Jamestown	
RAPHAEL ELICK	HTH / ALARM FOREST	
Scott Thomas	Longwood	
Debra Richards	Botanical Gardens	
Dion Richards	Botanical Gardens	
Mike Jarvis	Jamestown	
Emma Louise Neo	BRIARS VILLAGE	
Sisono Benjamin	Longwood	
Karen yon	Jamestown	
PERV YON	ST	
Cameron Thomas	CHURCH LANE	
JULIE THOMAS	SEA VIEW	

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We the undersigned believe that everyone should be treated equally and therefore support same sex marriage on St Helena. Our constitution states that we cannot discriminate based on sexual orientation and therefore we request that the Marriage Bill should give everyone this right to equality

NAME	ADDRESS	SIGNATURE
Fiona Campbell	ALARM FOREST	[Signature]
DAVE CUSHWAY	ALARM FOREST	[Signature]
DAVE HONAN	NEW GROUND	[Signature]
Carol George	HTH	[Signature]
Craig Williams	HTH	[Signature]
Jedda Scapio-constantine	HTH	[Signature]
PAUL OBST	JAMESTOWN	[Signature]
June Angel	Guinea Grass	[Signature]
Brian Angel	"	[Signature]
Gloria Angel	"	[Signature]
Chris Angel	"	[Signature]
Marco Farnen	"	[Signature]
CHRISTY JOSHUA	Longwood	[Signature]
TAMMY WILLIAMS	Saint FM	[Signature]
MIKE OLSSON	"	[Signature]
Ruth Ansell	Half Tree Hollow	[Signature]
Glenda Mc Dried	C. Hill	[Signature]
Sean Morris	H.T.H	[Signature]
MARTIN CRITCH	BLUEMAN FIELD	[Signature]
Debbie Crisp	BOUTANCA GARDEN	H.C.
Bevan Yocida	"	[Signature]
Jeremy Johns	Half Tree Hollow	[Signature]
Tyler Stevens	Half tree Hollow	[Signature]
Samuel Williams	Long wood	[Signature]
Jeremy Clark	Long Sandy Bay	[Signature]
Donna Harris	JAMESTOWN	[Signature]
Rory Hudson	JAMESTOWN	[Signature]
Marie Harris	JAMESTOWN	[Signature]
Donna Harris	JAMESTOWN	[Signature]

9

Shaun George

Jamestown

~~Alpin~~

TARA Siro

Jamestown

Alpin

Imogen Harty

HTH

Sherry

Coral Crane

Longwood

Erasmus

Lexy Crane

Black Hill

Leanne





Kate Crane

Longwood

David

10

We the undersigned believe that everyone should be treated equally and therefore support same sex marriage on St Helena. Our constitution states that we cannot discriminate based on sexual orientation and therefore we request that the Marriage Bill should give everyone this right to equality.

NAME	ADDRESS	SIGNATURE
RUBY JANE STEVENS	JAMESTOWN	
FELICITY JOSHUA	"	
COLIN FURCANI	"	
PEGGY THOMAS	SEA VIEW	
ANNA HENRY	JAMESTOWN	
ANDREW GEORGE	JAMESTOWN	
GAILYN WATSON	LOW PORT	
SARAH CLARK	JAMESTOWN	
SARAH THOMAS	JAMESTOWN	
SUGAR TIMIN	LADDER HILL	
KAREN O'CONNOR	H.T.H	
ANITA R PETERS	ST. PAULS	
SARAH THOMAS	SANDY BAY	
TERESA COLEMAN	POINCEAU	
MICHAEL JOSHUA	GORDONS POST	
SHIRLEEN FOWLER	BLUE HILL	
SANDRA D. CROWIE	DEADWOOD	
KATHY RIDLER	JAMESTOWN	
DEBORA PETERS	LADDER HILL	
BILLY PETERS	LADDER HILL	
KYLE PETERS	JAMESTOWN	
KERRY YON	LOWWOOD	
ANITA JOSHUA	THOMPSONS HILL	
ALAN HENRY	BLUE HILL	
KYLE-MANE HENRY	LOWWOOD	
PAUL MCCOY	CRIPPS WAY	
LAURA MCDANIEL	SAPPER WAY	
WINIFRED MCDANIEL	SAPPER WAY	

Stedson G Francis, BEM
Thompsons Wood, Blue Hill
Island of St.Helena, STHL1ZZ
South Atlantic Ocean
Tel: 00 290 24270
Email stedson.francis@helanta.co.sh
27th October 2017

Dear Elected Members,

Please find enclosed a Petition from Members of the Island Community requesting Legislative Council to prevent the introduction of Same Sex Marriage but instead consider the introduction of a Civil Union in the amended Ordinance, as we feel this will provide legal protection for all.

I trust that the names of on the petition will be added to those who were of the same opinion at the Constituency meetings, and it is hoped that the numbers will go some way to assist Council when making a decision.

We would also ask that before a final decision is made that Constituents be informed of the decision and the wording of the Motion to be taken to Formal Legco in December.

I would like to draw your attention to the Constitution PREAMBLE (k) where it states:
"The people of St Helena, Ascension and Tristan da Cunha wishes to continue as communities of tolerance, with respect for Government and the law, **Christian and Family Values** and protection of the environment."

Yours sincerely



Stedson G Francis
Co-ordinator of Petition

PETITION

TO THE ELECTED MEMBERS OF THE LEGISLATIVE COUNCIL OF ST HELENA

We, the undersigned residents of St Helena, hereby petition our Elected Members of the Legislative Council to prevent the introduction of legislation allowing same-sex marriages on St Helena, and to be consulted when providing alternative legal recognition for minority groups.

Name	Address
TRACEY CORKER	JAMESTOWN
COLIN CORKER	JAMESTOWN
MAVIS YON	SEA VIEW
Shirley George	Jamestown
Miki Thorpe	St Pauls
Awn Coleman	ALLEN FOREST
Serena Thorpe	St Pauls
Nicola Young	SEA VIEW
Michael Coleman	LEVELWOOD
RA Benjamin	L HILL
Rosie Richards	H. T. H.
JY OSBORNE	BRIARS
ORLANDO OSBORNE	BRIARS

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Name	Address
MELANIE OSBORNE	Jamestown.
WAYNE YON	JAMESTOWN
IVY ROBINSON	'WELLINGTON HOUSE'
PHILLIP ROBINSON	" "
VALERIE OSBORNE	COW PATH.
GILLIAN PETERS	CLEUGHS PLAIN
PATRICK PETERS	" "
Cecily Bateman	Longwood

PETITION

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Name	Address
NICHOLAS F. WILLIAMS	SANDY BAY
Alex Vanguard	SANDY BAY
Lesley Benjamin	Sandy Bay
Cassandra Peters	Sandy Bay
Patricia Williams	Sandy Bay
LESLIE WILLIAMS	SANDY BAY
Bernice Williams	Sandy Bay
Joyce Belshaw	Sandy Bay
Lisa Williams	Sandy Bay

PETITION

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Name	Address
Beatrice Peters	Blue Hill
Francis Peters	Blue Hill
GEORGE THOMAS	H.T.H.
George March.	Blue Hill
Florence March	Blue Hill
Corinda Thomas	Half Tree Hollow.

PETITION

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Name	Address
<i>Sledson L. Francis</i>	<i>Thompsons Wood, Blue Hill</i>
<i>Patricia M. Williams.</i>	<i>Fitzstevens Estate Blue Hill</i>
<i>KEN STEVENS</i>	<i>" " Blue Hill</i>
<i>Shirley Bowers</i>	<i>Blue Hill</i>
<i>Keith Bowers</i>	<i>Blue Hill</i>
<i>Hazel Peter</i>	<i>Woodlands Cottage.</i>
<i>Ralph H. Peter</i>	<i>- " -</i>
<i>Raymond K. Williams.</i>	<i>Saddle Cottage</i>

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[illegible]

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Name	Address
Lionel Joshua	Clough's Plain
CHARMAINE SALT	H.T.H.
Daniel Leo	Cloughs Plain
Pamela Salmon	Cloughs Plain
Colette Braaf	Sandy Bay.
Gretta Stevens	Cloughs Plain
Heen Leo	Cloughs Plain
Fred Leo	Cloughs Plain
Nanda Isaac	Sandy Bay
Alton Isaac	Sandy Bay
Pete Caswell	H.T.H.
Maud Williams	H.T.H.
Alicia Thomas	J/Town
Sandra Cronie	Longwood Road
ARPAJ JAMES CRAIG	LONGWOOD ROAD.

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Name	Address
Ann Newman	Grays Inn, Napoleon Street
Sarah Newman	Crown View, Gumwoods
Force Duncan	Hunter Dale
June Essex	Bottom Wood, Longwood
Charles Essex	Bottom Woods, Longwood

PETITION

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Name	Address
AE DAVID CLARKE	NEW GROUND
DORIS W. CLARKE	— do —
EDWARD C. BUCKLEY	CLEGG'S PLAIN
Sylvia J. Buckley (S. Buckley)	Cleeghs Plain
LEAH ALLEN	Lower Farm Lodge
BOB ALLEN	LOWER FARM LODGE
Delia Huxtable	Luffkins Spring
Cliff Huxtable	Luffkins Spring
Terry Pitt	Plantation Square
Julian Peters	Plantation Square,
PETER LAWRENCE	CLEGG'S PLAIN
AD Flagg	Harlyn' H.T. +1
Ndeen Stevens	Sapper Way
Norman Williams	Sapper Way
Rosie Lawrence	Sapper Way
Catherine George	Sapper Way
CYRIL GEORGE	SAPPER WAY
Tony Lott	SAPPER WAY.
Angela Clarke	New Ground.
Barry Clarke	New Ground.
Joy George	New Ground

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[illegible]

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Name	Address
A. BATEMAN	LONGWOOD HANGWES
J. WILLIAMS	LONGWOOD HANGWES
CYNTHIA GREEN	" "
NICOLA O'BEY	BOTTOMWOODS
Gordon Jan	Longwood .

PETITION

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Name	Address
Brian Williams	Sandy Bay.
STEVEN. PETERS	Sandy Bay
April Bepko	Sandy Bay
Shirley Bepko	Sandy Bay

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[illegible]

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Name	Address
Brian Yon	Guinea Grass
June Yon	" "
Keith Yon	Kunje Field
Coral Yon	Kunje Field

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Name	Address
Rosemary Hittens	
Herman Coleman	Longwood Road
Belma Coleman	Longwood Road
J. Huns	"
Mark Coleman	Deadwood
Adam Crampton	Longwood
Sylvia Henry	Deadwood
Phyllis Henry	Deadwood
Edwin Isaac	Longwood
Amber Isaac	Longwood
Darrell Leo	Longwood
Anika Isaac	Longwood
Myles Isaac	" "
Carliza Greentree	Longwood

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Name	Address
Anna Perce	James Town.
Paul Thomas	upper James town
COLIN FAGAN	Southend
JUSTINE THOMAS.	Robben Field.
David Richards.	Robben Field.
Pat + Trevor Conice	Drummond Hage Sq.
Keith Hopkin	Brayants Beacon
Donald Bowers	JAMES TOWN
JOICE BUCKLEY	BEINES
TRACY BUCKLEY	BEINES
Sandra Coleman	Levetwood
Pamela Lewis	James town.
CYRIL GUNNELL	JAMESTOWN
Monica J. Van	Embledale. Nr Princes lodge
Brian Thomas	Nr Gardens Post
Brenda Turner	" "
Shirley R Henry	James town
Lynel Henry	James town
Dorothy Fagan	Botanical Gardens, James town.
Christine Hudson	Botanical Gardens



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Name	Address
Joan Yon	Jamestown
Benjamin	Thompson's Hill
HAVIS DE VICTOR	CHART GUT
Danielle Beckett	Jamestown
Brenda Stevens	Jamestown
Neil Joshua	Low Park
Shelia	Richards.
Brian Huxton	Shelia Richards
Esther O'Donovan	Moore's Flats
Esther O'Donovan	BELLS COTTAGE
Ernest Williams	Longwood
Heather Benjamin	Monmouth
Nelma Crawford	The Brooms
Gilbert Legg	Sandy Bay
Mavis George	NR Half way
FR Clive Auman	Barroets Square
ANN BUCKLEY	SANDY BAY.
KATH FOWLER	S/Bay.
Corinna	S/Bay.
John Thomas	S/Bay
William Henry	Sandham
PATRICK ANDERSON	Rock Rose
Kevin J George	Seaview, Alcorn Forest

PETITION

TO THE ELECTED MEMBERS OF THE LEGISLATIVE COUNCIL OF ST HELENA

We, the undersigned residents of St Helena, hereby petition our Elected Members of the Legislative Council to prevent the introduction of legislation allowing same-sex marriages on St Helena, and to be consulted when providing alternative legal recognition for minority groups.

Peter Young

PATRICK H THOMAS

H Bruce

LIONEL WILLIAMS

MARK CRANFIELD

Colin Lawrence

K BORG

S. PIER

D. THOMAS

Thomas

U. Bourne

CHARLES GEORGE

CHARLENE YOUNG

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Name	Address
Stephen Fowler	Jamestown.
LOTHIAN ISAAC.	SANDY BAY
Weston Clingham	Longwood
Dominic Moyce	Clay Gutt
Manico George	New Ground
Jia Peters	Ladder Hill
Don Phillips	H.T.H
GARRY CONSTANTINE	ST PAULS VILLA
Callum Ellick	Jamestown
Sanjay clingham	levelwood !!
Ronan Legg	Sandy bay
Brandon Harris	NR white gate
Fabian Peters	Ladder Hill
Ma-Kyle Fuller	Jamestown
Owen Richards	Jamestown
Tee-Jay Anthony	Jamestown
SYLVIA LEGG	Sandy Bay
REGINALD LEGG	Sandy Bay