

PRESS RELEASE

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Her Majesty's Government of Gibraltar publishes Bill to amend the civil Marriage Act to allow for the civil marriage of same sex couples

Her Majesty's Government of Gibraltar has today published a Bill to amend the civil Marriage Act to allow for civil marriage between couples of the same sex.

The Bill, if it becomes law, will obviously not change the definition of "marriage" as determined by any religion.

The definition of "Holy Matrimony", a sacrament of the Catholic Church, or of the respective rites of marriage in the Jewish, Islamic or Hindu religions, is entirely unaffected. Similarly, the ministers who are able to administer the rites of religious marriages would be protected by this law, and its interplay with the fundamental rights and freedoms contained in the first chapter of the 2006 Constitution, from ever being forced to carry out marriages that were contrary to their religious beliefs.

As specifically provided for in the GSLP-LIBERAL 2015 election manifesto, a Command Paper was issued in December 2015 in order to consult with the public on how best to deal with the issue. Command Papers were introduced by the GSLP-LIBERAL Government as a mechanism to allow for wide consultation on issues and matters that are to become laws in areas not previously provided for in legislation. There was an overwhelming response from across the community and the deadline for consultation was extended to allow for further public engagement. Indeed, it has been the consultation on proposed legislation that has attracted the highest number of responses, there were 3490 in total.

The consultation on amending the civil law of marriage proved to be a matter on which there has been an extensive and meaningful engagement with those representing divergent points of views. All responses were carefully considered and as result an inter-ministerial group was set up by the Chief Minister, which has had further meetings with various groups and individuals who formed part of the consultation in order to ensure that the Government was able to fully understand all sides of the different arguments which have been presented.

While the Government intended to have finalised its consultations with the relevant community stakeholders and to have issued this Bill in June, the thorough consultation exercise was not possible as Ministers were extremely busy with the lead up to the EU



Referendum and the implications of the result, the timing of both of which was not clear at the time of the election. It was, however, important to fully engage and hear from those who had voiced concerns put forward by all the community and the Government considered that this was more important than the forty day delay in finalising matters properly and publishing the Bill today.

The Government wishes to reiterate that the law which the Bill sets out to amend is the civil law of marriage. Nothing that is being proposed in this Bill has any bearing on the religious concept of marriage. Indeed, following representations and meetings with various religious denominations, the draft Bill that was presented at Command Paper stage has been amended to take account of those representations and further safeguards, even beyond those already included in the Command Paper, have been factored into the Bill.

The Chief Minister, the Hon Fabian Picardo QC MP, said: "My Government has - as we always set out to do - seen through our manifesto commitment to publish a Command Paper late last year in order to consider the views of all of the public who wished to become involved in this debate. The response and engagement on this issue has been remarkable. There are broadly two sides to this debate, those in favour of the change and those against. Both sides think that they are so clearly right that the Government should have acted immediately to side with them. Clearly, matters of such controversy require careful consideration and that is why we have wanted to ensure we have consulted as widely as possible and as deeply as we have. Such was the importance of this sensitive subject that I chaired an inter-ministerial committee comprised of 4 other Ministers so that we could carefully consider the views that were put to us. We have not taken this process lightly and we have treated this clearly important subject matter with the respect that it deserves. Events have overtaken the process slightly and further time was required to undertake meaningful consultation properly, we did not envisage having to deal with an adverse result in the EU referendum in late June when we set our time frame in the manifesto. The process is now complete and we are today publishing this amendment Bill. We have amended the previous draft to incorporate safeguards to those who had expressed concerns to us. I wish to make it clear that this law relates to civil marriage and not to the sacrament of Holy Matrimony or the rites of marriage in any religion. I want to also thank all those who replied to the Command Paper we issued and those who engaged directly with us in the Consultation process. Their input has been greatly valued by me and by all of my colleagues and the Bill we publish today is improved by those discussions. I am particularly happy that this Bill is being published as a Government Bill and not a Private Members Bill. When it comes to be debated in Parliament, every Member should vote their conscience on this Bill as I expect that they should do in respect of all matters. I will certainly not be instructing members of the Parliament on the side of the GSLP-LIBERAL Government to vote in any particular way on this Bill."

Minister with responsibility for Equality, the Hon Samantha Sacramento MP, said: "I am proud of the progress that we have made and in particular of the very important process of meaningful engagement that we embarked upon, resulting in the publication of this Bill, which is another major piece of legislation that promotes the principle of equal treatment. The proposed amendments to this legislation do not impose any change in religious marriage or religious beliefs and nothing is affected by the implementation of the proposed



legislation. Indeed, we have added additional protection to ensure that there is no doubt in this regard.”

It is envisaged that the Bill shall be debated once the six week period of publication, as required by Constitution, has passed.