

PRESS RELEASE

Publication of Domestic Partnership Bill, 2020

Following the constitutional challenge by Ms. Chantelle Day and Ms. Vicki Bodden Bush seeking the right to enter into same-sex marriage, or at the minimum, a declaration that provision should be made for them to enter into a civil partnership and, following an initial ruling from the Grand Court to the effect that the Bill of Rights gave them the right to marry, the matter was appealed by the Government to the Court of Appeal. On 7th November 2019, the Court of Appeal delivered its ruling. The Court ruled that as the law currently stands marriage in the Cayman Islands can only be between couples of opposite-sex.

However, although the Court of Appeal found against Chantelle Day and Vicki Bodden Bush, the court went on to make a very unequivocal and strongly worded declaration to the effect that Day and Bodden Bush are entitled, expeditiously, to legal protection in the Cayman Islands, which is functionally equivalent to marriage.

The court observed, among other things, that it was apparent for several years that there is an obligation to provide such a framework and that the failure to do so was “woeful”. The court observed that this failure of the Legislative Assembly is a continuing violation of Article 8 of the European Convention on Human Rights.

Further, the Court made the point that the Executive and the Legislature are expected to obey the law and to respect decisions of the Court. It went on to state that it would be wholly unacceptable for this declaration by the court to be ignored whether or not there is an appeal to the Privy Council.

Accordingly, in keeping with the declaration of the Court of Appeal, the Government has agreed to have the Domestic Partnership Bill, 2020 considered by Legislative Assembly following a 30 day public consultation period.

Comments on the Bill by members of the public may be forwarded to the Legislative Drafting Department at cheryl.neblett@gov.ky or c/o the Portfolio of Legal Affairs, 4th floor, Government Administration Building.