

# Press Release

8 NOVEMBER 2017



## Summary

We refer to our press release dated 15 May 2017 regarding the petition submitted to the European Parliament. We are delighted to announce a very important and positive development for the LGBTI people of the Cayman Islands: the petition has been declared admissible by the Committee on Petitions of the European Parliament and referred to the Committee on Constitution Affairs and the Committee of Civil Liberties, Justice and Home Affairs of the European Parliament. The petition has also been passed onto the European Commission and the Council of the EU.

This is a very important development in the right direction to protect human rights in all British Overseas Territories. At this stage, the work will continue with the members of the Committees of the European Parliament to which the petition has been referred.

## Press Release

**GRAND CAYMAN, CAYMAN ISLANDS, 8 November 2017:** LGBTI people in the UK territories of the Caribbean are socially segregated and legally discriminated. This is particularly the case in the Cayman Islands, Turks and Caicos, British Virgin Islands, Monserrat, Anguilla and, to a lesser degree, in Bermuda.

These five territories are, in general, decades behind the laws in England and Wales in relation to LGBTI equality. They now represent a minority among the total 14 “British Overseas Territories” in which LGBTI rights are intentionally breached and whose governments are unwilling to effect any changes in order to comply with their obligations under international law. The remaining eight territories have, in one way or another, embraced equality for LGBTI people.

The sad reality is that the unwillingness to change with respect to the remaining five territories is, principally, the result of their bigotry, hidden under the guise of “cultural differences.” There is no scope to permit such unwillingness to subsist, however, once the European Court of Human Rights has issued judgments stating what the European Convention on Human Rights requires. In the judgment in *Taddeucci v Italy* of last year, the European Court of Human Rights held expressly and unanimously that the European Convention on Human Rights requires that states that are subject to the Convention [this includes the Cayman Islands] recognise same-sex couples for immigration purposes regardless of whether the country has in place, locally, a legal framework providing rights for LGBTI people. A vivid example of this unwillingness to change, therefore, is the recent decision of the Immigration Authority of the Cayman Islands by which they rejected the application of a Caymanian in a same-sex marriage with a non-Caymanian to have her spouse granted residence rights in the Cayman Islands. Not only does this decision breach the Cayman Islands Constitution and a prior decision of Immigration that benefitted various expats, but it also breaches international law, i.e. the European Convention on Human Rights. The UK government has the constitutional powers to redress these breaches of international law, but so far the UK government has been reluctant to step in. The UK government is therefore now, legally, an accomplice of the Cayman Islands breaching international law because it is the UK, rather than the territories, that is ultimately responsible towards the international community for any breaches of international law in the Cayman Islands and other British Overseas Territories.

Last year, *Colours Cayman* filed a petition with HM the Queen to raise the social segregation and legal discrimination that LGBTI people face in the Cayman Islands. *Colours Cayman* did so in accordance with Colonial Regulations. The petition received no formal response.

This year, a petition to the European Parliament was also filed. The petition requested the European Parliament, in any negotiations over any trade agreements upon the UK's exit from the European Union, and for any agreement to remain valid and enforceable, to make it a condition that the UK Government rectifies non-compliance with the European Convention on Human Rights, either by it or any of its territories, and that it remains a party to the Convention.

Last week, the barrister who drafted and filed the petition on behalf of *Colours Cayman* received written notification from the Chair of the Committee on Petitions of the European Parliament in which he was informed that the petition has been declared admissible.

It is important that the UK Government takes note of this Petition and takes steps to fulfil its constitutional duties in the Cayman Islands by securing good governance for all their people, including LGBTI people.

#### **About Colours Cayman**

*Colours Cayman* is a grassroots organisation, founded by Billie Bryan, that aims to foster a safe and comfortable social environment for the LGBTI community of the Cayman Islands by building a network of local businesses and public venues free of discrimination and harassment.