



Mr. James Austin-Smith
Chairman
Human Rights Commission
Grand Cayman

21st October 2015

Dear Mr. Austin-Smith,

Re: Recognition of same-sex unions

I thank you for your letter of 19 August 2015, and which was followed by our meeting of September 22nd and regret the delay in responding.

As I indicated, and you have recognized, this is an issue which has evoked great passion on both sides of the debate. But this has been the case in small societies such as the Cayman Islands or even in much larger countries across the globe - with individuals and civil society, including religious groups, espousing different positions on the matter. As such there should be no surprise that the matter locally has had the debate that it has.

The issue is not made any easier given that the Government, even if it was minded to, currently has no mandate to alter the status quo as we have come to know it in the Cayman Islands. And so Government cannot consider any request to recognise same sex unions in the Cayman Islands. As courts have quite properly recognised, there are different sensitivities on this delicate and deeply felt social issue – and this cannot be ignored.

It is also correct, however, to accept that a Government has a general duty to ensure that the rights of all those who live and traverse these Islands are respected and facilitated where possible.

It is against this background that Government is prepared to give consideration to, and indeed explore with all relevant authorities, the possibility of adjusting the immigration framework in order to facilitate persons who fall into this category to be able to co-habit within the jurisdiction even though they may not be able immediately to enjoy the menu of other rights enjoyed in jurisdictions that have legislatively recognized such relationships.

Having taken advice on the matter I am of the opinion that this approach, if approved by Government, would be consistent with the “gradual maturation” approach alluded to by the ECtHR in **Oliari**, whilst balancing the very sensitive moral and ethical concerns engaged by the ongoing debate and for which there is no consensus for change. Because this will require a degree of focused discussions before there can be any wider engagements I will not be able at the moment to make any public pronouncements in this regard.

I thank you and the HRC for the continuing interest in this and other social issues within our community. I shall keep you updated as the matter progresses.

Yours Sincerely,



Alden McLaughlin MBE, JP, MLA
Premier