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MOUNTING INTERNATIONAL PRESSURE ON UK GOVERNMENT TO AFFORD MARRIAGE EQUALITY TO ALL BRITISH OVERSEAS TERRITORIES

In an article recently published by *Stonewall* on 18 December 2019¹, the organisation lambasted the UK Government for its gross negligence and inaction as it pertains to marriage equality in the British Overseas Territories, referencing the “anti-LGBT colonial laws introduced by Britain in the last two centuries” and cited this year’s same-sex marriage trial of Chantelle Day and Vickie Bodden Bush in the Cayman Islands as a prime example.

The article also mentions the work that *Colours Cayman* undertakes in the Cayman Islands, highlighting the support our organisation has given to Day and Bodden Bush in their arduous fight for marriage equality. In addition, our organisation has been making strides towards a safer and more comfortable atmosphere across the Cayman Islands for the entirety of our LGBTQIA+ community. However, throughout the years following our organisation’s inception and long before *Colours Cayman* became a registered non-profit, we have received little to no support or intervention from our or the UK Government whenever addressing the rampant inequality that our LGBTQIA+ community faces both locally and across the region, particularly as it applies to marriage equality, save for some inconsequential finger-wagging.

Moreover, representatives of the UK Government fully capable of holding those responsible to task, even when petitioned by our organisation to act, have largely stood idly by as our own government has and continues to either scoff at the mere mention of addressing this issue and related ones or sidesteps them entirely.

Furthermore, on 22 November 2019, members of our Legislative Assembly took to publicly intimidating esteemed barrister Dr Leonardo Raznovich—who has acted as a legal advisor to *Colours Cayman*, pro bono, for years and who is also supporting the legal team behind the same-sex marriage case [*Day and Bodden Bush v The Governor of the Cayman Islands et al*])—calling for his deportation simply on the grounds of inconveniencing the government by taking a stand.

In another article written by Dr Leonardo Raznovich himself and published the following day in *Counsel*—a prestigious publication of the Bar in London—on 19 December 2019², he opined that, “...there is no effective remedy in court when existing legislation precludes access to constitutional rights.”

Our Constitution exists to ensure fair and equal treatment under the law to all Caymanian citizens and residents of the Cayman Islands, regardless of sexual orientation or gender identity. Yet, in spite of this, the Cayman Islands Government sees fit to violate our constitutional rights, seemingly with little concern if any at all. What good, then, is a country’s Constitution or a Bill Of Rights when its government can modify them on a whim or skirt around them entirely in an attempt to shirk culpability?

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1 “**The Fight For Marriage Equality Is Not Over**” Leanne MacMillan , *Stonewall*, December 2019
<https://www.stonewall.org.uk/about-us/news/fight-marriage-equality-not-over>

2 “**OPINION: Cayman Islands—Threat To The Rule Of Law**” Dr Leonardo J Raznovich, *Counsel*, December 2019
<https://www.counselmagazine.co.uk/articles/opinion-cayman-islands-threat-to-the-rule-of-law>

There already exists no explicit legal protections for same-sex couples, much less LGBTQIA+ people as a whole. As Raznovich warns in his article, “...when the judiciary fails in its constitutional responsibilities, harm to the rule of law ensues.”

“Harm to the rule of law” ultimately translates to harm to us all, particularly to those who depend most on what little protection our Constitution affords us.

Finally, *Colours Cayman* also questions the lack of a response from the *Human Rights Commission of The Cayman Islands (HRC)* and also the *Cayman Islands Legal Practitioners Association*. They each have an important role to play in society and one would expect that they would stand firm against any attempts to suppress those that seek to protect their rights or those that seek to support persons whose rights under the constitution are breached.