



FOR IMMEDIATE RELEASE

Date: Friday 14th August 2020

Issued by: Office of the Governor

Contact: Lisa.Carroll@fco.gov.uk

Governor's Statement on the Domestic Partnership Bill

“In its ruling of 7 November 2019 the Cayman Islands Court of Appeal was clear that, by its continuing failure to put in place a legal framework for same sex couples, functionally equivalent to marriage, the Cayman Islands was in breach of the Bill of Rights in the Constitution and the European Convention on Human Rights (ECHR). The Court also made it clear that, should the Cayman Islands Legislature fail to act to rectify the situation, the UK should recognise its responsibility for ensuring that the Cayman Islands complies with its responsibilities under the Constitution and its international obligations. Ensuring compliance with international obligations falls squarely within my responsibilities under section 55(1) (b) of the Constitution. Given that responsibility I was instructed, on 5 August, by the Minister for Sustainable Development and the Overseas Territories, Baroness Sugg, who is acting on behalf of the UK Secretary of State, to utilise Section 81 of the Cayman Islands Constitution to rectify this situation. I have today received permission to release that letter.

This instruction by the UK, and action by me as Governor, is fully consistent with the UK response to the Foreign Affairs Committee in 2019. The UK stated that these matters are best handled by local legislatures, justice mechanisms and legal processes. In the Cayman Islands, the Legislature rejected the Domestic Partnerships Bill providing a legal framework for same sex couples. In such circumstances, the Court of Appeal Declaration was clear, that the UK must step in to rectify this situation. The Cayman

Islands Government and Attorney-General had already accepted that it was in breach of the Bill of Rights.

I recognise how sensitive this issue is across our Islands. I call on everyone to treat others with dignity, courtesy and respect. The drawing of parallels with Nazi behaviour or making homophobic remarks are completely unacceptable.

It is important not to lose sight of the discrimination being suffered by many Caymanians and others in our community. This is causing great mental anguish for many. It is my fervent hope that once this legislation enters in to force the people of Cayman can put this issue behind them and move forward with mutual respect. The Partnerships Bill will end discrimination, maintain the institution of marriage and uphold the rule of law.

As part of the consultation process that runs until 31 August, we have already received several comments on the draft legislation. We will reflect upon all comments before I assent to the Bill at the beginning of September. A number of other Bills need to be amended to ensure a legal framework for same sex couples is provided.

As Governor, this is not a position I ever wanted to be in. Such situations have been, and will be, extremely rare. The UK, and I as Governor, fully respect Cayman's extensive responsibility for domestic affairs. But I am ultimately responsible for good governance".

Ends

Follow HE The Governor on social media:

 [Facebook](#)

 [@govcaymanislands](#)

 [@martyroper](#)