



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

For Immediate Release

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Statement on Cayman Islands Same-Sex Marriage Ruling

The Human Rights Commission congratulates Chantelle Day and Vickie Bodden Bush on their successful legal challenge to the discriminatory provisions of the Marriage Law.

At this stage only a summary of the Chief Justice's judgment is available; accordingly the Commission will refrain from commenting in detail until it has seen and digested the full judgment. Nevertheless, it is very clear that this is a tremendously significant constitutional law ruling.

In a strongly worded judgment relying on well-established case law the Chief Justice rejected the Governor's, Attorney General's and government's arguments, finding that the Marriage Law "impose[d] indignity, inequality of treatment and inequality of legal status on same-sex couples". He found that "No justification has been established to sustain this severe form of discrimination". The Marriage Law was declared to be unconstitutional and unlawful for a variety of reasons. Amongst other things the Chief Justice found that the Petitioners' rights to a private and family life and to respect for their human dignity and freedom from discrimination had been unjustifiably violated. Once he had made that finding he was required by the mandatory terms of the Cayman Islands Constitution to modify the unlawful sections of the Marriage Law.

The Chief Justice was also clear that his ruling "in no way threatens the institution of marriage...in fact the institution is strengthened". This judgment should be welcomed by all in our community. In modifying the Marriage Law the Chief Justice has affirmed the constitutionally protected rights of Vickie and Chantelle and many others in committed same-sex relationships. Equally, the rights and freedoms of all other individuals in the Cayman Islands, including rights of religious freedom, are similarly affirmed and protected.

The Commission will make a more detailed statement when the full judgment has been released.

Ends.