



Domestic Partnership Bill 2017

5 December 2017

The Domestic Partnership Bill 2017 (the “**Bill**”) seeks to, *inter alia*, provide for the formalization and registration of a relationship between adult couples to be known as a domestic partnership. This, in itself, is a lawful objective, however the Bill also purports to prohibit marriage between same sex couples by seeking to override the decision of Simmons, J in the case of *Godwin & other –v the Registrar General & Other* (2017 SC (BDA) 36 Civ (5 May 2017) (the “**Godwin decision**”).

Had the Bill been introduced prior to the **Godwin decision**, Centre for Justice would have applauded it for being forward thinking especially since it applies to all couples.

Centre for Justice is dismayed that, full rights associated with marital equality having been recognized by the Supreme Court of Bermuda, the Government now seeks to roll back on those rights. Any rights conferred by the Human Rights Act 1981 cannot be taken away by any other Act of Parliament. To that end, we have asked Government to withdraw the provisions of section 48(2) of the Bill.

Regarding the legal status of a same sex couple’s marriage if they had married outside Bermuda prior to the Godwin decision, we have sought the advice of Queen’s Counsel who has advised that following the Godwin decision, all such marriages became lawful in Bermuda. Therefore, we join the Human Rights Commission in their recommendation that the “window” of the validity of same sex marriages outside Bermuda be extended to cover all same sex marriages prior to the commencement of the Domestic Partnership Act 2017.