



5th December, 2017

Press Release

Re: Proposed Domestic Partnership Bill

Preserve Marriage Bermuda is pleased that the government is moving forward with its commitment to uphold marriage as the union between a man and a woman. Same-sex marriage, has been permitted since Justice Simmons' Decision earlier this year, which deemed the governmental functions of the Registrar's Office as a service.

Preserve Marriage, however, like thousands of Bermudian voters are extremely disappointed that the government is reintroducing, the former government's 2016 Civil Unions Bill under a different title. Particularly since the people of Bermuda clearly rejected both same-sex marriage and civil unions in the 2016 Referendum.

Again, the current bill being laid by the Minister of Home Affairs, The Honorable Minister Walton Brown, JP, MP titled Domestic Partnership Bill 2017, is essentially a carbon copy of the OBA'S rejected 2016 Civil Union's Bill with a different name and minor changes of terms.

To legislate against same-sex marriage and simultaneously introduce civil unions under the guise of a Domestic Partnership Bill is an introduction of a parallel form of marriage. The public is also well aware that civil-unions often give legal footing to the 'separate but equal' argument that has led to same-sex marriage rulings in the courts in other jurisdictions.

In light of the fact that the European Court of Human Rights (ECtHR) has repeatedly ruled that same-sex marriage is not a human right, and the ECtHR neither mandates same-sex marriage, domestic partnerships or civil unions. it is therefore, perplexing why the government that campaigned on a platform to eliminate same-sex marriage, is now introducing same-sex marriage in a different format.

Preserve Marriage acknowledges that under the European Convention on Human Rights (ECHR) the government is obliged to provide same-sex couples with legal benefits. The government can legislate these benefits and still maintain its election promise by amending the current bill.

To avoid a future legal challenge, to Minister Walton Brown's 2017 Domestic Partnership Bill, an appropriate amendment could be made that would offer a provision of legal recognition and benefits to all non-married persons, and can be applied to a variety of relationships. Such an amendment would grant legal authority and rights to a designated person/registrant which would include, but not require an intimate relationship. For example, two elderly sisters who could make use of shared legal benefits or two adults of the same, or opposite sex for legal reasons.

The legislation under these circumstances, would not be seen as parallel to the Marriage Act, and would less likely be used as a basis to appeal to the courts for same-sex marriage.

Dr. Melvyn Bassett
Chairman

