

IN THE SUPREME COURT OF BERMUDA
CIVIL JURISDICTION
2018: No. 99

IN THE MATTER OF AN APPLICATION UNDER
THE BERMUDA CONSTITUTION 1968

AND IN THE MATTER OF THE DOMESTIC PARTNERSHIP ACT 2018

BETWEEN:

OUTBERMUDA

First Plaintiff

-and-

MARYELLEN CLAUDIA LOUISE JACKSON

Second Plaintiff

-v-

THE ATTORNEY GENERAL

Defendant

AFFIDAVIT OF CHAI T

I, Chai T, of 22 Cedar Heights Lane, Warwick wk05, Bermuda, MAKE OATH and SAY as follows:

1. I make this affidavit in support of the application of the Plaintiffs in this matter.
2. The facts set out herein are true. Where information was provided to me by others, the facts are true to the best of my information and belief.
3. I was born Tanya Semos. In March 2005, I changed my name, by way of Deed Poll, to "Chai T", to support my journey as an artist.

4. I am a 46-year-old Bermudian female, and am openly gay. I choose no religion and consider myself a spiritual being. I appreciate all religions and their views without judgment. I am of both Portuguese and English descent. My great-grandparents on my father's side immigrated from the Azores when Bermuda's industry was farming. I am proud of my Portuguese heritage but don't like labels generally, such as just "Portuguese" and instead ask to be appreciated simply by my kind character.
5. I support the view that everyone should have the legal right to marry whosoever they choose. Whilst it is a wonderful opportunity to have the option of domestic partnership, I also consider it discriminatory and unfair that the option of same-sex marriage was granted and then revoked. I support the right to be married, even though I am not ready to be married this time. Having the option to marry is most important. Under a domestic partnership, some important legal rights may not be recognized in other jurisdictions. I can attest to this from firsthand experience. To demonstrate, please allow me to tell you some of my journey as a gay female.
6. I have often been asked the question, "How did I know about myself?" Well, I knew from six years of age that I favoured females. However, I did not at that time know how being gay would impact my life. I didn't even know what the label "gay" meant, nor did I hear the term used until I was nine. It was only in my teens that I began to understand what it meant to be labelled "gay", on a social level. But despite the tough journey ahead, at 17 I began my first relationship with a female. At that time, I was out only to my friends. It wasn't until I was 21 that I finally came out to my family.
7. At the age of 30, I entered a 10-year relationship with a woman. It was an interracial relationship. Together, we raised her two children—a boy and a girl, whom I met when they were 8 and 10. Their father was Seventh-Day Adventist, their mother a former Baha'i.
8. Our day-to-day lives were no different than that of a straight couple raising two children. We prepared school meals, helped with homework, and attended parent/teacher meetings. We sat at the dinner table listening to stories of each other's day (with no TV and cell phones allowed, so everyone could be truly present in the listening process). We grocery-shopped, paid bills, and did laundry. We had all the same exhaustion and rewards that come at the end of each day of normal family life. Together, we raised our straight children to be open-minded, tolerant of all views and

perspectives, respectful, and kind to everyone on their journey. I am proud to say that both children attended university.

9. During that relationship, my partner fell ill. In front of her children, she was placed in an ambulance and rushed to KEMH. In the emergency room, I watched as my partner struggled to make decisions whilst medicated with morphine. It was then that I realized just how important it is to be legally married to your partner. Not being married, I did not have the legal right to help my partner when she became too unwell to help herself.

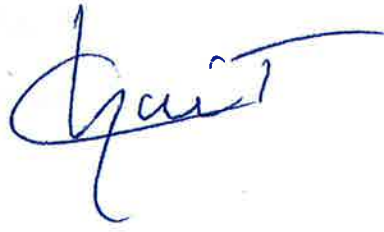
10. My partner had previously instructed me that if she ever ended up incoherent and on life support, she wanted to be allowed to pass on. Very quickly, I asked her again what I should do if she was unable to make decisions for herself and if the doctors needed to operate. She said, "I have two children—allow them to do whatever they can to resuscitate me." So her decision had changed from her previous wish to be allowed to pass on. However, I was legally unable to assist in telling the doctors of her decision, as I was not her spouse. Also, at that time, her children were too young to legally assist. Putting my pain and emotional anguish aside, because time was of the essence, I became the middle-man and relayed her wishes to those family members who lawfully had the power to help her. Quick decisions had to be made, as flying out for further medical assistance was becoming part of the plan. But not being the legally-recognized decision-maker for the person that I had lived with, cared for, and raised two children with, was creating difficult and potentially dangerous delays. I was filled with helplessness, hopelessness, and frustration at my inability to help her. At that time, it became perfectly clear to me just how important it is to be married to your partner, and it has remained perfectly clear to me ever since.

11. Further, it is my understanding that even if we had a domestic partnership and flew to the USA for emergency treatment, we could have ended up in the same difficulty. Every state in the USA recognizes same-sex marriages, but they don't all recognize domestic partnerships (which are treated as civil unions). This means that if my partner and I had been in a domestic partnership, and one of us was flown, for emergency medical treatment, to a state that doesn't recognize domestic partnerships, then we wouldn't be treated as spouses and so couldn't make medical decisions on each other's behalf. This again shows just how important it is for same-sex partners to be able to marry in Bermuda, as marriage is the only form of union guaranteed to be recognized in hospitals across the USA and many other countries.

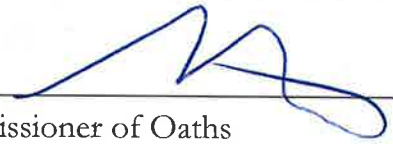
12. As a matter of interest, I wish to raise a final point to show how it is important that everyone have human rights, to ensure that all people are treated with respect and common decency. The following story should help show that, when the Government does not push back against discrimination, it emboldens other people in the community to act in a discriminatory manner.
13. I applied for a job at a local bank, for which there were several vacant positions. I later learned that only one person had been hired, and the bank desperately needed to hire more.
14. I took the bank math entrance exam and asked for an interview. Knowing I had done well on the exam, I asked exactly what my score was. I was told by HR that they had forgotten it. I later learned that I had scored 100 percent. I was subsequently interviewed, offered a position, and given a start date. I had applied for an entry-level position and was asked if I wanted to wait for an opening for management. Because we were raising two children and needed the income, I didn't have the option of waiting for a position that offered more money, so I decided to start in the lower position.
15. Later, I learned of the discrimination that, unbeknownst to me at the time, had been directed at me well before the interview process. I was told that upper management questioned HR as to why no-one had been hired yet. HR's response was, "Well, none of the applicants were worthy." It turned out that HR had been prescreening the applications. Upper management, needing the positions to be filled, asked to see the applications that were not considered. They came across my application and saw my test score of 100 percent. Upper management then asked HR why I hadn't yet been interviewed. HR responded, "Well, have you seen who it is? They wouldn't know what bathroom to use." Upper management then told HR to give me an interview because, based on my test scores, I was 100 percent competent to do the position. After that, HR was instructed that upper management—not HR—would screen applicants, and I was hired.
16. I was not privy to any of that information until years later. To this day, I thank the person who decided to hire me—not because of my obvious competency for the position, or because they sent a strong message that discrimination would not be tolerated, but simply because getting that job meant that I could support our children and family.

17. I am grateful for this opportunity to share my journey as a gay Bermudian woman. I believe that if everyone had the same rights regardless of sexual orientation, there would be less mistreatment and more of a shift toward tolerant thinking. I hope that my generation can lay a strong foundation for the many generations that follow, so that everyone—heterosexual or homosexual—can live peacefully, harmoniously, and happily, in legally-recognized marriages with the person that they love.

SWORN by the said)
CHAI T)
In the City of Hamilton)
In Bermuda)
On the 10th day of April 2018)



Before me:



Commissioner of Oaths

Megan Denos
Commissioner for Oaths
Canon's Court
22 Victoria Street
P.O. Box HM 1179
Hamilton HM EX
Bermuda
Date: 10 April 2018

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BERMUDA

Attorneys for the Plaintiffs
RSAS/1760-001