

PRESS RELEASE

6 July 2022



FOR IMMEDIATE RELEASE

House Of Lords Peer, Lord Cashman, Introduces Bill To Legalise Same-Sex Marriage For All Caribbean British Overseas Territories

Colours Caribbean, *Stonewall* and a select group of academics, along with key members of UK Parliament have been overseeing the preliminary draft of a bill introduced today by Michael Cashman CBE (Lord Cashman) to make same-sex marriage lawful in those British Overseas Territories where it is currently unlawful. If passed, the bill would empower local governors—who are appointed by Her Majesty The Queen—to make changes to the law that are necessary to legalise same-sex marriage. **Provisions in the bill would, at long last, introduce equal civil marriage for same-sex and different-sex couples throughout the British Caribbean**, aligning the Caribbean British Overseas Territories with all other dependent territories in the region. It will also place the Caribbean British Overseas Territories in line with all countries in the Americas that are subject to the *Inter-American Convention On Human Rights (IACHR)*, which requires equal marriage.

The bill extends to six British Overseas Territories in the Caribbean: **Anguilla; Bermuda; British Virgin Islands; Cayman Islands; Montserrat; and Turks and Caicos Islands.**

It is with tremendous pride that we announce the introduction of this bill. *Colours Caribbean* has been championing for marriage equality in the Cayman Islands for years now, by engaging with local parliament, the Governor, the Premier, international governments and press, via sociopolitical campaigns and also by various means of litigation, with Dr Leonardo Raznovich assisting throughout this time, including with respect to the same-sex marriage case involving Ms Chantelle Day and Ms Vickie Bodden Bush in 2018. While we did celebrate the victory of the Civil Partnership Act of 2020, as expected, it was not without considerable pushback from our own local parliament as well as select conservative groups who are still fighting its introduction in court by the Governor.

Following the long-awaited and disappointing decision by the UK Privy Council to deny marriage equality to both the Cayman Islands as well as Bermuda—which clearly revealed a discriminatory system of constitutional segregation—it is pleasing to see the UK Parliament recognising its responsibility in this regard and seeking to redress that through this bill by legislating same-sex marriage in *all* of the Caribbean British Overseas Territories. If this bill succeeds, it will *not* face the threat of being reversed by local courts on the grounds of constitutional incompatibility as the governors of *every* applicable jurisdiction will be empowered and required by Act of the UK Parliament to “make provision for the solemnisation of civil marriage of same-sex couples that is equivalent to the provision made for the solemnisation of civil marriage of opposite-sex couples.”

The US, the Netherlands and France extended equal marriage to their dependent territories as soon as it became legal in those countries. All of the UK has legalised same-sex marriage (in the case of Northern Ireland, being implemented by legislation of the UK Parliament, as is proposed in this bill) and other UK territories have also long since introduced legislation for same-sex marriage—the British Indian Ocean Territory, the Falkland Islands and Gibraltar to name a few. **It is due time that those in the Caribbean be afforded the same equal treatment and protections under the law.**

We look forward to the passing of the bill. Marriage equality has officially come to the forefront of the agenda and soon all British Overseas Territories in the Caribbean will enjoy the same rights with the same name, ending the anomaly of depriving us of the right to equality enjoyed by all British citizens in the entirety of the UK, the three crown dependencies and the rest of the British Overseas Territories.

In a recent press release regarding the introduction of the bill, Dr Leonardo Raznovich, Barrister and expert in the laws of the British Overseas Territories, stated in support of Lord Cashman's bill:

"The decisions of the Privy Council against equal marriage for Bermuda and the Cayman Islands, while disappointing must be accepted on the understanding that the UK Parliament, which was responsible for the implementation of their constitutions, failed to protect vulnerable minorities properly. Further, the Privy Council made it clear that it recognised the historical background of stigmatisation, denigration and victimisation of gay people and that its decisions would create among them a sense of exclusion and stigma. The Privy Council, hence, saw force in the policy argument of equal marriage, which indeed they expressly stated in the decision for Bermuda.

"The clarity brought about by the Privy Council's decisions in this regard means that all remedies and corrections through the judicial process have been exhausted and that the British Government can therefore no longer escape its own responsibility for the situation of vulnerable minorities in Bermuda and the Cayman Islands and other territories as a matter of policy.

"The UK Parliament through this Bill aims to correct the serious injustices that the Privy Council's decisions have manifested. It will put an end to the unjustified discrimination and segregation on grounds of sexual orientation that British citizens face in relation to access to equal marriage in Bermuda, the Cayman Islands, the British Virgin Islands, Anguilla, Monserrat and the Turks and Caicos. It must be noted that in the last four territories there is currently no local legislation in place at all to protect LGBTI people, which is in itself a breach of numerous provisions of the European Convention on Human Rights or other international agreements. This Bill, if enacted into law, will therefore address the ongoing breaches by these last four territories of international obligations of the UK. It will also implement recommendations of the Foreign Affairs Select Committee of February 2019 by legislating marriage equality for all British citizens. Crucially, this Bill does not take anything from anyone but rather achieves a levelling up of disenfranchised vulnerable minorities with the rest of society. By bringing about full equality to these Territories, as Colours Caribbean has been advocating for many years, it will mean that Chantelle and Vickie and other couples will no longer need to seek exile in other parts of the UK and its territories away from their homeland, families and friends."

[For further commentary, see attached press release.]

We would like to thank our excellent legal team, Alex Potts QC, Partner of *Conyers* for his assistance with defending the Governor's implementation of the Civil Partnership Act 2020; Daniel Gerring, Partner of *Travers Smith*; Edward Fitzgerald QC, of *Doughty Street Chambers*; and Peter Laverack of *Essex Courts Chambers* for their continued efforts, working tirelessly towards achieving marriage equality for the LGBTQIA+ community of all British Overseas Territories in the Caribbean.

Lastly, we would especially like to thank Ms Chantelle Day and Ms Vickie Bodden Bush for their courage and strength in challenging their local parliament and standing up for equality for all same-sex couples in the face of ongoing adversity. It is no exaggeration to say that you have succeeded in drastically improving the lives of the entire LGBTQIA+ community of the British Caribbean. You forever have our undying gratitude.

BACKGROUND

COLOURS CARIBBEAN

Colours Caribbean is a registered non-profit organisation locally operated in the Cayman Islands that aims to cultivate a bold and visible community for the lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) people of the Caribbean and Latin America by building a network of regional businesses and public venues free of discrimination and harassment towards anyone on the basis of their gender identity, or sexual orientation. *Colours Caribbean* advocates for LGBTQIA+ rights as human rights and promotes the inclusion and equality of LGBTQIA+ persons throughout the Caribbean and Latin America.

LORD CASHMAN

Michael Cashman CBE is a former Labour MEP and currently a Labour peer of the House of Lords.

HOUSE OF LORDS OF THE UNITED KINGDOM

The House Of Lords—also known as the House Of Peers and domestically usually referred to simply as the Lords—is the upper house of the Parliament of the United Kingdom. Membership is granted by appointment or else by heredity or official function. Like the House Of Commons, it meets in the Palace Of Westminster.

Colours Caribbean is and has been a member of the Equal Rights Coalition (ERC) since 2022.

The Equal Rights Coalition (ERC) is an intergovernmental body of 42 Member States dedicated to the protection of the rights of LGBTI persons. Member States provide leadership by actively engaging in thematic groups and commit to working closely with LGBTI civil society organisations who meet regularly as part of thematic groups.