



23 July 2020

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Legal Drafting Department  
c/o Portfolio of Legal Affairs  
4<sup>th</sup> Floor Government Administration Building

FAO Ms. Cheryl Neblett [Cheryl.Neblett@gov.ky](mailto:Cheryl.Neblett@gov.ky)

Dear Ms. Neblett,

By way of introduction we are Amplify Cayman.

Amplify Cayman is a fully community invested multi-professional group of concerned Caymanians. We are a “Think Tank” that utilizes local, regional, and international knowledge, expertise, and research, using best practices to offer advice, ideas, and proposals on multiple issues, building a sustainable and equitable Cayman for all. We are looking to educate our community on key issues. We are an advocacy group who will promote accountability of our elected officials and work to advance political involvement at all levels of society by promoting education awareness and action.

### **Comments on the Domestic Partnership Bill**

We commend the effort that has been made to prepare this draft law, however there are some issues that need to be considered and amended. We need this law, but not in the way it is written. It appears to be discriminatory against same sex couples. People of a same sex union need to be treated the same way heterosexual couples are treated equally and with respect, and sadly this draft bill does not afford that.

#### **1. Part 3 NOTICE AND ISSUE OF LICENCE**

Most of what is in this section is unnecessary, cumbersome and discriminatory. If two persons of the same sex want to enter a Domestic Partnership, they should just apply for the licence, and post the notice at a relevant location. Be it a “Marriage Officer” office, at a church or with a Civil Registrar. If the Registrar, wishes to post the notice, then they should also post Banns for marriages. They cannot do one without the other. The time frame between posting the notice and entering the Domestic Partnership should be the same as a heterosexual couple. As for advertising in the local newspaper or social Media, this is unconscionable, not to mention, discriminatory to same sex couples.

#### **2. PART 4 - FORMALISATION OF DOMESTIC PARTNERSHIP**

Why is the Registrar being asked to formalise Domestic Partnerships, since the department is understood to overburden by a myriad of tasks.

Why can a Domestic Partnerships only be formalised between Monday to Friday 9 a.m. to 5 p.m. and on Saturday 9 a.m. to 12 noon, and not on a public holiday? Again, this is discriminatory against same sex couples. The same sex couple should be allowed to formalise a Domestic Partnership in the presence of two witnesses between the hours of 6 a.m. and 8 p.m.



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### 3. PART 7 - REGISTRATION

In this section the Registrar must record the details of the Domestic Partnership along with signatures of the witnesses and the Domestic Partnership officer, in the Register of Domestic Partnerships.

Why do we need to separate out the Registers, one for a “Married” couple and one for “Domestic Partnerships”? This is discriminatory and incurs extra costs to society in general.

### 4. PART 8 - DOMESTIC PARTNERSHIP OFFICERS

Why appoint Domestic Partnership Officers at all? Why can't a Civil Registrar, or a Marriage Officer, be sufficient to formalise a Domestic Partnership?

We fully understand a Marriage Officer may not wish to formalise a Domestic Partnership. However, a Civil Registrar is more than qualified to do so.

A Civil Registrar should be able to apply to the Governor or Deputy Governor to allow them to conduct Domestic Partnerships, in order to be automatically approved.

What happens if the Deputy Governor does not want to appoint any Domestic Partnership Officers? Then no one can perform a Domestic Partnership.

### 5. PART 9 - DEPUTY REGISTRARS

In Summary the Deputy Governor may appoint a public officer or Domestic Partnership Officers to be a Deputy Registrar for the purpose of formalising Domestic Partnerships. We are wondering why a Deputy Registrar needs to be appointed in the first instance. We already know that the Registrar is busy doing his daily work, so why add more work on him?. See comments in Part 4.

### 6. PART 11 - MARITIME DOMESTIC PARTNERSHIPS

We do not understand why this is in the law at all. There is no reference in the Marriage Law (2010 Revision) on marriages for heterosexual couples. At some time in the future, this section on Maritime Domestic Partnerships may be applicable, but not currently, and this whole section should just be deleted.

The public may request to see the Domestic Partnerships documents filed with the Registrar upon paying the requisite fees. This is discriminatory to same sex couples. Ordering a copy of a “Domestic Partnership agreement”, like a marriage certificate, is one thing, but requesting all the documents that will have been provided for a Domestic Partnership under this law, is unconscionable.

We consider these issues to be of utmost importance, and strongly recommend changes be made, making this law less cumbersome, and less discriminating.

Yours sincerely,

Amplify Cayman

