



UK Privy Council Opens Final Chapter in Historic Bermuda Marriage Equality Case Arguments to be Heard on February 3 and 4, 2021 “Marriage Equality is Within Our Grasp”

February 1, 2021 – This week, leaders and attorneys for OUTBermuda will enter the final appeal in London for Bermuda’s historic *marriage equality decision*. The arguments will be heard before the United Kingdom’s Privy Council on Wednesday, February 3 and Thursday, February 4, 2021. Following the hearings, Bermudians should know the Council’s final decision within the next months. The forthcoming case is summarized here:

<https://www.jcpc.uk/cases/jcpc-2019-0077.html>

These historic proceedings will be live streamed on Wednesday, February 3 and Thursday, February 4 from 10.30-13.00 & 14.00-16.00 Greenwich Mean Time (GMT) both days. To observe the proceedings live at those times, you may visit <https://www.jcpc.uk/live/court-03.html>

OUTBermuda and fellow Bermudian plaintiffs Roderick Ferguson, Maryellen Jackson, Dr Gordon Campbell, the Parlour Tabernacle of the Vision Church of Bermuda and Sylvia Hayward, will be represented during the proceeding by a Bermudian team and led by Lord David Pannick, Queen’s Counsel. Lord Pannick is considered the pre-eminent human rights and constitutional advocate in the United Kingdom, with extensive global experience. See <https://www.blackstonechambers.com/barristers/lord-pannick-qc/>

OUTBermuda Deputy Chair Zakiya Lord said, “With this milestone, we believe marriage equality, at last, is within our grasp for all Bermudians. Since Bermuda’s historic equality case was first decided in 2017 and despite the Government’s misconceived opposition, Bermuda’s same-sex couples have continued to commit to each other and have consecrated their vows under Bermuda law.”

Co-plaintiff Roderick Ferguson, whose lawsuit spawned the original Supreme Court victory in this matter in 2018, said, “We now stand before the world to ratify the wisdom of Bermuda’s courts and to preserve same-sex marriage rights in Bermuda. We’re grateful that popular support for marriage equality in Bermuda is greater than ever before, and we trust the Privy Council to rule in our favour.”

“Bermuda will be on the world stage this week to advocate for equality under the law for all our families including my own,” said OUTBermuda Chair Adrian Hartnett-Beasley. “We knew our struggle would be long and difficult, but we have never wavered in seeking justice for all Bermudians.”

The Judicial Committee of the Privy Council (JCPC) is the highest court of appeal for certain British territories, some Commonwealth countries and a few UK bodies. The Judicial Committee consists of senior judges who are Privy Councillors: they are predominantly Justices of the Supreme Court of the United Kingdom and senior judges from the Commonwealth. This judicial body is often referred to as the *Privy Council*.

Bermuda Timeline on Same-Sex Marriage:

- Marriage equality for Bermuda’s same-sex couples has been legal since the May 2017 decision in *Godwin and DeRoche*. Since then, the Bermuda Government sought to remove that right through the Domestic Partnership Act 2018, however both the Supreme Court (6 June 2018) and the Court of Appeal (23 November 2018) found

this action to be unconstitutional and marriage equality has been upheld.

- Since May 2017, therefore, Bermuda same-sex couples have had their marriages celebrated and recognized in Bermuda and around the world. There is no precise estimate of their number however.
- The ongoing legal battle and final hearing on February 3 and 4, 2021 in the Privy Council, however, is necessary to retain this basic human right and make it *permanent and lasting* for all residents of Bermuda.
- OUTBermuda as well as Roderick Ferguson and the other successful plaintiffs also are seeking to enforce the Court of Appeal's Order against the Government for legal costs incurred. Once the appeals are fully exhausted, it is estimated that the Bermuda Government will incur more than \$3 million in covering their own legal expenses as well as the successful plaintiffs (including OUTBermuda).
- Human rights advocates and leaders across the British Commonwealth of nations are watching these developments closely. Some legal experts believe this decision will set favorable legal precedent on the marriage rights for same-sex couples in many other jurisdictions within the Commonwealth.

About OUTBermuda: OUTBermuda is a registered charity (#973), which promotes and supports the wellbeing, health, dignity, security, safety and protection of the LGBTQ community in Bermuda. Its website is www.OUTBermuda.org. Through its mission, OUTBermuda helps advance human rights, and the promotion of equality and diversity relating to the LGBTQ community in Bermuda.

For media inquiries, contact:

Adrian Hartnett-Beasley ahartnettbeasley@gmail.com Mobile +1 441-505-1256 (Bermuda)

Bob Witeck bob@witeck.com Mobile 202-997-4055 (U.S.)