

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

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AFFIRMATION OF MARYELLEN CLAUDIA LOUISE JACKSON

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I, Maryellen Claudia Louise Jackson (also known as “Gabby”), of 6 Primary Lane, Sandys, MA05, Bermuda, MAKE OATH and SAY as follows:

1. I make this affidavit as the Second Plaintiff in this matter. 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.
2. My name is Maryellen Claudia Louise Jackson. I am a mother, aunt, sister, teacher, coach, chef, athlete, friend, black, woman, non-Christian, and spiritual person. I am also a single lesbian.
3. I identified as lesbian in 1994, while in my twenties. When I did, I came to understand that this aspect of who I was, was the part of me that had been missing as a young adult. I finally felt a sense of wholeness. I was complete. But this feeling lasted only until I understood that living in a society that does not accept differences was not going to make my “coming out” easy.

4. Determined to live life on my own terms, I began dating. When you live in a country that deems your behaviour an abomination and “of the devil,” dating presents its own challenges. You are forced to live a double life. The first life is the public face—introducing my partner as my “friend” to some and “girlfriend” to others. The second life is the private face—here, my partner was my “girlfriend,” my “partner.”
5. This double-life created such a conflict within me and for my relationship and led to great deal of stress for me. I found it very unsettling that the very same people who protested, “I don’t care what they do behind closed doors,” were the people who most complained about what we did behind closed doors. Further, that this created an environment for those in the LGBTQ community to force us to lead our lives behind closed doors.
6. With the passing of the Stubbs Bill I knew that, in my lifetime, members of the LGBTQ community would one day have the right to marry. In 2017, my dream came true. To say that I was ecstatic would have been an understatement. I cried tears of joy as I realized I now had the opportunity to have a life I wanted to live—an open, fully accepted, legally-binding relationship with the woman I could choose as my wife.
7. That dream was dashed when the Government took steps to abolish the right for gays and lesbians to marry, and to establish the Domestic Partnership Act.
8. I grew up in Bermuda, where marriage is the norm. Like so many Bermudians, I aspired to be married one day. I cherish the concept of monogamous marriage, and this forms an important part of my belief system. Although my beliefs are not founded on any particular religious position, they are founded on my cultural beliefs and my deeply held personal beliefs, including in particular my belief in the institution of marriage.
9. I have friends who are happy to live together without being married. To them, marriage means nothing. I have other friends who find the idea of marriage offensive. In their view, marriage has historically subjugated women. I respect people who hold that philosophical view, and are opposed to marriage in principle. I do not hold that belief. I look forward to one day being married, and marriage has deep meaning to me.
10. Further, I am not a member of any church which permits same-sex religious marriages or same-sex “blessings.” For me, the only option for marriage is a civil/contractual marriage, which is all I want. For me the possibility of meeting “Miss Right,” and

getting married if and when we choose, is fundamentally important. The Domestic Partnership Act's purported taking away of my right to marry, hinders my strongly held beliefs and hinders my freedom of conscience.

11. Domestic partnerships do not form part of my belief system. I don't want to have a domestic partner. If a domestic partner is a partner that you live with but are not married to, then I've already had a domestic partner. Adding some legal protections to that is also not sufficient. It is like telling me to accept the legal benefits of being a common-law wife. I don't want just some legal benefits, I want marriage. I (we) deserve true equality.
12. A domestic partnership holds no cultural or spiritual significance to me, or to anyone else I know. It is, for me and others who think like me, a cheap imitation of marriage. In fact, domestic partnerships are now just a symbol of the Government's decision to revoke same-sex marriage. They simply remind the LGBTQ community that the Government does not see us as equal and has returned us to being second-class citizens. I don't want to be separate but equal. I just want to be equal.
13. I want a relationship whose significance can be recognized and understood not only by myself and my partner, but by other people and by society as a whole. I want a marriage, not an imitation of marriage. And I want this not only for me and my potential wife, but also for my friends and loved ones, who look forward to the day that they can attend my wedding and know that I have found the happiness, security, and mutual support that comes with marriage.
14. In addition to my fundamental belief in marriage, there are also important practical and legal consequences to consider. I pay taxes, just as heterosexuals do. I am a law-abiding citizen, just as most heterosexuals are. Yet with the passing of this Bill, I will lose the right to marry, and will have only the option of a domestic partnership available to me. This will lead to difficulties that persons in marriages—same-sex or not—will not have. For example, I am advised and believe to be true that, in certain US states, foreign civil unions are not recognized, only foreign marriages including same-sex marriages are. As such, if my future domestic partner and I were travelling in one of those states (and I don't know which are included), then we might have serious problems if, for example, one of us was admitted into hospital on an emergency basis and the other had to make emergency medical decisions (which is a right that a spouse would have but not a domestic partner). So for me a domestic partnership would not do at all, even for purely practical or legal reasons.

15. As a result of the above my rights have been infringed. Our Constitution guarantees that I am "entitled to the fundamental rights and freedoms of the individual" and to the "protection of the law". Further that I should not be discriminated against. In addition, the European Convention of Human Rights (ECHR) provides me with guaranteed rights not be discriminated against on the basis of my sexual orientation or to have my right to family life disturbed. Preventing me from marrying woman, because I am woman, discriminates against me on the basis of my sex and on the basis of my sexual orientation. This violates my rights guaranteed under the Constitution and under the ECHR.


16. I am not presently in a relationship, and am therefore not in a position to take advantage of this opportunity to marry before this window of opportunity closes. It is unbelievable to me that Government would allow same-sex couples the right to marry only until a specified calendar date. Even if I were in a relationship that could have resulted in marriage, it is ridiculous to think my partner and I would have had to hurriedly get married before time ran out. Lesbians and gays have the right to plan a proper wedding, just like heterosexuals do. It is also unfair that once I, and others like me, finally find someone to marry, the only option left is the spiritually, culturally, and socially meaningless (to us) option of a domestic partnership.


17. At present I have a right to be married, but I am not currently in a relationship and am not presently ready to be married. But I have that right. The Domestic Partnership Act 2018, when it comes into effect, will take away this crystallized right. It therefore hinders my ability to act on my belief that I should get married and my current right to be married.

18. As a born and bred Bermudian, I deserve the right to marry the woman of my choice.

AFFIRMED by the said )  
MARYELLEN CLAUDIA )  
LOUISE JACKSON )  
In the City of Hamilton, Bermuda )  
On the 6 day of April 2018 )

*Maryellen Jackson*

Before me:   
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Commissioner of Oaths

Amanda C. Burns  
Commissioner for Oaths  
Canon's Court  
22 Victoria Street  
PO Box HM 1179   
Hamilton HM EX  
Bermuda  
Date: 6 April 2018

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AFFIRMATION OF  
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BERMUDA

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