



# FACT SHEET

## ANSWERS TO YOUR QUESTIONS ON CIVIL UNION

### 1. What is the legal definition of a Civil Union?

A civil union is to be a legally recognized relationship for same-sex couples in Bermuda. A Civil Union may be contracted before the Registrar, formalised before a Civil Union Celebrant. Certain similar overseas relationships may be registered in Bermuda as a civil union.

Enacting civil union legislation will give effect to Bermuda's international obligations under the European Convention of Human Rights as recently articulated in the case of *Oliari and others v. Italy*. In particular, the European Court said that the absence of a legal framework recognizing or protecting homosexual stable, committed relationships violates the right to respect for private and family life, as provided in article 8, ECHR.

A civil union may also be formalised before a civil union celebrant by making a declaration of commitment to each other, also in the presence of two witnesses.

A celebrant may also formalise a civil union on a Bermuda-registered ship.

Couples will have to meet the legal requirement of being 18 years old at the time of civil union.

### 4. Is a same sex marriage performed in other jurisdictions recognized in Bermuda?

Same sex marriage (and certain other overseas relationships such as civil unions, civil partnerships, etc.) will only be recognized in Bermuda as a civil union. Furthermore, it will only be recognized after it is registered with the Registrar General.

### 2. Is a civil union for heterosexual and same sex couples?

Same sex couples only.

### 3. Will a civil union service be performed in Bermuda?

Yes.

A civil union may be contracted before the Registrar by signing the necessary documentation in the presence of two witnesses.

### 5. What does a same sex couple need to do to have a civil union in Bermuda?

Couples will have to issue a notice to the Registrar General of the intended civil union. Their notice will be published and a licence issued within the required period. During this time, the intended civil union will be publicly notified, and individuals with objections to the proposed civil union can make them known to the Registrar.

**6. On what grounds can an objection be made to a civil union?**

An objection can be lodged to determine whether the civil union is lawful or not. For example: Are the intended parties old enough? Are they already married or in a civil union with someone else? The objections would then be heard by a judge who decides to confirm or reject the objection.

**7. What are the requirements for a heterosexual couple to have a civil union in Bermuda?**

The civil union legislation applies to same sex couples only.

**8. What does the dissolution of a civil union look like?**

The dissolution of a civil union will follow the same procedures as a filing for a divorce. This will involve making appropriate maintenance for civil union partners and considering the welfare of any children to the union.

**9. Will members of the clergy have to perform civil unions?**

Clergy who wish to be registered as a celebrant can register with the Registry General. The registration is separate from that of a marriage officer. A member of clergy can register as a marriage officer and/or celebrant.

**10. What is the process for becoming a civil union celebrant?**

Anyone seeking to serve as a civil union celebrant must first register with the Registrar General. Once satisfied the application is complete, it would be forwarded to the Minister. If the Minister is satisfied that the applicant is appropriate, a licence is then issued to the applicant to be a celebrant.

**11. When will the legislation be tabled in the Lower and Upper Houses?**

It is the Government's intent to table legislation before February 29, 2016.

**12. What Immigration rights will be given to same-sex couples?**

Upon registering the relationship as a civil union with the Registry General Department, same-sex couples will obtain the right to work in Bermuda without the requirement to obtain a work permit.