

Domestic Partnerships

Frequently Asked Questions (FAQs)

Why did Bermuda introduce a Domestic Partnership law?

The European Court of Human Rights has stated that same sex marriage is not a human right under the European Convention on Human Rights. Each country has to decide how they will protect the rights of same sex couples. Based on a June 2016 referendum, the majority of Bermudians do not support same sex marriage, and overwhelmingly voted against legalising same sex marriage.

The Domestic Partnership Act creates a framework so adult couples, same sex and heterosexual, can formalise and register their domestic partnership. The Act also reverses the court decision which provided for same sex marriages in Bermuda from May 2017 by restating that marriage must be between a man and a woman.

Under the Domestic Partnership Act, same sex partners will obtain almost the same rights and benefits as heterosexual married couples, including:

Under Bermuda law the rights afforded to married couples	Heterosexual married couples	Domestic Partners when law takes effect (same sex or heterosexual couples)
The right to inherit in the case of no will	✓	✓
Right to partner's pension(s)	✓	✓
Access to property rights	✓	✓
Will be considered next of kin	✓	✓
Right to make medical decisions on behalf of partner	✓	✓
The right to live and work in Bermuda as the domestic partner of a Bermudian	✓	✓

When compared with English-speaking Caribbean islands, Bermuda—which is an associate member of CARICOM—is amongst the first to extend benefits to same sex couples.

What are the advantages for same sex couples in a Domestic Partnership?

When the new law takes effect, same sex couples in a domestic partnership will benefit from almost all of the Bermuda laws which refer to marriage, spouses and widows/widowers and will be treated as next-of-kin of their domestic partner.

Why didn't Bermuda simply extend the benefits of heterosexual marriage to same sex marriage?

There was a strong desire amongst Bermuda's elected officials to provide the benefits of heterosexual marriage to same sex partners in accordance with the requirements of the European Court of Human Rights, while at the same time respecting the country's different views on same-sex marriage

When did the law take effect?

The Domestic Partnership Act 2018 took effect 1 June 2018.

Are same sex marriages that took place in Bermuda during the period in 2017 that marriage was legal still valid?

Yes.

I was married (to my same sex partner) outside Bermuda; does Bermuda recognise our legal status?

Same sex marriages that took place outside Bermuda and are recognised as legal marriages in those jurisdictions are capable of recognition in Bermuda, as long as they took place before the domestic partnership law takes effect.

Are civil ceremonies (non-religious) for same sex couples allowed in Bermuda?

Same sex residents and visitors can only participate in a domestic partnership ceremony in Bermuda, and not a marriage ceremony.

Are LGBT visitors welcome in Bermuda?

Absolutely. Bermuda's genuine hospitality welcomes all visitors, including LGBT visitors.

Is homosexuality legal in Bermuda?

Yes. Homosexuality was decriminalised in 1994 and the island's laws guarantee against discrimination, in the provision of jobs and services on this basis.

Are civil ceremonies allowed on cruises to Bermuda?

The Act also provides for domestic partnerships to be formalised on board Bermuda-registered ships (e.g. cruise ships) when the ships are on the high seas.



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