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For Immediate Release

Ministry of Legal Affairs Responds to Judgment

In responding to the judgment of the Court of Appeal today in the matter of The Human Rights Commission, et al vs The Attorney-General et al, a spokesperson for the Ministry of Legal Affairs stated, “The Ministry has received the Court of Appeal’s ruling and is carefully reviewing the findings. The judgment validates the work started by this Government to actively establish a more comprehensive framework which provides both funding and accountability for litigation guardians appointed by the courts.”

The spokesperson continued, “The Judgment reflects the general policy direction of the Ministry. In particular, the Minister began the process to enhance the existing regime by tabling a Bill in the House of Assembly on 30 November 2018, entitled ‘Children Amendment Act 2018’. The Bill provides for the regulatory oversight of litigation guardians, and also provides a framework for the licensing regulation and appointment of litigation guardians. Prior to the tabling of the Bill there was no legal framework that would allow payment for litigation guardian services.

“In addition to the Bill, the need to achieve a more financially sustainable model was apparent, given the incredibly high fees demanded by some litigation guardians. Therefore, a working group was established within the Ministry to develop the policies, procedures and recommend legislative amendments necessary to support the establishment of an independent litigation guardian office; an office that will be staffed by professionals qualified and competent to perform this role within a rigorous accountability framework and who will receive a fixed salary. The Minister reported progress on this initiative on 10 June 2019, at a Child Safeguarding Conference attended by public sector stakeholders and a UK delegation that shared best practices to augment Bermuda’s current and proposed regime.”

The spokesperson concluded, “In some ways, we are ahead of today’s ruling and are well advanced in our initiative to enhance the support for our children during the court process so that their voices will continue to be heard and to ensure that all outcomes are in their best interests.”