



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

Donovan Ebanks
Honourable Deputy Governor
Fourth Floor Government Administration Building
Grand Cayman
CAYMAN ISLANDS KY1-9000

29 June, 2011

Dear Mr. Ebanks,

Thank you for your e-mail via the Secretariat on 2 June, 2011 in regards to Draft Guidance on Public Servants Signing Petitions. The Human Rights Commission (HRC) has now had an opportunity to review the guidance and would like to make the following comments.

The Commission is concerned that a distinction should be made between placing restrictions on civil servants which (if justifiable) would fall under the exemption in the Bill of Rights Section 11(2)(c) and imposing certain requirements on them which may not fall under that exemption i.e. the requirement in certain circumstances to inform a Minister prior to signing a petition. This requirement is a positive act not a restriction and the exemption only speaks to restrictions.

In addition it should be noted that using just offices and titles to justify an exception is probably too broad. The circumstances of the petition and what the consequences of signing it might be must surely feature in the decision process. This doesn't necessarily have to all be prescribed and some responsibility could be laid on the officer.

Overall it is the Commission's view that the document should be given further consideration in its attempts to strike a balance between individual's rights and the role of a civil servant. The Freedom of Speech is one of the most basic Rights and should only be curtailed in exceptional circumstances. Hence the exemptions set out in Bill of Rights Section 11.

Kind regards,

PP Mr. Richard Coles
Chairman
Human Rights Commission

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