

THINGS YOU MAY NOT KNOW...

1. WHAT ARE HUMAN RIGHTS

Human rights are the essential rights and freedoms that belong to all individuals regardless of their nationality and citizenship. These rights are considered fundamental to maintaining a fair and just society.

2. WHY SHOULD WE RESPECT HUMAN RIGHTS

By understanding and adhering to the human rights legislation detailed in the Bill of Rights set out in Part One of the Constitution, the people of the Cayman Islands can strive toward becoming a stronger society where all human beings are treated with fairness, dignity and respect.

3. WHAT DO I DO IF MY HUMAN RIGHTS ARE NOT RESPECTED?

If you believe that your rights and freedoms outlined in the Bill of Rights, or any of the International Human Rights Treaties extended to the Cayman Islands, have been breached or violated, the Constitution has provisions to help you in two ways: (a) You may make a complaint to the HRC which can give guidance and / or investigate and deal with the complaint by mediation or conciliation or by making recommendations; or (b) You may apply independently to the Grand Court, for a judgment concerning any alleged breach of your human rights under the Bill of Rights.

4. WHAT ARE ABSOLUTE, LIMITED AND QUALIFIED RIGHTS?

Absolute rights cannot be limited in any way. They cannot not be reduced or amended. Examples would include the right to protection from slavery or torture.

Limited rights include expressed or implied exceptions. An example would be the right to liberty, which can be lawfully restricted. Lawful arrest would also be an example of a limited right.

Qualified rights are those balanced against other rights, such as private and family life, conscious and religion, expression, assembly and association and property.

5. WHAT TYPES OF COMPLAINTS OF BREACHES OR INFRINGEMENTS OF HUMAN RIGHTS WILL THE HRC ACCEPT?

The HRC will only accept complaints of alleged breaches of the Bill of Rights, which have occurred after 6 November 2012. The HRC will not accept a complaint in relation to an alleged infringement that has taken place more than one year prior to the date of the complaint. The HRC receives 1) all complaints of breaches or infringements, committed by public officials, of the Bill of Rights in addition to common law and statutory human rights and freedoms; and 2) all complaints that any international human rights treaty extended to the Cayman Islands has been breached or infringed by the actions of public officials or by legislation to which the treaty applies. Complaint forms (found on the HRC's website) are accepted by the Commissions Secretariat. In the first instance they are vetted by the Manager, Commissions Secretariat. In cases where the complaint is not immediately rejected it shall be forwarded to all members and be placed on the agenda for the next available HRC meeting. At this meeting the HRC will examine the complaint to see whether it may disclose any possible breach of the Bill of Rights or any human rights treaty extended to the Cayman Islands.

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HUMAN
RIGHTS
COMMISSION

CAYMAN ISLANDS



PROMOTING UNDERSTANDING
AND OBSERVANCE OF HUMAN
RIGHTS

ENSURING FAIRNESS, RESPECT,
EQUALITY AND DIGNITY

HELPING TO RESOLVE HUMAN RIGHTS
COMPLAINTS

ABOUT US

The HRC was established under section 116 of the Constitution and comprises five members. The HRC is a wholly independent body that is not subject to the direction or control of any person or authority. All members of the HRC are volunteers who are appointed by the Governor, after acting in consultation with the Premier and the Leader of the Opposition.

The responsibilities of the HRC include promoting understanding and observance of human rights in the Cayman Islands. The HRC's remit includes educating the public about the Bill of Rights, Freedoms and Responsibilities (Part One of the Constitution).

The HRC has powers to accept and investigate public complaints regarding potential breaches of human rights, to provide a forum for mediation or conciliation, to give advice and guidance, and to publish reports on its own initiative on human rights issues.

The HRC does not provide legal advice in any capacity and generally does not get involved in cases which are before the courts.

We encourage everyone to learn more about human rights, how to defend your rights, and the role of the Constitution in ensuring your rights are respected.

WHAT WE DO

The Commission aims to facilitate a variety of services for the furtherance of human rights awareness and understanding as outlined below.

Education - The Commission endeavours to provide educational training via electronic or in-person informational sessions (where possible) through interactive presentations. In an effort to coordinate an educational session, requests must be submitted with a minimum of 2 weeks lead time for consideration and coordination.

Partnership - To further promote human rights the Commission is keen to work and collaborate with non-profit organisations and community groups, businesses and other entities which advocate for human rights and denounce discrimination.

Research & Reports - The Commission shall, at its discretion, undertake research and produce reports on a wide range of thematic and topical human rights matters that affect the Cayman Islands. In order to conduct studies and produce reports, the Commissions Secretariat, which supports the Human Rights Commission, will assess the basis for the research and formulate a strategy. Final reports and studies may be made publicly available via the Commission's website.

Investigation of Complaints - The Commission receives and investigates complaints where decisions or actions of a public official or government entity are thought to have breached or infringed the Bill of Rights, or where local legislation or policy is thought to be in compatible with human rights and freedoms.

Consultation & Workforce Policy Guidance and Review - Human rights, are to a great extent, about a balance between rights, freedoms, and responsibilities; treating individuals fairly, with dignity and respect, while still safeguarding the rights of the wider community. The Commission therefore offers consultation on policy development and review to public entities in order to provide practical help for developing effective, impartial and inclusive policies which prevent human rights infringements. Whilst the Bill of Rights holds the Government to account, the service is also extended to the private sector on a case-by-case basis to further promote the integration of human rights values in the Cayman Islands community and everyday life.

For full detail on the Commission's services visit <http://www.humanrightscommission.ky/what-we-do-1>

THE BILL OF RIGHTS

The preamble to the Constitution details the values of the Cayman Islands upon which the document was drafted. At present your fundamental human rights are protected under the Bill of Rights, and conventions extended to the Cayman Islands under the European Convention on Human Rights (ECHR) and other common law provisions. Part One of the 2009 Constitution, which deals with the Bill of Rights, Freedoms and Responsibilities, came into effect on 6 November 2012 (except for sections 6 (2) and (3) which came into effect 1 year later). The basic rights contained in Part One of the Constitution are as follows:

- **Right to Life**
- **Protection against torture and inhuman treatment**
- **Slavery or Forced or Compulsory Labour**
- **Personal Liberty**
- **Humane treatment of prisoners**
- **A Fair Trial**
- **No Punishment without Law**
- **Private and Family Life**
- **Conscience and Religion**
- **Assembly and Association**
- **Freedom of Expression**
- **Property**
- **Marriage between Opposite Sexes**
- **Non-Discrimination of any Rights under the Constitution**
- **Protection of Children**
- **Protection of the Environment**
- **An Education**

Important Historical Milestones of Human Rights in the Cayman Islands

- 1831** THE PEOPLE OF THE CAYMAN ISLANDS ASSERTED THE RIGHT TO FORM THEIR OWN LEGISLATIVE ASSEMBLY.
- 1912** DURING THIS TIME 335 PARENTS IN THE CAYMAN ISLANDS CAMPAIGNED FOR ENHANCED RIGHTS TO EDUCATION FOR THEIR CHILDREN.
- 1953** CAYMAN NATIONAL HERO, MS. SYBIL MCLAUGHLIN CHAMPIONED THE RIGHTS OF ALL PERSONS, WITHOUT DISTINCTION AS TO RACE, COLOUR, OR NATIONAL OR ETHNIC ORIGIN.
- 1955** MR. ORMOND PANTON, A PROMINENT CAYMANIAN POLITICIAN, SUCCEEDED IN AFFIRMING HIS RIGHT TO A FAIR TRIAL.
- 1957** 358 WOMEN LOBBIED FOR THE RIGHTS OF WOMEN TO VOTE AND STAND IN PUBLIC ELECTION.
- 2001** THE GRANT FAMILY CHALLENGED THE DECISION TO EXCLUDE THEIR SON FROM SCHOOL BECAUSE HE WORE HIS HAIR IN DREADLOCKS.
- 2020** THE CIVIL PARTNERSHIP ACT WAS PASSED SEEKING EQUAL OPPORTUNITY FOR SAME SEX PARTNERSHIP AS A RESULT OF A LEGAL CHALLENGE LAUNCHED BY CHANTELE DAY AND VICKI BODDEN BUSH.