

## 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, Freedoms and Responsibilities 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, Freedoms and Responsibilities 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 (1) 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.

### 6. How can I contact the HRC?

- Website: [www.humanrightscommission.ky](http://www.humanrightscommission.ky)
- E-mail: [info@humanrightscommission.ky](mailto:info@humanrightscommission.ky)
- Telephone: 244-3685
- Fax: 945-8649
- Mailing address:  
P.O. Box 391 Grand Cayman KY1-1106
- Physical Address:  
2<sup>nd</sup> Floor Artemis House, 67 Fort Street

# HUMAN RIGHTS COMMISSION



- Promoting Understanding and Observance of Human Rights
- Ensuring Fairness, Respect, Equality and Dignity
- Helping to Resolve Human Rights Complaints

Working Our Constitution

## The Human Rights Commission

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 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.



**Cayman Islands  
Human Rights Commission**

*promoting, protecting and preserving human rights*

[www.humanrightscommission.ky](http://www.humanrightscommission.ky)

## The Bill of Rights

The preamble to the Constitution details the values of the Cayman Islands upon which this legislation 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 of 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 on 6th November 2013).

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 Milestones in the History of Human Rights in the Cayman Islands

**In 1831**, the people of the Cayman Islands asserted the right to form their own legislative assembly. During a meeting held at Pedro St. James it was resolved to elect representatives for the various districts who, alongside the appointed Magistrates, formed a legislature responsible for passing local laws for better government.

**In 1912**, 335 parents in the Cayman Islands campaigned for enhanced rights to education for their children. Following a seven year battle, the Education Law of 1920, which provided for free compulsory education for all children between 7 and 14 years of age, was finally enacted.

**In 1953**, Caymanian National Hero, Ms. Sybil McLaughlin, championed the rights of all persons, without distinction as to race, colour, or national or ethnic origin. At a weekly dance held at the Town Hall in George Town segregation by colour was conventional until challenged by Ms. McLaughlin, when she gracefully accepted an invitation to dance from a British official.

**In 1955**, Mr. Ormond Panton, a prominent Caymanian politician, succeeded in affirming his right to a fair trial. Mr. Panton complained that he had not received a fair trial and that this was an abuse of power, which breached the principles of natural justice.

**In 1957**, 358 women lobbied for the rights of women to vote and stand in public elections. Identical petitions from seven different districts, which called for women to be given the fundamental right to vote, were presented to the Legislative Assembly. Many of the women who signed these petitions also demonstrated vociferously against their exclusion up to the election that took place in the following year. They were ultimately rewarded when the Sex Discrimination (Removal) Law was enacted on the 8th December 1958.

**In 2001**, the Grant family challenged the decision to exclude their son from school because he wore his hair in dreadlocks. Upholding an appeal, the Cayman Islands Court of Appeal not only recognized the Rastafarian religion but also protected the wearing of hair in dreadlocks as a manifestation of that religion.