

## What is the Human Rights Commission (HRC)?

The HRC was established under section 116 of the 2009 Constitution as an independent body responsible for promoting understanding and observance of human rights in the Cayman Islands.

### What do I do if my rights have been breached or infringed?

The Commission will receive 1) all complaints of breaches or infringements of any section of the Bill of Rights, Freedoms and Responsibilities committed by a public official; 2) all complaints of breaches or infringements of common law and statutory human rights and freedoms committed by public officials; and 3) all complaints that any international human rights treaty extended to the Cayman Island has been breached or infringed by the actions of public officials or by legislation to which the treaty applies.

It is important to note that the Commission will only accept complaints of alleged breaches of the Bill of Rights, Freedoms and Responsibilities which have occurred after 6 November, 2012. This may be a one off event that has occurred after 6 November 2012 or may be a continuing infringement of a right. In all cases, unless there is clear evidence that the alleged infringement is continuing, the Commission 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.

## Cayman Islands Human Rights Commission

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*promoting, protecting and preserving human rights*



## NON-DISCRIMINATION

Cayman Islands  
Human Rights Commission



## In Simple Terms

Discrimination means treating people differently, without justification, when they are in similar situations.

This right gives you protection from the government acting in a discriminatory manner in relation to all other Rights that the Bill of Rights guarantees.

“Discriminatory” means affording different and unjustifiable treatment to different persons on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, age, mental or physical disability, property, birth or other status.

This right is a mixed right, meaning that some sections are limited while other sections are qualified.

## Type of Right

### Limited Rights

Limited rights are rights where the specific circumstances in which this right can be lawfully restricted or interfered with are set out in full in the definition of the right itself.

### Qualified Rights

Qualified rights are rights that can lawfully be restricted or taken away by the government in certain broadly defined circumstances. Usually, the right is set out and followed by a list of criteria which explain the general circumstances when it will be lawful for the state to interfere with or restrict the right, balancing those rights against the rights and interests of others.

## A Few Examples

The Government may discriminate in some circumstances listed in the Bill of Rights, including—

- levying of fees for the grants of licences;
- for the application of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters; or
- laws that require a person to be a Caymanian in order to be eligible for appointment to an office in the public service or in a disciplined force.

## 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. The preamble to the 2009 Constitution details the values of the Cayman Islands upon which this legislation was drafted.

### *How are human rights applied in the Cayman Islands?*

Human rights in the Cayman Islands only apply vertically which means that a person’s rights are enforced against the Government only and not against private individuals.

It should be noted however, the Government will have to take account of the human rights set out in the Constitution when passing local laws, so there will be ‘indirect’ horizontal application of human rights principles to private individuals. This means that they will not pass laws which knowingly allow one private individual to violate another private individual’s rights even though you could not take the human rights case to court.



*Original artwork by Natasha Kozaily*