

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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PROTECTION OF CHILDREN

Cayman Islands
Human Rights Commission



In Simple Terms

Children are protected under the Bill of Rights just as adults. However, the Bill of Rights specifically outlines rights pertaining to children.

A “child” is defined as a young person under the age of eighteen years old.

When the Legislature undertakes to enact laws that provide every child with facilities so as to aid in their growth and development, law-makers shall proceed on the basis that a child’s best interests are of paramount importance in every matter concerning the child.

This right is a mixed right meaning that some sections are absolute, while others are limited.

Type of Right

Absolute Rights

Absolute rights cannot be restricted in any way or under any circumstances by the government.

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.

A Few Examples

Protection of children is such a special and necessary right.

This right secures very important protections and basic needs for children, such as—

- a name from birth;
- family, parental or alternative care;
- basic nutrition, shelter basic health care and social services;
- protection from maltreatment or abuse;
- protection from exploitive labour practices; and
- ensures that the best interests of the child are the most important factor concerning situations with children.

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.

