

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



GUARANTEE OF RIGHTS, FREEDOMS, AND RESPONSIBILITIES

Cayman Islands
Human Rights Commission



In Simple Terms

The Bill of Rights—

- recognises the distinct history, culture, Christian values and socio-economic framework of the Cayman Islands and it affirms the rule of law and the democratic values of human dignity, equality and freedom;
- confirms or creates certain responsibilities of the government and corresponding rights of every person against the government; and
- does not affect, directly or indirectly, rights against anyone other than the government except as expressly stated.

It is unlawful for government to act contrary to the Bill of Rights' principles. If it is alleged that government has acted unlawfully, cases could be brought in the Grand Court.

A Few Examples

The Bill of Rights is Part One of the Cayman Islands Constitution, which is the highest law of the land. Laws should ensure that Government is fair and protects everyone who lives in these islands.

All of the rights in the Bill of Rights affect how Government treats you. They are rules we should all try to follow to make the Cayman Islands a safe and fair place to live.

All laws, as far as possible, must be in line with the Bill of Rights. If this is not possible, a court may make a declaration that the law is not in line with the Bill of Rights. This would give the Legislative Assembly an opportunity to amend the law, to make sure it complies with the Bill of Rights.

When making human rights judgments, Cayman's courts must consider European Court case law. However, local courts would also be required to interpret some rights using the principle of "margin of appreciation," which means that courts must take into account the local cultural, historical, and public policy context when interpreting each of the rights.

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 Charles Long
From the collection of the National Gallery of the
Cayman Islands*