

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.

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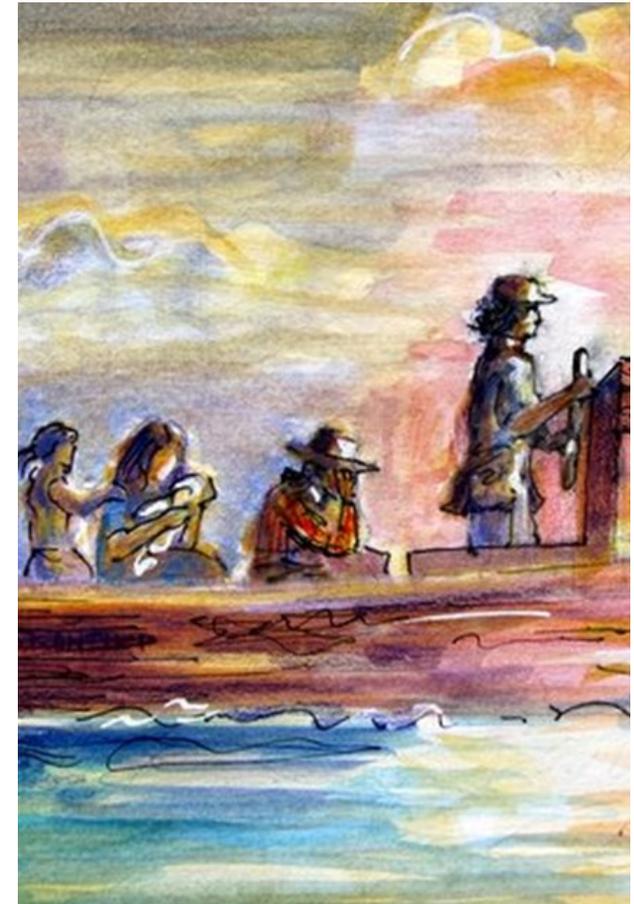
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promoting, protecting and preserving human rights



TORTURE AND INHUMAN TREATMENT

Cayman Islands
Human Rights Commission



Type of Right

Absolute Rights

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

A Few Examples

Torture, and inhuman or degrading treatment, could include—

- severe police violence;
- poor detention conditions for arrested persons or prisoners;
- subjecting prisoners to electric shocks as an interrogation technique; or
- failing to give medical treatment to a prisoner or taking it away from a prisoner with a serious illness.

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.

In Simple Terms

Protection against torture means you cannot be subjected to acts that intentionally inflict severe pain or suffering, whether physical or mental.

Protection against inhuman and degrading treatment or punishment means you cannot be subjected to acts that intentionally inflict mental or physical suffering, anguish, humiliation, fear or debasement (falling short of torture).

Refugees – people who leave where they live to seek safety in another country – often do so because their government cannot keep them safe, has not protected their basic rights, or has treated them badly.

Government could not torture or degrade you; or allow anyone else to torture or degrade you, at any time – whether in times of war, or other public emergencies.

This right is an absolute right.

