

## 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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## FAIR TRIAL

Cayman Islands  
Human Rights Commission



## In Simple Terms

People charged with breaking the law have the right to a fair and public trial. A trial is when someone, such as a judge, listens to what happened before deciding whether or not you have done something wrong.

The trial must be conducted by an independent and impartial court within a reasonable time.

All decisions of the court shall be announced publicly.

Under this right, you would not be compelled to give evidence at trial; and could not be re-tried for an offence after you have been legally pardoned for it unless a higher court so orders.

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

## 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.

### 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

As a result of this right, you are afforded—

- adequate time and facilities to prepare a defence; access to legal representation;
- the right to examine witnesses; and
- the right to be assisted, at no cost to you, by a foreign-language interpreter.

## 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.



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