



**Cayman Islands**

**Human Rights Commission**

*Promoting, protecting and preserving human rights*

**Annual Report 2017**

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## Glossary of Terms

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BoR	Bill of Rights (Cayman Islands)
CCTV	Closed-circuit Television
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIG	Cayman Islands Government
CILRC	Cayman Islands Law Reform Commission
Constitution	Cayman Islands Constitution Order 2009
DVDL	Department of Vehicle and Drivers Licences
ECHR	European Convention on Human Rights
FCO	Foreign and Commonwealth Office
GIS	Government Information Services
HMP	Her Majesty's Prison (Northward)
HMCIPS	Her Majesty's Cayman Islands Prison Service
ICTA	Information & Telecommunications Technology Authority
IDC	Immigration Detention Centre
LGBT+	Lesbian, Gay, Bisexual and Transgender
MHC	Mental Health Commission
MLAs	Members of the Legislative Assembly
MOU	Memorandum of Understanding
NOPP	National Older Persons Policy
NSC	National Security Council
OT	Overseas Territory
PR	Permanent Residency
RCIPS	Royal Cayman Islands Police Service
RERC	Residency and Employment Rights Certificate
UN	United Nations
UNAOA	United Nations Alliance of Civilizations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
WFMF	World Federation for Mental Health
WHO	World Health Organization
WHO-AIMS	World Health Organization Assessment Instrument for Mental Health Systems

## Statement from the Chairman

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Throughout 2017 the Human Rights Commission (the “Commission”) sought to continue to uphold its constitutional mandate of promoting understanding and observance of human rights in the Cayman Islands. Through the acceptance and consideration of complaints alleging breaches of human rights, by working closely with the Cayman Islands and British Governments and with international, national and local NGOs, we tried to address the human rights implications of issues that have dominated the public agenda. Equally, we have sought to draw public and CIG attention to human rights concerns that have not received critical or public consideration.

In the process of considering complaints, the Commission addressed a majority of the rights (14 out of 24) set out in Cayman’s BoR, however, 2017 saw the majority of complaints made focusing on alleged breaches of the following rights: private and family life, personal liberty, non-discrimination, lawful administrative action, and fair trial. Immigration issues appeared to be of great concern to the public once again, and the number of complaints about the RCIPS, the HMCIPS and the overall CIG was also of note.

The Commission continued to review numerous policies, procedures and pieces of legislation developed by the CIG to ensure compliance with the BoR. Notably, recommendations were made regarding establishing, following and maintaining clear and fair rules and appeal/complaint procedures for employees; ensuring clear and fitting communication of policies regarding the signing of petitions by Civil Servants to the widest target population; increasing accessibility to government services and documents by persons with a range of mental health and disability statuses; and ensuring legislation and policies (especially those surrounding immigration) do not unjustifiably discriminate on the basis of national origin.

The Commission continued to increase engagement in public education in 2017. In December the Commission, together with the Constitutional Commission, launched two alternative formats of the Constitution for persons with sight or literacy impairments in Cayman – an audio Constitution and hard copies of the Constitution in braille. The project came about when a member of the public who is visually impaired approached the Commissions about accessing the Constitution; further research showed that there are around 788 persons in the Cayman Islands who are considered to have a “sight disability” (ESO, 2010). The audio production marks the first official audio recording of any constitution in the Cayman Islands history, and, to their knowledge, the braille publications mark the first ever official production of a government document in braille. Braille copies of the Constitution were also presented to representatives from the Cayman Islands Public Library Service (which will place one in every public library in the Cayman Islands), Sunrise Adult Training Centre and the Lighthouse School. The audio version of the Constitution is now available online and can be accessed via the Human Rights Commission and the Constitutional Commission websites.

I encourage the public to visit our website ([www.humanrightscommission.ky](http://www.humanrightscommission.ky)), join us on Facebook ([www.facebook.com/cihrc](https://www.facebook.com/cihrc)), call us at 244-3685, or email us at [info@humanrightscommission.ky](mailto:info@humanrightscommission.ky) to get involved in promoting and protecting human rights in the Cayman Islands.

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James Austin-Smith  
Chairman, Human Rights Commission

# Chapter 1: The Cayman Islands Human Rights Commission

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## 1.1 Goals

The goals of the Commission are *promoting, protecting and preserving human rights*.

## 1.2 Mission

To lead in promoting, protecting and preserving human rights in the Cayman Islands by:

- promoting the integration of human rights values into everyday life;
- encouraging government accountability to national and international human rights standards;
- embracing the Cayman Islands Bill of Rights, Freedoms and Responsibilities and the principles of democracy; and
- empowering all persons to understand and exercise their rights.

## 1.3 Constitutional Guidelines

The Constitutional guidelines for the Commission are found in Section 116 of the Cayman Islands Constitution Order 2009 (“the Constitution”) which reads as follows:

- 1) *There shall be in and for the Cayman Islands a Human Rights Commission (referred to as “the Commission”).*
- 2) *The Commission’s primary responsibility shall be promoting understanding and observance of human rights in the Cayman Islands.*
- 3) *The Commission shall consist of a Chairman and four other members appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition, at least two of whom shall be experienced lawyers.*
- 4) *In the exercise of their functions, the Commission and its members shall not be subject to the direction or control of any other person or authority.*
- 5) *The Commission shall replace the Human Rights Committee.*
- 6) *The Commission shall have power to –*
  - (a) *receive and investigate complaints of breaches or infringements of any right or freedom contained in the Bill of Rights or international human rights treaties that have been extended to the Cayman Islands, and investigate such possible breaches or infringements on its own initiative;*
  - (b) *provide advice to persons who consider that their rights or freedoms have been infringed;*
  - (c) *provide a forum for dealing with complaints by mediation or conciliation or by making recommendations;*
  - (d) *issue guidance on procedures for dealing with any complaints of breaches or infringements of rights and freedoms;*
  - (e) *contribute to public education about human rights;*
  - (f) *issue reports relating to human rights issues on its own initiative; and*

- (g) undertake such other functions, for the purpose of fulfilling its primary responsibility under subsection (2), as may be conferred on it by a law enacted by the Legislature.*
- 7) *The Commission shall have no power to –*
- (a) represent or provide representation to parties to litigation;*
  - (b) act in a judicial capacity or make binding determinations as to whether any right or freedom contained in the Bill of Rights or any international human rights treaty or instrument has been breached; or*
  - (c) compel any person to do anything against his or her will;*
- but any public official to which the Commission addresses a recommendation must respond in writing within a reasonable time, and such responses shall be published by the Commission unless there is a good reason to withhold publication.*
- 8) *The Commission shall make an annual report to the Legislative Assembly about its activities.*
- 9) *Further provision relating to the establishment and operation of the Commission may be made by the Legislature, but such legislation shall not derogate from any provision of this section.*
- 10) *Nothing contained in or done pursuant to this section or any law made under subsection (9) shall –*
- (a) oblige a person to refer any complaint of a breach or infringement of any right or freedom referred to in the Bill of Rights to the Commission; or*
  - (b) prevent a person from seeking redress directly from the Grand Court in relation to any breach or infringement of a right or freedom referred to in the Bill of Rights, and the fact that such person had previously sought the assistance of the Commission with respect to such breach or infringement shall not prejudice any legal action.*

For more information about the Commission please visit <http://www.humanrightscommission.ky>.



## Chapter 2: Monitoring Human Rights in Policy, Practice and Legislation

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### 2.1 General Election 2017

In two separate matters continuing from 2016 relating to the topic of the 2017 General Election the Commission received a response from its correspondence to the Constitutional Commission. The two issues related to voting in General Elections and were initially raised in separate complaints and are presented as such below.

#### 2.1.1 Prisoner Voting Rights

Section 91(1)(a) of the Constitution places a blanket ban on voting for prisoners serving sentences exceeding 12 months' imprisonment. In response to its correspondence highlighting a possible incompatibility of that section with s.91 of the Constitution (the ban) and the requirements of Article 3 of Protocol 1 of the ECHR, the Constitutional Commission concluded that "there are issues arising from the blanket ban on voting for prisoners serving sentences exceeding 12 months' imprisonment in section 91(1)(a) of the Constitution that do merit a review of the Constitution with a view to better reflecting the right to free elections and the associated rights of convicted prisoners to vote in such elections."

An email from the Supervisor of Elections on 7 April 2017 indicated that "Inmates sentenced to over 12 months would have been removed from the list of Electors and would not be eligible to vote pursuant to section (91)(1)(a) of the Constitution. That said, those sentenced to lesser terms and especially those on remand, are eligible to vote".

#### 2.1.2 Alleged breach of Lawful Administrative Action

Section 90 of the Constitution requires citizens over the age of 18 years to be resident in the Islands no less than two years out of the four years immediately preceding the date of registration. In response to its correspondence highlighting that that section may be incompatible with the requirements of the ECHR, the Constitutional Commission concluded that "while it is not clear that section 90 of the Constitution would be found to be in breach of Article 3 of Protocol No. 1 to the ECHR...it may nevertheless be prudent for the CIG to undertake a review of section 90 of the Constitution with a view to evaluating whether some revision of this section would also be beneficial".

### 2.2 Shadow Report on Outstanding Reservations/Declarations to United Nations Treaties

The Commission completed its first shadow report on 25 January 2017, at the request of the FCO. The FCO asked each of the OTs to conduct a formal review of the UN human rights treaty reservations and/or declarations that have been identified as outstanding for each territory in an effort to consider whether they are still relevant/required. These core six United Nations human rights conventions were extended to the OTs by the UK Government at various times. Those Conventions include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and

Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention against Torture, and the International Convention the Elimination of Racial Discrimination. There appeared to be no specific territory reservations, although any UK reservations have been automatically extended to the territory, for the Convention against Torture and the International Convention the Elimination of Racial Discrimination. The Commission therefore did not comment on these Conventions.

### **2.3 Shadow Report to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT) Committee**

In February the FCO requested OTs to contribute to the UK's 6th Periodic Report on the UN CAT Committee. Specifically, OTs were asked to identify key contributions to UN CAT since 2012 with particular focus on legislative, policy and procedural changes. The report was submitted to the FCO on 10 March 2017. The Report of the FCO was published on 10 November 2017. The Commission's Report is available on its website and the Report of the FCO can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/663316/uk-6th-periodic-report-under-cat.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/663316/uk-6th-periodic-report-under-cat.pdf).

### **2.4 Electronic Vehicle Licences**

The Commission continued ongoing correspondence with the DVDL regarding the new electronic vehicle licencing system. An article appeared in a local media outlet that seemed to contradict the DVDL's statement to the Commission that vehicles and individuals could not be tracked. Upon receiving clarification from the Department it appeared that there were inaccuracies in how the matter was reported, and the Department indicated that it was seeking to respond to the article to clarify these inaccuracies (including that the CIG does not have the ability to track vehicles with this system). No further action was taken by the Commission.

### **2.5 Draft Mental Health Policy**

The Commission received an updated draft of the Mental Health Policy titled "Improving Mental Health and Wellbeing Cayman Islands Mental Health Policy 2017 – 2022". The Commission is aware that the policy has since been presented to Cabinet and continues to monitor its progress.

### **2.6 Cayman Airways (CAL) Employee Handbook Update**

The Commission discussed the CAL Employee Handbook which sets out guidelines on the appearance and grooming standards of its staff, pilots and crew. The handbook was provided at the Commission's request following an editorial (dated 14 June 2017) in a local newspaper detailing the stringent policies of CAL with regards to crew members. The Commission recommended that in accordance with s.19 and s.24 of the Constitution, the policies would benefit from some clarification in terms of both proportionality and degree of discretion afforded to the CAL Management.

### **2.7 CIG Policy on Civil Servants Signing Petitions / "Cayman Brackers United" Petition**

The Commission received correspondence on 7 September 2017 from Cayman Brackers United ("CBU") regarding an ongoing investigation involving a local artist and artwork displayed publicly which CBU

entity deemed to be “obscene” and “offensive”. CBU requested that the Commission clarify that the rights of the artist were not absolute, as it claimed was being asserted by the media. In addition, the Commission was named by the CBU as a party to a petition titled “Protect the rights, freedoms, and reputations of everyone in the Cayman Brac community”. Concern with the clarity of CIG’s policy on the signing of petitions by public servants was also expressed.

The Commission advised that it was aware of the ongoing investigation referred to in the email and had had sight of the petition; however in accordance with the Commission’s policies and procedures it does not comment on matters which are currently before the courts or pending determination by the Director of Public Prosecutions. In addition, the Commission agreed that a simplified version of the policy on signing petitions could be useful and made a recommendation to the Deputy Governor accordingly. A flowchart with a simplified explanation was provided to the Commission by the Deputy Governor within one month of the recommendation being made. The flowchart was shared with CBU by the Commission and is now publicly available to all civil servants.

## **2.8 Same Sex Marriage: email from a Caymanian**

The Commission received an email on 26 September 2017 from a Caymanian who was appealing to the CIG to implement legislation that will allow her to wed her same sex partner in the Cayman Islands. The Commission considers that its views on this topic have been made very clear in the past and they remain unchanged: it fully supports the complainants’ challenge and agrees that Cayman must take steps to amend its laws to remove the discrimination that the email highlighted. The Commission will continue to monitor the situation as it progresses.

## **2.9 Press Release on the Rights of Caymanians in Same-Sex Relationships**

In September, a member of the media requested the Commission’s comment on a press release issued by Dr Leonardo Raznovich on an apparently similar but separate case to the one above. The release detailed Dr Raznovich’s views on an alleged rejection of an application for a Residency and Employment Rights Certificate by the Immigration Appeals Tribunal made by a Caymanian on behalf of her same-sex foreign national spouse. The Commission responded to the media indicating that it was unsure of the specifics of the case referred to however it considered that its views on this topic had been made very clear in the past and they remained unchanged.

## **2.10 Prohibited Immigrants Issue**

Since inception the Commission has received and considered a number of complaints which have alleged breaches of the right to private and family life in situations where the complainant may be deported or is classed as a “prohibited immigrant”, having committed criminal acts, whether in the Cayman Islands or elsewhere. In some of these cases the complainants were the spouses, children or parents of Caymanians who were forced to lead their lives apart from their family members indefinitely.

Deportation and the prohibited immigrant classifications are regarded by CIG as necessary to ensure the security of the Cayman Islands; however, historically there has been no procedure to allow reviews of deportation orders. The process has simply been that a prohibited immigrant is able to request a

temporary revocation or variance of their deportation order through a public official for a specific visit. The official will then submit the request for consideration by the Honourable Ministers and Members of Cabinet.

The Commission notes that the Criminal Records (Spent Convictions) Law, 2016 and (Amendment) Law, 2017 commenced in December 2016 and May 2017 respectively. This law seeks to allow eligible persons to have their criminal records expunged following periods of non-conviction. It would appear to the Commission that this law may be the first step in codifying and remedying the situation for prohibited immigrants in specific situations. However, the instrument to effect the second stage of the process is the Immigration (Amendment) Bill 2011, which remains in draft form. The Commission encourages the CIG to continue its work on this issue.

## Chapter 3: Engagement with Public Officials, Civil Society and the Media

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### 3.1 Cancer Registry

In January the Chairman advised that he accepted an invitation to present the Commission's concerns regarding the protection of privacy as they relate to the Cancer Registry Bill, 2015 (the "Bill") to the Board of the Cayman Cancer Society. The Board indicated that they would review the initial response of the Commission, available on the website, and undertook to address the concerns as they sought to redraft the Bill.

### 3.2 Letter to Compass on Migrants

The Commission received multiple requests from local media for information on matters related to asylum seekers' rights and their ability to make complaints. The information was provided and utilised in a subsequent newspaper article.

### 3.3 Validation of Elimination of Mother to Child Transmission (EMTCT) of HIV and Syphilis in Cayman

The Commission was made aware that the Cayman Islands have been validated as a country that has achieved EMTCT of HIV and syphilis in October. The validation status will be published in the World Health Organisation's Weekly Epidemiological Record. The Commission had previously contributed to the validation process and congratulates the Ministry of Health on this achievement.

### 3.4 Newspaper article – "Prisoner challenges 'unlawful' transfer to UK"

The Commission noted the above captioned article that was featured in the Cayman Compass on 26 September 2017 as a matter of interest. The article detailed a prisoner who was challenging his transfer from HMP Northward to a prison in the UK. Whilst the Commission was not made aware of the specific details of the matter, it noted that the prisoner was legally represented. The CIG issued a statement indicating that the "removal was authorized by the U.K. and Cayman Islands governments in the interests of national security and the public safety of the people of the Cayman Islands."

### 3.5 Alternative Formats for Increasing Constitution Accessibility

The Commission, in conjunction with the Constitutional Commission, supported the production of two alternative formats of the Constitution for people with visual or literacy impairments in Cayman – audio and braille. The audio Constitution is available on the Commission's website, and the braille copies are available in each of the Cayman Islands public libraries, Sunrise Adult Training Centre and the Lighthouse school, as well as at the Commissions Secretariat offices. A private launch event took place at the National Gallery on Thursday, 7 December.

## Chapter 4: Human Rights Education, Events and Presentations

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### 4.1 Human Rights Promotional Series

In each of the items below the Commission issued a press release, and in some cases an educational packet. All have been uploaded to the Commission's website.

#### 4.1.1 Earth Day

The Commission observed Earth Day on 22 April. Earth Day is celebrated annually on 22 April. This year's theme, Environmental and Climate Literacy, was a three-year campaign coordinated by the Earth Day Network ("EDN") which "is focused on promoting mandatory environmental and climate literacy along with civic engagement and sustainable economic development".

#### 4.1.2 Anti-Bullying Day

The Commission observed 4 May as Anti-Bullying Day, as part of its campaign to protect children from violence. Bullying directly undermines the fundamental idea that all human beings share an inherent dignity. Children's prejudices and ideas of what is acceptable behaviour invariably reflect those of the rest of society, and for that reason the Commission considers that bullying is not just a children's issue but one for all of us. Turning a blind eye to the culture of cruelty that bullying seeks to perpetuate lends support to the belief that some sorts of abuse or discrimination are permissible. Equally, whilst there is rightly a focus on childhood bullying, the Commission notes that bullying can take place in other environments, including the workplace, and that adults can also suffer as victims.

#### 4.1.3 International Literacy Day

International Literacy Day was observed by the Commission on 8 September. This year's theme was 'Literacy in a digital world'. UNESCO, which spearheads International Literacy Day, views the acquisition and improvement of literacy skills throughout one's life as an intrinsic part of the right to education and sees it as a key driver of sustainable development in how it enables greater participation in the labour market and improves child and family health and nutrition. The Commission supports UNESCO's sentiments about the invaluable link between literacy, the right to education and achieving sustainable development that improves people's lives. Section 20 of the Cayman Islands Constitution 2009, the Right to Education, makes the provision of education a mandatory obligation for government.

#### 4.1.4 World Mental Health Day

World Mental Health Day was observed by the Commission on 10 October. This year's theme was 'Mental Health in the Workplace'. The World Health Organization notes that employers who proactively encourage good mental health in the workplace through internal policies and other initiatives see gains not only in the health of their employees but also in employees' productivity at work. The Commission agrees that this is an important issue for

both the public and private sectors in the Cayman Islands.

#### 4.1.5 Universal Children's Day

The Commission observed United Nations' Universal Children's Day on 20 November. This year's theme, 'Stop Violence Against Children!' was chosen to lend support to the UN's aim of eliminating child labour and violence against children, and helping children who are feeling the psychological effects of war or armed conflict. The Cayman Islands has been signatory to the UN Convention on the Rights of the Child since 1994, and the Right to Protection of Children is enshrined in s.17 of Cayman's Constitution.

#### 4.1.6 International Day of Persons with Disabilities (IDPD)

The Commission observed IDPD on 3 December with the launch of the audio and braille versions of the Constitution. The theme for 2017 was *Transformation towards sustainable and resilient society for all*, which promotes the message that inclusiveness strengthens all parties involved. The Commission has had a long-standing history of engagement on the subject of the treatment of persons with disabilities since its inception in 2010. The Commission considers this issue of paramount importance, and continues to support endeavours, like the audio and braille constitutions, to ensure that all individuals can participate fully and equally in society. Ensuring accessibility for persons with disabilities in Cayman is fundamental to the values of the Cayman community and also a requirement of s.16 of the Constitution.

#### 4.1.7 International Human Rights Day

The Commission observed IHRD on 10 December. The theme for this year was #StandUp4HumanRights, and it marked the 70th anniversary of the adoption of the Universal Declaration on Human Rights by the United Nations. The Commission took this year's theme as an opportunity to reflect on how, as individuals and collectively, we treat persons with disabilities, and whether the values we hold as a community, as well as the values enshrined in the Bill of Rights, are revealed in our actions and policies in this area.

## Chapter 5: Alleged Breaches or Infringements of Human Rights

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6 November 2013 marked the implementation of the final clauses of the Bill of Rights allowing any individual to bring allegations of breaches or infringements of the Bill of Rights in our local courts. (As was previously the case, individuals may still directly petition the European Court of Human Rights alleging breaches of the obligations under the European Convention on Human Rights.)

As mandated under the Constitution, the Commission continues to receive and investigate complaints that decisions or actions of public officials have breached or infringed the Bill of Rights or that local legislation violates their human rights. The Commission receives: 1) complaints of breaches or infringements of any section of the Bill of Rights; 2) complaints of breaches or infringements of common law and statutory human rights and freedoms; and 3) complaints that any international human rights treaty extended to the Cayman Islands has been breached or infringed. In the Cayman Islands, constitutional human rights only have a vertical application. ‘Vertical application’ of human rights means rights can be enforced by a citizen against the CIG only – but not against other private individuals or companies.

It is important to note that the Commission only accepts 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.

During the reporting year, the Commission received 21 complaints from members of the public alleging breaches of their human rights by public officials. Of those cases, 2 remain open at the end of this reporting year and 19 were closed. An additional 6 cases from 2016 were closed (one case demonstrating a possible incompatibility with the ECHR, and another resulting in a recommendation made to the Department of Immigration) and 3 cases from 2015 were closed (no recommendations made or possible violations found). There are 2 further cases remaining open from 2015, and 1 case remaining open from the 2016 reporting year. In respect of all the cases remaining open at the end of 2017 the Commission is either currently investigating possible breaches or in correspondence with the relevant public authorities.

In addition to tracking formal complaints, this year the Commission also tracked both formal and informal enquiries<sup>1</sup>. As such, 2017 saw 7 formal enquiries and approximately 45 informal enquiries. Of the 7 formal enquiries made, 1 resulted in a recommendation being made by the Commission.

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<sup>1</sup> Formal complaints are instances where complaint forms are submitted to the Secretariat; enquiries are considered as instances where human rights questions are directed to the Secretariat. Furthermore, formal enquiries are enquiries which are referred to the Commission; informal enquiries are walk-in consultations, phone calls or emails fielded by the Secretariat staff that do not result in formal complaint or enquiry submissions.



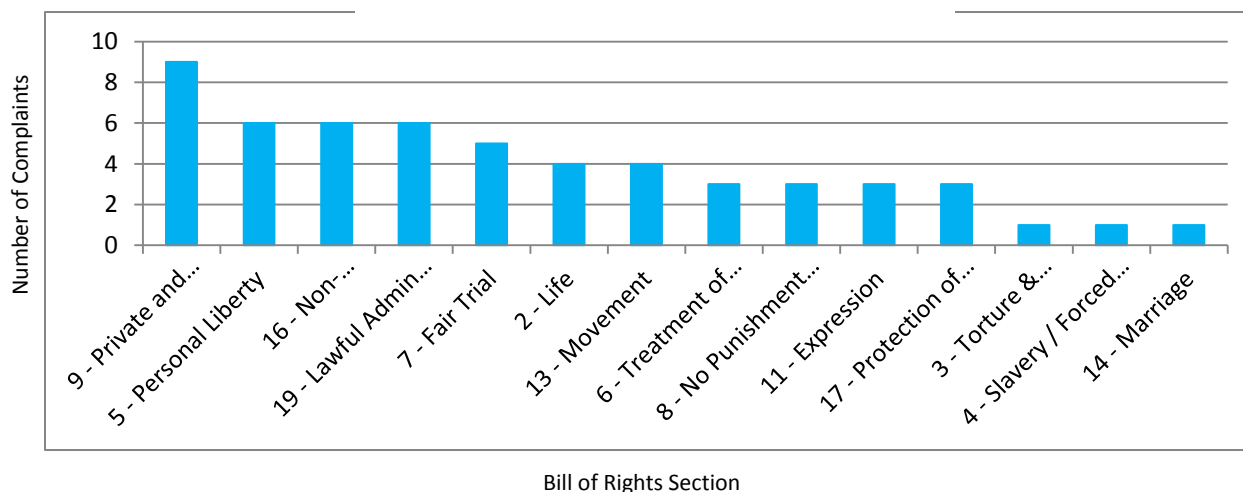
### 5.1 Number of complaints received by alleged rights breached in 2017

The chart and graph below illustrate the complaints received categorised by sections of the Bill of Rights where breaches are alleged by complainants to have taken place. Note that s.1 – Guarantee of Rights, Freedoms and Responsibilities has not been included as any possible breach would automatically engage this section.

It is important to note that the chart and graph below only represent the views of complainants regarding which of their rights they perceive may have been breached; it does not represent actual breaches. Therefore, the information below tells us which rights complainants perceive as affecting them in their particular situation, not which rights may be legally relevant to their particular situation. (NB: additionally, complainants may allege breaches of multiple rights).

Bill of Rights Section	Total	Percentage
9 - Private and Family Life	9	16.4%
5 - Personal Liberty	6	10.9%
16 - Non-discrimination	6	10.9%
19 - Lawful Admin Action	6	10.9%
7 - Fair Trial	5	9.1%
2 - Life	4	7.3%
13 - Movement	4	7.3%
6 - Treatment of Prisoners	3	5.5%
8 - No Punishment without Law	3	5.5%
11 - Expression	3	5.5%
17 - Protection of Children	3	5.5%
3 - Torture & Inhuman Treatment	1	1.8%
4 - Slavery / Forced Labour	1	1.8%
14 - Marriage	1	1.8%
<b>TOTAL</b>	<b>55</b>	<b>100%</b>

**Complaints Received by Alleged Breaches**



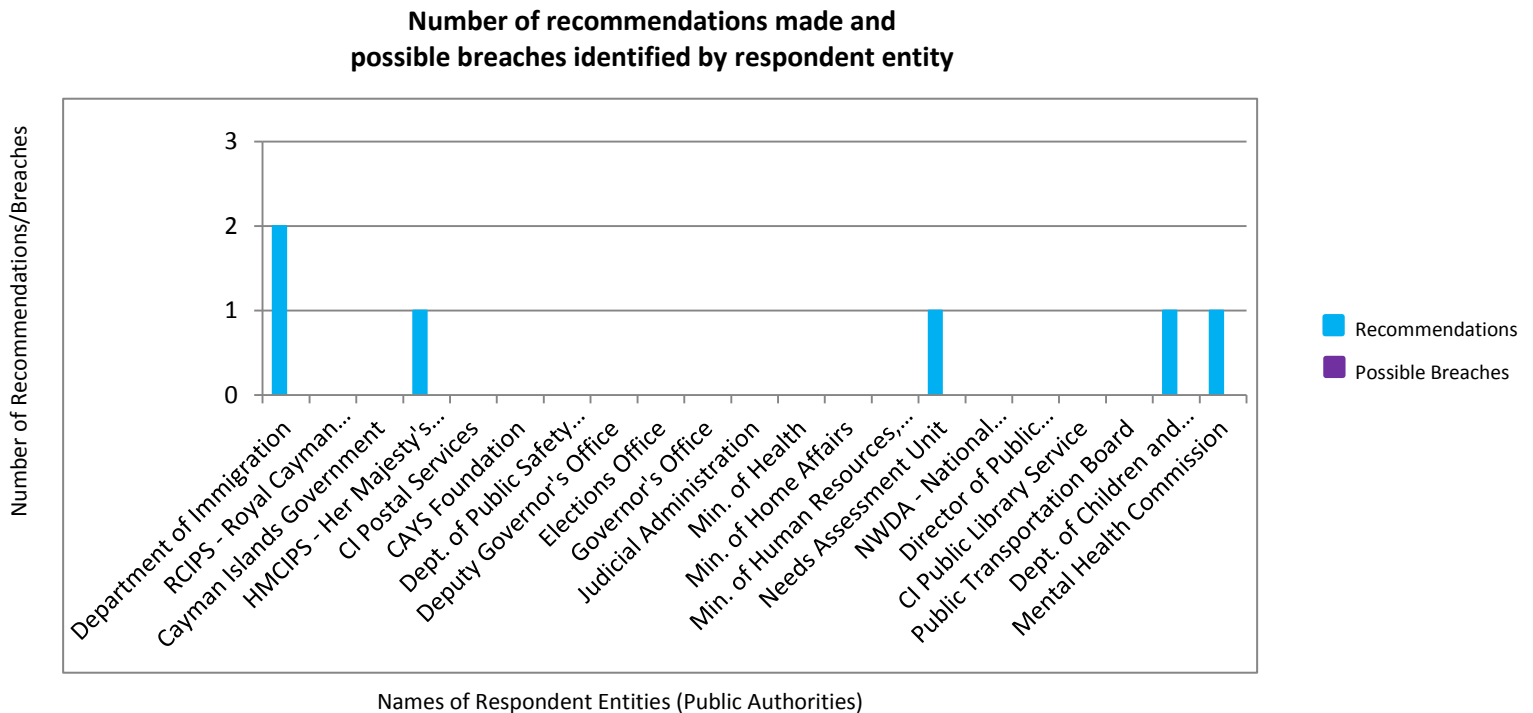
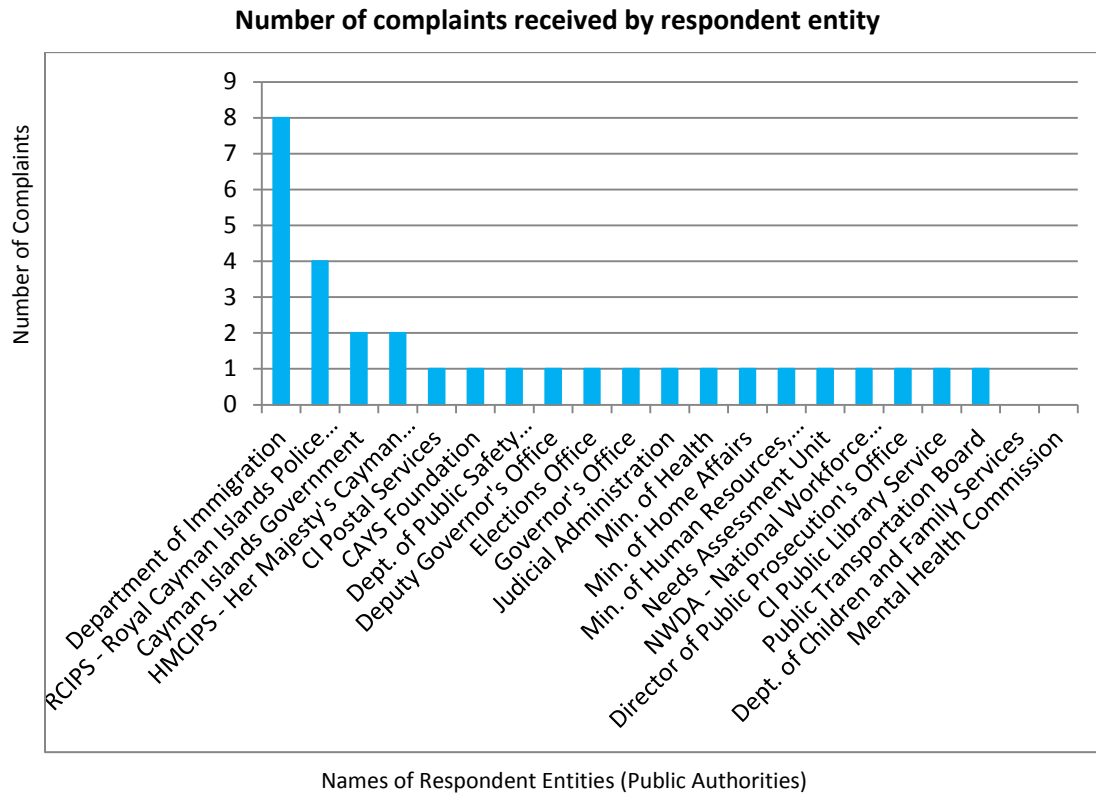
## 5.2 Number of complaints by respondent entity

The chart and graphs below illustrate the public authorities against which formal complaints have been made to the Commission in 2017. They also summarise instances where possible breaches have been deemed to have taken place by the Commission, within the context of a specific complaint, based on the evidence presented. Only data for cases which were opened and closed in 2017 have been included.

#	Public Entity*	Complaints Received	Recommendations	Possible Breaches
1	Department of Immigration	8	2	
2	RCIPS - Royal Cayman Islands Police Service	4		
3	Cayman Islands Government	2		
4	HMCIPS - Her Majesty's Cayman Islands Prison Service	2	1	
5	CI Postal Services	1		
6	CAYS Foundation	1		
7	Dept. of Public Safety Communications	1		
8	Deputy Governor's Office	1		
9	Elections Office	1		
10	Governor's Office	1		
11	Judicial Administration	1		
12	Min. of Health	1		
13	Min. of Home Affairs	1		
14	Min. of Human Resources, Immigration and Community Affairs	1		
15	Needs Assessment Unit	1	1	
16	NWDA - National Workforce Development Agency	1		
17	Director of Public Prosecution's Office	1		
18	CI Public Library Service	1		
19	Public Transportation Board	1		
20	Dept. of Children and Family Services	0	1	
21	Mental Health Commission	0	1	
	<b>TOTAL</b>	<b>31</b>	<b>6</b>	<b>0</b>

Recommendations were only made in instances where there were opportunities for policies/procedures/processes to be improved.

***\*The Commission does not accept complaints regarding incidents that have taken place over one year prior to the complaint being filed, except in cases of ongoing breaches. Complaints reflected in this section may have been filed against public officials who were not still in office at the time the complaint was filed.***



N.B.: In maintaining the confidentiality of the complainants, detailed information pertaining to complaints is not published by the Human Rights Commission.

## Chapter 6: Acknowledgements

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The Commission has worked hard over 2017 to promote human rights in the Islands; however, it would have been impossible for it to have carried out its work without the assistance of many members of the public, private entities and CIG employees. There is not space here to list all those who the Commission would wish to thank, however, we do wish to acknowledge the following individuals, companies and public authorities, who over the past year have provided particular assistance to our endeavours to promote compliance with the BoR:

- Cayman Islands Department of Immigration
  - Joey Scott, Acting Assistant Chief Immigration Officer (Enforcement)
  - Susan Dixon, Secretary Caymanian Status and Permanent Residency Board
- Constitutional Commission
  - Vaughan Carter, Chairman
  - Natalie Urquhart, Member
  - Olivaire Watler, Member
- Department of Vehicle and Drivers Licensing
  - David Dixon, Director
- Her Majesty's Prison Service
  - Neil Lavis, Director of Prisons
- Needs Assessment Unit
  - Tamara Hurlston, Director
- Constitution Audio Project Readers:
  - William "Billy" Adam
  - Garth Arch
  - Marco Archer, JP
  - Julene Banks, Cert. Hon.
  - Eziethamae Bodden, MBE
  - Norman Bodden, OBE
  - Osbourne Bodden, JP
  - Roy Bodden, JP
  - Joannah Bodden-Small
  - Brian Braggs
  - Quincy Brown
  - Elroy Bryan
  - Lorna Bush
  - Hon. William McKeeva Bush, OBE, JP
  - Richard Christian
  - Janilee Clifford
  - Jarrod Coe
  - Sara Collins
  - Orrett Connor, MBE, JP
  - Marilyn Conolly
  - Winston Conolly
  - April Cummings
  - Berna Cummins, MBE
  - Merta Day
  - Betty Ebanks, BEM, Cert. Hon.
  - Donovan Ebanks, MBE, JP
  - Sean Ebanks
  - Rita Estevanovich
  - Woodrow "Woody" Foster
  - Chanda Glidden
  - Sophia Harris
  - Hon. Joseph Hew
  - Sheenah Hislop
  - Lemuel Hurlston, CVO, MBE, JP
  - Baron Jacob
  - Alex Johnson, JP
  - Charlie Kirkconnell
  - Mary Lawrence, MBE, JP

- Deanna Lookloy, Cert. Hon., JP
- Hon. Franz Manderson, Cert. Hon., JP
- Jenny Manderson, MBE, JP
- Angela Martins, MBE, JP
- Kerith McCoy
- Steve McField
- Hon. Alden McLaughlin, MBE, JP
- Michael McLaughlin
- Mona Meade
- Joy Merren
- Zena Merren-Chin
- Ezzard Miller, JP
- Simon Miller
- Annie Multon, Cert. Hon.
- Marcia Mutton
- James Myles
- Rudy Myles, Cert. Hon.
- Georgette Myrie, MBE, JP
- Wayne Panton
- Dr. Linford Pierson, OBE, JP
- Priscilla Pouchie
- Hon. Tara Rivers, JP
- Sharon Roulstone, Cert. Hon.
- Mark Scotland, JP
- Dan Scott, OBE
- Jeremy Scott
- Gordon Solomon
- Hope Stephenson, Cert. Hon.
- Nasaria Suckoo-Chollette
- Kurt Tibbetts, OBE
- Kurt Walton
- Pamela Watler
- Sheila Watler
- Susan Watson
- Shari Welcome
- Joel Wilson

Each of the Commission members are employed by private entities in the Islands and particular thanks should go to each of them for allowing us to take what is sometimes significant time away from our jobs to perform our Constitutional roles. Without the support of Campbells, McGrath Tonner, the United Church in Jamaica and the Cayman Islands, Cayman Hospice Care and Caribbean Utilities Company we would not have been able to dedicate the time necessary to this Commission.

We are grateful to the media, and members of the public who have taken the time to engage with us, seek our views and report and provide feedback on the Commission's initiatives and human rights generally. The Commission also wishes to thank Rev. Donovan Myers and Danielle Coleman who contributed to the Commission as members and whose terms expired in 2017.

Finally, the Commission would again like to reserve its greatest thanks to the Manager of the Commissions Secretariat, Deborah Bodden and to her team, Lise Hurlstone and Sheila Alvarez for their exceptional support and assistance in 2017.

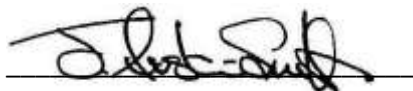


## Chapter 7: Moving Forward

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In 2018 the Commission intends to continue to focus on education and awareness of human rights in the Cayman Islands. Specifically, the Commission intends to focus its efforts on human rights issues related to protection of children.

The Commission encourages the public to visit our website ([www.humanrightscommission.ky](http://www.humanrightscommission.ky)), join us on Facebook at [www.facebook.com/cihrc](https://www.facebook.com/cihrc), or email us at [info@humanrightscommission.ky](mailto:info@humanrightscommission.ky) to learn more or get involved in promoting, protecting, and preserving human rights in the Cayman Islands.

Dated this 8<sup>th</sup> day of June 2018.

  
James Austin-Smith (Chairman)  
Lisa-Ann Hurlston-McKenzie  
Ben Tonner, QC  
Joni Kirkconnell  
Rev. Dr. Yvette Noble-Bloomfield  
Rev. Donovan Myers  
Danielle Coleman

2<sup>nd</sup> Floor, Artemis House, 37 Fort Street, George Town, Grand Cayman  
PO Box 391 | Grand Cayman KY1-1106 | CAYMAN ISLANDS  
Telephone: 1.345.244.3685 Facsimile: 1.345.945.8649  
Website: [www.humanrightscommission.ky](http://www.humanrightscommission.ky)  
E-mail: [info@humanrightscommission.ky](mailto:info@humanrightscommission.ky)  
Facebook: [www.facebook.com/cihrc](https://www.facebook.com/cihrc)

## Appendices

### Appendix 1: Human Rights Commission Members

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#### Mr. James Austin-Smith (Chairman)

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James Austin-Smith graduated with an honours degree in International Politics in 1997. He completed the postgraduate law conversion course and was called to the Bar of England and Wales by Inner Temple in 1999. He practised at the Bar in London until 2004 when he was admitted in Cayman. He specialises in commercial litigation and dispute resolution. He is a former member of the Cayman Islands Human Rights Committee and is well established within the community. Effective 1 April 2014 James was appointed as a member until 1 January 2015 after which time he assumed the role as Chairman for a three year period.

#### Ms. Lisa-Ann Hurlston-McKenzie

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Lisa-Ann Hurlston-McKenzie is an Environmental & Sustainability professional with a Master's degree in Environment and Development from the University of Cambridge. Formerly the Manager of the Cayman Islands Department of Environment's Sustainable Development Unit, Lisa later managed GreenTech Environmental Ltd as an accredited LEED professional and green building consultant. She served on the judging panels for the Governor's Award for Design & Construction Excellence and Governor's Conservation Awards, and chaired both the National Assessment of Living Condition's Institutional Analysis Sub-Committee and National Climate Change Committee. Lisa has presented at the UK Overseas Territories Conservation Forum, EU Overseas Countries and Territories Association Workshops, Caribbean Heads of Judiciary Conference and Cayman Islands Law School focusing on environmental impact assessments, environmental law and climate policy, and is a frequent lecturer on sustainable development, climate change and renewable energy for the United World Colleges Cayman Islands' *Toward a Sustainable Future* short course. She has also co-authored publications on and facilitated numerous national and regional meetings related to climate change impacts, vulnerability, adaptation and mitigation in small island states. Lisa currently chairs the National Conservation Council's Climate Change Committee. Effective 1 April 2014 Lisa-Ann was appointed as a member for a period of four years.

#### Mr. Ben Tonner, QC

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Ben Tonner is a Partner at McGrath Tonner whose practice covers all aspects of litigation and dispute resolution with an emphasis on cross-jurisdictional, financial matters. He has extensive experience advising high profile corporate and private individuals.

#### Reverend Donovan Myers

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Reverend Donovan Myers is the Minister at the John Gray Memorial Church. He has spent over 20 years serving the church and working on education and community development projects, focusing specifically on challenging issues such as drug abuse, HIV/AIDS, violent crimes and homelessness.

Donovan has a personal interest in human rights and justice. In addition to his theological studies, Reverend Myers pursued a Master's Degree in Clinical Counselling and post-graduate certification in Education. He has taught ethics classes at Cayman Prep & High School in Grand Cayman and is a former member of the Human Rights Committee and the current Chair of the National Youth Commission. Effective 1 April 2014, Reverend Myers was appointed for a period of three years.

### **Ms. Danielle Coleman**

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Danielle is currently employed as the Director of Operations and Development at the Cayman Islands Hospice Care. She holds both a Master's degree in Law and one in Understanding and Securing Human Rights. Danielle has extensive experience working in the humanitarian sector in the Cayman Islands and overseas, specifically in areas relating to disaster response & risk reduction, human rights, gender equality, disabilities and sexual violence. Having qualified as an Attorney in 2003, Danielle left the legal world to assist in a dive recovery program in post Tsunami, Thailand. Since then Danielle has worked for the Human Rights Committee, the British Red Cross, the Cayman Islands Red Cross and the Red Cross International, Regional and National Emergency Response Teams. Danielle served as Director on both the Estella Scott Robert's Foundation and No Strings puppet charity and has been an active volunteer for Legal Befriender's clinic for over ten years. Danielle is a Yoga teacher and qualified Reiki master and is a Rotary International Peace Fellow.

### **Ms. Joni Kirkconnell**

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Joni Kirkconnell is the current Manager for Environment, Health & Safety (EHS) at Caribbean Utilities Company, Ltd. (CUC) and has been with the company for 6 years. Prior to joining CUC she worked with the Cayman Islands Government Department of Environment (DoE) for over ten years in the Sustainable Development Unit as well as the Marine Turtle Programme. Joni obtained her bachelor degrees in Marine Biology and Ecology and a Master's degree in Environmental Resource Management from Florida Institute of Technology. She is a certified lead internal auditor for the ISO 14001:2004 Environmental Management System standard as well as for OHSAS 18001:2007 Occupational Health and Safety Management System standard. She is also a certified Master Trainer under the National Centre for Construction Education and Research (NCCER). In her time at CUC her department has spearheaded numerous programmes and policies to ensure the protection of both people and the environment. These included the establishment of a health and safety management system, providing training to first responders, launching the MoveSafe programme to reduce musculoskeletal injuries, hosting the annual Contractor Safety Workshop, instituting the employee recognition programme the Orange Ribbon Safety Award, and ensuring that CUC remained certified and registered to the ISO 14001:2004 standard for their environmental management system. One of her proudest achievements was when CUC went two years without an employee losing time due to work related injuries – the previous record had been only months prior to her joining the company. Joni also contributes to numerous CUC related community involvement projects including Junior Achievement, working with children at the Lighthouse School and George Town Primary School, as well as environmental improvement projects. Joni is married with two children. Effective 1 September 2017 Joni has been appointed as a member for a period of three years.



## **Reverend Dr. Yvette Noble-Bloomfield**

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Ordained to the Ministry of Word and Sacraments on July 8, 1984, Rev. Dr. Yvette Noble-Bloomfield is currently the Regional Deputy General Secretary of the Cayman Islands Regional Mission Council of the United Church in Jamaica and the Cayman Islands, a post she has held since December 1, 2015. Rev. Dr. Yvette Noble-Bloomfield candidated for the fulltime pastoral ministry in the late 1970's and started her preparation at the United Theological College of the West Indies (UTCWI) in 1979, from which in 1983 she received a Diploma in Ministerial Studies. Simultaneously, she was a student at the University of the West Indies from which she graduated with the Bachelors of Arts (Theology) Upper Second Class Honours degree. She also obtained the Certificate in Radio; Magazine Format from the Caribbean Institute in Media and Communication ( CARIMAC) - University of the West Indies in 1987 and in 2001 the Doctor of Ministry Degree from the Columbia Theological Seminary, Decatur, Georgia USA .

In the field of education, Rev. Dr. Yvette Noble-Bloomfield has made significant contributions. She served as Part-time Lecturer and Advisor to the final year students of the Institute for Theological and Leadership Development (ITLD). Over a ten-year span she served as a Religious Education teacher at the St. Andrew High School for Girls, Camperdown High and Wolmer's High School for Boys. She has also served as Chaplain at Camperdown High and the St. Paul's Basic School.

Rev. Dr. Yvette Noble-Bloomfield has made significant contributions to the Church and the community as a whole. She is married to Denver, an educator, and they are blessed with two children both university graduates and working young adults. Effective 15 September 2017 Rev. Dr. Yvette Noble-Bloomfield has been appointed as a member for a period of three years.

## **Appendix 2: Cayman Islands Bill of Rights, Freedoms and Responsibilities (BoR)**

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1. Guarantee of Rights, Freedoms and Responsibilities
2. Life
3. Torture and inhuman treatment
4. Slavery or forced or compulsory labour
5. Personal liberty
6. Treatment of prisoners
7. Fair trial
8. No punishment without law
9. Private and family life
10. Conscience and religion
11. Expression
12. Assembly and association
13. Movement
14. Marriage
15. Property
16. Non-discrimination
17. Protection of children
18. Protection of the environment
19. Lawful administrative action
20. Education
21. Public emergencies
22. Protection of persons detained under emergency laws
23. Declaration of incompatibility
24. Duty of public officials
25. Interpretive obligation
26. Enforcement of rights and freedoms
27. Remedies
28. Interpretation of the Bill of Rights