



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

Ref: HRC-RES-GENDER EQUALITY

Honourable Minister Rivers
Ministry of Education, Employment and Gender Affairs
P.O. Box 108
KY1-9000
Cayman Islands

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11 July 2014

Dear Minister Rivers,

On behalf of the Human Rights Commission (“HRC”) I would like to apologise for the delay in responding to the public consultation exercise on the Conference Report released following the National Conference on Women held earlier this year.

While we note our submission is late the HRC would like to take this opportunity to submit the following comments:

Feedback on Key Issues

- All the key issues listed in the general trends appear to be the perception and attitude towards gender discrimination which is perpetuating its existence;
- even though legislative mechanisms exist for respite from discrimination (including in the Cayman Islands Constitution) these resources tend to be under-utilised;
- the deficiency of reporting makes it difficult to process data about incidents of sexual harassment and discrimination in the work place;
- any reservations made by the United Kingdom would then be extended to the Cayman Islands and the Government must ensure it has thoroughly reviewed these and be aware of them as they change; and
- Section 16 of the Bill of Rights is not an absolute right and lists areas of law which may be discriminatory, so long as it is objective and reasonably justifiable and is reasonably proportionate in its aim in the interests of defence, public safety, public order, public morality or public health.

Feedback on the Possible Solutions

- compounding factors appear to be perception and attitude. These need to be changed in order to affect an organic shift to less discriminatory treatment, policy and law;

- it is important to note that while campaigning for non-discrimination against women it is important that discriminating measures against men aren't overlooked or a result; and
- while "publishing the names of sexual predators" might be a popular notion to create a deterrence factor the jurisprudence from the European Court of Human Rights shows us that various other rights can be infringed as a result of public access to such data. The HRC notes there is a Sex Offender Registry Bill (2009) in circulation in the Cayman Islands but is also in the process of reviewing a research project conducted by the Caymanian Bar Association Student Chapter for the HRC. Once this review is complete and the HRC has formed an opinion on the content and the subject matter in general the HRC would be happy to share the same with your for informational purposes only.

The HRC accepts that discrimination based on a person's sex is wide spread. As stated in the HRC's 2011 report on CEDAW:

"Discrimination against women is an age old subject which is especially difficult to challenge after centuries of custom, beliefs and cultural practices. Because gender discrimination is deeply rooted within many regions it can occur subconsciously without a person even knowing they are being discriminatory or discriminated against. It may be perceived as a social norm."

The HRC is supportive of any efforts made by the Cayman Islands Government to create a framework for further protection of rights and freedoms. The HRC commends the Ministry's initiation of such an important national discussion which will have far reaching effects and will continue to lend its support as a tool available to the ministry to review/comment on any human rights aspects of various policies and laws.

Kind regards,



Alistair Walters

Chairman

Human Rights Commission