

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

2nd Floor Artemis House
67 Fort Street
P.O. Box 391
George Town, Grand Cayman KY1-1106

Tel: 1.345.244.3685

Fax: 1.345.945-8649

Email: info@humanrightscommission.ky

Web: www.humanrightscommission.ky

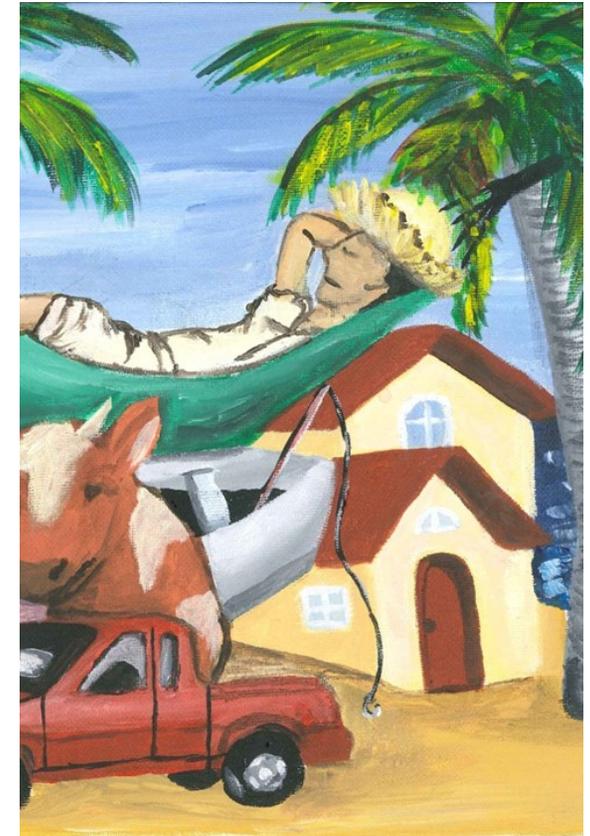
Facebook: www.facebook.com/cihrc

DISCLAIMER

These materials are for informational purposes only and do not constitute legal advice. These materials are intended, but not promised or guaranteed to be current, complete, or up-to-date and should in no way be taken as a replacement for referring to the Constitution itself.

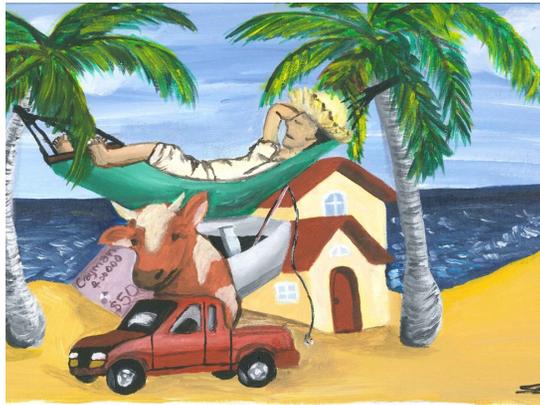


promoting, protecting and preserving human rights



PROPERTY

Cayman Islands
Human Rights Commission



In Simple Terms

You have a right to enjoy the things that you own.

The Government cannot take away property or place restrictions on your use of your property without very good reason.

Under this right, “property” is broadly defined. It includes businesses, and property that you can see and touch, such as land, a car or a boat; and invisible possessions, such as shares in a company, and court-ordered compensation.

If the Government plans to take your property there must be laws in place for such action. It must also have a procedure to check that a fair balance has been struck between the public interest in acquiring your property and your right to property.

This right is a qualified right.

Type of Right

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

There are very restricted circumstances in which government could interfere with the way you use your property.

Planning laws are a good example of this. Under this right, government could regulate development for public interest purposes, which would include ensuring that all landowners can peacefully enjoy their property.

Another restriction would be the compulsory purchase scheme, where it's in the public interest for government to purchase property – as in for building roads.

However, before your property could be taken by the government, it must satisfy the public interest test. In other words, this action must be necessary, and the landowner(s) must be compensated, unless government can justify otherwise.

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 Stephanie Scott