

## 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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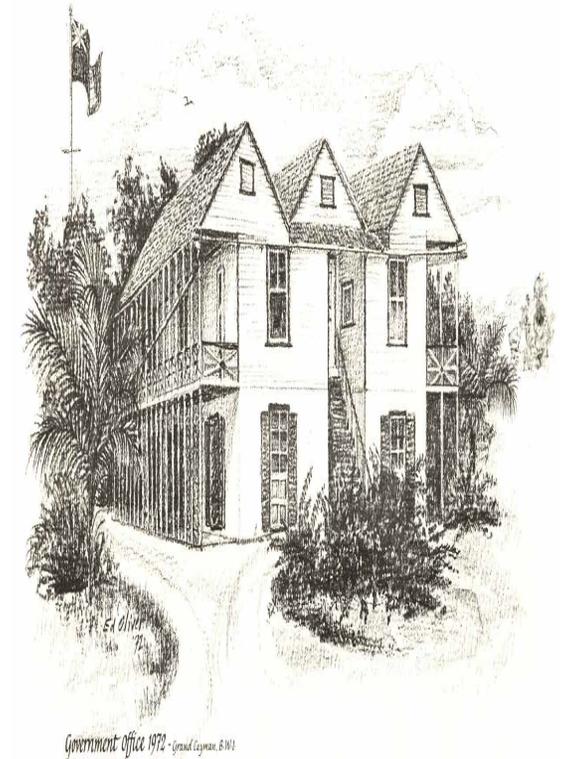
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*promoting, protecting and preserving human rights*



*Government Office 1972 - Grand Cayman, B.W.I.*

## LAWFUL ADMINISTRATIVE ACTION

Cayman Islands  
Human Rights Commission



Government Office 1972 - Grand Cayman, B.M.I.

## In Simple Terms

This right means that in your dealings with Government, you have a constitutional right to be treated fairly. This right extends to any decision government makes in relation to you.

If you are not satisfied with a decision that government made, you have the right to request and be given written reasons for that decision or act.

Public Officials are now required to keep written records of their decisions that are factually based and detail the reasons for acts / decisions / policies.

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

All decisions and acts of public officials must be—

- lawful;
- rational;
- proportionate; and
- procedurally fair

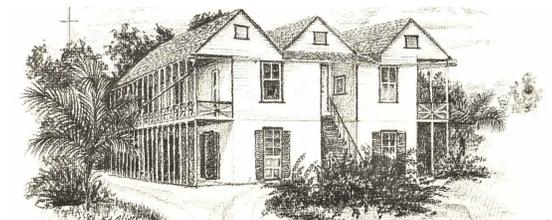
## What are human rights?

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 life even though you could not take the human rights case to court.



Original artwork by Ed Oliver