

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

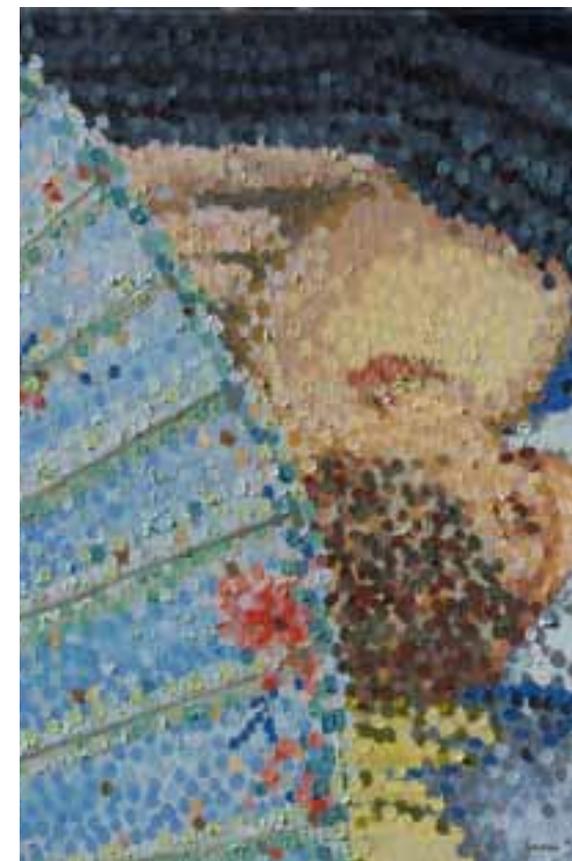
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promoting, protecting and preserving human rights



PRIVATE AND FAMILY LIFE

Cayman Islands
Human Rights Commission



In Simple Terms

Under this right, the respect of your private and family life, your home; and your correspondence is protected .

“Correspondence” could include communication by letter, telephone, fax, and e-mail.

The concept of “private life” is broad. In general, it would mean you have the right to live your own life, with reasonable personal privacy in a democratic society, taking into account the rights and freedom of others.

This right is a qualified right.

Type of Right

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

If it can be shown as reasonably justifiable, the government could take this right away from you—

- for the purpose of protecting the rights and freedoms of other persons;
- conduct a lawful, court-ordered search;
- to regulate the right of persons to enter or remain in the Cayman Islands; or
- in the interests of defence, public safety, public order, public morality, public health, town and country planning, development to promote the public benefit.

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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