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.

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Human Rights Commission

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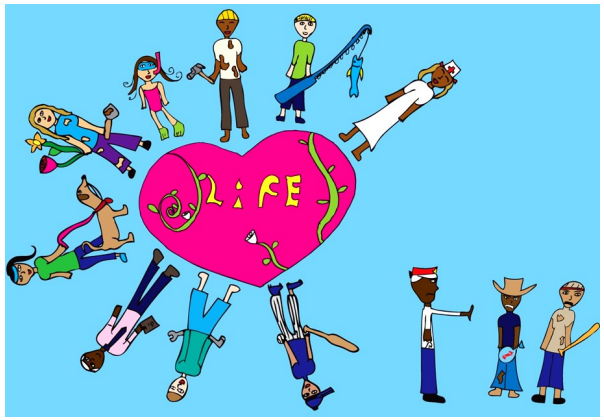
DISCLAIMER

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.

LIFE

Cayman Islands
Human Rights Commission



In Simple Terms

We are all human beings.

Our lives are the most basic things we have. It does not matter who you are or where you are from, our lives all have the same value and we all get the same rights.

The government shall not deprive anyone of his or her life, except in very narrow, limited circumstances.

Some sections of this right are absolute, while others are limited.

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.

A Few Examples

Under very limited circumstances is it acceptable and lawful to take a life. For example:

- A public official who uses force which is absolutely necessary while defending themselves or others from violence.
- If police use justifiable force when arresting a person or preventing the escape of an arrested person and that person dies as a result of such force then their right to life has not been violated.
- A life could be taken lawfully when police or other authorised armed forces use justifiable force when preserving the islands' peace.

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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