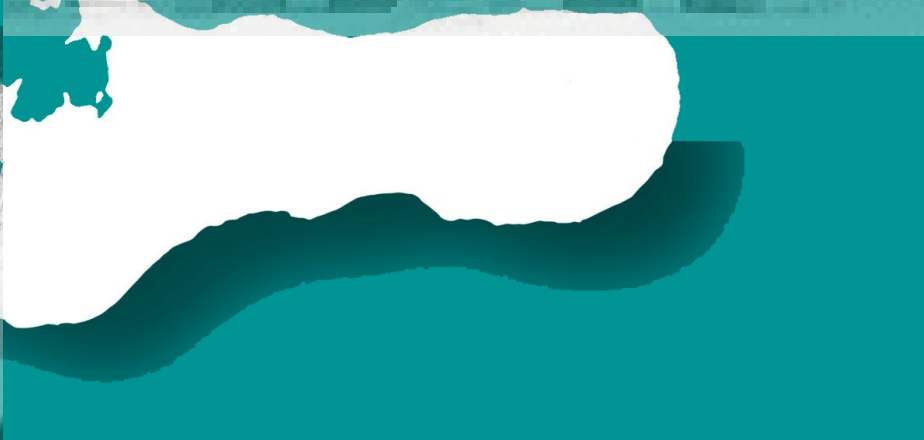
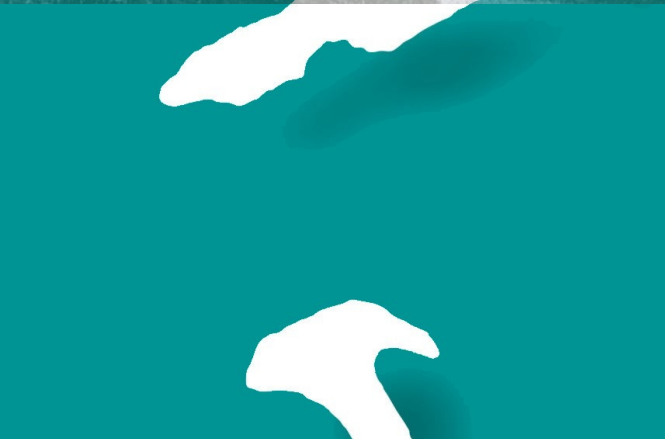


Important Milestones in the History of Human Rights in the Cayman Islands



The Relevance of the Universal Declaration of Human Rights to the Cayman Islands



1831 The Right to Freely Choose One's Representatives at Genuine Periodic Elections in the Cayman Islands

In 1831, the people of the Cayman Islands asserted the right to form their own legislative assembly. During a meeting held at Pedro St. James, the people of the Cayman Islands resolved to elect representatives for the various districts who, alongside the appointed Magistrates, formed a legislature responsible for passing local laws for better government. The right to freely choose one's representatives at genuine periodic elections is now enshrined in Article 21 of the United Nations Universal Declaration of Human Rights. The Universal Declaration of Human Rights was adopted in 1948; some 117 years after the people of the Cayman Islands asserted the right that is now found in Article 21 of this Universal Declaration. Described by Pope John Paul II as, "One of the highest expressions of the human conscience of our time," the Universal Declaration of Human Rights is generally considered to be part of customary international law, which in turn informs the common law of many jurisdictions, including the Cayman Islands. Based on the principle that all human beings are born free and are equal in dignity and rights and containing rights, such as the right to freely choose one's representatives at genuine periodic elections (which is the cornerstone of any democracy), the Universal Declaration of Human Rights is therefore distinctly relevant to the Cayman Islands.

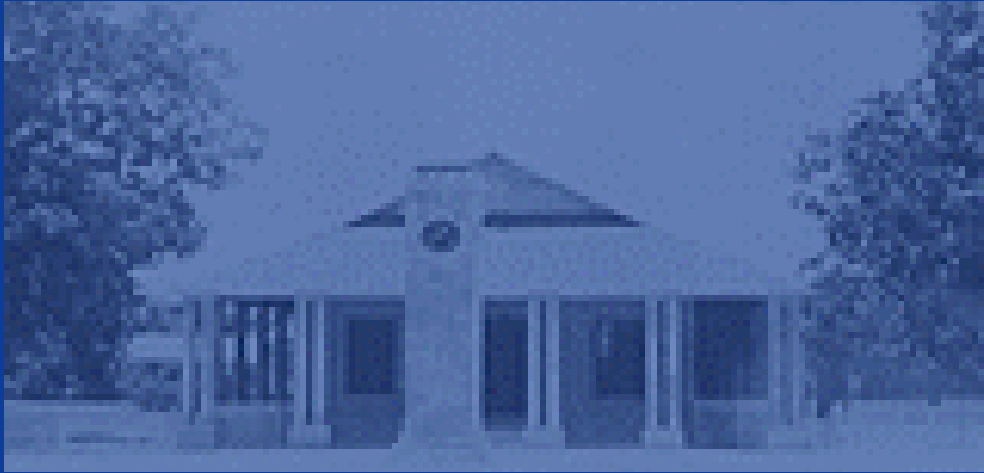
The Relevance of the International Covenant on Economic, Social and Cultural Rights to the Cayman Islands



1912 The Right to Receive Education in the Cayman Islands

In 1912, 335 parents in the Cayman Islands campaigned for enhanced rights to education for their children. In an effort to obtain free elementary education for children in the Cayman Islands, a large number of concerned parents petitioned the Legislative Assembly. Following a seven year battle, the Education Law of 1920, which provided for free compulsory education for all children between 7 and 14 years of age, was finally enacted. The right of everyone to receive education is now enshrined in The Cayman Islands Constitution Order 2009. Prior to the implementation of the 2009 Constitution, the right of everyone to receive education was enshrined in Article 13 of the United Nations International Covenant on Economic, Social and Cultural Rights. The International Covenant on Economic, Social and Cultural Rights was adopted in 1966; some 54 years after the Caymanian parents asserted the right that is now found in Article 13 of this International Covenant. Whilst the provision of human rights in Cayman would surely improve with the inclusion of a Chapter of Fundamental Rights in a new Constitution, this would be a supplement to the International Covenant on Economic, Social and Cultural Rights, which, although not directly enforceable, has been extended to the Cayman Islands since 1976. Containing rights such as the right to receive education and the right of everyone to an adequate standard of living, including adequate food, clothing and housing; along with a commitment to according the widest possible protection and assistance to the family as the natural and fundamental group unit of society; the International Covenant on Economic, Social and Cultural Rights is therefore distinctly relevant to the Cayman Islands.

The Relevance of the Convention on the Elimination of All Forms of Racial Discrimination to the Cayman Islands



1953 The Right of All Persons in the Cayman Islands without Distinction as to Race.

In 1953, Caymanian National Hero, Ms. Sybil McLaughlin, championed the rights of all persons, without distinction as to race, colour, or national or ethnic origin. One of the most popular events on the social calendar in Grand Cayman used to be the weekly dance held at the Town Hall in George Town. Segregation by colour was conventional at this event until challenged by Ms. McLaughlin, when she gracefully accepted an invitation to dance from a British official. Not only did Ms. McLaughlin's courage result in racial segregation becoming a thing of the past at the dance, it also sent a powerful message of equality and unity that reverberated throughout the Cayman Islands. The right to live free from racial prejudice and discrimination in an environment where understanding, tolerance and friendship are promoted is now enshrined in Article 7 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination. The Convention on the Elimination of All Forms of Racial Discrimination was adopted in 1966; some 13 years after the right that is now found in Article 7 of this International Convention was asserted in the Cayman Islands. Whilst the provision of human rights in the Cayman Islands would undoubtedly improve with the inclusion of a Chapter of Fundamental Rights in a new Constitution, this would be a supplement to the Convention on the Elimination of All Forms of Racial Discrimination, which, although not directly enforceable, has been extended to the Cayman Islands since 1969. In a society that currently has 109 different nationalities living together, the Convention on the Elimination of All Forms of Racial Discrimination, which includes the right to live free from racial prejudice and discrimination and also condemns colonialism, along with all associated practices of discrimination and segregation, is therefore distinctly relevant to the Cayman Islands.

The Relevance of the International Covenant on Civil and Political Rights to the Cayman Islands



1955 The Right to a Fair Trial in the Cayman Islands

In 1955, Mr. Ormond Panton, a prominent Caymanian politician, succeeded in affirming his right to a fair trial. The Commissioner; the forerunner to the current position of Governor; had instructed the Collector of Taxes to sue Mr. Panton for non-payment of taxes due in respect of his vehicle. The Commissioner, however, then ensured that he also personally ruled on the case that resulted in Mr. Panton's conviction. Mr. Panton complained that he had not received a fair trial and that this was an abuse of power, which breached the principles of natural justice. After some time, the Court of Appeal agreed with Mr. Panton and overturned his conviction. The right to a fair and public hearing by a competent, independent and impartial tribunal established by law is now enshrined in Article 14 of the United Nations International Covenant on Civil and Political Rights. The International Covenant on Civil and Political Rights was adopted in 1966; some 11 years after Mr. Panton asserted, in the Cayman Islands, the right that is now found in Article 14 of this International Covenant. Whilst the provision of human rights in the Cayman Islands would undoubtedly improve with the inclusion of a Chapter of Fundamental Rights in a new Constitution, this would be a supplement to the International Covenant on Civil and Political Rights, which, although not directly enforceable, has been extended to the Cayman Islands since 1976. Containing rights such as the right to a fair trial, along with the inalienable rights to life and liberty, the International Covenant on Civil and Political Rights is therefore distinctly relevant to the Cayman Islands.

The Relevance of the Convention on the Elimination of All Forms of Discrimination against Women to the Cayman Islands



1957 The Rights of Women to be an Equal Terms with Men in Public and Political Life in the Cayman Islands

In 1957, 358 women from throughout the Cayman Islands lobbied for the rights of women to vote and stand in public elections. Identical petitions from seven different districts, which called for women to be given the fundamental right to take part in deciding who will form the government of the Cayman Islands, were presented to the Legislative Assembly. Many of the women who signed these petitions also demonstrated vociferously against their exclusion through to the election that took place in the following year. They were ultimately rewarded when the Sex Discrimination (Removal) Law was enacted on the 8th December 1958. The rights of women to vote, to be eligible for election to all public bodies, and to be on equal terms with men in public and political life is now enshrined in Article 7 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. The Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979; some 22 years after the women of the Cayman Islands asserted the right that is now found in Article 7 of this United Nations Convention. The Convention on the Elimination of All Forms of Discrimination against Women, however, is the only one of the core international human rights treaties that has not been extended to the Cayman Islands. As such, the pioneering work of women, including Mary Evelyn Wood, the first woman elected to the Legislative Assembly, whose picture is featured in this campaign, remains unfinished. Today, public bodies like the Women's Resource Centre and private organisations such as the Business and Professional Women's Club are active in the field of women's rights in the Cayman Islands, advocating for an end to domestic violence and sexual harassment. Containing a general commitment to the equality of women in all walks of life, including in public and political life, the Convention on the Elimination of All Forms of Discrimination against Women is therefore distinctly relevant to the Cayman Islands.

The Relevance of the Convention on the Rights of the Child to the Cayman Islands



2001 The Rights of the Child to Freedom of Thought, Conscience and Religion in the Cayman Islands

In 2001, the Grant family prevailed in its struggle for their son to attend school in the Cayman Islands, whilst freely manifesting his right to religious freedom. The Grant family challenged the decision to exclude their son from school, for so long as he wore his hair in dreadlocks. Upholding an appeal, the Cayman Islands Court of Appeal not only recognized the Rastafarian religion but also protected the wearing of hair in dreadlocks as a manifestation of that religion. The right of the child to freedom of thought, conscience and religion and to manifest his or her religion or beliefs is also enshrined in Article 14 of the United Nations Convention on the Rights of the Child. Whilst the provision of human rights in the Cayman Islands would undoubtedly improve with the inclusion of a Chapter of Fundamental Rights in a new Constitution, this would be a supplement to the Convention on the Rights of the Child, which, although not directly enforceable, has been extended to the Cayman Islands since 1994. The Convention on the rights of the child is premised on the fundamental principle that the best interests of the child should always be the primary consideration and contains rights such as the right of the child to freedom of thought, conscience and religion and the Right of the Child to the enjoyment of the highest attainable standard of health. With continuing concerns about the conditions in which juveniles are detained locally, the Convention on the Rights of the Child is therefore distinctly relevant to the Cayman Islands.

The Relevance of the Right to Private and Family Life of Discrimination against Women to the Cayman Islands



2020 The Rights of Civil Partnership in the Cayman Islands

In April 2018 the Government's General Registry Department rejected the marriage application of Chantelle Day, a Caymanian national, and her British partner Vicki Bodden Bush as the Marriage Act defined marriage in the Cayman Islands as a union between men and women only. The couple brought a legal challenge to the Registrar's decision in 2019 which resulted in the Honourable Chief Justice Anthony Smellie, QC, ruling that the definition of marriage in the Marriage Act, as between a man and a woman, was unconstitutional. At the time of delivering his decision the Chief Justice also directly altered the Marriage Act to allow for same-sex marriages in the Cayman Islands.

The Cayman Islands Government subsequently appealed the decision of the Honourable Chief Justice based on three primary points of concern:-

• Firstly, the implications of the Court's decision for other types of marriages (for example, polygamous marriage), and whether Government would now be bound to give effect to or recognise such marriages if an application for a marriage licence is made for a man to marry multiple wives. • The second concern related to the extent of the powers of the Court under section 5 (1) of the Constitution to modify legislation on matters such as the right to marry, bringing into question the appropriate separation of powers under the Constitution and whether by exercising these powers under section 5 (1), the Court has exceeded its mandate

2020 The Rights of Civil Partnership in the Cayman Islands continued...

under the principle of separation of powers. • And a third concern was whether, given the language in section 14 (1) of the Constitution, it was open to the Court to find that the right to marry and found a family, could be located in other rights within the Bill of Rights, namely, sections 9 and 10 of that document.”

In November 2019, the Court of Appeal overturned the original decision but declared that “Chantelle Day and Vickie Bodden Bush are entitled, expeditiously, to legal protection in the Cayman Islands, which is functionally equivalent to marriage”. The Court of Appeal further stated that the continued failure to put in place such a legal framework resulted in a breach of the Bill of Rights in the Constitution and the European Convention on Human Rights and made it clear that, should the Cayman Islands Legislature fail to act to rectify the situation, the UK should recognise its responsibility for ensuring that the Cayman Islands complies with its responsibilities under the Constitution and its international obligations.

The subsequent failure of Parliament (formerly the Legislative Assembly) to pass the then titled Domestic Partnership Bill resulted in His Excellency the Governor, Martyn Roper OBE, using his reserved powers (in 2020) under section 81 of the Constitution to give Assent to the Civil Partnership Act, and 11 consequential pieces of legislation, in line with instructions from UK Ministers to uphold the rule of law and comply with the European Convention on Human Rights (ECHR), which is encompassed within the Governor’s responsibilities under section 55(1) (b) of the Constitution.

The decision of the Court of Appel led to the couple making an appeal to the Judicial Committee of the Privy Council, which was heard in February 2021.