



HUMAN
RIGHTS
COMMISSION

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GLOSSARY TERMS

APF	Alex Panton Foundation
ARC	Arts and Recreation Centre (Camana Bay)
BoR	Bill of Rights (Cayman Islands)
BPW	Business Professional Women's Club
CAL	Cayman Airways Limited
CBC	Customs and Border Control
CC	Constitutional Commission
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CICA	Cayman Islands Court of Appeal
CICC	Cayman Islands Crisis Centre
CIG	Cayman Islands Government
CICDBA	Cayman Islands Criminal Defence Bar Association
CILRC	Cayman Islands Law Reform Commission
CIRC	Cayman Islands Red Cross
Constitution	Cayman Islands Constitution Order 2009
CPO	Chief Policy Officer
DOI	Department of Immigration
DPL	Data Protection Law 2017
ECAP	Early Childhood Assistance Programme
ECHR	European Convention on Human Rights
FCO	Foreign and Commonwealth Office
FBGH	Francis Bodden Girls' Home
HMCIPS	Her Majesty's Cayman Islands Prison Service
HMIP	Her Majesty's Inspectorate of Prisons
HMP	Her Majesty's Prison (Northward)
IAT	Immigration Appeals Tribunal
ICCPR	International Covenant of Civil and Political Rights
IDC	Immigration Detention Centre
IDPWD	International Day of Persons with Disabilities
IESCR	International Covenant on Economic, Social and Cultural Rights
IHRD	International Human Rights Day
IMB	Independent Monitoring Board
LA	Legislative Assembly
LRC	Law Reform Commission
MHC	Mental Health Commission
MoE&BC	Ministry of Employment and Border Control
MoHR&I	Ministry of Human Resource and Immigration
MOU	Memorandum of Understanding
NAU	Needs Assessment Unit
ODG	Office of the Deputy Governor
OPCAT	Optional Protocol for the Convention against Torture
OT	Overseas Territory
PIB	Prisons Inspection Board
PLC	Public Lands Commission
PSG	Prison's Steering Group
PSH	Protection Starts Here
RCIPS	Royal Cayman Islands Police Service
RPAT	Refugee Protection Appeals Tribunal
TAYA	Teens And Young Adults Lounge
ToR	Terms of Reference
UCCI	University College of the Cayman Islands
UDHR	Universal Declaration of Human Rights
UK's IMB	United Kingdom Independent Monitoring Board
UN	United Nations High Commissioner for Refugees
UNCHR	United Nations High Co
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
WHO	World Health Organization
YSU	Youth Services Unit



STATEMENT FROM THE CHAIRMAN

This reporting period of 1 January 2020 – 31 December 2020 was an unprecedented time for the Commission, the Cayman Islands and the world as a whole. The COVID-19 pandemic in some respects has further highlighted the issue of inequality in many nations around the globe, through economic challenges and social hardships, such as job loss, an increase in mental health concerns and overall demand in healthcare services.

Throughout 2020 the Human Rights Commission (the “Commission”) sought to continue to uphold its constitutional mandate of

promoting understanding and observance of human rights in the Cayman Islands. During the reporting period the CIG met the onset of the COVID-19 global pandemic with a fast responsive decision to close the country’s border, instill a mandatory curfew, restrict gatherings and enforce social distancing. The swift action and further precautionary measures were done in the interests of defense, of public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedoms of other persons. The Commission publicly endorsed the new measures as part the Governments duty to protect the right of life (s.2) of every individual in the Cayman Islands, through the safeguards imposed to stop the spread of the coronavirus in the community.

Locally the emotive issue of the Civil Partnership Law evidenced a requirement for further promotion of human rights in an effort to stomp out divisiveness and intolerance and a need to foster courtesy, dignity and respect for all in our community.

The Commission issued public statements calling for the same unified approach which was embraced as a response to the pandemic. In some respects however we still have a long way to go in our mandate to promote the integration of human rights values into everyday life and this instance serves as a stark reminder of how important the work of the Commission is.

The Commission continues to review and contribute to numerous policies, procedures and pieces of legislation developed by the CIG to ensure compliance with the BoR. Notably, the Commission publicised a comparative research piece outlining the Codes of Conduct across Commonwealth and the need for such in the Cayman Islands. Contributions were also made to the Continued Detention Policy, the HMCIPS Outline Business Case ("the OBC") for Estate Development as it relates to human rights matters and the RCIPS Draft Social Media Usage Policy and Guidance 2020.

Enhancements of the Commissions public relations and engagement activities were undertaken this year with participation in the inaugural Lighthouse School

Neurodiversity concert and the twentieth annual Silent Witness March. The Commission recognises that building and strengthening relationships with the community are paramount and has created a strategic plan for 2021 to enhance its educational efforts through a number of planned initiatives which was publicly announced in connection with International Human Rights Day, 10 December, when the Commission also unveiled its new logo.

As the Commission moves forward, I encourage the public to stay involved. Visit the website www.humanrightscommission.ky, follow us on Facebook www.facebook.com/cihrc, connect with us on LinkedIn www.linkedin.com/company/human-rights-commission, call us at 244-3685, or email us at info@humanrightscommission.ky to get involved in promoting and protecting human rights in the Cayman Islands.

“On a personal note, I take this opportunity to thank the Members who have served on the Commission for their dedication and commitment to considering these very important issues and to the Commissions Secretariat for their support of the Commissions endeavors.”

Dale Crowley
Chairman, Human Rights Commission

CHAPTER 1: THE CAYMAN ISLANDS HUMAN RIGHTS COMMISSION

1.1 Goals

The goals of the Commission are ***promoting, protecting and preserving human rights.***

1.2 Mission

To lead in promoting, protecting and preserving human rights in the Cayman Islands by:

- promoting the integration of human rights values into everyday life;
- encouraging government accountability to national and international human rights standards;
- embracing the Cayman Islands Bill of Rights, Freedoms and Responsibilities and the principles of democracy; and
- empowering all persons to understand and exercise their rights.

1.3 Constitutional Guidelines

The Constitutional guidelines for the Commission are found in Section 116 of the Cayman Islands Constitution Order 2009 (“the Constitution”) which reads as follows:

1. *There shall be in and for the Cayman Islands a Human Rights Commission (referred to as “the Commission”).*
2. *The Commission’s primary responsibility shall be promoting understanding and observance of human rights in the Cayman Islands.*
3. *The Commission shall consist of a Chairman and four other members appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition, at least two of whom shall be experienced lawyers.*
4. *In the exercise of their functions, the Commission and its members shall not be subject to the direction or control of any other person or authority.*
5. *The Commission shall replace the Human Rights Committee.*
6. *The Commission shall have power to –*
 - (a) *receive and investigate complaints of breaches or infringements of any right or*

freedom contained in the Bill of Rights or international human rights treaties that have been extended to the Cayman Islands, and investigate such possible breaches or infringements on its own initiative;

(b) provide advice to persons who consider that their rights or freedoms have been infringed;

(c) provide a forum for dealing with complaints by mediation or conciliation or by making recommendations;

(d) issue guidance on procedures for dealing with any complaints of breaches or infringements of rights and freedoms;

(e) contribute to public education about human rights;

(f) issue reports relating to human rights issues on its own initiative; and

(g) undertake such other functions, for the purpose of fulfilling its primary responsibility under subsection (2), as may be conferred on it by a law enacted by the Legislature.

7. The Commission shall have no power to –

(a) represent or provide

representation to parties to litigation;

(b) act in a judicial capacity or make binding determinations as to whether any right or freedom contained in the Bill of Rights or any international human rights treaty or instrument has been breached; or

(c) compel any person to do anything against his or her will; but any public official to which the Commission addresses a recommendation must respond in writing within a reasonable time, and such responses shall be published by the Commission unless there is a good reason to withhold publication.

8. The Commission shall make an annual report to Parliament (formerly the Legislative Assembly) about its activities.

9. Further provision relating to the establishment and operation of the Commission may be made by the Legislature, but such legislation shall not derogate from any provision of this section.

10. Nothing contained in or done pursuant to this section or any law made under subsection (9) shall –

(a) oblige a person to refer any complaint of a breach or infringement of any right or freedom referred to in the Bill of Rights to the Commission; or

(b) prevent a person from seeking redress directly from the Grand Court in relation to any breach or infringement of a right or freedom referred to in the Bill of Rights, and the fact that such person had previously sought the assistance of the Commission with respect to such breach or infringement shall not prejudice any legal action.

For more information about the Commission please
visit <http://www.humanrightscommission.ky>.

CHAPTER 2: MONITORING HUMAN RIGHTS IN POLICY, PRACTICE AND LEGISLATION

2.1 Migrants

2.1.1 Continues Detention Policy

As previously reported, the Commission has, on numerous occasions requested an explanation from, and expressed its concerns to, the CIG as to why the default position in regards to migrants was a blanket detention policy for those who chose to apply for asylum in accordance with Cayman's obligations under the 1951 Refugee Convention.

Initially all migrants and asylum seekers are incarcerated in facilities run by the Prison Service, on the orders of the Department of Immigration, under a policy which indicated that all asylum seekers will be detained unless extraordinary circumstances exist. The Commission regarded this as arbitrary, unlawful and contrary to Article 31 of the 1951 Convention and the UNHCR guidelines on the detention of asylum seekers.

After again writing to the Government expressing its concerns that asylum seekers should only be detained where an assessment shows that it is necessary to protect them or the public or for some other pressing reason, the Commission was asked by CIG to provide feedback on a draft Detention Policy for migrants and this feedback was subsequently provided on 21 January 2018. On 10 December 2018, the Commission requested a copy of the updated version of the Customs & Border Control's (CBC) Continued Detention Policy (Draft Policy) for the Commission's review and comments. The Draft Policy was received on 11 December 2018 and the Commission reverted to CBC with its ongoing concerns on 21 January 2019; the main concern being that the policy of allowing migrants to continue their journeys in often unseaworthy vessels, ill-equipped or provisioned for

lengthy passages across open sea could potentially cause loss of life. The Commission also raised the issue of permitting vessels to continue journeys without landing their passengers so they can be properly processed also risks the facilitation of people trafficking or smuggling. The Commission recommended that the Draft Policy be reconsidered to address these concerns. CBC responded on 24 January 2019 and thanked the Commission for its input which had been forwarded to the Ministry of Employment and Border Control ("MoE&BC") and Director of CBC for review. The Commission has followed-up on several occasions and has been told that further amendments were to be made after formal discussions on the Draft Policy with the MoE&BC, after which CBC would forward the revised Draft Policy to the Commission for further input. On 8 January 2020 CBC advised that the Draft Policy has been sent to Deputies and the Director before it is submitted to the Chief Policy Officer for final comments and approval. A further follow-up was made on 18 February 2020 however no response was received prior

to the COVID-19 lockdown at which time requests for updates ceased. The Commission will continue to follow-up until a satisfactory response is received.

2.1.2 Refugee Protection Appeals Tribunal ("RPAT")

As previously reported, the Commission has expressed its concern with the speed with which asylum claims are processed. In of itself this inordinate delay in determining claims gives rise to human rights concerns regarding access to justice and expeditious determination of rights. When allied to a default position requiring incarceration of all asylum seekers, concerns about breaches of the right to liberty under the ECHR and Cayman's Constitution are engaged. The Commission corresponded with both the Immigration Appeals Tribunal ("IAT") and the former Ministry of Home Affairs and Immigration, now the MoE&BC, regarding its concerns. In 2018 legislation established the RPAT which is designed to expedite the appeals process but the Commission has continuously

followed-up to ascertain when this body will be able to begin hearing matters and how effective it will be in resolving the current delays. On 19 December 2018, the Commission received a response from the MoE&BC advising that recommendations for appointments to the RPAT had been received and it was expected that the appointments would be sent to Cabinet for approval in January 2019. Additionally, it was expected that the RPAT would be prepared to receive and consider asylum matters by the end of March 2019. The Commission continued to carry out regular follow-ups with the MoE&BC, during the first quarter of 2019, regarding the RPAT's progress. The MoE&BC invited the Commission to meet on 20 February 2019 with facilitators Judge Michael Clements (President, First-tier Tribunal) and Judge Julian Phillips (head of training) from the UK providing specialist training to the CBC, RPAT and its secretariat on immigration and asylum seekers. The Commission Chairman and Secretariat Manager attended on the Commission's behalf

and noted, in particular, the high caliber of training these persons provided. On March 22 2019, the MoE&BC advised that it will continue to liaise with the Cabinet Office to finalise RPAT's policy and procedure manual given that the Cabinet Office provides administrative and other support to the RPAT. Subsequently on 15 May 2019, correspondence was received from the Cabinet Secretary advising that RPAT member training was held 15 – 21 February 2019. The Cabinet Secretary further indicated the RPAT was at that time reviewing the draft Procedure Rules and Guidance Notes. Subsequently a number of members resigned from the RPAT. On 8 January 2020 Cabinet advised that: 1) on 17 December 2019 Cabinet approved the appointment of 4 new members to the RPAT (so it is now quorate); 2) training for members is being organised by the Governor's Office and the Ministry of Employment and Border Control (MoE&BC) through the UK Home Office as a matter of priority; 3) the draft Rules and a Guidance Note for the RPAT will be reviewed at the training with

the UK Home Office. On 18 February 2020 the Commission was informed that the newly appointed persons to the RPAT will be formally trained by the UK Home Office from 16-27 March 2020. Whilst follow-ups ceased during the COVID-19 lockdown, the Clerk of Cabinet provided an update by way of email on 28 October 2020 wherein she indicated that Members of the RPAT attended training, conducted virtually by UK Judges from 12 to 16 October 2020. The first meeting was due to be held on 4 November 2020 at which time Members would review and accept the Rules of Procedure and determine the date for their first appeal hearing. The Clerk was thanked and this matter closed given that the concerns of the Commission had now been addressed.

2.1.3 Immigration Detention Centre ("IDC")

As previously reported the Commission, from time to time, has made enquiries regarding the number of migrants detained at the IDC, along with what stage of the asylum process each migrant was in. The Commission has visited the IDC on numerous occasions. Following a request for information, the Commission was informed on 9 March 2020 that there were 13 Cuban migrants detained at the IDC and

18 who have been released into the community. The 31 persons are all in varying stages of the asylum or appeals process. Those persons released into the community have been temporarily admitted and are being monitored electronically. Following processing the 13 migrants who had been detained were released into the community. It has subsequently been reported by the media, and confirmed by CBC, that 14 migrants released into the community on electronic monitoring had fled the jurisdiction by boat and been picked up by the Mexican authorities, at which time they requested asylum.

2.1.4 Prohibited Immigrants

As previously reported, the Commission has received numerous complaints over the years on the issue of deportation of persons and the subsequent designation of those persons as prohibited immigrants. Many of these are historical but all allege breaches of the rights to private and family life, and lawful administrative action. After drafting a report on the topic, the Commission ultimately decided to put its primary concerns into a letter to the 17 January 2019. The Commission's primary Chief Officer of the MoE&BC on concerns included

compliance with the BoR in developing policies for amending deportation/exclusion orders, or prohibited immigrant designations. On 25 March 2019 the Chief Policy Officer ("the CPO") of MoE&BC responded to the Commission stating that they had prepared a draft policy which addressed the Commission's concerns. Additionally, the MoE&BC sought feedback from the Foreign and Commonwealth Office ("the FCO") on compliance of the policy with UK frameworks, which was being incorporated into the policy. The draft policy would then be finalised and presented to Cabinet for its consideration. On 10 January 2020 the Commission received correspondence from the MoE&BC which advised that the MoE&BC remains committed to scheduling this matter to go before Cabinet, pending their availability. The Secretariat wrote to the Ministry on 18 February 2020 to enquire as to whether Cabinet has yet reviewed the Draft Policy governing this subject area however no response was received prior to the COVID-19

lockdown at which time requests for updates ceased. Quarterly follow-ups will be made until a satisfactory response is received.

2.2. Prisons

2.2.1 Independent Monitoring Board ("IMB")

As previously reported the Commission has continuously followed-up with the Office of the Deputy Governor (ODG) as it relates to the CIG's efforts to enhance the development of prisons inspections and monitoring locally. At the time the representatives were in the process of visiting places of detentions, meeting with stakeholders, and assessing the current legislative provisions against the actual needs and practices of the current inspection regime. A recommendation was made in 2018 by the UK Inspectorates, and accepted by the CIG, for the development of a local monitoring regime as opposed to an inspection regime. It was expected that the assessment phase would be completed by the end of 2018 and legislative changes

to the existing Prisons Law and Regulations completed in the first quarter of 2019. Confirmation that the appointments of 11 IMB Members (inclusive of a Chair and Deputy Chair) forming a new IMB for prisons and places of detention had taken place, and each had completed intensive training sessions) was received on 9 January 2019. It was anticipated that commencements of visits to places of detention, by the new IMB, would occur by February 2019. In May 2019 the Commission followed up on the status of the proposed amendments to the existing Prisons Law and Regulations. The ODG advised that the proposed legislative amendments had not yet been drafted and subject to available resources, the ODG's intention was to complete these in time for consideration at the last sitting of the LA in November 2019. The Commission received further correspondence of 16 January 2020 from the Office of the Deputy Governor ("ODG") advising that the proposed amendments to the Prisons Law and Regulations to

establish the IMB in statute would likely be completed in the 3rd or 4th quarter of 2020. The ODG advised, however, that this has not hampered the operations of the IMB which expects to issue its 2019 Annual Report later in 2020.

2.2.2 HMCIPS Outline Business Case ("the OBC") for Estate Development

Member Nick Quin noted his, and the Commissions Secretariat Manager's meeting with the consultants (Martyn Bould of Bould Consulting Ltd and Ronnie Dunne of FINCOR) responsible for preparing the OBC for Estate Development for HMCIPS on 11 June 2020 via Zoom. The purpose of the meeting was to discuss the improvement of HMCIPS prison facilities and human rights implications for persons incarcerated. The consultants posed a hypothetical question querying "if the government was given one million dollars to make improvements at HMCIPS, in the Commission's opinion, what should the money be used for?" During a Commission meeting all Members agreed the money

should be used to build new prison facilities/buildings. On 11 September 2020 the Consultants indicated, by way of reply email to the Commission that they are progressing well and expect that the OBC would be completed by the end of October. Members agreed that this matter remained a priority for the Commission and as such it should remain as an agenda item with a further update to be requested at the end of the first quarter in 2021.

2.2.3 Tours

Members agreed that it would be helpful for them to tour HMCIPS Northward and Fairbanks Prisons, as well as the IDC. Tours were scheduled for 19 and 27 March 2020 respectfully however these tours were postponed due to the COVID-19 pandemic. They will be rescheduled during 2021.

2.3 Legislation

2.3.1 Civil Unions Legislation

The Commission released a statement on 30 December 2019 regarding the Cayman Islands Court of Appeal (CICA) ruling (of 7 November 2019) on same-sex marriages.

Members were updated on the latest developments as reported in the media on 22 January 2020 that Ms. Day and Ms. Bodden-Bush have formally indicated their intent to appeal the CICA ruling to the Judicial Committee of the Privy Council in the UK. Media reports also indicated that the Government is actively working on draft legislation to provide for civil unions equivalent to marriage in accordance with the ruling. The Commission wrote to the Honourable Premier on 11 March 2020 requesting an advanced copy of draft legislation (once available) in order to consider the same and further lend its support to advancing a resolution for all parties in this matter. In addition, Members issued a media statement, as appropriate, in advance of the LA debate on the Bill. At the time the Bill was released for public consultation the Commission issued a statement on 22 July 2020 saying:

2020 has proven thus far to be an unprecedented year for the residents of the Cayman Islands. Together we have faced numerous challenges

which at times have felt insurmountable. We have worked together to overcome those challenges, and every day that passes our community continues to grow and strengthen. We should be proud of how our community came together, lending a helping hand, or two, donating our time, energy, and resources to persons we knew and persons we didn't. The world watched as we put everything else aside to unite and undertake the necessary measures to ensure the importance of life was placed above all else during the global health pandemic. The world will continue to be watching when the Legislative Assembly debates the Domestic Partnership Bill, 2020 during the sitting. For some persons the ethos behind the Domestic Partnership Bill is emotive. The principle that there is an inherent dignity and worth of all persons underpins the foundation of human rights in general and the Cayman Islands Bill of Rights. During the debate the Commission reminds us all that in the face of divisiveness and intolerance, we should continue to treat everyone with courtesy, dignity and respect. #Caymankind. In the spirit and promotion of democracy, the Human Rights

Commission would like to take this opportunity to state that the Domestic Partnership Bill seeks to address, and we hope that after the consultation period it will address, the current inequality within the Cayman Islands legislative framework. The Commission's primary responsibility is to promote understanding and observance of human rights in the Cayman Islands. Its goals are promoting, protecting and preserving human rights.

The Bill failed to be passed by the Members of the Legislative Assembly (now Parliament) and the Commission issued a statement on 30 July 2020 saying:

It is with deep regret that the Commission watched, along with the rest of the world, as our Legislators failed to pass the Domestic Partnership Bill, 2020 (the "Bill") following the debates in the Legislative Assembly over the past two days. The decision of the Cayman Islands Court of Appeal dated 7 November 2019 with respect to the appeal brought by the Cayman Islands Government in the same-sex marriage matter was clear: Government was duty bound to meet its obligations under the Bill of Rights of the Cayman

Islands to provide equality for all persons. In light of that decision and Government's continued failure to meet its basic obligations under international law and our own Bill of Rights to provide a remedy to the current inequality facing same-sex couples within the Cayman Islands legislative framework, passage of the Bill into law should have been inevitable. Unfortunately the Legislative Assembly failed once again to meet those obligations and direct intervention by the United Kingdom now appears likely. The Commission continues to support and advocate for equality under the law for all persons as a fundamental principle of human rights. As the debate over the Bill's defeat continues over the coming weeks, the Commission reiterates the need to treat everyone with courtesy, dignity and respect and to reject intolerance and discrimination.

Ultimately His Excellency used his powers under section 81 of the Constitution to pass the Bill into Law despite the actions of the House/Parliament. The Commission issued a statement on 6 August 2020 saying:

Extraordinary times call for extraordinary measures

particularly when addressing human rights infractions. The aim of the Domestic Partnership Bill ("the Bill") is to satisfy a legal requirement while simultaneously upholding the traditional institution of marriage in the Cayman Islands and ensuring respect of human dignity through non-discrimination and equality. As a result of the Legislative Assembly's failure to pass the Bill, the Cayman Islands continues to be in breach of our obligations to ensure a proper legal framework is in place.

We know that His Excellency the Governor made his decision with due care and concern for the entire jurisdiction. His decision provides for the upholding of our own Bill of Rights under the Constitution as well as the European Convention on Human Rights (ECHR). The Human Rights Commission supports His Excellency in his stance for the furtherance of the Bill to be enacted as Law.

The next few weeks are crucial as an additional consultation period will begin on 10 August 2020 to ensure that a sound decision is made for the finalization of the Bill. It is paramount, as society, that all review the Bill and provide

comments in line with the consultation period to ensure that no one in our country is left marginalised.

The Commission reiterates that during this time that we are all duty bound to treat each other with courtesy, dignity and respect and to reject intolerance and discrimination.

Based on the escalated tensions in the community following His Excellency's passing of the Civil Partnership Act 2020 (formerly known as the Civil Partnership Law), the Commission reminded individuals about Freedom of Expression and encouraged everyone to be a part of a mindful community by issuing a statement on 25 September 2020 saying:

The Human Rights Commission would like to take this opportunity amidst the current atmosphere of escalated tensions with the recent assent of the Civil Partnership Law, 2020 to remind us all that although freedom of expression is guaranteed under section 11 of the Constitution this right, like many others, is a qualified right. This means that the right can be lawfully restricted or taken away by the government in certain broadly defined circumstances. Therefore, it

must be balanced against the rights and interests of others bearing in mind that section 88 of the Penal Code provides that actions or articulation which are threatening, abusive or insulting words or behaviours that are likely to cause harassment, alarm or distress can be considered a criminal offence.

In this democratic society the Commission encourages all members of the Cayman community to respect individual rights, regardless of personal differences. Non-discrimination is a fundamental principle of human rights. It is imperative that both individually and collectively we remain mindful and conscious of our speech and our actions to ensure that hate and discrimination does not erode the social fabric of our democratic culture.

The Cayman Islands has long been and continues to be a caring community grounded in mutual respect for all individuals. To this end in true Caymankind manner the focus on freedom of expression must be prefaced with mindfulness of its consequences to uphold the country's commitment to the democratic values of human dignity.

2.3.2 Education (Amendment) Bill, 2019 and Draft Anti-Bullying (Schools) Regulations, 2019

The Commission reviewed and provided comments on the Education (Amendment) Bill, 2019 and Draft Anti-Bullying (Schools) Regulations, 2019 (the Bill and Regulations) to the Law Reform Commission ("LRC") on 19 February 2020. Following the submission of comments on the Bill and Regulations, the LRC thanked the Commission for its feedback which it felt would help inform the finalization of its recommendations. The Commission will continue to look for information on the progression of these legislative reform measures.

2.3.3 Electoral Register

The Commission made enquiries to the Supervisor of Elections regarding s.13 and s.14 of the Elections Law (2017 Revision) ("the Law") which require the disclosure of personal data of registered voters (as contained in the official List of Electors); and enquiries of the Office of the Ombudsman regarding these legislative provisions as they relate to the principles of data protection in accordance with the Data Protection Law, 2017 ("the DPL"). The Commission queried this due to concerns raised regarding the protection of personal information under

the new Data Protection Law, 2019 as well as concerns for personal safety for those persons who work in areas such as police, prisons, etc.; and those persons who may be considered vulnerable such as previous victims of domestic violence. The Supervisor informed the Commission that he had recommended to Cabinet, in January 2020 that the addresses and occupations of voters are removed from the public electoral voters register; however, he was unsure whether those recommendations would be given consideration. The Commission wrote to the Governor (copied to the Deputy Governor) on 16 November 2020 expressing its concerns, providing details of the research into other countries' electoral register processes, supporting the recommendations made by the Supervisor, and querying the next steps in order to progress these recommendations. In response, His Excellency indicated that discussions with Cabinet surrounding the recommendations of the Supervisor of Elections on 16 November 2020 expressing its concerns, providing details of the research into other countries' electoral register processes, supporting the recommendations made by the Supervisor, and querying the next steps in order to progress these recommendations. In response,

His Excellency indicated that discussions with Cabinet surrounding the recommendations of the Supervisor of Elections and the concerns of the Commission were ongoing in an effort to weigh the risks associated with the publication of personal information whilst maintaining the integrity of the Register of Electors. His Excellency further indicated that he is continuing to engage the Attorney General on this matter and is optimistic that some amendments will be forthcoming.

2.3.4 Letter from the Constitutional Commission (“CC”)

Members received a copy of the correspondence from the CC dated 30 October 2020 querying whether the Commission has identified whether it needs any supplementary legislation to support its operations, and if so, what type of provisions which would be useful. Members were also provided links to official transcripts of constitutional negotiations from 2008 between the FCO, CIG and various interest groups (including the then Human Rights Committee) from the Constitutional Commission website which included, in particular mention of the horizontal application of human rights through legislation (from different perspectives), as well as

general management and functions of the then proposed Human Rights Commission; along with an academic article written by the current Constitutional Commission Chair, Mr Vaughan Carter, on the creation of the Human Rights Commission during the negotiations. Members agreed that they needed to consider this matter carefully and agreed that it would be properly considered at the first meeting in 2021.

2.3.5 Changes to the Customs and Border Protection Law (“CBC Law”) Re: Rights of Spouses of Asylum Grantees

Following the receipt of several complaints from migrants who had been successful in their application for asylum but whose spouses could not be added as dependants to their asylum applications due to CBC Law not containing a provision to allow such an addition, the Commission wrote to the MoE&BC setting out its concerns. CBC informed the Commission that the inability to add spouses to asylum approvals is in accordance with s. 111(3) of the Customs and Border Control Law (2018) (the “Law”). In these circumstances the Commission set out that it considers there to be a prima facie conflict between the Law and s. 9 of the Constitution – Right to Private and Family Life, as well as the

United Nations Convention relating to the Status of Refugees, of which Cayman is a signatory. As asylum grantees are required to be treated equally to nationals, spouses should therefore be able to apply for a Residency and Employment Rights Certificate. As it stands, the Commission considers that should the Law be challenged in court on the basis that it is unconstitutional; such a challenge would be successful. The MoE&BC subsequently indicated that the CBC Law would be amended to include the required provision. On 10 December 2020 the Commission was informed that Cabinet had authorised the MoE&BC to issue drafting instructions, and the goal is to submit a Bill to Parliament in the first quarter of 2021. The Commission will continue to follow-up on this matter.

2.3.6 National Pensions (Amendment) Law, 2020

Following a Member's receipt of a query from a member of the public, Members considered the the recent passage of this Law which allows persons in the private sector to withdraw a limited amount of funds from their pension accounts due to the current global pandemic.

The Commission was unable to identify a breach of any human rights which have occurred as a

result of the passage of this Law by the Legislature.

2.3.7 Gender Equality Cayman - 2019 Workplace Survey

Members discussed this Survey and requested that research be undertaken to develop a comparative analysis of the recommendations against Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). A detailed analysis is in progress and the draft report, once finalized, will be considered by Members to determine how to progress.

2.3.8 Amendments to the Public Health Law Re: COVID-19

In March 2020 the Commission became aware that the Government could implement restrictions which could impact the right to movement (as well as other rights i.e. right to life if no restrictions are put in place) in the Constitution given the status of the potential spread of COVID-19 throughout the islands. The Commission considered the relevant sections of the Constitution and released a statement on 17 March 2020 saying:

Globally the spread of COVID-19 (or "coronavirus") has become of the highest concern as countries, governments, heads of state, and health

service organisations continually assess how to combat mounting concerns of the virus. On 12 March the Public Health Department of the Cayman Islands confirmed its first case of COVID-19, which was identified in a cruise ship passenger following his transfer to Health City due to his experiencing critical cardiac issues. Since then the Government has made numerous decisions, including the passage of regulations, the ban on all cruise ships, the restriction of gatherings of more than 50 people, and the denial of entry of visitors from identified high risk countries in an effort to minimise the impact of COVID-19 on the people of the Cayman Islands. Most recently the Cabinet made the decision to restrict travel as a whole into and out of the country for a period of three weeks. Whilst persons in the Cayman Islands enjoy the right of movement as engrained in s.13 of the Cayman Islands Constitution this is a qualified right and can be restricted in the interests of defence, public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedoms of other persons. The Commission supports the efforts of the

Cayman Islands Government to protect the Cayman community with these preventative measures.

As the spread of COVID-19 worsened and was declared a global health pandemic, the Commission again agreed it was timely to release a statement on the initial measures instituted by the Cayman Islands Government in relation to COVID-19. The statement reiterated that the Government has a duty to protect the right to life (s.2) of every individual in the Cayman Islands and as such the decision by the Government to impact various human rights is not taken lightly. The Commission further indicated that it stands behind the Government as they seek to put in place safeguards to prevent the spread of COVID-19 throughout our community. The 25 March 2020 statement said:

Mounting concerns continue to grow over the spread of COVID-19 (or “coronavirus”) in the Cayman Islands. Additional preventative measures have been instituted by the Cayman Islands Government since our Press Statement issued on 16 March 2020 in a series of recent press conferences. A mandatory curfew, restriction on gatherings, and increased social distancing are amongst some of the safeguards put in

place thus far. It is expected that additional measures will be put in place over the coming days and weeks. Whilst persons in the Cayman Islands enjoy a number of essential rights and freedoms as engrained in Part I of the Cayman Islands Constitution, the implementation of these measures impact a number of human rights such as Personal Liberty (s.5), Private and Family Life (s.9), Conscience and Religion (s.10), Assembly and Association (s.12), Movement (s.13), and Education (s.20). The decision by the Government to impact these human rights is not taken lightly but such rights can lawfully be restricted in the interests of defence, public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedoms of other persons. The Government has a duty to protect the right to life (s.2) of every individual in the Cayman Islands. The HRC stands behind the Government as they seek to put in place safeguards to prevent the spread of COVID-19 throughout our community.

Since the release was issued there were a number of reports in the media by a number of individuals questioning the

ongoing restrictions and whether these are lawful. As the climate had changed, the Commission agreed that it would approach the Government to try to understand the “work-in-progress” plans in order to help alleviate concerns and manage queries. The Commission received a response from the Government on 26 May 2020 advising that plans on easing the restrictions were progressing with a phased plan towards recovery of the economy and lessening restrictions by way of lifting of some restrictions are forthcoming.

2.3.9 RCIPS Draft Social Media Usage Policy and Guidance 2020

A request was received from the Royal Cayman Islands Police Service (“RCIPS”) on 14 July 2020 for the Commission to review the RCIPS’ Draft Social Media Usage Policy and Guidance 2020. Comments were submitted by the Commission to the RCIPS on 16 September 2020.

2.3.10 Codes of Conduct Research across Commonwealth

Following consideration of a complaint (which was subsequently closed following a review without the identification of a breach), the Commission undertook research into the general theme of the complaint. The Commission subsequently

agreed to provide its research to the MLA's and post it to the website along with a press release which read:

Upholding high ethical standards plays a critical role in ensuring that the conduct of public officials in the Cayman Islands meets the expectations of the people in the Cayman Islands, as well as complies with and balances our constitutional rights such as non-discrimination, freedom of conscience and religion, and freedom of expression. Such public officials include, at the highest level, Members of Parliament, amongst others.

Implementing policy documents, like parliamentary codes of conduct, can help ensure that persons holding positions of power in our Islands have transparent checks and balances and that they remain accountable in their behaviours. It is against this background that the Human Rights Commission has undertaken research on parliamentary codes of conduct and related documents within the Caribbean and non-regional Commonwealth jurisdictions.

The chart developed summarises this research and

illustrates Cayman's status in a comparative manner in order to demonstrate what areas need to still be developed. Maintaining a robust set of policies to manage the conduct of public officials formalises and professionalises integrity expectations set by the public and is essential to maintaining public confidence. Furthermore, implementing such policies provides an opportunity to ensure officials are acting in the public interest and creates an avenue for upholding individuals' rights at a parliamentary level.

The chart developed during the undertaking of research, can be found on the Commission's website at <http://www.humanrightscommission.ky/parliamentarycodesofconduct>.



CHAPTER 3: ENGAGEMENT WITH PUBLIC OFFICIALS, CIVIL SOCIETY AND THE MEDIA

3.1 National Gallery of the Cayman Islands

On 14 May 2020 the National Gallery contacted the Manager regarding ICOM's International Museum Day, to be observed on 18 May 2020, themed *Museums for Equality: Diversity and Inclusion* in recognition of the role museums play in prioritising and encouraging diversity and inclusion in their communities. The National Gallery, sought to participate in ICOM's event with a number of social media and education initiatives. One of these is a Minds Inspired teaching resource which links diversity to our National Collection; it is geared toward all ages. Input by way of review of the lesson content was sought and ensure that it met standards for speaking about diversity to students. The lesson was reviewed and feedback was provided to the Gallery. The Commission published the lesson on the HRC website and Facebook page.

3.2 Cayman LGBTQ Foundation

After receiving a request (on 26 July 2020) from the Cayman LGBTQ

Foundation ("the Foundation"), the Public Relations and Education Coordinator met with the Chairman and PR Officer of the Foundation (via StreamYard) on 13 August 2020. Foundation representatives shared the Foundation's objectives, requested for possible support from the Commission, and highlighted the upcoming fundraiser event to be held on 26 September 2020. The Commission was briefed on the Foundation's request on 10 September 2020. On 28 September the Commission responded to the Foundations request and advised the Commission had taken a decision to include the Cayman LGBTQ Foundation information and a link to the Foundations website details on the HRC website under the Local Resource page, to harness accessibility and enhance awareness. In addition the Commission advised that it is actively working to establish a policy guidance document which will outline how the Commission is able to assist with non-profit organizations and other entities which have a human rights component which the Commission will share when the document is finalized.

3.3 Mental Health Situational Analysis

The Chairman and Manager met with a representative of the Ministry of Health and Public Health England (“PHE”) on 5 March 2020. The PHE were on island conducting a mental health situational analysis. The last study conducted by Pan American Health Organisation was in late 2014, where a report was developed using the World Health Organisation (“WHO”) Assessment Instrument for Mental Health Systems, otherwise known as the WHO-AIMS. This mental health situational analysis is part of PHE’s work in Non Communicable Diseases with the United Kingdom Overseas Territories. Information was provided related to the mental health issues that the Commission comes into contact with and any concerns that have developed as a result.

3.4 Francis Boddien Girls’ Home (FBGH)

The Commission noted that there have been a number of reports regarding runaways of the FBGH in recent times. The Commission wrote to the relevant Ministry and the CAYS Foundation (which oversees the boys and girls homes) on 15 April 2020 expressing the Commission’s general concerns regarding the number of reports regarding runaways and lack of safety processes seen in the media. The Commission requested details as it relates to the steps that have been taken by the Government to

address/remedy these issues and ensure the safety and welfare of these children who have been placed in care. In addition, the Commission requested details on the measures that have been put in place to ensure the promotion of wellness (both physically and emotionally) and social distancing during the ongoing global pandemic. A general response was received from the Chief Officer saying that “the management and staff have been working diligently to ensure the safety, care and wellbeing of our residents especially under these challenging circumstances. Despite the various restrictions now in place, ongoing programmes, activities and classes are still being provided to our residents and feedback from both of our facilities have been very positive with no indication of runaways. Social Workers from the Department of Children and Family Services also continue to maintain contact with our residents and offer support and encouragement. For your benefit and information, new Board members were appointed early this year and we now have a very comprehensive and qualified group on the Board, consisting of expertise in HR, Accounting, Child Psychology, and Education in addition to existing Board members. Subcommittees were also established to assess and make recommendations on various areas to ensure improvement of services and address concerns both for staff and residents. Although the

COVID-19 crisis has had an impact on our progress to date, the subcommittee responsible for programmes and services has had some meetings and continues to focus on how we can best improve and support services and programmes for our residents based on their physical, emotional, psychological and educational needs. As this is a work in progress, updates can be provided in the near future.” The Commission agreed that further updates would be requested as necessary in the future.

3.5 Lighthouse School's inaugural Neurodiversity Concert

The Commission purchased t-shirts in support of the Lighthouse School's celebration of Autism Awareness Month and the Chairman and Manager attended the Lighthouse School's Neurodiversity Concert on 9 October 2020. The Commission subsequently released a statement saying:

On the morning of Friday 9 October 2020, the school hall at the Lighthouse School was filled with energetic and gleeful students, teachers and a host of dignitaries. All in attendance were greeted by Dr. Aidan Tumilty, Deputy Principal of the

Lighthouse School and emcee, with warm welcome remarks delivered by student Calum O'Brien, followed by a prayer, the national anthem and finally the national song sung by a wonderful trio of students consisting of Kadi McLaughlin, Tavon Brady and Marion Wheatle. Opening remarks by the Hon. Juliana O'Connor Connolly, JP, Minister for Education, Youth, Sports, Agriculture and Lands presented students with an inspiration and uplifting message followed by a special performance by the Savannah Primary school choir, a special steel pan performance by His Excellency the Governor, Mr. Martyn Roper OBE, accompanied by Mr. Earl La Pierre and Mr. Glen Inanga. The remainder of the concert featured a unique musical performance by the Buddho Medicine Songs group, and other artistic expressions consisted of singing by Yahdah Miller and a special piece entitled "Gold" by Ms. Susan Whittaker's class, a poetry recital by Tavon Brady and special awards presentations. The inaugural "Sensory Celebration of Diversity" concert was a delightful celebration of diversity recognising the talents of students while acknowledging

October as Down Syndrome Awareness Month, and highlighting the importance of Autism and Cerebral Palsy Awareness. Dr. Tumilty expressed, “We are absolutely delighted and so grateful for the support that the Lighthouse School has received in recognition of our wonderfully diverse school community, and our society as a whole. We successfully sold out all of our neurodiversity shirts with the proceeds going towards the furtherance of education and awareness raising efforts. We look forward to growing the concert as a platform to showcase the talents of our students in the years to come.” In observance of Autism Awareness, the Human Rights Commission purchased and wore shirts sold by the Lighthouse School that featured a colourful and stylish design that highlights the Autism Rights Movement rainbow-coloured infinity loop representing the diversity of individuals with autism spectrum disorder and the wider neurodiversity movement. The Human Rights Commission Chairman Mr. Dale Crowley attended the concert and expressed his appreciation of the hard work and effort by the students and teachers for making the event a successful celebration of diversity in speaking with Dr. Aidan Tumilty, Deputy Principal.

Mr. Crowley further remarked “The Human Rights Commission was pleased to be invited in this inaugural celebration of diversity and the Commission looks forward to future partnership opportunities with the Lighthouse School to further their awareness efforts of Neurodiversity.”

Following the Concert, the Commission was invited to attend the Lighthouse School for a tour and information session about their efforts to provide inclusion for special needs students. Such arrangements will be made for the later part of the first quarter and/or the second quarter of 2021.





Inaugural Neurodiversity Concert

Photo caption: Dale Crowley, HRC Chairman (left) and Dr. Aiden Tumilty, Deputy Principal of the Lighthouse School (right)



Photo: Tavon Brady, performs a poem entitled "We Are Young Caymanians".

CHAPTER 4: HUMAN RIGHTS AWARENESS, EDUCATION, EVENTS AND PRESENTATIONS

4.1 Older Persons Month

In honour of Older Persons Month 2020 the Commission issued a statement on 7 October 2020 saying:

Older Persons month is celebrated annually during the month of October in the Cayman Islands and this year on 1 October the United Nations marked the 30th anniversary of the International Day of Older Persons. This year's theme is "Pandemics: Do They Change How We Address Age and Ageing?" focuses on promoting the assurance of healthy lives and well-being at all ages, a key area of focus during the global pandemic. The Cayman Islands met the onset of the COVID-19 global pandemic with a fast and responsive decision to close the country's borders. The swift action and further precautionary measures were done in the interests of defense, of public safety, public order, public morality or public health;

or for the purpose of protecting the rights and freedoms of other persons. These preventative endeavours resulted in the safety and well-being of our elderly being sustained in accordance with our system of cultural values to protect and care. As we honour and celebrate our elderly this month, the Human Rights Commission reminds everyone that human rights are a shared responsibility and upholding another person's rights is just as important as upholding our own. Specifically in the context of the global pandemic, and as the country transitions to the gradual re-opening of our borders, the needs of our elderly must not be forgotten. Special precautions in line with medical advice should still be practiced while caring and visiting the elderly to reduce the risk of the spread of infection of the Covid-19 virus.

Member Nick Quin also provided an audio recording of an excerpt from the statement which was aired on Radio Cayman as part of the 6pm evening news on 8 October 2020.

4.2 Silent Witness March

Chairman Dale Crowley and Member Joni Kirkconnell participated in the 20th Annual Silent Witness March on 23 November and the following date the Commission issued a social media release saying:

The Human Rights Commission was honoured to participate in the 20th Annual Silent Witness March held yesterday. The march started at the side lawn of the Government Administration Building and ended with a reception at the George Town Library. A special thanks to the event organisers and supporters the Family Resource Centre, BPW Grand Cayman, Cayman Islands Crisis Centre, Colours Cayman, Alex Panton Foundation, the Ministry of Community Affairs and the Department of Counselling Services and to everyone who participated in the march to further the awareness against domestic violence and in honour of those impacted by bullying and domestic violence.



20th Annual Silent Witness March



Photo caption: A large group of service organisations, students and individual along with His Excellency the Governor, Mr Martyn Roper gather to kick start the 20th Annual Silent Witness March.



Photo caption: Member, Joni Kirkconnell proudly represents the Human Rights Commission support of the Silent Witness March.



Photo caption: The Silent Witness March ended with a presentation in the George Town Library.

4.3 International Human Rights Day and Unveiling of HRC Logo

In recognition of International Human Rights Day, 10 December, Chairman Dale Crowley made a presentation to His Excellency the Governor Mr Martyn Roper, OBE of a new polo shirt with the new HRC logo. All Commission Members gathered after a scheduled meeting for a group photo to unveil the new HRC logo. The Commission issued a press release to unveil the new logo and provide background of the design significance saying:

The Human Rights Commission (HRC) introduces today a new brand identity to better align itself with the universal logo for human rights. The new logo features a stylized bird in flight, with an outstretched wing which symbolizes a hand, all underpinned by a bold equals sign representing equality for all. The vibrant green is symbolic of land and the blue representational of the sea to illustrate the Cayman Islands.

The universal logo for human rights was selected following an international initiative “A Logo for Human Rights” which started in 2011, the initiative had the goal of creating an internationally recognised symbol to support the global human rights movement and draw attention to human rights violations.

The competition received over 15,000 submissions from over 190 countries with the final logo unveiled on 23 September 2011 designed by Predrag Stakic of Serbia which combines the shape of a hand with that of a bird.

While 2020 has presented many challenges locally and globally, the Human Rights Commission celebrates 10 years of existence and making strides in the promotion, understanding and observance of human rights in the Cayman Islands. The Commission felt it fitting to use the end of 2020, and specifically December 10, International Human Rights Day which this year has the theme ‘Recover Better – Stand Up for Human Rights’, as an opportunity to refresh and usher in 2021 during which the Commission aims to increase its presence with a number of planned initiatives.

“We’re delighted to share our new image with the public on International Human Rights Day,” explained Human Rights Commission Chairman Dale Crowley. “The new logo better aligns with global standards and whilst the use of the Cayman Islands Coat of Arms was a longstanding staple, some basic research proved that it presented a disconnect with the Human Rights Commission’s purpose as

a wholly independent body that is not subject to the direction or control of any person or authority.”



International Human Rights Day



HUMAN RIGHTS COMMISSION
CAYMAN ISLANDS

New Human Rights Commission logo



Photo Caption: Human Rights Commission Chairman, Dale Crowley presents His Excellency, Martyn Roper OBE, with a HRC polo shirt with the new logo on Thursday, 10 December 2020.



The Universal logo for Human Rights



Photo Caption: Human Rights Commission Members unveil the new HRC logo, on 10 December 2020. Members (L-R) Deborah Barker Roye, Dorothy Scott, Dale Crowley, Joni Kirkconnell and Nick Quin

4.4 Facebook Posts

In order to bring awareness to a number of important days honoured by different organisations, the Commission issued Facebook Posts as follows:

4.4.1 20 March 2020 - Rock Your Socks Cayman

The HRC Encourages You to Rock Your Socks Cayman! Whether you are at home or at work show your support for Down Syndrome Cayman Islands. Post selfies to Down Syndrome Cayman Islands #RYSCAYMAN. Visit: www.specialneedsfoundation.ky for more information.

4.4.2 7 April 2020 - World Health Day

The HRC joins the world in thanking all healthcare workers who help us live in a happier, healthier world.

4.4.3 22 April 2020 - Earth Day

Happy Earth Day from the HRC. It's the 50th Anniversary this year! Show your love for Mother Earth every day. During these unprecedented times, we can still do our part to help Mother Earth. Here are a few tips:

1. During soft curfew exercise time, consider taking a bag and collecting roadside trash.
2. Keep seeds from discarded fruits and vegetables. Reuse plastic containers (e.g. yogurt containers) to grow seedlings.
3. Take your recycling with you to the grocery store.

There are recycling depots for paper & cardboard, plastic bottles (PET & HDPE), metal containers (tin & aluminum cans) and glass in the parking lots.

4.4.4 May 2020 - Child Month

It's the second week of May and we wanted to take the opportunity to remind everyone that it's Child Month. During these challenging times with children at home we encourage you to share words of kindness and positivity with our youth.

4.4.5 18 May 2020 - International Museum Day

Today is International Museum Day, and we are happy to share a fun art activity published by the National Gallery of the Cayman Islands which focuses on 'diversity' and 'inclusion'. Visit <http://www.humanrightscommission.ky/diversity> to access the student lesson. #IMD2020. The world observes ICOM's International Museum Day (IMD) this coming Monday 18 May, this year's theme is Museums for Equality: Diversity and Inclusion in recognition of the role museums play in prioritising and encouraging diversity and inclusion in their communities. The National Gallery, will be taking part in ICOM's event with a number of social media and education initiatives. If you are looking for something fun and engaging to

participate in this Monday we encourage you to utilize the Minds Inspired teaching resource which links diversity to the National Gallery's National Collection; it is geared toward all ages.

4.4.6 22 May 2020 - Mental Health Month

It's #MentalHealthMonth and we're sharing #Tools2Thrive provided by Mental Health America. Tools2Thrive are different tools that can help everyone make small changes that have a big impact on your #mentalhealth. To access the resource visit <http://www.humanrightscommission.ky/mental-health-resources>.

4.4.7 23 June 2020 - PublicService Day

The COVID-19 pandemic has affected more than 180 countries to date and amidst the uncertainty, today we honour and acknowledge public servants who have served and continue to serve on the frontline, locally and globally. The Human Rights Commission joins the world and the United Nations by celebrating Public Service Day, hats off to our local public servants.

4.4.8 25 June 2020 - Day of the Seafarer

In the Cayman Islands we boast a proud maritime heritage and in

recognition of the Day of the Seafarer, the HRC salutes to the seafarers in our community.

4.4.9 12 July 2020 - Malala Day

Today we commemorate Malala Day, but What is Malala Day? Read her full story via <https://malala.org/malalas-story>.

4.4.10 17 July 2020 – Day of International Criminal Justice

Today marks, 'Day of International Criminal Justice', the HRC joins the world in acknowledging the Rome Statute. The Rome Statute is the founding treaty of the International Criminal Court, which seeks to protect people from genocide, crimes against humanity, war crimes and the crime of aggression.

4.4.11 26 July 2020 – International Day for the Conservation of the Mangrove Ecosystem

Mangroves are an integral part of the Cayman Islands' ecosystem, the Central Mangrove Wetlands make up over roughly 8,600 acres and serves as a source of food, shelter and breeding area for many of Cayman's local wildlife and protects our shores during hurricane season. Today the HRC celebrates International Day for the Conservation of Mangrove Ecosystem and wishes to recognise the work of some local organisations which play a part

in protecting and educating the public about our 'Mangrove Ecosystem' - National Trust for the Cayman Islands ,

Department of Environment, the National Conservation Council and many local tour operators.

For more information about this important day visit

<https://en.unesco.org/commemorations/mangroveday>

4.4.12 12 August 2020 - International Youth Day

It's International Youth Day, and this year's theme is "Youth Engagement for Global Action". We encourage our youth and youth focused organisations to highlight ways in which our young people can engage, contribute, and promote lifelong learning opportunities for all towards a sustainable future.

#YouthDay

#TransformingEducation. Follow the United Nations endeavors of International Youth Facebook at: [facebook.com/UN4Youth](https://www.facebook.com/UN4Youth).

4.4.13 6 September 2020 - Suicide Prevention Month

September is recognised as Suicide Prevention Month.

Globally suicide is a growing concern which affects persons of all races, cultures, gender and ages and the Cayman Islands is no exception to this.

If you have concerns about a colleague, friend or loved one here is a quick list of some key warning signs to look for.

- Talking about wanting to die or to kill oneself
- Looking for a way to kill oneself
- Talking about feeling hopeless or having no reason to live
- Talking about feeling trapped or in unbearable pain
- Talking about being a burden to others
- Increasing the use of alcohol or drugs
- Acting anxious or agitated, behaving recklessly
- Sleeping too little or too much
- Withdrawing or feeling isolated
- Showing rage or talking about seeking revenge
- Displaying extreme mood swings

4.4.14 8 September 2020 – International Literacy Day

Today we observe 'International Literacy Day' and we celebrate the global strides made to increase literacy rates over the years. However there are still members in our society who are not proficient in reading. During this global pandemic we saw a disruption in education which forced family members to

become educators, changes to legislation and increase in signage, and other communications all which underpin the importance of literacy. The HRC encourages the Cayman community to do its part to highlight the importance of literacy and find ways to contribute to increase our literacy rate.

4.4.15 15 September 2020 – International Day of Democracy

It's International Day of Democracy - Democracy is not just for the interests of the majority and those who win an election; it is also for the protection of everyone in our society. Today we are testing your knowledge. Do you know the Commissions that were created under the Constitution to support democracy?

4.4.16 28 September 2020 – International Day for Universal Access to Information - What does this mean and Why is it important? According to the United Nations "Universal access to information means that everyone has the right to seek, receive and impart information. This right is an integral part of the right to freedom of expression. Informed citizens can make informed decisions,

for instance, when going to the polls. Only when citizens know how they are governed, can they hold their governments accountable for their decisions and actions. Information is power. Therefore, universal access to information is a cornerstone of healthy and inclusive knowledge societies."

4.4.17 28 September 2020 –

Today is International Right to Know Day, which celebrates our fundamental human right to access government information, which in the Cayman Islands is promoted through the Freedom of Information Law (FOI). This right upholds the principles of a transparent and accountable government.

4.4.18 19 November 2020 –

Today is International Men's Day, and we encourage the public to celebrate the positive contributions that male role models make in our society. For detailed information on the various activities the Family Resource Centre has planned, visit their Facebook page.

4.4.19 3 December 2020 –

Happy International day of People with Disability! Today is an opportunity for our community to promote and celebrate 'Awareness, Understanding and Acceptance.'

that everyone has the right to seek, receive and impart information. This right is an integral part of the right to freedom of expression. Informed citizens can make informed decisions, for instance, when going to the polls. Only when citizens know how they are governed, can they hold their governments accountable for their decisions and actions. Information is power. Therefore, universal access to information is a cornerstone of healthy and inclusive knowledge societies."

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4.4.19 3 December 2020

Happy International day of

People with Disability! Today is an opportunity for our community to promote and celebrate 'Awareness, Understanding and Acceptance.'

4.4.20 10 December 2020

Happy International Human Rights Day! Today in recognition of International Human Rights day the HRC is delighted to unveil its new logo. To highlight this momentous occasion Mr. Dale Crowley, Chairman of the HRC, presented His Excellence the Governor Mr. Martyn Roper, OBE with an HRC polo displaying the new logo. To view the full press release and find out the background information about the new logo visit <https://bit.ly/3n6jxOH>.

4.5 New Employee Orientation

All new civil servants are required to attend an orientation session. Information and topics covered include the structure of government, employee benefits, various laws that apply to civil servants and an introduction to select Commissions. The session affords civil servants the opportunity to feel comfortable and meet fellow civil servants across a gamut of ministries and departments within government. The Orientation in particular included a video presentation on the Human Rights Commission which outlined the purpose of the Commission and also explained the Bill of Rights under the Cayman Islands

Constitution. For 2020 a total of 75 civil servants attended the orientation sessions and learned about the HRC and the Bill of Rights for the months of October, November and December when orientation sessions resumed as civil servants returned to the Government Administration building when the COVID-19 workplace restrictions were lifted.



CHAPTER 5: ALLEGED BREACHES OR INFRINGEMENTS OF HUMAN RIGHTS

6 November 2013 marked the implementation of the final clauses of the BoR allowing any individual to bring allegations of breaches or infringements of the BoR in our local courts. (As was previously the case, individuals may still directly petition the European Court of Human Rights alleging breaches of the obligations under the ECHR.)

As mandated under the Constitution, the Commission continues to receive and investigate complaints that decisions or actions of public officials have breached or infringed the BoR or that local legislation violates their human rights. The Commission receives: 1) complaints of breaches or infringements of any section of the BoR; 2) complaints of breaches or infringements of common law and statutory human rights and freedoms; and 3) complaints that any international human rights treaty extended to the Cayman Islands has been breached or infringed. **In the Cayman Islands, constitutional human rights only have a vertical application.**

‘Vertical application’ of human rights

means rights can be enforced by a citizen against the CIG only – but not against other private individuals or companies.

It is important to note that the Commission only accepts 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.

During the reporting year, the Commission received 16 complaints from members of the public alleging breaches of their human rights by public officials. Of those cases, 1 remains open at the end of this reporting year and 13 were closed; 2 of complaints remain under consideration for eligibility. In respect of the case remaining open at the end of

2020 the Commission is in correspondence with the relevant public authorities. In addition to the above, 1 complaint from 2018 and 8 complaints from 2019 were closed this year (further details can be found in the charts below). Three complaints from 2019 remain open and the Commission continues to engage in correspondence with the respondent public authority.

Whilst the Commission has been tracking informal complaints in addition to formal complaints in recent years, this has not been possible this year^[1]. The COVID-19 pandemic forced staff to work from home for several months and so an accurate log of informal contact could not be kept.

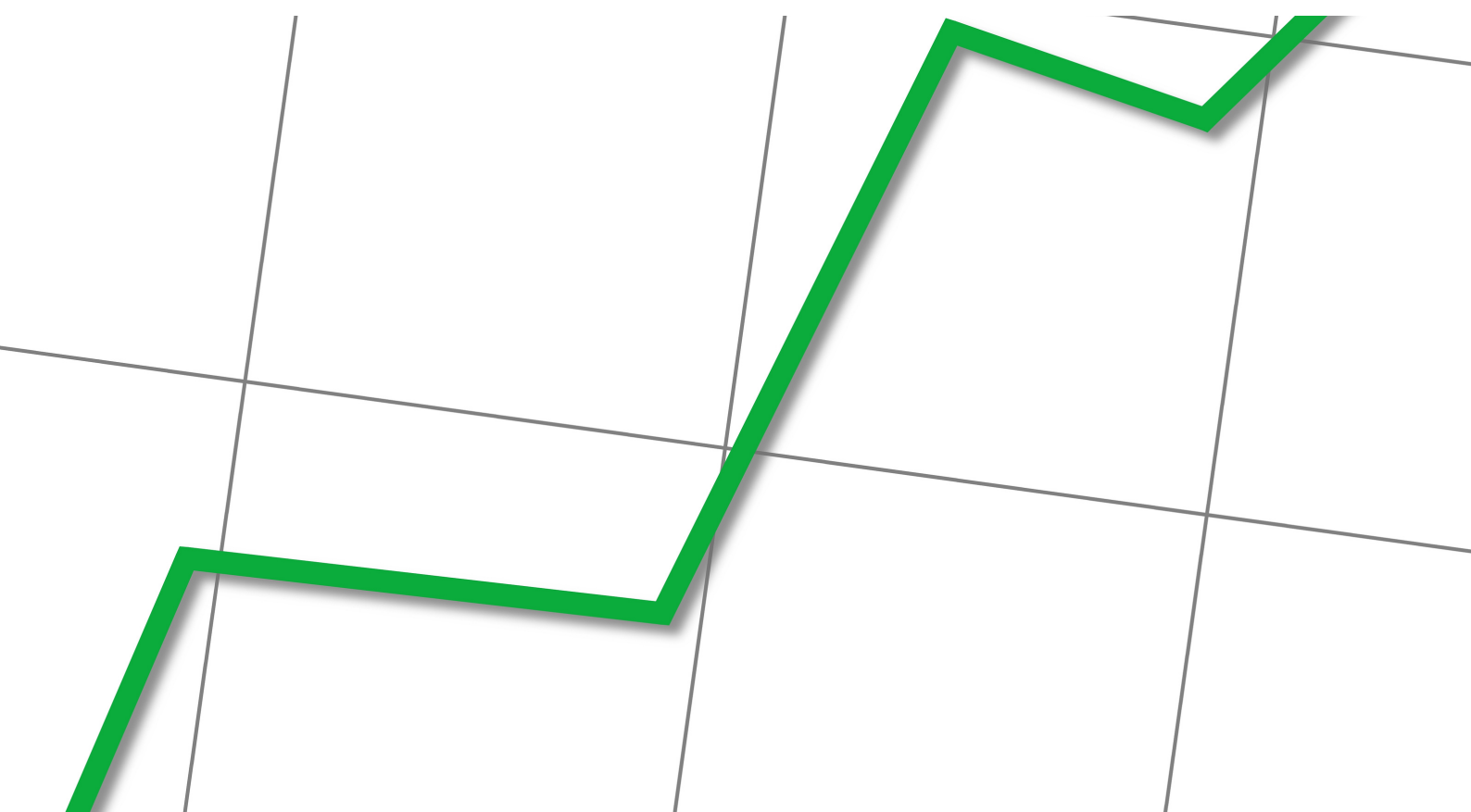
However, in addition to the formal complaints mentioned above, 2020 also saw 2 formal enquiries made to the Commission, both of which were settled by the end of the year.

^[1] Formal complaints are instances where complaint forms are submitted to the Secretariat; enquiries are considered as instances where human rights questions are directed to the Secretariat. Furthermore, formal enquiries are enquiries which are referred to the Commission; informal enquiries are walk-in consultations, phone calls or emails fielded by the Secretariat staff that do not result in formal complaint or enquiry submissions.

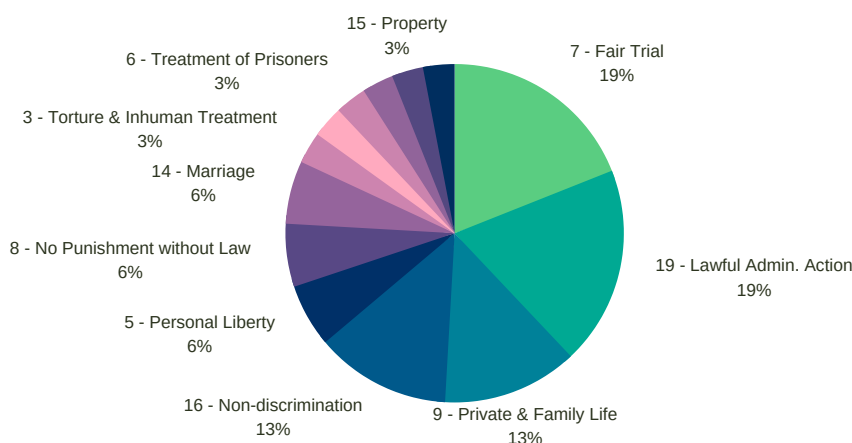
5.1 Number of complaints received by alleged rights breached in 2020

The chart and graph below illustrate the complaints received categorised by sections of the BoR where breaches are alleged by complainants to have taken place. Note that s.1 – Guarantee of Rights, Freedoms and Responsibilities has not been included as any possible breach would automatically engage this section.

It is important to note that the chart and graph below only represent the views of complainants regarding which of their rights they perceive may have been breached; it does not represent actual breaches. Therefore, the information below tells us which rights complainants perceive as affecting them in their particular situation, not which rights may be legally relevant to their particular situation. (NB: additionally, complainants may allege breaches of multiple rights).



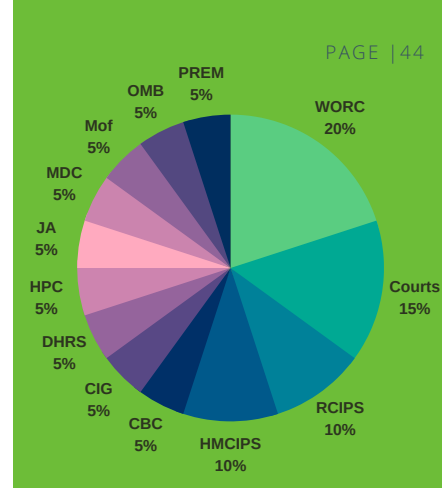
COMPLAINTS RECEIVED BY ALLEGED RIGHTS BREACHES IN 2020



Bill of Rights Section	Total Complaints	Percentage of Total
7 - Fair Trial	6	19%
19 - Lawful Admin. Action	6	19%
9 - Private & Family Life	4	13%
16 - Non-discrimination	4	13%
5 - Personal Liberty	2	6%
8 - No Punishment without Law	2	6%
14 - Marriage	2	6%
2 - Life	1	3%
3 - Torture & Inhuman Treatment	1	3%
6 - Treatment of Prisoners	1	3%
13 - Movement	1	3%
15 - Property	1	3%
17 - Protection of Children	1	3%
4 - Slavery/Forced Labour	0	0%
10 - Conscience & Religion	0	0%
11 - Expression	0	0%
12 - Assembly & Association	0	0%
18 - Protection of Environment	0	0%
20 - Education	0	0%
21 - Public Emergencies	0	0%
TOTAL	32	100%

5.2 Number of complaints by respondent entity

The chart and graphs below illustrate the public authorities against which formal complaints have been made to the Commission in 2020. They also summarise instances where recommendations were made and possible breaches have been deemed to have taken place by the Commission, within the context of a specific complaint, based on the evidence presented. Only data for cases which were opened and closed in 2020 have been included here.

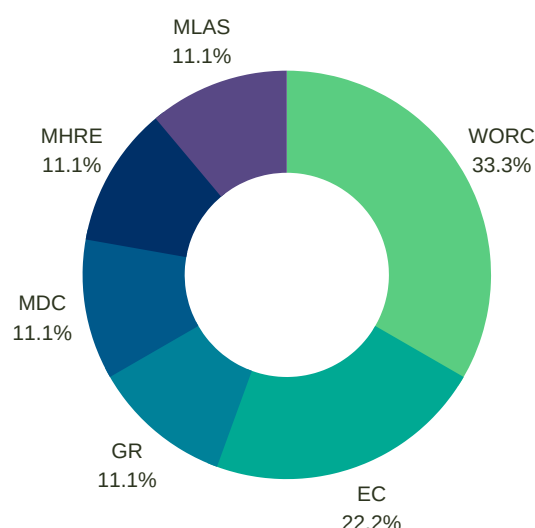
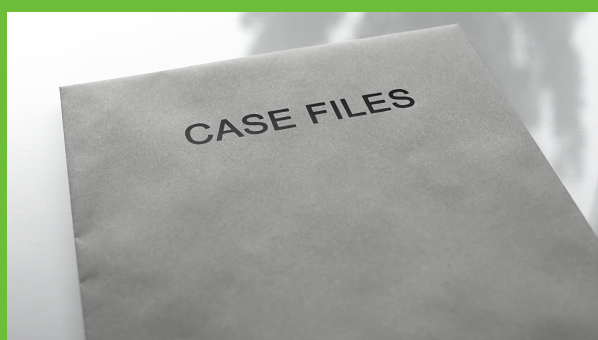


Respondent Entities	Total Complaints	Percentage of Total	Recommendations	Possible Breaches
 WORC - Workforce Opportunities & Residency Cayman	4	20%	0	0
 Courts	3	15%	0	0
 RCIPS - Royal Cayman Islands Police Service	2	10%	0	0
 HMCIPS - Her Majesty's Cayman Islands Prison Service	2	10%	0	0
 CBC - Customs and Border Control	1	5%	0	0
 CIG - Cayman Islands Government	1	5%	0	0
 DHRS - Department of Health Regulatory Services	1	5%	0	0
 HPC - Health Practice Commission	1	5%	0	0
 JA - Judicial Administration	1	5%	0	0
 MDC - Medical & Dental Council	1	5%	0	0
 MoF - Ministry of Finance	1	5%	0	0
 OMB - Ombudsman	1	5%	0	0
 PREM - Premier	1	5%	0	0

CASES OPENED AND CLOSED IN 2020

Notwithstanding that complaints opened in years prior to the reporting year which are closed in the present reporting year are typically not reported in charts in the Annual report, a separate chart has been provided to illustrate these instances in this year's report due to the quantity of these instances. Like the chart above the chart below illustrates the public authorities against which formal complaints have been made to the Commission. It also summarises instances where recommendations were made and possible breaches were deemed by the Commission to have taken place, within the context of a specific complaint, based on the evidence presented.

CASES OPENED PRIOR TO 2020 BUT CLOSED IN 2020



Respondent Entities	Total Complaints	Percentage of Total	Recommendations	Possible Breaches
WORC - Workforce Opportunities & Residency Cayman	3	33%	0	0
EC - Educational Council	2	22%	1	0
GR - General Registry	1	11%	1	0
MDC - Medical and Dental Council	1	11%	3	0
MHRE - Ministry of Human Resources & Employment	1	11%	1	0
MLAs - Members of the Legislative Assembly	1	11%	1	0
TOTAL	9	100%	7	0

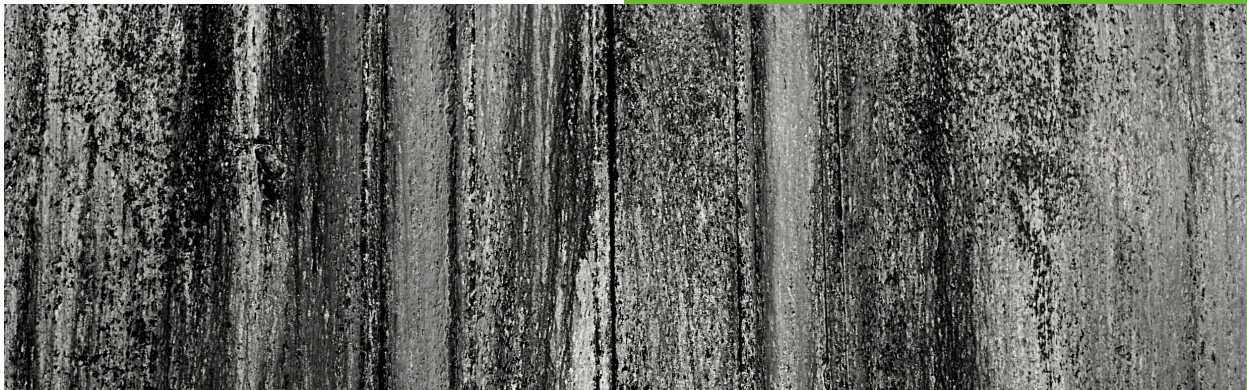
FORMAL COMPLAINTS



51.1%

DECREASE IN FORMAL
COMPLAINTS FROM 2019
AND 2020.

2019 COMPLAINTS - 33
2020 COMPLAINTS - 16



CHAPTER 6:

ACKNOWLEDGEMENTS

The Commission has worked hard over 2018 to promote human rights in the Islands; however, it would have been impossible for it to have carried out its work without the assistance of many members of the public, private entities and CIG employees. There is not space here to list all those who the Commission would wish to thank, however, we do wish to acknowledge the following individuals, companies and public authorities, who over the past year have provided particular assistance to our endeavours to promote compliance with the BoR:

- Alex Panton Foundation
- Business Professional Women's Club
- The Lighthouse School
- Ministry of Employment & Border Control
- Her Majesty's Cayman Islands Prison Service
 - Steven Barrett, Director of Prisons
- Cayman Islands Customs & Border Control
- Royal Cayman Islands Police Service
- Law Reform Commission

Each of the Commission members are employed by private entities in

the Islands and particular thanks should go to each of them for allowing us to take what is sometimes significant time away from our jobs to perform our Constitutional roles. Without the support of Boddens, the United Church in Jamaica and the Cayman Islands, Ogiers, Walkers and Caribbean Utilities Company we would not have been able to dedicate the time necessary to this Commission.

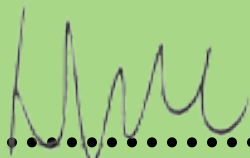
We are grateful to the media, and members of the public who have taken the time to engage with us, seek our views and report and provide feedback on the Commission's initiatives and human rights generally. The Commission also wishes to thank Dr. Yvette Noble-Bloomfield who contributed to the Commission as a member and whose term expired on 14 September 2020.


CHAPTER 7: MOVING FORWARD

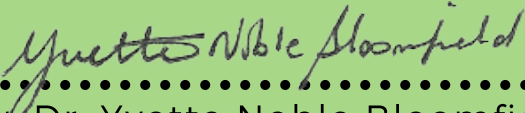
In 2021 the Commission intends to continue to focus on education and awareness of human rights in the Cayman Islands. Specifically, the Commission intends to focus its efforts on human rights issues related to ...


The Commission encourages the public to visit our website (www.humanrightscommission.ky), join us on Facebook at www.facebook.com/cihrc, or email us at info@humanrightscommission.ky to learn more or get involved in promoting, protecting, and preserving human rights in the Cayman Islands.


Dated this 26 day of April 2021.



.....
Dale Crowley (Chairman)


.....
Joni Kirkconnell


.....
Rev. Dr. Yvette Noble Bloomfield


.....
Dorothy Scott


.....
Nick Quin


.....
Deborah Barker-Roye

APPENDICES



APPENDIX 1: HUMAN RIGHTS COMMISSION MEMBERS

MR. DALE CROWLEY (CHAIRMAN)



Mr. Dale Crowley holds an LLB (Hons) degree from the University of Liverpool and is qualified as both a Barrister (England and Wales (non-practicing)) and an Attorney-at-Law (Cayman Islands). He is currently the managing partner of the local Cayman Islands law firm of Bodden & Bodden who advise on a wide range of local real estate development projects, Cayman-based corporate/commercial transactions, ship and aircraft registration and financing matters, as well as the managing director of Bodden Corporate Services Ltd.. He has been practicing law in the Cayman Islands for over twenty years and is a past president of the Caymanian Bar Association. Mr. Crowley has previously served on a number of statutory and charitable boards, most recently as a director of the Cayman National Cultural Foundation. Mr. Crowley was appointed as Chairman of the Human Rights Commission on 18 September 2019 for a period of three years.



MS. JONI KIRKCONNELL

Joni Kirkconnell is the current Manager for Environment, Health & Safety (EHS) at Caribbean Utilities Company, Ltd. (CUC) and has been with the company for 6 years. Prior to joining CUC she worked with the Cayman Islands Government Department of Environment (DoE) for over ten years in the Sustainable Development Unit as well as the Marine Turtle Programme. Joni obtained her bachelor degrees in Marine Biology and Ecology and a Master's degree in Environmental Resource Management from Florida Institute of Technology. She is a certified lead internal auditor for the ISO 14001:2004 Environmental Management System standard as well as for OHSAS 18001:2007 Occupational Health and Safety Management System standard. She is also a certified Master Trainer under the National Centre for Construction Education and Research (NCCER). In her time at CUC her department has spearheaded numerous programmes and policies to ensure the protection of both people and the environment. These included the establishment of a health and safety management system, providing training to first responders, launching the MoveSafe programme to reduce musculoskeletal injuries, hosting the annual Contractor Safety Workshop, instituting the employee recognition programme the Orange Ribbon Safety Award, and ensuring that CUC remained certified and registered to the ISO 14001:2004 standard for their environmental management system. One of her proudest achievements was when CUC went two years without an employee losing time due to work related injuries – the previous record had been only months prior to her joining the company. Joni also contributes to numerous CUC related community involvement

projects including Junior Achievement, working with children at the Lighthouse School and George Town Primary School, as well as environmental improvement projects. Joni is married with two children. Effective 1 September 2017 Joni has been appointed as a member for a period of three years.



REVEREND DR YVETTE NOBLE-BLOOMFIELD

Ordained to the Ministry of Word and Sacraments on July 8, 1984, Rev. Dr. Yvette Noble-Bloomfield is currently the Regional Deputy General Secretary of the Cayman Islands Regional Mission Council of the United Church in Jamaica and the Cayman Islands, a post she has held since December 1, 2015. Rev. Dr. Yvette Noble-Bloomfield candidated for the fulltime pastoral ministry in the late 1970's and started her preparation at the United Theological College of the West Indies (UTCWI) in 1979, from which in 1983 she received a Diploma in Ministerial Studies. Simultaneously, she was a student at the University of the West Indies from which she graduated with the Bachelors of Arts (Theology) Upper Second Class Honours degree. She also obtained the Certificate in Radio; Magazine Format from the Caribbean Institute in Media and Communication (CARIMAC) - University of the West Indies in 1987 and in 2001 the Doctor of Ministry Degree from the Columbia Theological Seminary, Decatur, Georgia USA .

In the field of education, Rev. Dr. Yvette Noble-Bloomfield has made significant contributions. She served as Part-time Lecturer and Advisor to the final year students of the Institute for Theological and Leadership Development (ITLD). Over a ten-year span she served as a Religious Education teacher at the St. Andrew High School for Girls, Camperdown High and Wolmer's High School for Boys. She has also served as Chaplain at Camperdown High and the St. Paul's Basic School.

Rev. Dr. Yvette Noble-Bloomfield has made significant contributions to the Church and the community as a whole. She is married to Denver, an educator, and they are blessed with two children both university graduates and working young adults. Effective 15 September 2017 Rev. Dr. Yvette Noble-Bloomfield has been appointed as a member for a period of three years. Rev. Dr. Yvette Noble-Bloomfield's term ended 14 September 2020



MS. DOROTHY SCOTT

Dorothy Scott is a partner at Walkers whose practice covers all aspects of investment fund formations and related corporate transactions. Dorothy graduated with a dual honours degree in Anthropology and Law from the London School of Economics and has extensive experience in advising a broad range of clients including major institutions, family offices and emerging managers. Dorothy has served on a number of statutory and charitable boards and is a recognised leader in the establishment of diverse community development programs. Effective 27 February 2018 Dorothy has been appointed as a member for a period of three years.



MR. NICK QUIN

Nick Quin graduated from Newcastle University with a law degree and is qualified as a Barrister of England and Wales and an Attorney-at-Law in the Cayman Islands. He is currently Managing Director, Corporate Services at Walkers Corporate Limited. Prior to that he was the Legal Counsel for The Citco Group and has previously held the positions of Managing Director of Citco B.V.I. Limited and Managing Director of Citco Trustees (Cayman) Limited. Prior to joining Citco he worked for the Cayman office of Mourant in their litigation department. Nick has acted as a director of various licensed and charitable entities in the past. Mr. Quin was appointed as a member on 1 November 2019 for a period of three years.



MS. DEBORAH BARKER-ROYE

Deborah Barker Roye has a wealth of knowledge and experience in Cayman Islands law and legal procedure. Deborah is currently Counsel at Ogier and her areas of expertise include corporate and financial services disputes, dispute resolution, restructuring and corporate recovery and trusts disputes and private client. Prior to joining Ogier she worked at the Truman Bodden Law School as the Deputy Director of Legal Services. Ms. Barker Roye was appointed as a member on 29 October 2020 for a period of three years.

APPENDIX 2: CAYMAN ISLANDS BILL OF RIGHTS, FREEDOMS AND RESPONSIBILITIES(BoR)

1. Guarantee of Rights, Freedoms and Responsibilities
2. Life
3. Torture and inhuman treatment
4. Slavery or forced or compulsory labour
5. Personal liberty
6. Treatment of prisoners
7. Fair trial
8. No punishment without law
9. Private and family life
10. Conscience and religion
11. Expression
12. Assembly and association
13. Movement
14. Marriage
15. Property
16. Non-discrimination
17. Protection of children
18. Protection of the environment
19. Lawful administrative action
20. Education
21. Public emergencies
22. Protection of persons detained under emergency laws
23. Declaration of incompatibility
24. Duty of public officials
25. Interpretive obligation
26. Enforcement of rights and freedoms
27. Remedies
28. Interpretation of the Bill of Rights



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