



Cayman Islands
Human Rights Commission
promoting, protecting and preserving human rights

Annual Report 2014

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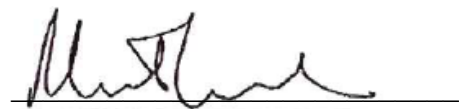
Statement from the Chairman

During this reporting period four new members were appointed to the Human Rights Commission (the “HRC” or the “Commission”). Appointed as of April 2014, for various terms, the new members all bring varying elements of expertise from many sectors of the community which work together to enhance the efficacy of the HRC.

2014 saw the HRC focus on issues such as the protection of privacy, preservation of private and family life, and a reinforcement of the absolute stance against inhuman and degrading treatment. The HRC also worked diligently to continue to review local draft legislation as well as various policies and procedures of the Cayman Islands Government (the “CIG”) to ensure compliance with the Bill of Rights.

In 2015 the HRC will be under the stewardship of a new chairman. In my capacity as Chairman, working with this dynamic group of professionals has been a pleasure. I wish them all of the best in the future and know that as individuals and as a Commission they will strive to continue to protect the rights we so freely enjoy today in the Cayman Islands. I will watch with interest to see what issues come up going forward.

I encourage the public to visit our website (www.humanrightscommission.ky), join us on Facebook (www.facebook.com/cihrc), call us at 244-3685, or email us at info@humanrightscommission.ky to get involved in promoting human rights in the Cayman Islands.



Alistair Walters

Chairman, Human Rights Commission

Chapter 1: The Cayman Islands Human Rights Commission

1.1 Goal

The objective of the HRC is: *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 in this section 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 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.

Chapter 2: Monitoring Human Rights in Policy, Practice and Legislation

2.1 Conditional Release Law 2014

The Commission has engaged with the CIG openly and held the position that the blanket mandatory whole life sentence for murder would conflict with the positive obligation under the Bill of Rights to ensure that no person is subjected to torture or inhuman or degrading treatment or punishment. The previous HRC published a report on life sentences in 2013 further explaining the Commission's position on the matter. The HRC wrote to the Honourable Attorney General in April 2014 actively encouraging any legislative shift to introduce human rights compliant retribution. The Commission also enquired as to the Attorney General's position on the establishment of such legislation and requested updates on future developments. The Attorney General responded shortly after providing notice to the Commission that a Conditional Release Bill, which would address the HRC's concerns, was being prepared.

The Commission subsequently reviewed the legislation and submitted feedback setting out human rights concerns and general comments on 23 October 2014; the Bill was subsequently passed in the Legislative Assembly the following day. The main concerns focused around the prescription of a 30 year tariff as a starting point for those given a sentence of life imprisonment. The HRC submitted that it believed that the language "exceptional in nature" with regards to the increasing or decreasing the minimum tariff of 30 years is arbitrary with no guidelines on how to employ these sections. It may be argued that such a high standard as "exceptional in nature" may prove impossible (or even unjustly difficult) to meet and departs from the revered human rights standard of proportionality. The justice of one case may merit a sentence of 20 years and another may merit 40 years but if the circumstances of neither are 'exceptional' both defendants will receive the same sentence. This cannot be right. The HRC is strongly of the view (as articulated by numerous court decisions globally) that sentencing should be left to judges, who are best placed to assess all the relevant facts.

The tariff can only be lowered during sentencing if there are extenuating circumstances or increased if there are aggravating circumstances. There is however no allowances for mitigating factors or for guilty pleas. This poses a significant concern. The HRC contended that similar guidance, as to what is found in Schedule 21 of the Criminal Justice Act 2003 (UK), should be offered regarding "extenuating and aggravating circumstances" so as to allow the courts more flexibility when considering sentencing, therefore empowering judges to ensure proportionality is reached in relation to the punitive period.

In addition, the HRC stressed that in the circumstance where the judge sentences a defendant to a period of what would equate to their natural life (i.e. in cases where there are aggravating circumstances) there are no provisions for review. The European Court of Human Rights (ECHR) has ruled in *Vinter and others v UK applications nos. 66069/09, 130/10 and 3896/10 ECHR 2013* that whole life sentences without review are considered degrading and inhuman treatment.

2.2 Prohibited Immigrants

Over the course of the past four years the HRC has received numerous complaints from persons who have been declared prohibited immigrants and are unable to return to the Cayman Islands. These individuals have generally had close Caymanian connections and have thus alleged a breach of their private and family life by the CIG.

During the Commission's review of this matter numerous officers were contacted such as the Deputy Governor, the Cabinet Secretary and the Chief Immigration Officer. Further, the HRC reviewed the Immigration (Amendment) Bill 2011 which creates a framework for prohibited immigrants to possibly return to the island after deportation. The Bill provides much needed structure by creating a schedule with the various crimes with a prescribed time period required outside of the islands before readmission can be requested and a Cabinet Advisory Committee on Prohibited Immigrants ("the Committee") which will accept applications for readmission from prohibited immigrants. It is noted that this Bill would need to be updated in certain areas, i.e. the Deputy Governor no longer has responsibility for Immigration and the Cabinet is no longer simply an advisory body.

Due to the human rights implications the HRC continues to encourage the CIG to enact legislation which deals with the issue of Prohibited Immigrants.

2.3 CIG's Policy on Deportation

In addition to complaints received from persons previously declared prohibited immigrants the HRC has also received numerous complaints from foreign nationals who are locally incarcerated in the Cayman Islands prison system alleging breaches of their human rights due to pending deportation from the jurisdiction. Most of these foreign nationals have had no Caymanian connections to the Cayman Islands. In these instances the HRC was made to understand that the complainants had not been served with a deportation order but that their allegation surrounding the breach was based on the belief that they were to be deported after having served the required portion of their prison sentence. Complainants were notified that the HRC is unable to investigate a *potential* breach of human rights.

However, following on from the numerous complaints the HRC contacted the Honourable Deputy Governor and the Chief Officer of the Ministry of Home Affairs in the last quarter of 2013 and enquired as to the policy utilised by the CIG when considering and/or processing someone for deportation. In May 2014 the HRC received a copy of a Draft Deportation Policy on which it subsequently reviewed and submitted feedback. The Commission noted that in its current form the draft deportation policy contained more introductory information and lacked the substance and explicit direction generally expected from a policy.

Due to the human rights implications, the HRC continues to encourage the CIG to enact a clear and detailed policy, which is made publicly available, to govern the way with which the process of Deportation is handled.

2.4 Data Protection Bill 2014

The HRC reviewed a copy of the Data Protection Bill 2014 in September 2014; which had been revised since its release in 2012 (which the HRC also reviewed). The HRC maintains the position that a data protection law is necessary considering the growth of technology and globalization, both of which have direct impacts on privacy rights, property rights, freedom of expression, and other rights ingrained in the Bill of Rights. However, the Commission is not of the belief that the bill in its current form is the answer to the data protection needs of the Cayman Islands.

The Commission submitted feedback to the Data Protection Working Group on 18 November 2014 and noted that the draft bill was influenced by the 1995 European Directive 95/46/EC and has been drafted in order to comply with its requirements. To a great extent the Commission observed that the draft data protection bills were based on the English and Welsh Data Protection Act 1998, although with certain provisions omitted or recast and with some significant changes. This legislative background creates a number of significant difficulties. At the time it was created, the internet was in its infancy and there were no cloud computing or social networks. Similarly, there have been huge advances in information technology and globalisation which have impacted data retention since 1995. As a result, in 2012, the European Commission announced a new draft legislative package to regulate data protection. It is intended that this will become law at some stage in 2015. The impact in this regard is that compliance with the 1995 Directive will become meaningless following implementation of the new European law.

The Commission further communicated to the working group that many of the concerns as expressed in 2012 still existed, especially that the bill was difficult to navigate and proposed substantial difficulties for the private sector, including small businesses.

2.5 Religious Accommodation

The HRC contacted the Deputy Governor on 6 December 2013 in order to ascertain whether the CIG has a policy on the use of religious signs/displays in public buildings, religious messages included in e-mail signatures, and prayer during meetings. This query was made in response to a member of the public who questioned whether they should be receiving religious messages within emails from public officials.

During 2014 the CIG recognised there was no policy of the sort and the Portfolio of the Civil Service took the lead on behalf of the Deputy Governor to review the matter and decide the direction in which the CIG should move in this regard.

2.6 National Conference on Women

The Ministry of Gender Affairs circulated a report on the first National Conference on Women in May 2014. The HRC was invited to review the Conference Report and provide feedback on the key issues and possible solutions that were identified as well as share additional thoughts about discrimination against women and girls.

Whilst submitted past the deadline, the HRC noted that discrimination based on a person's sex is wide-spread and quoted the Commission's own 2011 report on CEDAW:

“Discrimination against women is an age old subject which is especially difficult to challenge after centuries of custom, beliefs and cultural practices. Because gender discrimination is deeply rooted within many regions it can occur subconsciously without a person even knowing they are being discriminatory or discriminated against. It may be perceived as a social norm.”

The conference report was expansive; therefore, the Commission submitted feedback on the section setting out human rights concerns. The HRC agreed that a negative perception, fear of retribution, and lack of reporting all perpetuated discrimination against women in a small community. The Commission simultaneously noted that there should be equality for both men and women and warned of the risks associated with the popular notion of “publishing the names of sexual predators” as a deterrent. The Commission stated that jurisprudence from the European Court of Human Rights has demonstrated that various other rights can be infringed as a result of public access to such data.

The Ministry published a supplementary report in August 2014 regarding a Meeting on Women and Girls in the Sister Islands. In December 2014, the HRC submitted that the report was very informative and highlighted worrisome scenarios and circumstances under which women in the Sister Islands may be discriminated against. The HRC acknowledged that, due to the size of the Sister Islands, there is a propensity for unreported discrimination against women. It further commended the Ministry's initiative on such an important national discussion and fully supported their efforts.

2.7 Disability Policy

The HRC reviewed a copy of the in-depth draft Disability Policy in April, 2014 and subsequently submitted feedback to the Chair of the Disability Policy Sub-Committee on 13 May 2014. The HRC stressed the importance of such a policy bearing in mind that s.16 (non-discrimination) defines “discriminatory as means affording different and unjustifiable treatment to different persons on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, age, **mental or physical disability**, property, birth or other status.” Such a provision goes beyond that of the European Convention of Human Rights.

The HRC cautioned the need for a carefully balanced and detailed policy for the creation of the National Register of Persons with Disabilities as such a Register has the potential to infringe on the s.9 (private and family life) of the Bill of Rights. The HRC stressed that whilst not an absolute right, privacy is a fundamental human right. The obligation to provide personal data, the release of personal data without consent, and the collection and storage of personal data all amount to interferences with an individual's right to respect for his or her privacy.

2.8 Immigration Department – Migrant Policies

The former HRC received a complaint in 2011 from a member of the public regarding their inability to assist Cuban Refugees when they enter our territorial waters by providing water, food and gasoline (or other necessities). Over the ensuing two years, the HRC conducted an in-depth review of the policies and procedures, including the current MOU between the CIG and the Cuban Government, which are used by the Immigration Department, RCIPS Marine Unit and the Director of Public Prosecutions. Following the review, the HRC released a report which was subsequently published online. The report indicated that, generally, the procedures outlined in the various documents are adequate with regard to compliance with the Bill of Rights.

During the review, the Deputy Governor requested that the HRC perform an audit of the policies in practice. The previous HRC was repeatedly unsuccessful in efforts to obtain more information from the Deputy Governor regarding this request, which was disappointing in light of previous other audits having been conducted of the relevant procedures and practices. The Secretariat had conducted research into what agencies could assist in such an audit and discussed them with the current HRC Chairman.

Resultantly, the Manager spoke to the UNHCR Deputy Regional Representative Dr. Buti Kale during his recent visit to the Cayman Islands in an effort to ascertain whether the UNHCR would be in a position to oversee a mock audit. Dr. Kale indicated that he did not feel the exercise would yield an accurate result. He did indicate that the UNHCR has in the past sent a representative to stay in a particular high traffic migrant location for an indefinite amount of time until a review could be conducted. The HRC agreed that based on the cost of such an exercise this was not a likely solution. In addition, the exercise may not be necessary as Immigration Officials have undergone extensive training, both locally and overseas, in the area of dealing with migrants within the past two years.

As a result of Dr. Kale's comments the current Commission feels that no further action is necessary from the HRC at this stage. The Commission will continue to support the Immigration Department's training efforts and stay abreast of the revisions to the MOU between the CIG and the Cuban Government.

2.9 Prison Strip Search Policy

As reported in the previous HRC report the search policy revision was subsequently delegated to Neil Lavis, Director of Prisons. The current HRC wrote to Mr. Lavis on 17 April 2014 requesting

the revised draft policy. Mr Lavis responded on the same day with a revised copy of the search policy. As such, the HRC is pleased to note that after several in depth reviews and subsequent drafts, HMP Northward's draft Search Policy is now considered by the HRC to be more human rights compliant. This acknowledgement was communicated to Mr. Lavis on 10 June 2014.

The HRC commends Mr. Lavis on his continuous, exceptionally timely responses to HRC enquiries and his willingness to assist and collaborate wherever possible.

2.10 [Protected Disclosures Bill 2014](#)

The HRC reviewed the Protected Disclosures Bill 2014 in July 2014 and was pleased to note no apparent human rights issues. The HRC communicated support of the Bill to Ms. Cheryl Ann Neblett, Director of the Law Reform Commission, and further acknowledged that there was a need to encourage the adoption of a comprehensive national framework for the protection of whistleblowers based on best practices and principles. The HRC also took the opportunity to reiterate the desire to have draft legislation submitted directly to our attention so that we may proactively contribute to the process of reviewing legislation for human rights compliance.

Chapter 3: Engagement with Public Officials, Civil Society and the Media

Public Officials

3.1 Prison Tour with the Her Majesty's Inspectorate of Prisons

Her Majesty's Inspectorate of Prisons was invited in 2012 by the previous Governor, Duncan Taylor, to inspect the prison facilities in the Cayman Islands. The report published as a result stated that "the segregated conditions used to hold both the refractory and the vulnerable were disgraceful and unaccountable. Prisoners, some with mental conditions, were held in squalid conditions, without any legitimate safeguards or authority." The HM Prisons Inspectorate will return in the first quarter of 2015 and the Team has agreed to meet with the Chairman during their visit. The HRC hopes that by meeting with the team of inspectors, the HRC will be better equipped to understand the possible human rights concerns, compare the progress made since 2012 and ensure that progress continues.

3.2 Presentation to the Office of the Complaints Commissioner

Member James Austin-Smith agreed to make a presentation to the staff of the Office of the Complaints Commissioner (the "OCC") on human rights and the complaints process. The presentation was conducted on 18 December 2014 and focused on the role human rights plays in the complaints process and how staff of the OCC can ensure they are human rights compliant during that process.

Civil Society

3.3 Caymanian Bar Association's Student Chapter

In January 2014, the CBA Student's Chapter submitted its summer research on the question – '*Over the past few years there have proposals for a sex offender registry in the Cayman Islands, would the creation of a public registry be a breach of human rights - right to privacy?*'. The newly constituted HRC acknowledged that the subject was of a sensitive one and wished to review the contents of the report thoroughly before publishing it to the Commission's website.

Ultimately the report was uploaded to www.humanrightscommission.ky in October 2014, with the caveat that the views expressed in the research project did not necessarily reflect those of the HRC. The HRC thanks the CBA for its initiative and hopes that the project will stimulate discussion and contribute to general public awareness of human rights in the Cayman Islands.

Media

3.4 Query from the Cayman Compass

The Chairman received an interview request from a reporter for the Cayman Compass before the new HRC was formally constituted. The reporter was querying the level of involvement the HRC has with the CIG in regards to human rights issues and compliant legislation; and also the visibility, or lack thereof, of the HRC. The Chairman opted, due to the nature of the questions, to postpone the interview until after the new HRC had an opportunity to meet and discuss the objectives and

goals envisioned for the next year. Unfortunately, due to conflicting schedules this interview has not yet occurred.

3.5 Interview on Discrimination and Homosexuality

The HRC received an interview request from a reporter for Cayman 27 regarding discrimination against homosexuals in the Caymanian community. The members requested interview questions ahead of time so that responses could be drafted with consensus. The Commission was made aware that the specific reporter has released a YouTube video report on being homosexual in the Cayman Islands and the difficulties faced as a result of sexual orientation in a community which is predominantly Christian. The Commission requested to view the interview before it became available to the public to ensure that it is presented in a way which accurately represents the HRC's position on the subject matter.

Member James Austin-Smith represented the HRC in the recorded interview for Cayman 27. The Commission was later informed by the Cayman 27 reporter that the interview was useful; however, the material was not published for public consumption. The reporter informed the Commission that if Cayman 27 does decide to use the material HRC will be notified.

3.6 Appearance on Cross Talk to discuss the Conditional Release Bill 2014

Member James Austin-Smith appeared on Rooster's Cross Talk on 29 October to discuss the HRC's views on the Conditional Release Law 2014. The discussion focused on the HRC's submission to the CIG regarding the Bill. Details of these submissions can be found in Chapter 2 of this Annual Report.

3.7 Appearance on Cross Talk to discuss the Data Protection Bill 2014

Member James Austin-Smith appeared on Rooster's Cayman Crosstalk on 19 November to discuss the Data Protection Bill 2014. He shared with the audience the Commissions' submissions to the CIG on the potential difficulties related to this particular legislation and human rights concerns. Details of these submissions can be found in Chapter 2 of this Annual Report.

3.8 Request from Radio Cayman regarding tour of immigration detention facilities

A host from Radio Cayman contacted the HRC and indicated that he had been trying to visit the Immigration Detention Centre in order to view the conditions of the Cubans being housed there. His aim was to ensure human rights compliance. The host queried whether the HRC would be pursuing their own lines of enquiry into this matter and whether he may collaborate with the HRC in this regard. The HRC indicated that it concluded the report on the Cuban Migrants and felt no further follow-up was required at this time. Further details of the report on this subject matter can be found in Chapter 2 of this Report.

3.9 International Human Rights Day

Each year, 10 December is the date designated by the United Nations (the "UN") General Assembly for the commemoration of the adopted Universal Declaration of Human Rights. It is celebrated as

International Human Rights Day. 2014 was the fifth year the HRC commemorated this important date. The HRC released a statement on the importance of international human rights, encouraged participation in the UN's social media campaign and highlighted the Commission's work throughout the year.

Chapter 4: Human Rights Education, Events and Presentations

4.1 University College of the Cayman Islands 2014 Annual Conference

The 2014 conference was facilitated under the theme – *Towards a Corruption-Free Caribbean: Ethics, Values and Morality*. The HRC Chairman participated in a Plenary Session entitled *Institutions Supporting Democracy in the Quest for a Corruption-Free Cayman Islands* on 21 March. The Chairman explained that Part One of the Cayman Islands Constitution Order 2009 affirms that all people have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law. The Chairman also answered questions related to the role and work of the HRC.

4.2 Bill of Rights Informational Pamphlets

The previous HRC created illustrated pamphlets explaining each right in the Bill of Rights using easy-to-understand language. Large displays were ordered to house these pamphlets with the goal of making these publications available in public places. The current Commission received permission to install displays at the Health Services Authority, the George Town Public Library, the Cayman Brac Government Administration Building and the Courts. Permission is being sought to install one in the Government Administration Building. Additional displays are being ordered for the West Bay Public Library and Kirk House. In addition, the Commission provided bound copies of the pamphlets to HM Prisons Northward, Fairbanks and Eagle House for use in the library and by the Inmate Council.

4.3 You and Your Constitution

The previous HRC collaborated with the Constitutional Commission on an educational booklet titled 'You and Your Constitution' which contained a chapter on Part One of the Constitution. The HRC notes that the Constitutional Commission has now published these booklets and is in the process of distributing them to the public. An electronic copy can also be found on www.humanrightscommission.ky or www.knowyourconstitution.ky.

4.4 HRC Website and Facebook Page

The HRC continues to ensure that information is readily available in an electronic format for persons to easily access through the website (www.humanrightscommission.ky) and Facebook page (www.facebook.com/cihrc). The HRC is currently exploring options in order to update the current website's format to be more user friendly. Nevertheless, the website is an invaluable tool which provides important information, such as guidance on creating human rights compliant legislation and policies, educational material in the form of videos, pictures, student/teacher resources, and details of international human rights treaties extended to Cayman. Providing a more user friendly website will enable this information to be more widely received.

Chapter 5: Alleged Breaches or Infringements of Human Rights

6 November 2013 marked the implementation of the final clauses of the BoR signifying the allowance of any individual to remedy an alleged breach or infringement of the BoR in our local courts. As was previously the case, individuals may also directly petition the European Court of Human Rights, after exhausting domestic remedies, to seek a remedy for the decision of a public official or legislation which infringes or breaches the obligations under the European Convention on Human Rights.

The HRC now receives and investigates complaints that decisions or actions of a public official have breached or infringed the Bill of Rights, Freedoms or Responsibilities or that local legislation violates human rights and freedoms. As such, the HRC receives 1) all complaints of breaches or infringements of any section of the Bill of Rights, Freedoms and Responsibilities committed by a public official; 2) all complaints of breaches or infringements of common law and statutory human rights and freedoms committed by public officials; and 3) all complaints that any international human rights treaty extended to the Cayman Island has been breached or infringed by the actions of public officials or by legislation to which the treaty applies.

It is important to note that the HRC will only accept complaints of alleged breaches of the Bill of Rights, Freedoms and Responsibilities which have occurred after 6 November 2012. This may be a one off event that has occurred after 6 November 2012 or may be a continuing infringement of a right. In all cases, unless there is clear evidence that the alleged infringement is continuing, the HRC 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 HRC received eighteen complaints from members of the public alleging breaches by public officials of their human rights. Of those cases, three remain open at the end of this reporting year. The HRC also acknowledged a breach existed with regard to one of those complaints and has written the relevant authorities to discuss remedies. There are also two cases remaining open from the previous reporting year.

N.B.: In maintaining the confidentiality of the complainants, detailed information pertaining to complaints is not published by the Human Rights Commission.

Chapter 6: Moving Forward

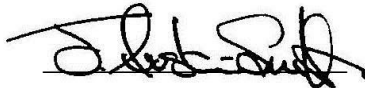
In 2015, the HRC intends to continue working with the CIG and with local and international organisations to protect and progress the fundamental rights listed in our Bill of Rights. Further, the HRC will work towards trying to promote a better understanding of human rights and to dispel some of the misconceptions surrounding them.

The HRC encourages you to visit our website (www.humanrightscommission.ky), join us on Facebook at www.facebook.com/cihrc, or email us at info@humanrightscommission.ky to get involved in the mission of promoting, protecting, and preserving human rights in the Cayman Islands. The entire Commission is committed to our mission, and we hope that you take the time to explore this meaningful cause which is to the benefit of all individuals.

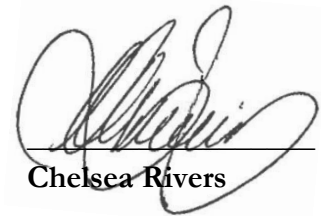
Dated this 15th day of January 2015



Alistair Walters (Chairman)



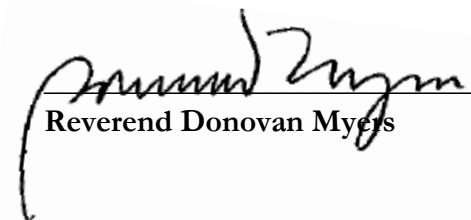
James Austin-Smith



Chelsea Rivers



Lisa-Ann Hurlston-McKenzie



Reverend Donovan Myers

Appendices

Appendix 1: Human Rights Commission Members

Mr. Alistair Walters (Chairman)

Alistair Walters is an attorney at law who has been in practice for over 20 years. He is the managing partner of Campbell's Attorney at Law and has been with the firm for over 13 years, prior to working in London, England. Alistair is a member of The Rotary Club of Grand Cayman and former member of the Board of Governors of St Ignatius Catholic School. Effective 1 April, 2014 Alistair was appointed as Chairman for the remainder of his term, which expires on 1 January 2015.

Mr. James Austin-Smith

James Austin-Smith graduated with an honours degree in International Politics in 1997. He completed the postgraduate law conversion course and was called to the Bar of England and Wales by Inner Temple in 1999. He practised at the Bar in London until 2004 when he was admitted in Cayman. He specialises in commercial litigation and dispute resolution. He is a former member of the Cayman Islands Human Rights Committee and is well established within the community. Effective 1 April, 2014 James was appointed as a member until 1 January, 2015 after which time he will assume the role as Chairman for a three year period.

Ms. Chelsea Rivers

Chelsea Frazier Rivers is the voice behind The Blue Spot - a campaign to bring awareness to the disabled in Cayman by "calling out" those who take advantage and park in the handicapped "blue spot". She has served as chairperson, member and advisor to several committees and associations in her quest to make a difference in the lives of Cayman's children and those less fortunate. She is the author of "Hurricane Ivan: The Experience", runs a horse riding company in West Bay with her husband and works full-time a marketing manager for an international law firm in Grand Cayman. Effective 1 April 2014 Chelsea was appointed as a member for a period of two years.

Reverend Donovan Myers

Reverend Donovan Myers is the Minister at the Savannah United Church. He has spent over 20 years serving the church and working on education and community development projects, focusing specifically on challenging issues such as drug abuse, HIV/AIDS, violent crimes and homelessness. Donovan has a personal interest in human rights and justice. In addition to his theological studies, Reverend Myers pursued a Master's Degree in Clinical Counselling and post-graduate certification in Education. He has taught ethics classes at Cayman Prep & High School in Grand Cayman and is a former member of the Human Rights Committee and the current Chair of the National Youth Commission. Effective 1 April 2014, Reverend Myers was appointed for a period of three years.

Ms. Lisa-Ann Hurlston-McKenzie

Lisa-Ann Hurlston-McKenzie is an Environmental & Sustainability Consultant in the private sector who previously worked for the Department of Environment. She was among the judging panel for the 2010 Governor's Award for Design & Construction Excellence, and chaired the National Assessment of Living Condition's Institutional Analysis Sub-Committee. Lisa-Ann has presented papers at the UK Overseas Territories Conservation Forum, EU Overseas Countries and Territories Association Workshop and Caribbean Heads of Judiciary Conference on focusing on environmental impact assessments and environmental law. She has also co-authored publications on and facilitated numerous national and regional meetings related to climate change impacts, vulnerability, adaptation and mitigation in small island states. Effective 1 April 2014 Lisa-Ann was appointed as a member for a period of four 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