

Understanding Your Constitutional Rights

The Draft 2009 Cayman Islands Constitution has received agreement by the United Kingdom Government and the Cayman Islands Constitutional Delegation. Part of this constitutional package is a Bill of Rights, Freedoms and Responsibilities.

The 1950 European Convention on Human Rights is the binding international agreement to which the United Kingdom has been a party to for a number of decades and which has been extended to its overseas territories like the Cayman Islands.

The Bill of Rights, Freedoms and Responsibilities is an acceptance into our local law of convention rights. It is also a way in which our convention rights become enforceable in the Cayman courts. The Bill of Rights aim to ensure that everyone's rights, as expressed in the Constitution, are properly respected. This means that one individual's rights will often have to be balanced against another's. The wider interests of the community as a whole may also need to be taken into account.

The Bill of Rights will make it unlawful for government or any public authority to act contrary to the Bill of Rights and will allow for a case to be brought in a local court against the government, or authority that does so. The Bill of Rights will come into force three years after the Constitution comes into force. The provision concerning the right of separation of prisoners will not come into force. This is to accommodate the completion of capital expenditure projects that would enable government to honour this right.

It's Your Time **Make**
YOUR
Mark



THE RIGHTS SET OUT IN THE BILL OF RIGHTS, FREEDOMS AND RESPONSIBILITIES ARE:

LIFE

Every person has a right to have their life protected by law.

Torture & Inhuman Treatment

Government cannot engage or allow any one else to engage, at any time, in torture or inhuman or degrading treatment, or punishment.

Slavery & Forced/ Compulsory Labour

You have an absolute right not to be treated like a slave or forced to perform certain kinds of labour.

Personal Liberty

Every person has a right to be free.

Treatment of Prisoners

Every prisoner has a right to be treated with humanity and dignity.

Fair Trial

Every person has a right to a fair trial which includes, presumption of innocence, adequate time and facilities to prepare a defence, access to legal representation, the right to examine witnesses against the accused, and the right to free assistance from an interpreter.

No Punishment Before the Law

Government cannot hold a person criminally liable for an action or omission when at that time, the act or omission was not a criminal offence.

Private & Family Life

You have the right to live your own life with such personal privacy as is reasonable in a democratic society, taking into account the rights and freedom of others.

Conscience & Religion

You have a right to freedom of thought, conscience and religion. Church schools can continue to teach their religious principles to willing children whether or not they receive government funding. Individuals, especially children, cannot be forced to receive religious instruction contrary to their personal beliefs. Government can restrict these rights if they negatively affect a democratic society.

Expression

You have the right to hold opinions and express your views individually or with others.

Assembly & Association

Everyone has the right to assemble with other people in a peaceful way.

Movement

You have the right to freedom of movement to, from and within the Cayman Islands without interference by the Government.

Marriage

Consenting unmarried men and unmarried women have a right to marry a person of the opposite sex and found a family.

Property

You have the right to peaceful enjoyment of your possessions.

Non Discrimination

You have the right against different and unjustifiable treatment in relation to your constitutional rights as expressed in the Bill of Rights because of your 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.

Children

Every child has rights including the right to a name from birth, to be protected from exploitative labour practices, and protections when entering the justice system, just to name a few.

Environment

Everyone has the right to require Government to implement legislation and other measures to protect Cayman's heritage, wildlife, land and sea biodiversity, especially to prevent pollution and ecological degradation, to promote conservation and biodiversity, and to secure ecologically sustainable development and use of natural resources.

Lawful Administrative Action

All individuals have the right to fair and lawful treatment in their dealings with government.

Education

Everyone has the right to access the educational system, and a right to effective education.

Public Emergencies

Government should be mindful of your rights sets out in this bill when dealing with public emergencies.

Protection of Persons Detained Under Emergency Laws

Persons who are detained in cases of public emergencies have rights under the Bill of Rights.

Many of these rights may be restricted by government on the grounds of defence, public safety, public morality and public health. However, protection from slavery and torture are absolute rights and cannot be restricted by the government.

Look out for our Constitutional Explanation Guide this Month!

Get your copy of the final draft Constitution from all major supermarkets, public libraries and post offices and online at www.constitution.gov.ky



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