



# Cayman Islands Human Rights Commission

*promoting, protecting and preserving human rights*

REF: HRC-RES-CODES OF CONDUCT

Honourable Members of the Legislative Assembly  
c/o Clerk of the Legislative Assembly  
PO Box 890  
Grand Cayman KY1-1103  
CAYMAN ISLANDS

4 November 2020

Via Email: [zena.merren-chin@gov.ky](mailto:zena.merren-chin@gov.ky)

Dear Honourable Members,

In late 2019 the Commission received a complaint alleging a breach of human rights by various Members of the Legislative Assembly (the “House”). The allegation concerns threatening and discriminatory rhetoric used during a discussion in official sessions of the House, in particular discussion concerning the issues of same-sex marriage and LGBTI persons.

In considering the circumstances related to this particular matter the Commission recognised the very important principles related to parliamentary privilege. Parliamentary privilege is an important aspect of the functioning of the House however the Commission is of the view that as its name surmises it is a privilege. Such a privilege should not be used to separate the community and create divisiveness in the manner in which the public has witnessed it being used to discuss the topics of LGBTI persons and same-sex partnerships.

Through the process of conducting in depth research the Commission reviewed numerous Parliamentary Codes of Conduct (“Code”) within the Caribbean and non-regional Commonwealth jurisdictions. The attached chart summarises the research and illustrates Cayman’s status in a comparative manner in order to demonstrate what areas need to still be developed. The development and implementation of a Code has been completed successfully in other jurisdictions and is one area in which the Cayman Islands falls behind.

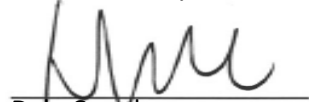
The Commission understands that work has been ongoing to ensure and solidify further independence of the Legislative Assembly. The establishment of a Code would go hand-in-hand with these proposed advancements and reflect the forward-thinking sentiment behind the increased importance placed on

transparency, accountability, and good governance. On that basis the Commission recommends that the Honourable Members of the House (“Members”) work together in a unified manner to draft and implement a Code which will serve to remind Members and the public alike of the importance the Cayman Islands places on treating each person with dignity and respect. The Commission is confident that Members can continue to represent their constituents honestly and faithfully whilst respecting the rights of all and adhering to the Code.

In accordance with s.116(7) the Commission will publish this correspondence to our website along with the research in 7 calendar days. In the event that Members wish to provide a collective (or an individual) response the Commission would be happy to publish also publish these responses on our website.

The Commission remains committed to its mission of protecting, promoting, and preserving human rights, and is available to assist the Members in any way in the development of a Code.

Yours sincerely,



Dale Crowley

Chairman

cc: His Excellency the Governor  
Honourable Deputy Governor  
Chairman, Commission for Standards in Public Life

Encl.