



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

Honourable Alden McLaughlin Jr., MBE, JP
Premier and Minister of Home and Community Affairs
5th Floor Government Administration Building
Grand Cayman KY1-9000
CAYMAN ISLANDS

19 August 2015

Dear Honourable Premier,

I write further to the reports of a debate in the Legislative Assembly on 13th August 2015 during which the Members discussed a motion to retain the definition of marriage articulated in section 2 of the Marriage Law (2010 Revision).

I was shocked to read the statements attributed to certain members of the Legislative Assembly. I infer from the fact that the Members in question have not sought to distance themselves from the comments attributed to them that the reports are accurate.

During the debate various statements were made which included:

- Equating homosexuality with bestiality
- Equating homosexuality with pedophilia
- Claiming that homosexuality was “deviant behavior”, “wicked and immoral” and a “social and moral evil”
- Making personal threats of violence towards homosexuals
- Suggesting that “crushing a baby’s skull and sucking their brains out had become a human right”

I was disappointed that not one Member (of those present) appears to have challenged statements that were clearly false and, even if not actually calculated to incite hatred, were certainly likely to. Had these statements been made outside the privilege provided by the Legislative Assembly it is quite likely that they could have constituted the commission of a criminal offence contrary to, *inter alia*, section 88B of the Penal Code (2013 Revision). The protection from suit accorded to Members of the Legislative Assembly is wide-ranging. It is necessary in a democracy to ensure freedom of speech and to encourage proper debate. It is though a privilege in every sense of the word and with it comes great responsibility; to take advantage of it venomously to perpetuate discrimination against an already maligned section of the public is an abuse of that responsibility.

Throughout the Cayman Islands many of our citizens and residents are subject to discrimination on a daily basis. That discrimination against LGBTI people is enshrined in the laws of the Cayman Islands is a stain on our nation. That a Member of the Legislative Assembly, and of your Government, should articulate such views unchallenged is a cause for the utmost regret.

As you are aware the European Court of Human Rights has recently ruled that same-sex couples in stable relationships are entitled to have those relationships legally recognised (as articulated in our press release of 27 July 2015). That ruling was merely the latest in a long series of judgments upholding and protecting the rights of LGBTI individuals. Against that background these statements demonstrate not only a total absence of compassion, but also a complete failure to appreciate that, within the jurisdiction of that court, the time when individuals could be persecuted on the basis of their sexual orientation has now long passed.

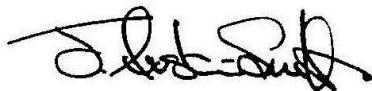
I invite you to join with the Human Rights Commission in condemning in the strongest possible terms the most unstatesmanlike, inaccurate, vitriolic, and thoroughly hateful statements made in the Legislative Assembly.

The Human Rights Commission recommends that the Government immediately:

1. Introduce legislation to recognise same-sex unions;
2. Introduce legislation to outlaw discrimination on the basis of sexual orientation; and,
3. Issue a statement condemning the statements made in the Legislative Assembly in the strongest possible terms and confirming its commitment to uphold the principles of non-discrimination enshrined in section 16 of our Constitution and required under our international treaty obligations.

Given the gravity of the issues concerned I look forward to receiving your response at your earliest possible convenience and in any event (in accordance with section 116(7) of the Constitution) within seven days.

Yours sincerely,



James Austin-Smith
Chairman, Human Rights Commission

cc: Her Excellency the Governor