



- Good morning Honourable Members.
- Thank you to the Honourable Speaker for the invitation to speak with you today. It is a privilege to address Parliament on behalf of the Constitutional Commission.
- The Commission was established under Section 118 of our current Constitution. Our role is to advise on constitutional matters, to publish reports and educational material, and to promote awareness of the Constitution and its values.
- We are an independent body that aims to support Parliament by encouraging understanding of the principles that underpin our system of government.
- This presentation will look at the Cayman's Constitution and the role of the Constitutional Commission in supporting this important framework.

Why The Constitution Matters

- Our highest law
- Underpins all other laws
- Provides the framework for governance for Cayman
- Defines the roles and responsibilities of public officers and elected officials

- Honourable Members will be well aware that the Constitution is central to public life. The standards by which Parliamentarians are held are outlined in the Constitution.
- These standards are essential for public trust. Members are entrusted by the electorate to represent them in Parliament. If behaviour falls short, confidence in the institution itself is affected.
- The legitimacy of Parliament depends on how it carries out its functions. Even when decisions are difficult, the way debate is conducted can either strengthen or weaken Parliament's standing.
- And effective governance relies on order, respect for procedure, and a common understanding of boundaries.
- So behaviour and standards are not abstract — they go to the heart of Parliament's authority.

Constitutional Values

- Integrity
- Accountability
- Transparency
- Respect for democracy and rule of law

- Honourable Members, the Constitution reflects values which are central to your role:
 - Integrity: acting honestly, consistently, and in line with the oath of office.
 - Accountability: being answerable to constituents, to Parliament, and ultimately to the Constitution.
 - Transparency: ensuring decisions and actions are open to public scrutiny.
 - And respect for democracy and the rule of law: conducting debate and procedure in a way that upholds the integrity of our system.

Our Constitutional History

- 1959: First Constitution
- 1972: Second Constitution
- 20 May 2009: Referendum on new Constitution
- 6 November 2009: Current Constitution came into effect
- 2012: Bill of Rights came into effect
- 2016: First amendment to the 2009 Constitution
- 2020: Second amendment to the 2009 Constitution

- We received our first Constitution on 4 July, 1959 – this is where the public holiday originates from.
- In 1972 we received a second Constitution which gave more power to local representatives.
- Between 1972 and 2009 there were 3 major attempts to modernize the 1972 Constitution – in 1991, 2002, and 2007.
- In February 2009 a delegation from the Cayman Islands met with the Foreign and Commonwealth Office in London to finalise a draft Constitution.
- On 20 May 2009 our first ever national referendum was held and the draft Constitution was approved by 62.66% of those who voted.
- On 6 November 2009 the current Constitution came into effect and on that day the Premier, the Deputy Premier and the Deputy Governor were sworn into office for the first time.

- Finally, the current Constitution has been amended twice since coming into effect – in 2016 and 2020, with amendments to the judiciary and judicial discipline processes, creation of a Police Service Commission and adding the role of Parliamentary Secretaries, and enabling greater autonomy for Cayman including replacing the power of disallowance with pre-legislative controls, revising the circumstances where Governor must consult Cabinet, and requiring the UK Secretary of State to notify the Premier of any proposed UK Acts or Orders in Council extending to Cayman.

The Preamble

“The people of the Cayman Islands, recalling the events that have shaped their history and made them what they are, and acknowledging their distinct history, culture and Christian heritage and its enduring influence and contribution in shaping the spiritual, moral and social values that have guided their development and brought peace, prosperity and stability to those islands, through the vision, forbearance, and leadership of their people, who are loyal to Her Majesty the Queen”.

- For the first time, the 2009 Constitution included a preamble.
- It acknowledges events that have shaped our distinctive history and presents our goals and aspirations to the world. It is based on the preamble in the 2003 draft constitution, with few amendments.
- Not only does the preamble reflect the identity of our Caymanian people, it also recites Cayman’s unique culture, Christian heritage and the fact that our society is based on certain moral, spiritual, social and democratic values that have guided our development and brought peace, prosperity and stability to our islands.
- The preamble is not just decorative – for example, it played an important role in the Judicial Committee of the Privy Council’s decision in *Day and another v The Governor and another* in 2022.

Bill of Rights

- Fundamental human rights and freedoms for all individuals regardless of nationality and citizenship
- Holds all public authorities accountable for actions, decisions, policies, laws, etc.
- Promotes the inherent dignity of every person
- Enhances social responsibility
- Is the “cornerstone of democracy”

With the adoption of the 2009 Constitution we see for the first time, a bill of rights that guarantees everyone’s basic freedoms and human rights.

Human rights are universal rights to be enjoyed equally by every human being including you and me. According to the *United Nations Handbook on Human Rights for Parliamentarians* human rights are universal because they are based on every human being’s dignity.

The Bill of Rights that tells Government how to respect, protect and fulfill our rights. It gives our local courts the power to deal with human rights violations and our courts can declare that a particular law is not in line with the Bill of Rights. This in turn will require Government to adjust the legislation so that it complies with the Bill of Rights. Also, once a court rules that your constitutional rights have been breached, it could make orders to ensure that your rights are protected. When the case warrants,

the court could order monetary compensation for any loss.

Some of the Bill of Rights Highlights include:

- Protecting our children
- Gives everyone the right to education
- Shielding everyone from discrimination based on specific statuses
- Protecting our unique natural environment

Even though the Bill of Rights protects your right to enjoy the things that you own, there might be times it will be in the public's interest for government to interfere in your property. Planning laws are a good example of this. Under this right, government could regulate development for public interest purposes, which would include ensuring that all landowners can peaceably enjoy their property.

Institutions Supporting Democracy

- Constitutional Commission
- Human Rights Commission
- Commission for Standards in Public Life
- Judicial and Legal Services Commission
- Ombudsman
- Auditor General
- Advisory District Councils

The Constitution identifies several bodies and offices that are responsible for supporting democracy in the Cayman Islands. These institutions include:

The Constitutional Commission
The Human Rights Commission;
The Commission for Standards in Public Life
The Judicial and Legal Services Commission
The Ombudsman
The Auditor General
Advisory District Councils

The importance of Freedom of Information and the elimination of conflicts of interest are also highlighted by the Constitution in Part VIII.

These bodies all have a common goal of ensuring a public administration that is governed by the democratic values and principles enshrined in the Constitution. These institutions do so by

holding elected members accountable to certain standards for their actions and decisions. They serve an important feedback loop for the voting public.

The Role of the Constitutional Commission

- Independent body under the Constitution
- Promote awareness of constitutional values
- Provide advice on constitutional matters

- Under Section 118 of the Constitution, the Constitutional Commission is charged with promoting understanding of the Constitution and its values, and advising Government on constitutional development. We can also publish reports, papers and other documents on any constitutional matters affecting the Cayman Islands.
- We are not subject to the direction or control of any person or authority.
- In broad terms, this Commission may be said to combine the functions of an advisory body with those of a think tank on constitutional matters.
- Today's presentation is part of our responsibility to raise awareness of those values and to support Parliament in reflecting them in practice.

How can the Constitutional Commission Help You?



- The Constitutional Commission website holds a vast resource bank of information on the historical development of previous versions of the Constitution, as well as documentation on how the current constitution was developed. Versions of the Constitution and its amendments going back to 1959 are available, and transcripts and correspondence from constitutional negotiations can be found as well.
- Over the years the Constitutional Commission has also developed helpful interpretive guides on various constitutional issues to help educate the public on why the Constitution is relevant. Topics include the Role of the Speaker, explanations of landmark constitutional court cases, Codes of Conduct, etc. There are also age-specific resources for students and children.
- Additionally, extensive correspondence and reports issued by the Commission over the last 15 years are available for perusal by any member of the public.

Questions and Reflections

W: www.constitutionalcommission.ky

E: info@constitutionalcommission.ky

T: +1 (345) 244-3685

- Honourable Members, I will pause here.
- This is an opportunity for questions or reflections.
- The Constitutional Commission's role is advisory and educational. We are here to support Parliament in strengthening its understanding of the Constitution.
- We welcome further dialogue on how Constitutional principles can be upheld in practice.