



*Government of Bermuda*

**Ministry of Social Development and Seniors**

**Senator Statement**

By

**Lindsay Simmons**

**Junior Minister of Social Development and Seniors**

**The Human Rights Commission Annual Report 2019**

24<sup>th</sup> March 2021

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**Madam President,**

I am pleased today to submit to the Senate the annual report of the Human Rights Commission for the year ending 31<sup>st</sup> December 2019.

**Madam President,**

The Commission has a statutory remit to protect and promote human rights under the Human Rights Act, 1981. The Commission's mandate is to both educate and promote the principles of non-discrimination and equality and to investigate and endeavour to settle allegations of discrimination.

**Madam President,** The Human Rights Commission is required to:

- Encourage an understanding of the fundamental rights and freedoms of the individual guaranteed by the Constitution and the principle that all members of the community are of equal dignity, have equal rights and have an obligation to respect the dignity and rights of each other;
- Promote an understanding of, acceptance of, and compliance with the Human Rights Act, 1981;
- Conduct research and develop initiatives designed to eliminate discriminatory practices;

- Encourage and coordinate activities which seek to forward the principle that every member of the community is of equal dignity and has equal rights; and
- Promote the conciliation and settlement of any complaints or grievances arising out of acts of unlawful discrimination and, where in its opinion such good offices are inappropriate, institute prosecution for contraventions of the Act.

**Madam President,**

The Human Rights Commission provides assistance to those who believe they have experienced discrimination, or have any questions related to their rights and responsibilities under the Human Rights Act.

The Commission is both a public watchdog for human rights compliance, and a resource to foster and promote human rights principles by working with stakeholders across the island including government, community organisations, schools, businesses and individuals.

**Madam President,** The Commission works to further its objective of eradicating discrimination through the following means:

- Helping to address any and all queries related to rights in Bermuda.
- Assisting with complaints of discrimination under the Human Rights Act, 1981.
- Providing dispute resolution services through mediation and conciliation to help settle complaints of discrimination.
- Policy review and guidance with all stakeholders in support of human rights obligations.
- Engaging in collaborative presentations, research and educational programming.
- Consultations to support the evolution of legislation, just practices and policies in support of human rights compliance.
- Educational presentations, workshops and training tailored to meet stakeholder need in support of their human rights education and compliance commitments.
- Advice and consultation with Government on proposed legislative amendments to ensure consistency with international standards.
- Administering of Human Rights Tribunals.

- Providing guidance to government, organisations, businesses, and educational institutions on the development and implementation of a human rights-based approach to legislation, policies, programs and complaint handling mechanisms to ensure compliance with the Act and international human rights agreements.

**Madam President,** Included in the annual report you will note that during the 2019 calendar year:

- The Commission received 128 complaints with the majority of complaints citing claims of discriminatory difference in treatment on the grounds of disability (34%), race (11%), place of origin (11%) and ethnic or national origins (11%). Of those complaints the majority cited claims of discrimination within the protected area of employment at forty percent (40%). Claims of discrimination within the protected area of goods, facilities and services amounted to (17%) of intakes while complaints of discriminatory workplace harassment amounted to (15%) of intakes. Workplace related sexual harassment claims accounted for (18%) of intakes.

- Persons with Bermudian status represented 84% of the total number of complainants in 2019 reflecting a trend in an increasing number of complaint filings by persons with Bermudian status since 2016. The increased reliance by Bermudians appears to coincide with the transfer of the Commission from the Government of Bermuda's Department of Human Affairs to a Non-Ministry Office. This transfer further aligned the Commission with the Paris Principles, a set of international standards adopted by the Global Alliance of National Human Rights Institutions to assess the extent to which National Human Rights Institutions operate in practice without the influence of any political, economic or reputational agendas of States.

- As Bermuda's National Human Rights Institution, the Commission recognises it has a crucial role in ensuring the indivisibility and interdependence of human rights for all. On Aug 9th 2018, under this Government, approval was given for Legal Counsel recruitment and on the 11th February 2019, the post of Legal Counsel was filled by Mr. Arion Mapp. The introduction of Legal Counsel in 2019 represented a tremendous milestone, signaling strengthened capacity in support of fulfilling its statutory duties. The installation marked the first in-house Counsel for

the Commission providing legal advice related to human rights complaints and procedures, tribunal litigation, management and administration.

- The Commission participated in the 2019 United Nation's International Day for Persons with Disabilities commemoration. The Executive Officer provided the keynote addressing the 2019 theme, 'The Future Is Accessible.' This bold assertion inspired the Executive Officer's testimony chronicling the reality of Bermuda's inhospitable landscape for persons with disabilities. The Commission's message emphasised the need for inclusive national action, starting first with asking: do we want an accessible Bermuda? If so, what is going to change? What are we prepared to do differently - in all spheres of life - to truly make Bermuda accessible and inclusive for all who are differently-abled?

- The Commission partnered with the University of Oxford for its 'Racialization and Publicness in Africa and the African Diaspora' 2019 Conference. An international call for papers resulted in the acceptance of a full panel of Bermudian academics and researchers. Bermuda's highly lauded panel was entitled: 'Racialisation in (post) colonial Bermuda: Past and Present' and featured Bermudians Dr Dana Selassie, Dr Rosemary Hall, LeYoni Junos, H. Alicia Kirby and Dr Kristy Warren. The conference reinforced the necessity of understanding the impact of racial legacies, and the value of supporting Bermuda's researchers and scholars in promoting Bermuda's history to aid in building a healthy and equitable community today.

**Madam President**, I would to thank the Commissioners for the important work they do under the leadership of Chairman Mr. Vaughn Caines and the staff of the Commission under the leadership of the Executive Officer, Ms. Lisa Reid for their dedication and hard work during the year.

**Madam President**, The tabling of this report is pursuant to the requirements of the Human Rights Act 1981 and specifically Section 30A that requires the Commission not later than six months after the end of each calendar year to make a report to the Minister on the activities of the Commission and that the Minister shall as soon as may be after receiving the Commission's annual report lay it before both Houses of the Legislature.

**Madam President**, in accordance with Section 30A of the Human Rights Act 1981, I am pleased to have laid before the Senate, the Human Rights Commission Annual report for the year ending 31<sup>st</sup> December 2019.

Thank you Madam President.