



Human
Rights
Commission
Bermuda

ANNUAL REPORT 2022/3

“Human rights are not a privilege conferred by government. They are every human being’s entitlement by virtue of [their] humanity.”

MOTHER TERESA

Vision

A Bermuda that honours human rights for all.

Mission

To protect and promote human rights through education, collaboration, advocacy, and enforcement.





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Executive Officer's Message

2022 was a year of hope, opportunity, and challenge. The fatigue of the prolonged pandemic experience set in, and the promise of 'building back better' was met with the reality and constraint of competing national priorities and significant social and economic impacts. We were reminded that rights cannot be taken for granted and that fortifying the human rights landscape in Bermuda is an essential and ongoing pursuit.

The Commission sought to be a steady and reliable public resource to meet human rights obligations and opportunities. Ensuring the public could readily access the Commission's complaint handling, alternative dispute resolution, and referral processes was paramount. I am grateful for the public's courage in pursuing their human rights through complaints, queries or requests for guidance.

This year among the individual protected grounds identified by complainants, disability [section 2(2)(a)(iiiA)] was identified more frequently than others, representing 24% of all identified protected grounds. Combining the individual protected grounds within section 2(2)(a)(i) (race, place of origin, colour, ethnic or national origins), this demonstrated a total of 32%, followed by sex, representing 10% of protected grounds. Since 2018, this is the 5th straight year where race, place of origin, colour, ethnic or national origins, disability, and sex have featured among the 3 most identified protected grounds within a reporting period.



An exciting achievement was the appointment of a panel of 13 members to the Human Rights Tribunal for the 2022-2025 term by the Selection and Appointment Committee for Bermuda. Establishing the independent tribunal creates a clear separation between the role and functions of the Tribunal and the Commission to ensure Bermuda has an independent Human Rights Tribunal that can efficiently and expertly adjudicate human rights cases. I commend the Selection and Appointment Committee's dedicated efforts in guiding the public application process and ensuring the realisation of this critical pillar in Bermuda's human rights framework.

The year was enriched by examples of human rights in action; by individuals and organisations committed to upholding the principles of non-discrimination, participation, and accountability across the public and private sectors. The Commission celebrated Human Rights Day with the Bermuda Society of Arts and Warwick Academy, which coincided with Warwick Academy's 10th Anniversary of its Human Rights School Project. A Human Rights Friendly School approach seeks to place human rights at the heart of all aspects of school life, including how decisions are made; the curriculum creation; the extra-curricular activities offered; and the environment in which students are taught. This systemic approach is essential to fostering a school culture that honours the rights of all and provides an example for the wider community.

As ever, the Commission's engagement with young people offered inspiration and urgency to our work. My interview with Bermuda Youth Connect particularly stoked my optimism for the future of rights protection and promotion in Bermuda. The conversation ranged from individual and collective responsibility, courageous leaders, cop-outs, and the essential and dynamic nature of human rights to support our evolving community. The notion that the future looks bright firmly applies, not because of some wide-eyed

naiveté or youthful hope. On the contrary, it is because this generation recognises the threats, compromises, and legacies they are destined to inherit. It is their unwillingness to settle for the status quo or gamble with their mental, physical, and spiritual well-being, or those of their peers, that anchors their determination to advocate for change.

We must continue to fight for their future and work together to create an equitable and just society. An important task at the Commission is to ensure the mechanisms under the Human Rights Act, 1981, are dynamic and responsive to the changing needs of Bermuda. Work continued on recommendations for legislative amendments to strengthen the Human Rights Act. The ruling in Attorney-General v. Ferguson and Ors reinforced that individual and collective efforts must continue beyond legal decisions as we seek to ensure we can live in a community that respects the human rights of all citizens, especially the marginalised and vulnerable who are disproportionately the first casualties of any erosion of human rights protections.

The volatility of the last few years has emphasised the importance of strengthening all aspects of the Commission's statutory mandate. The Commission commenced the development of its 3-year strategic plan, and we are focused on invigorating our operations and embracing new opportunities for impactful service delivery and community engagement. The year ahead will centre our educational mandate, incorporating strategic communications and collaboration to promote the rights and responsibilities under the Human Rights Act.

Serving as Officers of the Human Rights Commission is truly a privilege. As a team, we recognise that we are greater than the sum of our parts. As Bermuda's National Human Rights Institution, we are committed to continuous and steadfast evolution to realise **a Bermuda that honours and protects human rights for all.**

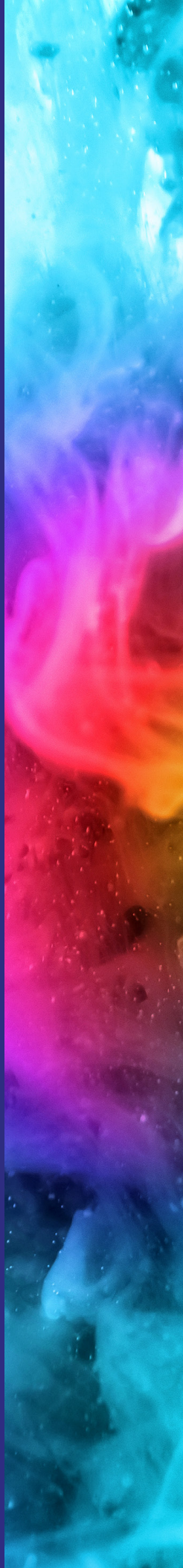
Our Statutory Mandate

As Bermuda's National Human Rights Institution, the Commission takes a leading role in the modern interpretation of its statutory mandate and the promotion of the indivisibility and interdependence of all human rights.

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

Under Section 14 of the Act, the Human Rights Commission is responsible for the administration of the Act and shall:

- 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.





Officers of the Commission

Lisa Reed
Executive Officer

Darnell Harvey
Investigations Officer

Sonia Astwood
Administrative Officer

Treadwell Tucker
Investigations Officer

Arion Mapp
Legal Counsel

Erlene Postlethwaite
Intakes Officer

Sara Clifford
Education Officer

The Officers of the Commission consider it a privilege to serve as Public Officers and steward the Human Rights Act, 1981. The Office strives to model a collaborative working culture taking time to foster teamwork, community mindedness and fellowship wherever possible.

Complaint Management Statistics



Statistical Analysis Intakes and Preliminary Inquiries

Where a person wishes to submit a complaint or query to the Office of the Human Rights Commission, they can do so in accordance with section 14H (1) of the Human Rights Act, 1981. An intake consists of any form of contact made by a member of the public, who intends to bring a complaint or query to the attention of the Commission. For procedural purposes, we refer to individuals who submit intakes as Complainants. Where an appropriate individual, company or organisation is identified within a complaint they are then listed and referred to as a Respondent.

When an intake is filed, the Executive Officer in the first instance is responsible for screening the complaint to determine whether it appears to disclose a prima facie case of discrimination. At this stage, referrals are made where applicable, and the matter may proceed in various ways. A query will be responded to with information to assist in satisfying the query. For complaints, where they appear to disclose a prima facie case of discrimination, notice of the complaint is forwarded on to the Respondent(s) with an invitation to reply. At this stage, a complaint may be dismissed if it does not disclose a prima facie case of discrimination. This is referred to as the 'Complaint Received Stage.'

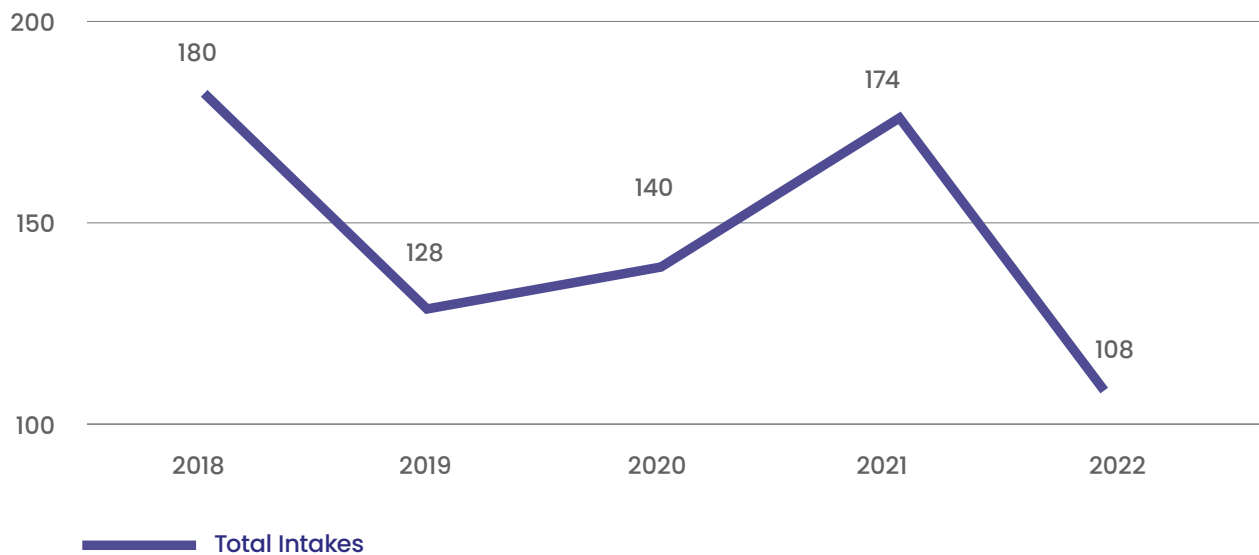
When appropriate to do so, the Executive Officer may also conduct a preliminary inquiry in accordance with section 14I of the Act for the purpose of determining whether to undertake an investigation.

- Intakes are comprised of complaints and queries.
- A complaint is classified by the Office as any concern brought to the attention of the Commission by a member of the public who believes their rights have been contravened under the Human Rights Act.
- A query is classified by the Office as a request for information, questions regarding the Act or human rights.

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 1 – Total Intakes for the Period, 2018 – 2022



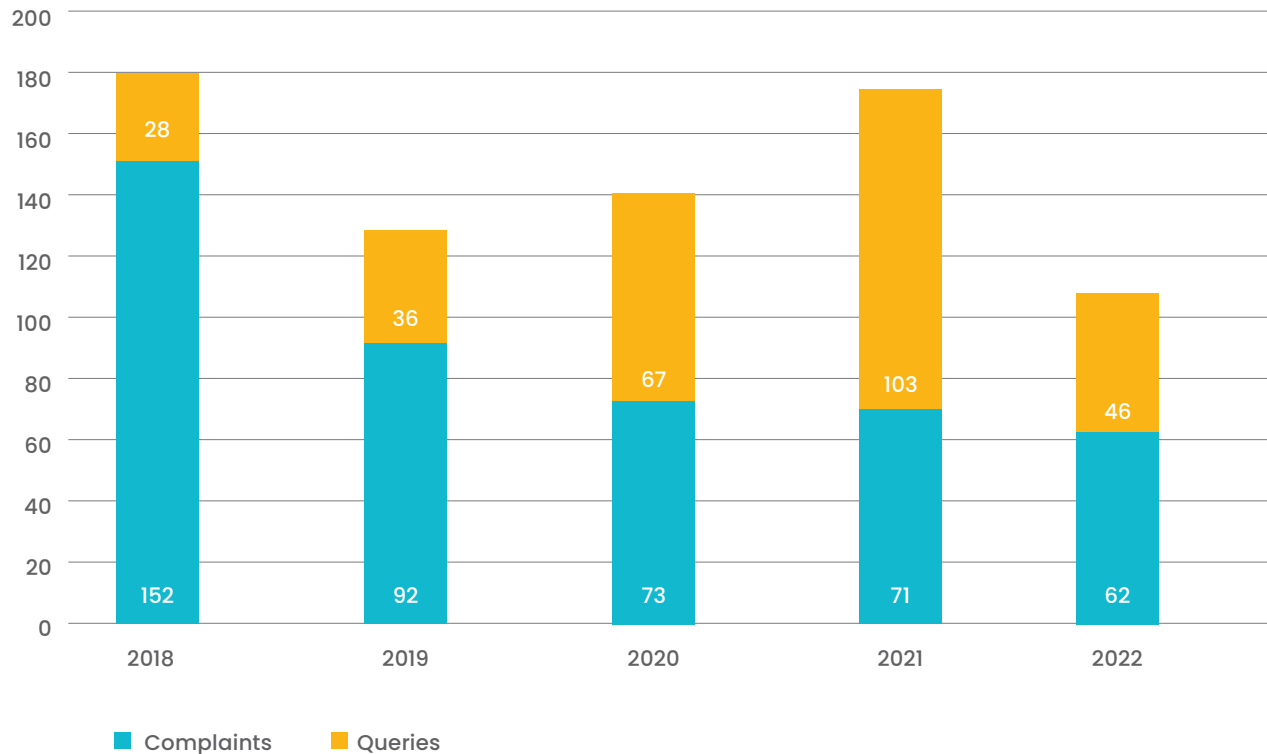
Line graph describing the number of intakes received annually. The X-axis represents the year, and the Y-axis represents the total number with a range of 0 to 200 in intervals of 50. The graph shows a decrease from 180 in 2018 to 128 in 2019, followed by increases with 140 in 2020 and 174 in 2021. The graph ends with a decrease to 108 in 2022.

In 2022, there were **108 intakes** filed with the Office of the Human Rights Commission by members of the public. In contrast to the previous year, this was a reduction of **38%**.



Statistical Analysis Intakes and Preliminary Inquiries

FIGURE 2 – Intakes by Type for the Period, 2018 – 2022



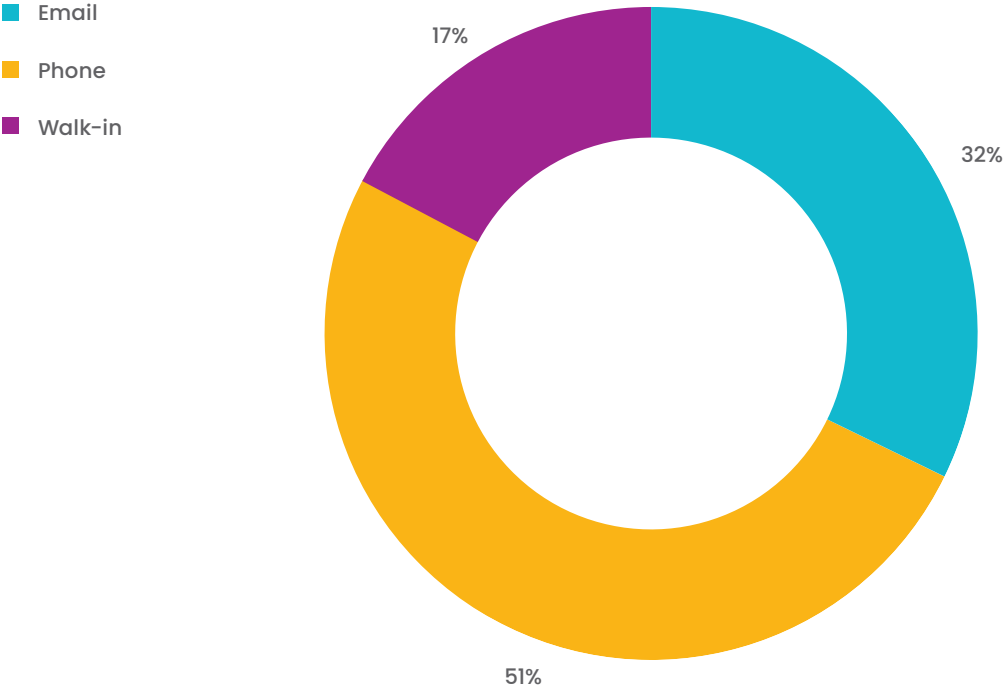
Bar graph setting the number of annual intakes received as either complaints or queries. The X-axis represents the year, and the Y-axis represents the total number with a range of 0 to 200 in intervals of 20. The graph shows 152 complaints and 28 queries in 2018, 92 complaints and 36 queries in 2019, 73 complaints and 67 queries in 2020, 71 complaints and 103 queries in 2021, and 62 complaints and 46 queries in 2022.

In 2022, when comparing complaints and queries against each other Figure 2 shows that complaints represented the largest portion of intakes received by the Office. Figure 2 illustrates that of the one hundred and eight (108) intakes received, sixty-two (62) were classified as Complaints and forty-six (46) were classified as Queries. In 2021, twenty-six percent (26%) of all intakes concerned the Covid-19 global pandemic, the decline noted between 2021 and 2022 may, in part, be attributed to a significant decrease in Covid-19 related intakes during this reporting year. Figure 2 illustrates that there was a reduction of 13% for complaints between 2021 and 2022 and a reduction of 55% for queries during that same period.

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 3 – Percentage Distribution of Intakes Received by Method of Contact, 2022



Pie chart displaying the percentage of intakes received in 2022 by email 32%, by phone 51%, and by individuals walking in 17%.

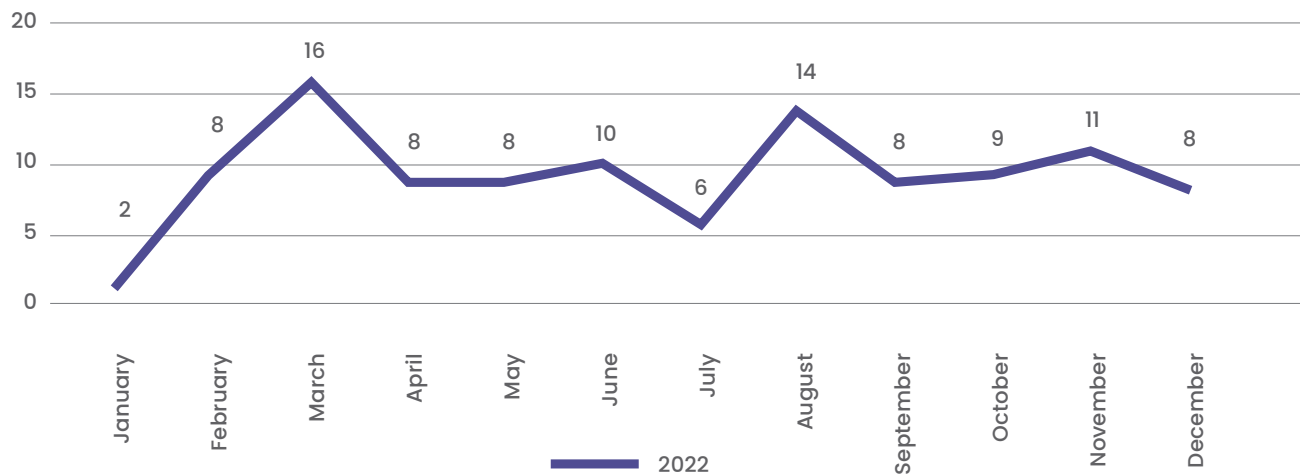
In 2022, when comparing the Method of Contact for intakes Figure 3 illustrates that members of the public are more likely to call the Commission to submit an intake. The Commission receives intakes in various forms; such as through email, by phone, or with individuals logging intakes in person. Of all intakes received in 2022, members of the public contacted the Office by phone 51% of the time, through email 32% of the time, and by walking in to log intakes 17% of the time.

In contrast, within the previous year, we observed reductions in phone contact by 2%, email contact by 13% and an increase in walk-in contact by 15%.



Statistical Analysis Intakes and Preliminary Inquiries

FIGURE 4 – Annual Intakes by Month, 2022



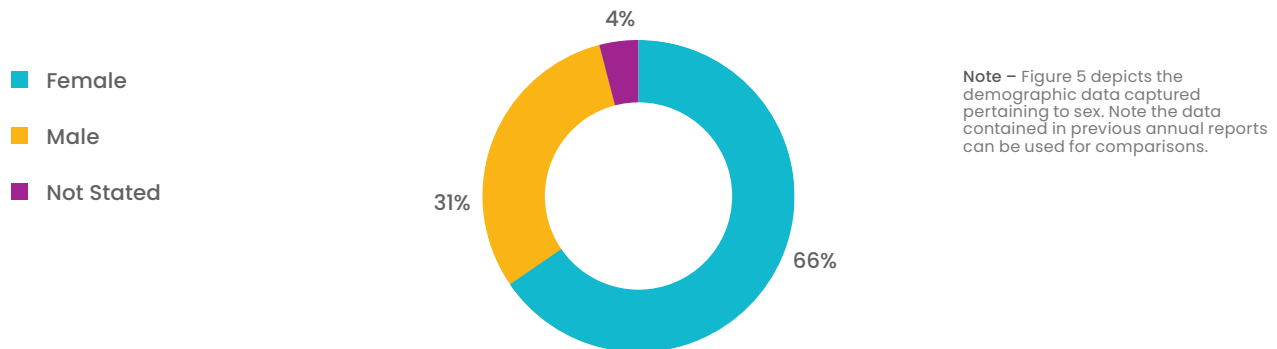
Line graph describing the total number of intakes received in each month in 2022. The X-axis represents the month, and the Y-axis represents the total number with a range of 0 to 20 and intervals of 5. The graph shows an increase from 2 intakes in January to 8 intakes in February, another increase to 16 intakes in March, a decrease to 8 intakes in April, no change in May with 8 intakes, an increase to 10 intakes in June, a decrease to 6 intakes in July, an increase to 14 intakes in August, a decrease to 8 intakes in September, an increase to 9 intakes in October, an increase to 11 intakes in November and the graph ends with a decrease to 8 intakes in December.

In 2022, when comparing annual intakes by month, Figure 4 illustrates that the highest month for intakes is March 2022 at 16 intakes representing 15%, followed by August with 14 intakes representing 13%. The lowest number of intakes recorded in a month was January with two intakes, a percentage of 2%. The mean average for intakes per month was nine.

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 5 – Percentage Distribution of Intakes by Sex, 2022



Pie chart displaying the percentage of intakes received in 2022 by sex for categories of female 66%, male 31% and not stated 4%.

In 2022, the voluntary demographic data received demonstrated that female complainants represented 66% of all intakes received in comparison to 31% for male complainants. Among the intakes received, there were 4% where complainants did not identify their sex, and these have been recorded as 'not stated.' In comparison with last year, for female and male complainants, these figures demonstrate an increase and decrease of 7% respectively.

A review of this demographic data against the areas of discrimination and protected grounds identified by complainants demonstrated a few trends:

- The protected grounds set out within section 2(2)(a)(i) – *race, colour, place of origin, ethnic or national origins* and 2(2)(a)(iiiA) – *disability*, were identified more frequently by members of the public than others.

- **Male complainants** were among the majority of complainants who identified section 2(2)(a)(i) – *race, colour, place of origin, ethnic or national origins*, when filing complaints or queries with the Commission. Specifically, male complainants represented **66%** of intakes identifying section 2(2)(a)(i).

- **Female complainants** were among the majority of complainants who identified section 2(2)(a)(iiiA) – *disability*, when filing complaints or queries with the Commission. Specifically, female complainants represented **64%** of intakes identifying section 2(2)(a)(iiiA).

Of the areas of discrimination within the Human Rights Act, 1981, section 6 – *employment*, section 5 – *goods, services, and facilities*, and section 6B(1) – *harassment within the workplace*, were identified more frequently by members of the public than others.

- A review of the demographic data demonstrated that **female complainants** were often among the majority of complainants concerning varying areas of discrimination. Specifically, female complainants represented **86%** of intakes relating to section 9 – *sexual harassment*, **68%** of intakes relating to section 6, and **100%** of intakes identifying section 4 – *housing*.

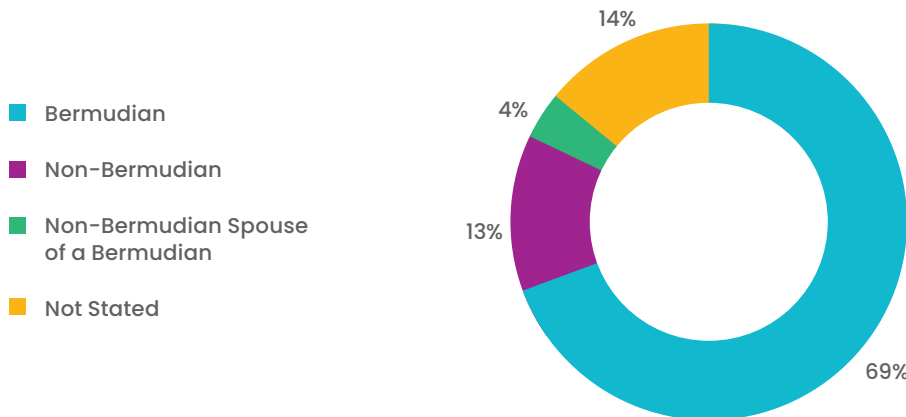
- A review of the demographic data demonstrated that areas of discrimination, which were identified relatively equally by male and female complainants were section 5 – *goods, services, and facilities*, in addition to section 6B(1) – *harassment within the workplace*.



Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 6 – Percentage Distribution of Intakes by Bermuda Immigration Status, 2022



Pie chart displaying the percentage of intakes received in 2022 by Bermuda Immigration Status for categories of Bermudian 69%, Non-Bermudian 13%, Non-Bermudian Spouse of a Bermudian 4% and not stated 14%.

Figure 6 illustrates the Bermuda Immigration Status of complainants for intakes received in 2022. The voluntary demographic data received in 2022 demonstrated that Bermudian complainants represented 69% of all intakes received in comparison with 13% for Non-Bermudian complainants and 4% for Non-Bermudian Spouse of a Bermudian complainants. Among the intakes received, there were 14% received where complainants did not identify their immigration status, and these have been recorded as not stated.

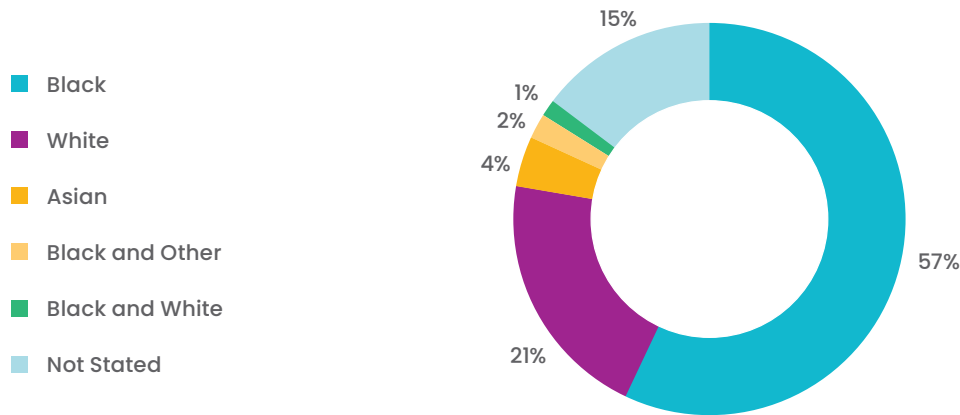
A review of this demographic data against the areas of discrimination and protected grounds identified by complainants demonstrated a few trends:

- The protected grounds set out within section 2(2)(a)(i) – race, colour, place of origin, ethnic or national origins and 2(2)(a)(iiiA) – disability, were identified more frequently by members of the public than others.
- Bermudian complainants were among the majority of complainants concerning both protected grounds referred to above representing **83%** of intakes identifying section 2(2)(a)(i) and **73%** of intakes identifying section 2(2)(a)(iiiA).
- Of the areas of discrimination within the Human Rights Act, 1981, section 6 – *employment*, section 5 – *goods, services, and facilities*, and section 6B(1) – harassment within the workplace, were identified more frequently by members of the public than others.
- **Bermudian complainants** were often among the majority of complainants concerning varying areas of discrimination. Specifically, Bermudian complainants represented **90%** of intakes relating to section 5, **71%** of intakes relating to section 9 – sexual harassment, **64%** of intakes relating to section 6 and **60%** of intakes relating to section 6B(1).

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 7 – Percentage Distribution of Intakes by Race, 2022



Pie chart displaying the percentage of intakes received in 2022 by race.

In 2022, the voluntary demographic data received demonstrated that complainants identifying their race as Black represented 57% of all intakes received. This was compared against complainants identifying their race as White, representing 21%, complainants identifying their race as Asian representing 4%, complainants identifying their race as Black and Other representing 2% and complainants representing their race as a Black and White representing 1% of all intakes received. Among the intakes received there were 15% where complainants did not identify their race, and these have been recorded as not stated.

A review of this demographic data against the areas of discrimination and protected grounds identified by complainants demonstrated a few trends:

- The protected grounds set out within section 2(2)(a)(i) – *race, colour, place of origin, ethnic or national origins* and 2(2)(a)(iiiA) – *disability*, were identified more frequently by members of the public than others.
- **Complainants identifying their race as Black** were among the majority of complainants concerning both protected grounds referred to above representing **75%** of intakes identifying section 2(2)(a)(i) and **55%** of intakes identifying section 2(2)(a)(iiiA). Further, it was noted that section 2(2)(a)(iiiA) – *disability*, was primarily comprised of **complainants identifying their race as either Black or White** representing **82%** of intakes identifying section 2(2)(a)(iiiA).
- Of the areas of discrimination within the Human Rights Act, 1981, section 6 – *employment*, section 5 – *goods, services, and facilities*, and section 6B(1) – *harassment within the workplace*, were identified more frequently by members of the public than others.
- **Complainants identifying their race as Black** were often among the majority of complainants concerning varying areas of discrimination. Specifically, they represented 80% of intakes relating to section 5, **71%** of intakes relating to section 9 – *sexual harassment*, and **70%** of intakes relating to section 6B(1).
- A review of the demographic data demonstrated that section 6 – *employment*, was identified relatively equally between **complainants identifying their race as either Black or White**.



Statistical Analysis Intakes and Preliminary Inquiries

TABLE 8 – Intakes by Ground of Discrimination Cited, Section 2 – 2022

| | Ground | % |
|---|---------------|----------|
| (2)(a)(i) Race | 9 | 18 |
| (2)(a)(i) Place of Origin | 6 | 12 |
| (2)(a)(i) Ethnic or National Origins | 1 | 2 |
| (2)(a)(ii) Sex | 5 | 10 |
| (2)(a)(ii) Sexual Orientation | 2 | 4 |
| (2)(a)(iii) Marital Status | 1 | 2 |
| (2)(a)(iiiA) Disability | 12 | 24 |
| (2)(a)(iv) Family Status | 4 | 8 |
| (2)(a)(vi) Religion | 3 | 6 |
| (2)(a)(vi) Beliefs | 1 | 2 |
| (2)(a)(vii) Criminal Record | 2 | 4 |
| (4) Pregnancy | 2 | 4 |
| *Age | 2 | 4 |
| Total | 50 | 100 |

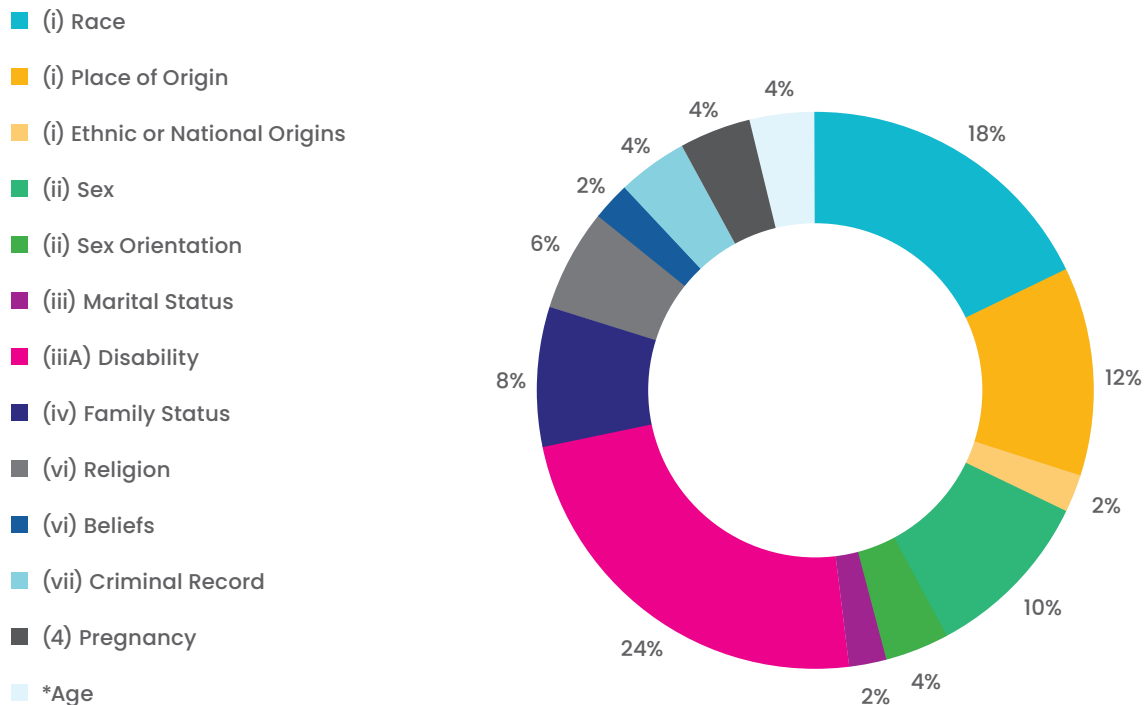
Note 1 – *Protection afforded in section 4 and section 5.

Note 2 – Not all grounds as identified in the Human Rights Act, 1981 have been listed in the table above as the data was not received in 2022.

Note 3 – Not included within the statistics for intakes are those where the complainant did not state or identify a ground. The numbers provided merely reflect statistics for grounds as self-identified.

Statistical Analysis Intakes and Preliminary Inquiries

FIGURE 8 – Percentage Distribution: Intakes by Ground of Discrimination Cited – Section 2, 2022



Note 1 – *Protection afforded in section 4 and section 5.

Note 2 – Not all grounds as identified in the Human Rights Act, 1981 have been listed in the table above as the data was not received in 2022.

Note 3 – Not included within the statistics for intakes are those where the complainant did not state or identify a ground. The numbers provided merely reflect statistics for grounds as self-identified.

Pie chart displaying the percentage of intakes received by ground of discrimination in 2022.

Table 8 and Figure 8 illustrates that among the individual protected grounds identified by complainants, section 2(2)(a)(iiiA) – disability, was identified on a more frequent basis than others representing 24% of all identified protected grounds. Combining the individual protected grounds within **section 2(2)(a)(i) (race, place of origin, colour, ethnic or national origins)** demonstrated that this section represented **32%** of all identified protected grounds. These were followed by **sex, section 2(2)(a)(ii)**, which represented **10%** of all identified protected grounds, and **family status, section 2(2)(a)(iv)**, which represented **8%** of all identified protected grounds. All other grounds of discrimination represented a combined total of 26%.

Looking back to the reported statistics since 2018, this is now the fifth straight year where the protected grounds of race, place of origin, colour, ethnic or national origins, section 2(2)(a)(i), disability, section 2(2)(a)(iiiA), and sex, section 2(2)(a)(ii), have featured among the three most identified protected grounds within a reporting period.



Statistical Analysis Intakes and Preliminary Inquiries

TABLE 9 – Intakes by Area of Discrimination Cited, 2022

Intakes Received by Area

| Area | No. of Areas | % |
|---|---------------------|----------|
| Section 4 – Land | 3 | 4 |
| Section 5 – Goods, Facilities & Services | 10 | 12 |
| Section 6 (1) – Employment | 24 | 28 |
| Section 6B – Harassment | 16 | 19 |
| Section 7 – Organisations | 1 | 1 |
| Section 8 – Reprisal | 1 | 1 |
| Section 8A – Racial Material and Racial Incitement | 1 | 1 |
| Section 9 – Sexual Harassment | 15 | 18 |
| Employment Related | 14 | 16 |
| Total | 85 | 100 |

Note 1 – Not all areas as identified in the Human Rights Act, 1981 have been listed in the table above because no data had been collected for 2022.

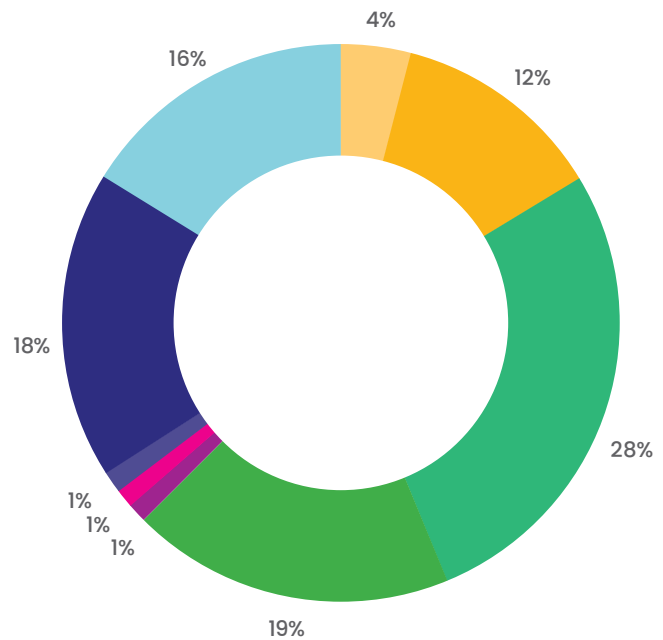
Note 2 – Not included within the statistics for intakes are those where the complainant did not state or identify an area of discrimination.

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 9 – Percentage Distribution of Intakes by Area of Discrimination Cited, 2022

- Section 4 – Land
- Section 5 – Goods, Facilities and Services
- Section 6 (1) – Employment
- Section 6B – Harassment
- Section 7 – Organisations
- Section 8 – Reprisal
- Section 8A – Racial Material and Racial Incitement
- Section 9 – Sexual Harassment
- Employment Related



Note 1 – Not all areas as identified in the Human Rights Act, 1981 have been listed in the table above because no data had been collected for 2022.

Note 2 – Not included within the statistics for intakes are those where the complainant did not state or identify an area of discrimination.

Pie chart displaying the percentage of intakes received by area of discrimination in 2022.

Table 9 and Figure 9 illustrates allegations of discrimination and harassment surrounding employment and the workplace dominated identified areas of discrimination in 2022. Complainants primarily alleged a contravention of section 6(1) of the Act – employment, which accounted for 28% of identified areas of discrimination. Another prominent area of discrimination identified by complainants was **section 9 – sexual harassment**, which accounted for **19%** of identified areas of discrimination. This was followed closely by **section 6B(1) – harassment within the workplace**, which accounted for **18%** of identified areas of discrimination.

The Commission has continued to capture intakes, which broadly allege unfair practices within employment, but do not identify an area of discrimination. Intakes of this nature are logged as **Employment Related** and in 2022, when compared with the identified areas of discrimination, these intakes **represented 16%** of that total. Of the remaining 19% of identified areas of discrimination, alleged contraventions of **section 5 – goods, services, and facilities**, was the highest area of discrimination, representing **12%** of identified areas of discrimination. All other identified areas of discrimination encompassed the remaining 7%.

Looking back to reported statistics since 2019, section 6(1) – employment, has been the most identified area of discrimination over the last five years. For section 9 – *sexual harassment*, and section 6B(1) – *harassment within the workplace*, these areas of discrimination have ranked among the three highest identified areas of discrimination over the past two years. A review of the reported statistics in 2021 has demonstrated an increase in identified areas of discrimination in 2022, as section 6B(1) increased by **11%**, section 9 increased by **9%**, and section 6(1) increased by **2%**.



Investigations

In 2022, there were **16 investigations** being actively managed by the Office. These investigations were at various stages of the investigations process. Of the 16 investigations assigned to Investigations Officers in 2022, three were approved for investigation in 2022 and 13 were approved previously and remained ongoing in 2022. The Executive Officer exercised the power provided through section 15(6)(b) of the Act to consolidate two or more investigations where she deems it fit to do so, as these matters were filed against the same respondent.

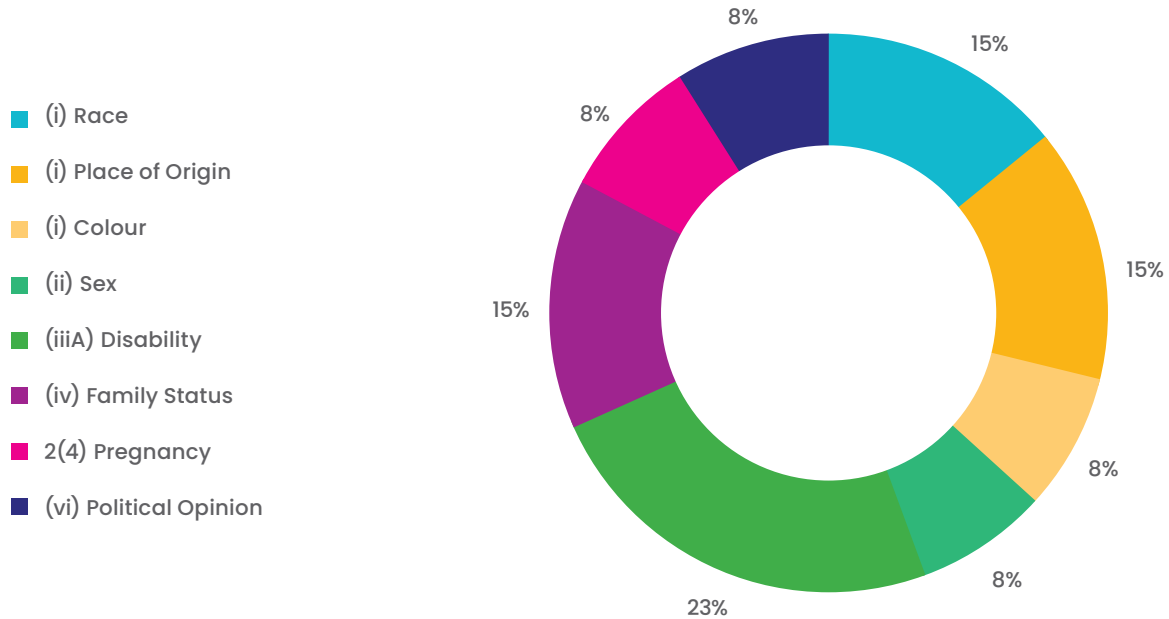
TABLE 10 – Active Investigations by Ground of Discrimination – Section 2 (2)(a), 2022

| Ground | No. of Grounds | % |
|-------------------------------------|----------------|-----|
| (2)(a)(i) Race | 2 | 15 |
| (2)(a)(i) Place of Origin | 2 | 15 |
| (2)(a)(i) Colour | 1 | 8 |
| (2)(a)(i) National Origins | - | - |
| (2)(a)(ii) Sex | 1 | 8 |
| (2)(a)(iiiA) Disability | 3 | 23 |
| (2)(a)(iv) Family Status | 2 | 15 |
| 2(4) – Pregnancy | 1 | 8 |
| (2)(a)(vi) Political Opinion | 1 | 8 |
| Total | 13 | 100 |

Note – Complainants may identify multiple grounds of discrimination, which may result in the total being greater than the total number of investigations. If less, the investigation terms of reference were based on an area of the Act that did not require an identified ground as specified under section 2(2).

Investigations

FIGURE 10 – Percentage Distribution of Active Investigations by Ground of Discrimination – Section 2 (2)(a), 2022



Note – Complainants may identify multiple grounds of discrimination, which may result in the total being greater than the total number of investigations. If less, the investigation terms of reference were based on an area of the Act that did not require identified of a ground as specified under section 2(2).

Pie chart displaying the percentage of active investigations by ground of discrimination in 2022 for categories of race 15%, place of origin 15%, colour 8%, sex 8%, disability 23%, family status 15%, pregnancy 8%, and political opinion 8%.

Table 10 and Figure 10 illustrate that the protected ground, Disability was identified in three (3) matters under investigation in 2022, which represents 23% of all investigations. Fifteen percent or two investigations for each ground, were identified for discrimination based on the protected grounds of race, place of origin and family status. Colour, sex, pregnancy and political opinion were identified in separate investigations, representing 8% respectively.



Investigations

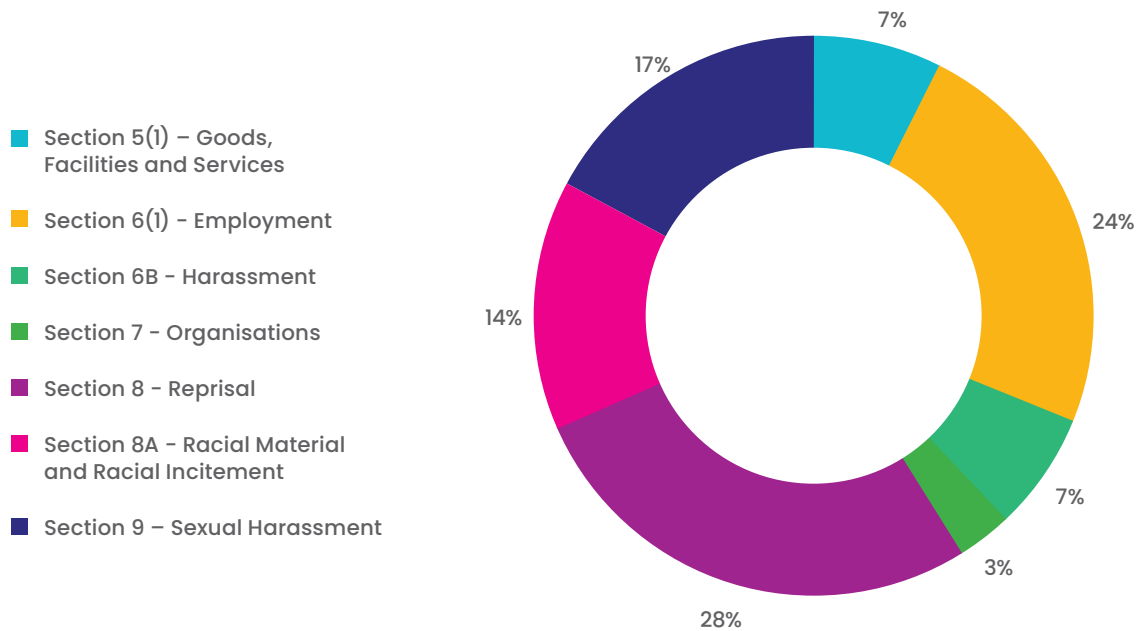
TABLE 11- Active Investigations by Area of Discrimination, 2022

| Area | No. of Areas | % |
|---|---------------------|----------|
| Section 5(1) – Goods, Facilities & Services | 2 | 7 |
| Section 6(1) – Employment | 7 | 24 |
| Section 6B – Harassment | 2 | 7 |
| Section 7 – Organisations | 1 | 3 |
| Section 8 – Reprisal | 8 | 28 |
| Section 8A – Racial Material and Racial Incitement | 4 | 14 |
| Section 9 – Sexual Harassment | 5 | 17 |
| Total | 29 | 100 |

Note – Complainants may identify multiple areas of discrimination, which may result in the total being greater than the total number of investigations.

Investigations

FIGURE 11 – Percentage Distribution of Active Investigations by Area of Discrimination, 2022



Note – Complainants may identify multiple areas of discrimination, which may result in the total being greater than the total number of investigations.

Pie chart displaying the percentage of active investigations by area of discrimination in 2022.

Table 11 and Figure 11 illustrate that most allegations of discrimination in investigations in 2022 were identified as occurring in the area of Reprisal, which represented 28%.

The allegations of Reprisal ranged from threatening to dismiss, treating prejudicially and intimidation in the employment setting, and each was connected to the Complainant taking part in proceedings under the Act. Allegations of unfair employment practices were the next most prominent area of discrimination being investigated, representing 24% with Complainants citing unfair terminations and a failure to accommodate a disability. Allegations of sexual harassment represented 17% of investigations and the remaining related to allegations of discrimination in the publication of discriminatory racial material and racial incitement, 14%, the provision of goods, facilities and services, 7%, harassment in the workplace, 7% and discrimination by organisations, 3%.

Coronavirus (COVID –19) Pandemic and Human Rights Commission 2022

In 2022, there were approximately four intakes received, which related to the Covid-19 pandemic. All were queries associated with the Covid vaccine and/or an individual's vaccination status. One query was a general query with the Complainant voicing concern with the Bermuda Government's lack of consideration for natural healing techniques for the coronavirus. One other query was surrounding an alleged compulsory vaccination policy put in place by a learning institution. The remaining two were employment related with one Complainant querying a requirement to provide their vaccination status during a new employment application process and the other, a Complainant querying whether their employer could implement a mandatory vaccination policy within their workplace.



Complaint Summaries

Discrimination Based on Sex – Employment

Multiple individuals contacted the Commission concerning alleged discriminatory practices based on sex. The nature of the complaints and queries concerned employees who were pregnant and who returned to the workplace after giving birth. The allegations included an individual alleging they were terminated due to being pregnant, alleging that they were being treated unfairly and harassed at work due to being pregnant and returning to the workplace following maternity leave to a reduced role with their respective employer. The Human Rights Act, 1981 was discussed with the complainants and sections 6 and 6B of the Act were identified for their review as read with section 2(2)(a)(ii) – sex, and section 2(4), which states that “the right to no less favourable treatment because of sex includes the right to no less favourable treatment because a woman is or may become pregnant.”

Discrimination Based on Disability – Employment

A company filed a query with the Commission seeking guidance on the rights and responsibilities of an employer when managing performance related issues for employees with a disability. The company identified some of the issues they were managing, one of which included extended periods of leave from the workplace. The company expressed concern with the impact the absences were having on the business broadly and colleagues who had to take on additional duties. The Human Rights Act, 1981 was discussed and section 6 was highlighted for their review. Specifically, the Commission communicated to the company that section 6(9C) of the Act states that “notwithstanding subsections (9A) and (9B), a disabled person shall not be considered disqualified for an employment by reason of their disability if it is possible for the employer to modify the circumstances of the employment so as to eliminate the effects of the disabled person’s disability in relation to the employment, without causing unreasonable hardship to the employer. The Commission discussed with the company, Schedule 1 of the Act, which sets out in detail the interpretation of “unreasonable hardship” and its practical application for employers.

The company was encouraged to consider the information received against their internal policies and procedures and referrals were provided to the Bermuda Employers Council, the Bermuda Economic Development Corporation, and the Chamber of Commerce, for general human resource and small business support.



Workplace Harassment Based on Race

An individual contacted the Commission to file a complaint of racial harassment within the workplace. They worked in the service industry and submitted various instances of conduct alleged to be harassment based on their race, including identifying racial slurs directed towards them at work by a colleague. The Human Rights Act, 1981 was discussed with them and section 6B(1) was identified as a suitable area for them to consider. This provision prohibits harassment within the workplace by an employer, agent of an employer or by another employee based on any ground referred to in section 2(2)(a)(i) to (vii). The complaint was deemed to disclose a prima facie case and advanced to the Complaint Received Stage, the terms of reference for the complaint has been framed around section 6B(1) as read with section 2(2)(a)(i) – *race, colour, place of origin, ethnic or national origins*.

Discrimination Based on Race – Goods, Facilities, and Services

Multiple individuals contacted the Commission to file complaints of racial discrimination. They complained they were discriminated against when they entered a facility, that provides entertainment, recreation, and refreshments, as patrons, and that they were harassed by employees of that facility. The nature of their allegations was that they were denied a service and forcibly ejected from the premises due to their race. The Human Rights Act, 1981 was discussed with them and section 5(1) was identified as a suitable area of discrimination for them to consider. This provision prohibits discrimination in the provision of goods, facilities, and services based on any protected ground referred to in section 2(2). Specifically, efforts are being made to obtain details from the complainants pertaining to the alleged unfavourable treatment based on race. These efforts include the consideration of:

- whether the service provider refused or deliberately omitted to provide them with a service due to the race of the complainants; or
- whether the service provider refused to provide them with services of the like quality, in the like manner, and on the like terms that they normally make them available to others due to the race of the complainants.

Discrimination Based on Sexual Orientation – Goods, Facilities, and Services

An individual contacted the Commission to file a complaint of discrimination based on their sexual orientation. They alleged that they were discriminated against when they were given poor customer service by various representatives of a service provider, and that they were eventually denied service by that same service provider due to their sexual orientation. The Complainant expressed they believed they were treated unfavourably due to their sexual orientation and indicated this included, being subjected to derogatory comments, varying instances of aggression, the mishandling of their personal information, and services being denied. After filing their complaint with the Commission, the individual provided notice that they intended to pursue another avenue to resolve their complaint and withdrew the complaint filed with the Commission.

Request for Assistance – Policy Review

An individual contacted the Commission seeking guidance as they were developing policies and procedures relevant to various employers in Bermuda. They wished to ensure that the policies and procedures were compliant with the Human Rights Act, 1981 and clearly identified relevant protections afforded by the Human Rights Act. This Commission routinely provides services of this nature to members of the public, organizations, and the Government as this aligns with the Commission's statutory functions, mission, vision, and obligations as Bermuda's National Human Rights Institution.

Discrimination Based on Race and Place of Origin

An individual approached the Commission with a query concerning potentially discriminatory policies within the workplace. They were concerned some individuals employed at the company who were bilingual were specifically told that they cannot speak to each other in their native language, which was not English. The individual identified that the company implemented a policy, which specified that all employees were required to speak English only while at work. The individual indicated that many of their colleagues, inclusive of those that spoke English and those who also spoke other languages, were uncomfortable with this and believed this was discriminatory. The individual was seeking information from the Commission to assist with recommendations to amend the workplace policy. The Human Rights Act, 1981 was discussed with the individual, and section 2(2)(a)(i) was identified for them to review, in addition to the relevant employment areas of the Act. In addition to providing the individual with resources to assist with their query, a referral was made for them to contact the Labour Relations Office.

The Commission highlighted that as with any mandatory policies applied in the workplace, the potential for discriminatory impacts exists and ought to be carefully assessed to ensure compliance with the Human Rights Act, 1981. There is a risk of unlawful discrimination where policies and practices fail to account for individual differences, which may then result in persons being discriminated against. Furthermore, organisational policies that inadvertently exclude persons based on a protected ground, should be reviewed, and removed if found to contravene the Human Rights Act, 1981. The Commission is a resource available to both employers and employees and where anyone believes that they are experiencing discrimination or harassment, they are encouraged to contact the Commission.



Voluntary Mediation Program

Mediation is a method of resolving complaints by bringing the parties together and helping them to move from a conflict situation to one of a resolution. It is a practical process through which the Mediator helps the parties to work towards a mutually agreeable resolution. Following a conflict check, the parties are provided with three options to choose from to appoint a Mediator. Where the parties are unable to agree, the unselected Mediator is appointed to facilitate the mediation process. The mediation process is always voluntary, and delivered at no cost to either party, to aid in resolving any grievances.

In 2022, three matters were involved in the Voluntary Mediation Program with one being unsuccessful and proceeding to an investigation and the remaining two being active in the Voluntary Mediation Program.

Referral Process

The Commission provides a robust triage and referral process to assist the public in finding a resolution to their intake. In 2022, the majority of referrals were made to the Department of Workforce Development (Labour Relations Office). As previously reported, many intakes received by the Office of the Commission were based on employment discrimination allegations and as a result, most referrals were made to the Department of Workforce Development. Additionally, as an added recourse, Complainants were also referred to seek independent legal advice, which may be through their own attorneys or through one of the free legal clinics on the Island to get guidance on their legal rights in the workplace.

Any additional referrals to parties involved in complaints of discrimination at the intake stage were based on whether the Complainant identified an area of discrimination for their matter. For example, if persons alleged discrimination in the provision of goods facilities and services, section 5(1) of the Act, provisional referrals may be made to the Department of Consumer Affairs, the Office of the Ombudsman for Bermuda or the Information Commissioner's Office depending on the circumstances of the intake.

Other entities that formed the referral process in 2022, included the:

Bermuda Police Service
Police Complaints Authority
Department of Public Transportation
Department of Immigration
Women's Resource Centre
Bermuda Industrial Union
Bermuda Economic Development Corporation
Aging & Disability Services

Rent Commission
Department of Health
Bermuda Health Council
Bermuda Medical Council
Bermuda Hospital Board's Patient Relations Office
Bermuda Union of Teachers
Legal Aid Office
Bermuda Bar Association

Education and Engagement

All residents of Bermuda have rights and responsibilities which are enshrined under the Bermuda Constitution Order 1968, and which are extended through the Human Rights Act, 1981. Amongst other protections these fundamental rights forbid discrimination based on certain personal characteristics and areas of daily life as detailed in the Act. Human rights education is designed to enhance understanding of legislated protections and help to create a culture that is committed to balancing, evolving, and upholding rights.

The fulfilment of the Commission's mandate is in service to all people residing in Bermuda. Such educational engagement and promotion is necessarily diverse, and includes awareness-raising, research, consultations, policy guidance, training, and strategic stakeholder collaboration.



Rights in the Community

Disability, Equity and Equality Panel Discussion

The Commission joined a virtual panel of disability rights advocates hosted by the Minister of Social Development and Seniors, the Hon. Tinee Furbert J.P., M.P., to address discrimination and disability inclusion in Bermuda.

Protection against discrimination based on disability has existed under the Human Rights Act since 1984 and was amended in 2016 to incorporate mental impairment in the definition of “disabled person”. In 2012, protection was expanded with the Human Rights (Unreasonable Hardship) Amendment Act 2011, requiring employers to provide reasonable accommodations to support qualified persons with disabilities to pursue or fulfil employment opportunities. However, legislation alone cannot create the will to ensure equitable consideration for all members of society.

The panel explored various questions, including:

- How can we foster a society where exclusionary treatment towards persons with disabilities is no longer accepted?
- What are the barriers to fulfilling an inclusive agenda?

The experience of COVID-19 reinforced how swiftly adjustments can be made when the will and urgency to ensure access and participation is present. The panel discussed societal barriers to address, including prejudice, fear, dated practices, lack of dedicated resources, and reluctance to act. Panelists described these barriers as more disabling than impairments, leading to discriminatory impacts. Creating systemic change to progress disability rights in Bermuda requires collective will and national support. The National Accessibility Plan, proposed in 2007, was designed to provide a framework for inclusive participation by embedding disability strategies into all aspects of national planning. The Commission is grateful to Minister Furbert for initiating efforts to revitalise this collaborative and systemic approach.

Disability, Equity and Equality Panel Discussion

**THURSDAY
17, FEBRUARY 2022
at 6:00 PM**

HOST Minister Tinee Furbert, JP, MP

PANELISTS INCLUDE Lisa Reed: Executive Officer – Human Rights Commission, Alicia Zuill: Para Educator – Education, Sherrie Lynn Lilley: Mental Health Counselor Director – Inspire Bermuda, Thea Furbert: Chairwoman & Co-Founder – Tomorrow’s Voices, Keith Simmons: Accessibility Officer – Ageing and Disability Services – Government and Margaret Phillips: Principal of Dame Marjorie Bean Hope Academy

LIVE on Facebook, Twitter (@bdagovernment), YouTube (CITV Bermuda), and on CITV (One Communications Channel 2 and WOW Channel 102).

GOVERNMENT OF BERMUDA
Ministry of Social Development and Seniors

Understanding and Protecting the Human Rights of those with Intellectual Disabilities

The Commission partnered with the Intellectual Disabilities Unit of the Mid-Atlantic Wellness Institute to design and deliver a module entitled, Understanding and Protecting the Human Rights of those with Intellectual Disabilities. This module was part of the [Certificate for Intellectual Disability Aid Programme](#), a joint initiative between Bermuda College, the Bermuda Hospitals Board and the Mid-Atlantic Wellness Institute, designed to provide the healthcare and education team with the necessary skills to support and deliver the highest quality of client-centred care to those impacted by an intellectual disability.

Participants worked together to identify how to apply clinical recommendations to real-life scenarios while providing a human rights-based approach to supporting their clients. The result was a lively and candid dialogue unpacking the institutional, clinical and social obstacles impacting the rights of those with intellectual disabilities. The stigma associated with disability and the resulting practices, policies and behaviours underscored the urgency of community education to help create an inclusive environment for all. The Commission looks forward to continued engagement with the Mid-Atlantic Wellness Institute to support this initiative. Special thanks to LeRoya Hardtman, from the Intellectual Disabilities Unit at the Mid-Atlantic Wellness Institute, for her co-facilitation of the module.

Human Rights Day and Warwick Academy



Human Rights Day 2022 coincided with Warwick Academy's 10th Anniversary of the Human Rights School Project. The Commission congratulates Warwick Academy and all the student representatives and staff who have infused their passion for upholding human rights into the project over the last decade. In particular, the Commission wishes to acknowledge a long-time collaborator and exemplary human rights ambassador who spear-headed the Warwick Academy Human Rights School Project, Francoise Wolffe.



The Commission was honoured to celebrate Human Rights Day with the Bermuda Society of Arts and Warwick Academy’s Student Club. The commemorative art exhibit invited submissions supporting Article 1 of the Universal Declaration of Human Rights: All Human Beings are born free and equal in dignity and rights. Human Rights Day 2022 also signalled the start of the United Nations yearlong campaign to showcase the [Universal Declaration of Human Rights](#) by focusing on its legacy, relevance, and activism. The Commission featured promotions with local artist John Woolridge to support the 2022 theme, Dignity, Freedom and Justice for All.



The Commission gained membership to the [Commonwealth Forum of National Human Rights Institutions](#) (CFNHRI) on March 7, 2022. The CFNHRI is a member-led network of human rights institutions, ombudsmen, and public defenders. Members protect, promote and advance human rights in their respective countries, and representation spans from the Americas and Europe, to Africa, Asia, and the Pacific. The CFHRI community promotes sharing expertise and collaboration to foster communities in which the rights of all citizens are respected, protected, and enjoyed. As Bermuda’s National Human Rights Institution, the Human Rights Commission is committed to learning from and with colleagues working on the frontline of rights promotion in jurisdictions around the world.

Human Rights Consultations

The Commission is a complaints-handling authority and a public resource to promote understanding of human rights obligations and compliance with the Human Rights Act, 1981. Each year, the Commission provides guidance to individuals and groups in the public and private sectors on various issues related to the Human Rights Act 1981 and associated responsibilities.



UN Women

[UN Women](#) is the United Nations entity dedicated to gender equality and women’s empowerment. Since the pandemic, a consortium of UN Agencies, led by UN Women, has been working on a proposal for a multi-country project to engender innovative financing for gender equality to help countries to build back equal after COVID-19. The Commission was invited to consult with UN Women and learn more about Bermuda’s participation in the UN Women’s Multi-Country Sustainable Development Cooperation Framework or MSDCF. In particular, the Commission learned

more about their proposed Joint Programme, Building Back Equal through Innovative Financing for Gender Equality and Women's Empowerment, funded by the [Joint Sustainable Development Goals \(SDG\) Fund](#). It is intended to facilitate participating countries to access financing [underpinned by a gender perspective](#) and with a focus on addressing violence against women and girls.

The Office of the Human Rights Commission subsequently participated in a Stakeholder Engagement at Bermuda Underwater Exploration Institute with the visiting UN Women team hosted by the Ministry of Social Development and Seniors. The convening allowed the Government of Bermuda and the visiting UN Women and United Nations Development Programme representatives to share developments with local representatives, including the Human Rights Commission. The joint project is designed to pilot innovative financing for gender equality to enable Bermuda and The Bahamas to [build back equal](#) post-Covid-19. It intends to showcase how innovative financing vehicles and the tools of the [Women's Empowerment Principles](#) can be leveraged to close financing gaps that women and youth face in sectors such as agriculture, sustainable tourism, and creative and cultural industries.

UN Human Rights Council's 2022 Universal Periodic Review

On July 13, 2022, the Human Rights Commission provided submissions on behalf of the organisation pertaining to the UN Human Rights Council's 2022 Universal Periodic Review to Government House and the Government of Bermuda.

The Ministry of Justice's International Human Rights Team in the United Kingdom commenced the process of compiling the United Kingdom's State Report for the UN Human Rights Council's 2022 Universal Periodic Review. Throughout this process it was noted that the United Kingdom was responsible for reporting on Overseas Territories. The Universal Periodic Review (**UPR**) is a state driven peer review process, conducted by the UN Human Rights Council to assess the human rights situation in every UN Member State. This occurs every four to five years and allows human rights violations to be highlighted wherever they occur and provides the State under review with the opportunity to declare what actions they have taken to improve human right situations within their country. As the State under review, the Government of Bermuda is obligated to provide a response in the course of the UPR outlining what actions have been taken to improve human rights within their respective jurisdictions.

As Bermuda's National Human Rights Institution (**NHR**) and in accordance with the Global Alliance for National Human Rights Institutions (**GANHRI**), the Commission plays a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. During the first of four stages within the UPR cycle, stakeholders are able to submit reports outlining observations made throughout the reporting period. As Bermuda's NHRI, the Commission highlighted observations on human rights violations and progression within the human rights landscape locally during the reporting period of 2017 to 2022.



Complaints

During the reporting period, the Commission outlined within annual reports a growing trend of various complaints and queries being filed by members of the public within the area of employment, inclusive of sexual harassment within the workplace and workplace harassment. Often times these allegations of discrimination or harassment were specifically alleged to be based on an individual's **race, place of origin, colour, ethnic or national origins**. Another reoccurring area of discrimination identified by members of the public within the reporting period concerned allegations of discriminatory treatment when obtaining goods, facilities, and services. Throughout the reporting period, the protected characteristics of **race, place of origin, colour, ethnic or national origins, sex, sexual orientation, and disability** were consistently identified by members of the public.

Legislation

During the reporting period, the Commission submitted policy recommendations to the Government of Bermuda, which concerned the structure of the Human Rights Tribunal (**Tribunal**). The policy recommendations resulted in changes to the Human Rights Act, 1981, which strengthened the independence of the Tribunal and expanded the functions of the independent Selection and Appointment Committee. The amendments took effect on February 7, 2022, and established an independent Tribunal comprised of individuals appointed by the Selection and Appointment Committee. The amendments expressly set out the empanelment mechanism, the composition of tribunals and the appointment process.

In 2018, the former Chief Justice, Ian Kawaley, established the Human Rights (Appeals) Rules 2018 (**Rules**), by exercising the power conferred by section 21(5) of the Human Rights Act, 1981, which provides the power to make rules in respect of appeals under section 21 of the Human Rights Act, 1981. The Rules were operative as of June 1, 2018, and provided clear legislative support to assist parties that may wish to appeal a decision of the Human Rights Tribunal to the Supreme Court of Bermuda. In doing so, the Rules improved the accessibility of filing an appeal from a Tribunal's decision for parties that are not legally represented and those with limited understanding of legal processes.

Amendments to the Employment Act 2000 took effect in January 2020, which extended the period of paid maternity leave and introduced paid paternity leave in Bermuda. Further amendments were made in 2021, which required all employers to have a policy statement in place for bullying and sexual harassment within the workplace. The extension of paid maternity leave and introduction of paid paternity leave serves as a positive compliment in allowing parents to better balance their work and home life when changes occur within their family status. Additionally, the Commission is hopeful that steps will be taken to eradicate indiscriminate bullying, harassment, and sexual harassment in the workplace with clear guidelines and policies structured around rooting out workplace bullying and sexual harassment.

Government of Bermuda

During the reporting period, in addition to the above, the Commission observed the Bermuda Government's commitment to the expansion of protections to persons with disabilities, the reduction of age discrimination in the area of employment, the development of equality impact assessments and initiatives aimed at assisting disadvantaged persons or groups. The Commission engaged directly with the Government of Bermuda on various consultations, including:

- a panel discussion on bullying and sexual harassment, which related to the Government's amendments to the Employment Act 2000;
- litigation guardians;
- Bermuda 2030: The UN Sustainability Development goals for Bermuda;
- The Public Service Policy on Drugs and Alcohol; and
- Review and recommendations to the Transposition Table in support of the extension of the UN Convention of the Rights of Persons with Disabilities.

The development of same-sex marriage rights occurred throughout most of the reporting period. In May 2017, a ruling in the matter of Godwin, Deroche v. Registrar General and others [2016] No. 259 resulted in a finding, which confirmed that the protected ground of sexual orientation in the Human Rights Act, 1981 guaranteed same-sex couples the right to marry. The Domestic Partnership Act received the Governor's assent in February 2018, which recognised same-sex marriages that took place but prohibited further from occurring and introduced domestic partnerships for both same-sex and opposite sex couples. A legal challenge commenced shortly thereafter before the Supreme Court of Bermuda, it was subsequently appealed to the Court of Appeal (COA) of Bermuda and again before the Judicial Committee of the Privy Council in the United Kingdom with a ruling rendered in AG for Bermuda v. Ferguson & Ors [2022] UKPC 5. The JCPC overturned the finding of the COA, which held that section 53 of the Domestic Partnership Act 2018 was invalid. Section 53 of the Domestic Partnership Act 2018 states that ***"notwithstanding anything in the Human Rights Act, 1981, any other provision of law or the judgment of the Supreme Court in Godwin and DeRoche v. The Registrar General and others delivered on 5 May 2017, a marriage is void unless the parties are respectively male and female."***

The Commission holds the view that human rights are indivisible. Whether they relate to civil, cultural, economic, political, or social issues, human rights are inherent to the dignity of all. The Human Rights Act, 1981, speaks to the recognition of the inherent dignity and the equal and inalienable rights of the human family as the foundation of freedom, justice, and peace in the World, and it is imperative to resist all efforts to erode the protections of the Act. The Commission maintains that the rights of an individual cannot be compromised at the expense of other rights. As the Commission envisions "a community that honours human rights for all" we do not support efforts or legislation, which effectively undermine the rights of individuals within the community. It has become clear throughout this reporting period that more must be done to ensure all members of the community are able to live within a just and equal society.

A segment of the Commission's submission within the UPR process spoke to the Commission's commitment to offer training on human rights in Bermuda as a core part of orienting public officers to their respective roles. The Government is Bermuda's largest employer, and our intended recommendation is aimed at ensuring that training is offered at the orientation stage to support the vision of the Commission, which is a community that honours human rights for all.



UN Convention on the Elimination of All Forms of Discrimination Against Women

In 2017, the UN Convention on the Elimination of All Forms of Discrimination Against Women was extended to Bermuda. While Bermuda's signatory status of a landmark international agreement, which affirms principles of fundamental human rights and equality for women around the world, is something to celebrate, further action is required by the Government to bring to life the legal obligations that come along with Bermuda's signatory status. Additionally, the Commission's submission within the UPR process spoke to the Government's commitment to establish a Gender Affairs Council with an aim to tackle domestic violence and gender inequities. In September 2022, the former Women's Council was reinstated under a new name – Gender Affairs Council, and ten (10) members were appointed to the Gender Affairs Council in January 2023.

Children's rights

During the reporting period, the rights of children featured in various ways. The Commission reported during the UPR process a ruling rendered by the Court of Appeal in 2019 in addition to setting out observations pertaining to Collective Worship in Bermuda's public school system.

In 2019, the Court of Appeal matter, KF and Ors. V. Attorney-General and Ors [2018] Civ. Appeal No. 13, concerned section 35 of the Children Act 1998, "Representation of child and of his interests in certain proceedings." The COA allowed the appeal of the appellants under grounds 5-9 and made the following declarations, paragraph 60:

"Accordingly, I would allow the appellants' appeal under Grounds 5-9 to the extent of granting declarations to the effect that: i) the Minister is currently, and has for some time been, in breach of her obligations under 8 and 35 of the 1998 Act and section 6(8) of the Constitution, to ensure that children have an effective right of access to, and participation and representation in, the courts in specified proceedings (as defined in the 1998 Act), because of her failure to introduce an appropriate scheme that provides for the funding of litigation guardians and counsel to represent children under section 35 of the 1998 Act; and ii) because of such breach, children involved in specified proceedings are being, and have been denied, effective access to, and participation and representation in, court proceedings in breach of their human rights under section 6(8) of the Constitution."

During the reporting period, the Government of Bermuda committed to and established a panel of Litigation Guardians, which is intended to operate as a child safeguarding mechanism under the Children Act 1998.

Further observations during the reporting period related to the manner in which collective worship is administered within the Bermuda Public School system. During the reporting period, the Commission met with members of the Department of Education regarding how collective worship is administered. The parameters of collective worship are set out in section 28 of the Education Act 1996 (**Education Act**). Specifically, section 28(7) states that ***"collective worship shall not be distinctive of any particular religious group."*** Despite section 28(7) of the Education Act, the Commission is aware of information, which suggests that collective worship is administered in a manner that is inconsistent with that provision and may amount to a contravention of the Human Rights Act, 1981. Furthermore, despite this being raised publicly as an issue, based on the information disclosed to the public, it does not appear as if actions have been taken to at the very least ensure

that section 28(7) of the Education Act is adhered to. The basis of this statement is rooted in public reports, which suggest that collective worship occurs in the form of a prayer session or sessions during school assemblies/throughout the day and is wholly or mainly of a Christian nature.

The community in Bermuda includes individuals of varying religious beliefs and those who hold no religious beliefs at all. The Commission is of the view that children should not be compelled to worship in the public school system, especially when it is administered in a manner that prioritises one religion over others and breaches their human rights. During the UPR process, the Commission spoke to its intention to further engage with the Government of Bermuda on this issue to extend recommendations on ways to incorporate more inclusive practices.

Migration

During the reporting period, the Bermuda Immigration and Protection Act 1956 was amended and has enabled some with the ability to apply for permanent residency within Bermuda. The amendments extended to individuals who have been ordinarily resident in Bermuda for 20 years or more, provided that they have been resident in Bermuda in the two years immediately preceding their application, Non Bermudian parents of a child with Bermudian status who have been ordinarily resident in Bermuda for 15 years or more, provided they have been ordinarily resident in Bermuda for at least 15 years and for the two years preceding the application and children born to second generation PRC holders who have been ordinarily resident in Bermuda. The aim of the amendments appeared to address some of the uncertainty, which exists in mixed status families in Bermuda.

Conclusion

The Government of Bermuda is obligated to provide a response in the course of the Universal Periodic Review. As Bermuda's NHRI, the Commission provides the perspective concerning the specific areas that Commission was involved in and observed throughout the reporting period. When assessing the State's actions taken over the reporting period, a recommendation was made for the Government to consider engagement with additional agencies and stakeholders that can provide first-hand insight into additional human rights considerations. As of the preparation of this 2022 Annual Report, the Commission has not had the benefit of reviewing any submissions provided by the Government during the UN Human Rights Council's 2022 Universal Period Review.

Human Rights Commission – Consultation on Sec. 4 of the Human Rights Act, 1981

The Human Rights Commission is preparing policy recommendations to submit to the Government of Bermuda. On November 4, 2022, invitations were issued to various stakeholders to participate in a consultation. The stakeholders included government departments, regulatory bodies, public authorities, housing facilities, non-profit organisations, parish councils, mental health service providers, alcohol and drug dependency service providers and community organisations. The purpose of the consultation was to identify any challenges, concerns, or needs that exist within the community when it comes to acquiring housing, being in need of housing or occupying housing in Bermuda.



The Office of the United Nations High Commissioner for Human Rights has reported that more than 1.8 billion people worldwide lack adequate housing and discrimination in housing is one of the most pervasive and persistent barriers to the fulfilment of the Right to Adequate Housing today. The Human Rights Commission considers housing to be the basis of stability, dignity, and security for an individual or family. Most importantly, the Commission holds the view that housing is a human right and inadequate housing impacts a person's health, work, education, relationships, and may result in a diminished quality of life. Failing to recognize, protect, and fulfil the Right to Adequate Housing results in the violation of fundamental rights including the Right to Work, Education, Health, and Security.

The Special Rapporteur on the right to adequate housing (A/HRC/43/43, para. 30) reported that, **"Homelessness is a profound assault on dignity, social inclusion, and the right to life. It is a prima facie violation of the right to housing and violates a number of other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment."** The Commission received feedback from stakeholders between November 4, 2022, and December 31, 2022, and the results of the consultation accounted for various members of Community experiencing difficulties, discrimination, or harassment within housing. Some of the experiences documented were protected by the Human Rights Act, 1981, while some were not, these included:

- single mothers indicating that they were denied from renting an apartment due to having children.
- women who became pregnant during their tenancy, and subsequently experienced challenges with maintaining their accommodation.
- individuals being denied from renting an apartment due to receiving financial assistance.
- individuals with disabilities being unable to secure an apartment due to the home not being accessible.
- seniors seeking affordable housing.
- individuals being denied from renting an apartment due to a criminal record.
- individuals experiencing discrimination during their tenancy after retiring and receiving pension benefits.
- limited community housing resources locally, such as suitable transitional type housing to meet specialised population needs.
- a lack of housing options for individuals requiring family/significant other support.
- individuals with disabilities experiencing discrimination or harassment within housing once details of their disability become known.
- prospective tenants being denied renting an apartment due to their age and marital status.
- individuals experiencing discriminatory practices while occupying their home due to their race, place of origin, colour, ethnic or national origins.

If you have experienced discriminatory treatment while renting or while seeking to rent, please contact the Commission as the Human Rights Act, 1981, may be applicable to you. If you wish to receive more information about your rights within this area of protection, you are also welcome to contact the Commission. Our contact details are HRC_Intakes@gov.bm, (441) 295-5859, or visit us in person at 32 Victoria Steet, Milner Place, Ground Floor, Hamilton, HM12.

The Commission intends to utilise the material obtained through these consultative efforts, to inform policy recommendations, which will be submitted to the Government of Bermuda. The policy recommendations are aimed at strengthening and broadening the protections available within the Human Rights Act, 1981.

Meet and Greet



The Human Rights Commission was delighted to welcome the U.S. Consul General to Bermuda, Ms. Karen Grissette. The visit was an opportunity to provide an overview of the work of the Commission, discuss areas of focus and learn more about the role of the Consul General on the island, especially as it relates to human rights matters in Bermuda. The Commission provided details on the organisation's complaint handling processes and information that could be shared with U.S. Citizens in Bermuda.

Resilience: HRC Team History Tour



The Office of the Human Rights Commission joined historian Kristin White of LongStoryShort Tours for a private tour through St. Georges. The 'Resilience' tour focuses on the stories of people of African descent and invites participants to walk in their footsteps and learn of their rebellion, resistance, and resilience. It was a poignant and insightful experience for the team and a privilege to benefit from Kristin White's extensive research and reflections.



Legal Matters

Attorney-General for Bermuda v. Roderick Ferguson & Ors (Bermuda) [2022] UKPC 5

The Attorney-General for Bermuda appealed a decision of the Court of Appeal of Bermuda to the Judicial Committee of the Privy Council. The hearing was held on February 3, 2021 and February 4, 2021, before Lord Reed, Lord Hodge, Lady Arden, Lord Sales, and Dame Victoria Sharp with the judgment handed down on March 14, 2022.

Facts

The establishment of the Domestic Partnership Act 2018 (**DPA**), through section 53 provided for legally recognised domestic partnerships between any two adults (*inclusive of same-sex couples*) but has declared that a marriage is void unless the parties are respectively male and female. This provision headed Clarification of the law of marriage reads as follows – **“Notwithstanding anything in the Human Rights Act 1981, any other provision of law or the judgment of the Supreme Court in Godwin and DeRoche v The Registrar General and others delivered on 5 May 2017, a marriage is void unless the parties are respectively male and female.”**

The Respondents, being individuals affected by the legislation and a Bermudian church which supports and conducts same-sex marriages, applied to the Supreme Court of Bermuda for a declaration that the provisions of the DPA which purported to revoke same-sex marriage contravened the Bermuda Constitution Order 1968 (**Constitution**).

Initially, the Supreme Court of Bermuda ruled in favour of the Respondents, holding that section 53 of the DPA contravened sections 8 and 12 of the Bermuda Constitution Order 1968.

The Attorney-General for Bermuda appealed to the Court of Appeal for Bermuda. The Court of Appeal partially ruled in favour of the Attorney-General, holding that section 53 of the DPA contravened section 8 (but not section 12) of the Constitution, but the Court of Appeal also held that section 53 was void on the grounds that it was “enacted for a religious purpose.”

The Attorney-General appealed this ruling to the Judicial Committee of the Privy Council and the Respondents cross-appealed to the Judicial Committee for the Privy Council for a declaration that the DPA contravenes section 12 of the Constitution.

The Judicial Committee for the Privy Council by majority, found in favour of the Attorney-General. A synopsis of their reasons appears below on two grounds of appeal and one cross-appeal.



Issues

1. Is section 53 of the DPA invalid because it was passed primarily for a religious purpose contrary to the secular nature of the Constitution?
2. Does section 53 contravene section 8 of the Constitution because it hinders the beliefs held by the Respondent (and others) in same-sex marriage as an institution recognised by law?
3. Does section 53 contravene section 12 of the Constitution which prohibits discrimination based on creed?

Issue 1

Is section 53 of the DPA invalid because it was passed primarily for a religious purpose contrary to the secular nature of the Constitution?

The Board was unanimous on this ground of appeal and found in favour of the Attorney-General. While the Court of Appeal upheld the Respondents' challenge on the basis that section 53 of the DPA was enacted primarily or mainly for a religious purpose contrary to the secular nature of the Constitution, the Board overturned this decision for two reasons:

- Firstly, the Board set out that the Constitution does not contain a self-standing and implicit ban on the enactment of legislation for a religious purpose. Also, the Board ruled that they do not interpret section 8 of the Constitution as including such a ban by implication.
- Secondly, the Board ruled that section 53 of the DPA cannot be viewed in isolation from the rest of the DPA in the absence of evidence showing that it was gratuitously added on to the compromise without any demand for it. The Board found that the right approach is to treat the DPA as a set of connected provisions which all had the same purpose, namely that of ending the dispute in Bermudian society over same-sex marriage.

The Board reached a unanimous decision on this issue and found that the Domestic Partnership Act 2018 was not passed for a religious purpose.

Issue 2

Does section 53 contravene section 8 of the Constitution because it hinders the beliefs held by the Respondent (and others) in same-sex marriage as an institution recognised by law?

The Board was divided on this ground, with the majority finding in favour of the Attorney-General. At the outset of dealing with this issue, the Board indicated that they accepted the sincerity of the Respondents' beliefs; however, noted that the question is whether such beliefs qualify for protection under section 8 of the Constitution, and if so, whether section 53 of the DPA interferes with those beliefs.

The constitutional challenge of the Respondents' is framed within paragraph 61 of the judgment, which appears below:

"In discussing this second ground of appeal, it is important to recall, as Mr Jonathan Crow QC emphasises in his submissions on behalf of the Attorney General, that the respondents cannot establish a case of unlawful discrimination on the ground of sexual orientation because there is no provision within the Constitution prohibiting such discrimination and because the DPA contains an express provision disapplying the protections of the Human Rights Act in relation to same-sex marriage. In many jurisdictions, the prohibition of such discrimination has been a powerful weapon to protect minorities, such as gay people, who have been stigmatised and victimised in the past, against majoritarian bias and oppression. But that provision is not part of the Bermudian Constitution. The respondents' constitutional challenge therefore is that section 53 and related provisions of the DPA contravened section 8 of the Constitution because they hindered the enjoyment of beliefs in same-sex marriage as an institution recognised by law."

The Board set out three principal questions, which arise in an analysis of section 8 of the Constitution, specifically whether a belief in same-sex marriage came within its ambit.

- Do the beliefs which the Respondents profess fall within the scope of the protection conferred by s. 8?

The Board acknowledged that the Respondents' belief that society should recognise the relationship of long-term commitment of same-sex couples through the institution or marriage comes within the protection conferred by section 8 of the Constitution.

- What is meant by the enjoyment of freedom of conscience?

The Board held that 'enjoyment' of freedom of conscience comprised of two elements, an internal element, which is a person's ability to think as they please and adhere to a set of religious beliefs or to have none. The second element is an external element which involves the ability to manifest and propagate one's religion or belief in worship, teaching, practice, and observance.

- What is the scope of the protection conferred, whether negatively, in prohibiting interference with such enjoyment or positively, in providing protection in another form?

The Board by majority concluded that section 8 of the Constitution does not impose on the state a positive obligation to give legal recognition to same-sex marriages in response to those that believe that such a right should exist.

The reasons given by the Board for reaching this conclusion appear below:

- neither the government nor the Legislature interfered in any way with the conscientiously held internal belief of any of the Respondents that the law of Bermuda should give recognition to same-sex marriage, see para. 75;
- neither the government nor the Legislature interfered in any way with the Respondents' ability to manifest and propagate such a belief, see para. 76;
- churches and other religious bodies are still able to carry out marriage ceremonies and recognise them as a matter of religious practice within their faith community, see para. 77;
- section 8 of the Constitution does not extend to imposing a positive obligation on the state to make the law that complies with that belief, see para 78.



Drawing on the jurisprudence of the European Convention of Human Rights (**ECHR**), the Board by majority, identified two ways of analysing the matter.

- The first was that a belief in same-sex marriage as an institution which should be recognised in law is a belief within the scope of section 8 of the Constitution but that the state does not interfere with that belief if it does not give legal recognition to same-sex marriage.
- The second was that the belief that same-sex marriage should be given legal recognition is not the type of belief that section 8 of the Constitution protects because it is inconsistent with the absence of any protection in the Constitution against discrimination on the ground of sexual orientation and the ability of the legislature expressly to disapply the operation of the Human Rights Act, 1981.

Lord Sales in his dissenting opinion, expressed that he reached a different conclusion from the majority of the Board and would have dismissed the appeal on the basis of the second issue, which concerns the effect of section 8 of the Constitution.

Lord Sales framed the issue as ***“whether a belief in same-sex marriage is within the ambit of section 8(1) and/or whether the respondents held beliefs within the ambit of that provision.”*** Lord Sales considers that the Respondents’ beliefs are protected and that, that protection extends to an obligation on the state to give legal recognition to same-sex marriage.

The fundamental difference between Lord Sales’ view and the remaining majority is the analysis of the nature of the Respondents’ belief. The majority characterise the Respondents’ belief as a “political belief” that same-sex unions should be legally recognised as marriage whereas, in Lord Sales’ opinion, the Respondents’ beliefs are more fundamental, being concerned with how they themselves should live.

Lord Sales’ dissenting opinion set out that the state has a duty to be neutral between different religious and conscientious beliefs which individuals have, in order to afford them equal respect as citizens, ensure they are free to exercise their own ethical independence and so as to avoid the civic disparagement of vulnerable minorities, such as gay people. In Lord Sales’ view, the refusal by the state to allow or recognise same-sex marriage is contrary to the protection provided by section 8 of the Constitution, as it interferes with the ability of same-sex couples to act in accordance with their conscience and breaches the state’s duty of neutrality between different conscientious or religious beliefs. In his view a right to marry for everyone is implicit in section 8 and, given the general language of section 8, that right cannot be interpreted as confined to opposite-sex couples.

Lord Sales posed the question of whether the right to marry contained within section 8 of the Constitution can in modern society be restricted to opposite-sex couples where the Constitution contains no *lex specialis* on the subject and there are no words of limitation in section 8 itself to restrict it in that way. In Lord Sales’ opinion, it is not possible to read section 8 of the Constitution as so limited. Lord Sales concluded that the right of everyone to marry was implicit in general wording of section 8 of the Constitution, such that section 53 of the Domestic Partnership Act was unconstitutional.

Issue 3

Does section 53 contravene section 12 of the Constitution which prohibits discrimination based on creed?

The Board was unanimous on this ground of appeal and found in favour on the Attorney General. The Court of Appeal ruled in favour of the Attorney General on this point and the Respondents appealed against that decision.

The Respondents' position on this issue was as follows:

- The revocation provision in section 53 of the DPA was unconstitutional under section 12 of the Constitution because their belief in legally recognised same-sex marriage constitutes a "creed".
- The Respondents further contended that section 53 of the DPA replaced a wide secular definition of marriage with a narrow religious one, held by certain creeds by not others, and thus accorded privileges and advantages to persons of certain creeds, and imposed disabilities and restrictions on persons of other creeds.

The Board rejected the Respondents' challenge, and within paragraph 97 of the judgment stated the following:

"Section 12(3) defines "discriminatory" as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by creed (emphasis added). There are two reasons why the respondents cannot bring themselves within the protection of section 12. The first is the reason given by the Court of Appeal. Discrimination attributable to a person's description by creed is a reference to discrimination based on a person's system of beliefs, by which he or she is described, such adherence to a religion such as Christianity or Islam, or a secular belief system such as communism. Secondly, the exclusion of same-sex couples from the institution of marriage is attributable not to their or their supporters' description by creed but because they are of the same sex."

The Board was unanimous in their decision to dismiss this portion of the appeal and upheld the decision of the Court of Appeal on the basis that 'creed' was a reference to a system of beliefs rather than a single belief, and because the exclusion of same-sex couples from marriage was not attributable to discrimination based on creed but was discrimination based on sexual orientation.

What does this mean?

In 2013, the Human Rights Act was amended to include sexual orientation as a prohibited ground of discrimination. The inclusion of this prohibited ground provided protection to a demographic of the community who were previously subjected to discriminatory treatment based on their sexual orientation in circumstances where they were not protected by the Human Rights Act. Section 2(2) of the Act prohibits discrimination on the basis of race, place of origin, colour, ethnic or national origins, sex or sexual orientation, marital status, disability, family status, religion, beliefs, political opinions, and criminal record.

In 2017, in the matter of *Godwin et al v. Registrar General* [2017] SC (Bda) 36 Civ, Justice Charles-Etta Simmons ruled in favour of the Applicants and found that the refusal of the Registrar to process their Notice of Intended Marriage as required by sections 13 and 14 of the Marriage Act on the basis of their sexual orientation amounted to discrimination contrary to section 2(2)(a)(ii) as read with section 5 of the Human Rights Act.



Following the ruling in Godwin, members of the community were permitted to access services from the Registrar General free from discrimination on the basis of their sexual orientation. This enabled various couples to marry irrespective of their sexual orientation. In 2018, through section 53 of the Domestic Partnership Act a marriage was declared to be void unless the parties were respectively male and female. A result of the DPA is that the protection afforded by the Human Rights Act with respect to same-sex marriage is no longer available.

The vision of the Commission is a Bermuda that honours human rights for all. The preamble of the Human Rights Act, 1981 recognises that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the World. From the Commission's perspective, the establishment of sections 48 and 53 of the DPA represent the start of a potentially dangerous trend; the selective removal of human rights protections. The erosion of the Human Rights Act in this instance has resulted in a limitation on the effectiveness of the prohibited ground, sexual orientation. The Commission considers it important to amplify that the Community is still protected from discrimination based on sexual orientation [section 2(2)(a)(ii)], however, as seen through the judgment of the Judicial Committee of the Privy Council, section 53 of the DPA was not declared to be unconstitutional.

The ruling in Attorney-General v. Ferguson and Ors concluded the journey of the legal challenges pertaining to this issue; however, individual and collective efforts remain ongoing as we seek to ensure that we are able to live in a Community that respects the human rights of all citizens, especially the marginalised and vulnerable who are disproportionately the first casualties of any erosion of human rights protections.

Accountability

Statement of Accounting Officer's Responsibilities for the Period April 1, 2022 to March 31, 2023

The responsibilities of the Accounting Officer of the Commission including keeping proper records of expenditure of the budget funding allocation received by the Commission from the Legislature. At 31 March of each fiscal year, the Accounting Officer is required to certify that balances on the accounts of the office are correct and provide a reconciliation of those balances to supporting documentation.

The Legislature approved the Operational Budget for the 2022/23 fiscal year at \$1, 215, 767.00. Performance reports are issued by the Executive Officer on a quarterly basis and are available to the public as requested.

Selection and Appointment Committee

The independent Selection and Appointment Committee (SAC or Committee) is statutorily responsible for the independent recruitment, selection and appointment of Human Rights Commissioners and Human Rights Tribunal panel members. The selection and appointment processes reflect the appointment standards for National Human Rights Institutions (based on guidance set out by the United Nations under the Paris Principles) by creating a public application process to enable eligible persons in the community to be considered for appointment to the Human Rights Tribunal or as a Human Rights Commissioner.

This public application process was implemented in 2012 and has now expanded through the amendments to the Human Rights Act in 2021 (Human Rights Amendment Act 2021) to include the statutory functions of recruiting, selecting, and appointing a panel of members to the Human Rights Tribunal.

Seth Darrell was appointed as the Head of the Selection and Appointment Committee by the Hon. Tinee Furbert JP, MP, the Minister of Social Development and Seniors and the minister with responsibility for human rights. The other members of the Committee are Cherie Dill, Chiara Nannini, Dennis Pimentel, and Robin Tucker.



Human Rights Tribunal Panel Members

The Human Rights Tribunal is an independent body empaneled to resolve complaints of alleged discrimination in a fair, impartial, and timely manner. The Tribunal is tasked with making factual findings based on the evidence adduced to determine whether unlawful discrimination has occurred. Where a Tribunal determines that discrimination has occurred, the Tribunal may order any party to do any act or thing that constitutes full compliance and rectify any injury caused, which may include financial restitution. The orders of the Tribunal are enforceable and subsequently registered with the Supreme Court. Where a party wishes to appeal a decision of the Tribunal they may do so by way of the Supreme Court. The Human Rights (Appeals) Rules 2018 provide guidance for parties wishing to appeal a Tribunal decision.

In September 2022, the independent Selection and Appointment Committee for Bermuda confirmed the appointment of a panel of thirteen members to the Human Rights Tribunal for the 2022-2025 term. Following the appointment of the panel, the Head of the SAC, Seth Darrell remarked, "On behalf of my fellow committee members, I am pleased to confirm that Human Rights Tribunal panel members have been empaneled for the 2022-2025 term to adjudicate complaints referred to them by the Executive Officer of the Office of the Human Rights Commission.

Human Rights [as enshrined in both the Bermuda Constitution Order 1968 and the more recent anti-discrimination framework promulgated by the Human Rights Act, 1981, as amended], are an important pillar of our community. As such, the Selection and Appointment Committee sought to attract a dedicated and capable group of persons reflective of Bermuda's community to serve as a steward of human rights for Bermuda and her residents. The Selection and Appointment Committee adhered to the well-established appointment standards for National Human Rights Institutions [based on guidance set out by the United Nations under the 'Paris Principles'], which fosters a public and inclusive application process ensuring an independent and impartial selection process."

The following individuals were appointed to serve as members of the Human Rights Tribunal for the 2022-2025 term – Christina Herrero, Tribunal Panel Chairperson, Steven White, Tribunal Panel Deputy Chairperson, and Tribunal Panel Members, Julia Aidoo-Saltus, Fiona Bada, Elaine Butterfield, Malcolm Clarke, Christopher Cunningham, Dawn Eversley, Sita Ingram, LeVince Roberts, Casey Schuler, Claire van Overdijk, and James Webster.



Annexes

I) Letter of Transmittal

The Office of the Human Rights Commission was established under the Human Rights Act, 1981, and the Commission's statutory powers and duties are described in the Human Rights Act, 1981 and Commissions of Inquiry Act, 1935. As a non-Ministry office, we receive a budget allocation from the Legislature and are subject to the standards enshrined in the Public Treasury (Administration and Payments) Act, 1969.

This is the Annual Report for the year January 1, 2022 to December 31, 2022 which reflects the story of the work carried out during this period for the fulfilment of the Commission's statutory mandate.

II) Timeline of the Human Rights Act

View online version:

humanrights.bm/wp-content/uploads/2022/09/HRC-timeline2022.pdf

II) Definitions

Gender: Whereas "sex" refers to biological and physiological characteristics, "gender" refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for individuals based on the sex they were assigned at birth.

Gender Expression: The external manifestation of one's gender identity expressed through one's name, pronouns, behaviour, clothing, haircut, voice, or bodily characteristics.

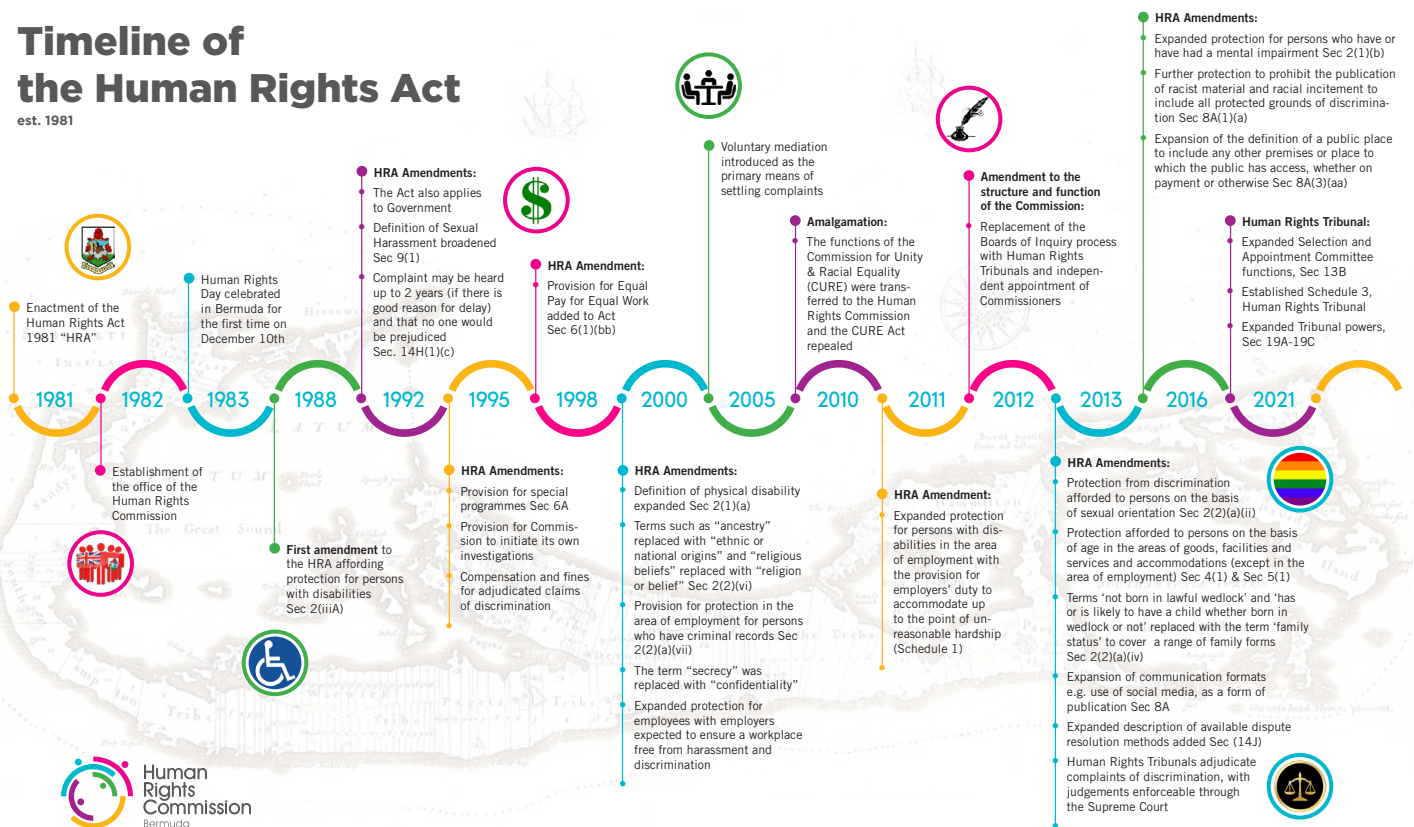
Gender Identity: Refers to a person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth or the gender attributed to them by society.

Sex: The classification of a person as having female, male, and/or intersex characteristics. Infants are usually assigned the sex of male or female at birth based on the appearance of their external anatomy.

ANNEX I to the UN Globe Recommendations Terminology Guidance

Timeline of the Human Rights Act

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How to Contact the Commission

The public is encouraged to contact the Office of the Human Rights Commission if they believe they have or may have experienced discriminatory treatment as the Human Rights Act, 1981 may be applicable. If you wish to receive more information about your rights, you are welcome to contact the Commission. You can choose to call, email, or visit the Office to make contact.

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| Walk-In: | Human Rights Commission Milner Place Ground Floor 32 Victoria Street Hamilton HM 12 |
| Mail: | P.O. Box HM 73432 Victoria Street Hamilton HM CX |
| Phone: | 441.295.5859 |
| Email: | humanrights@gov.bm |
| Web: | www.humanrights.bm |





Human
Rights
Commission
Bermuda

Human Rights Commission
32 Victoria Street
P.O. Box HM 734
Hamilton HM CX
Bermuda

Phone: 441.295.5859

Email: humanrights@gov.bm

