



Human
Rights
Commission
Bermuda

ANNUAL REPORT 2023



VISION

A Bermuda that honours human rights for all.

MISSION

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



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“When an individual is protesting society’s refusal to acknowledge his dignity as a human being, his very act of protest confers dignity on him.”

BAYARD RUSTIN



Message from the Executive Officer

In 2023, human rights organisations worldwide commemorated the 75th anniversary of the Universal Declaration of Human Rights. The 30 Articles of the Declaration explicitly proclaim the inherent dignity and equal and inalienable rights of all.

This milestone anniversary coincided with the 75th Anniversary of the Palestinian Nakba and a resurgence in hate crimes, war crimes, genocide, mass environmental destruction (ecocide), and other atrocities. With egregious human rights violations broadcast in real-time from Myanmar to the Congo, Haiti, Australia, the United States, and Palestine, the fundamental rights and dignity of individuals are under increasing threat.

The international community has been forced to examine the effectiveness of the mechanisms and institutions designed to uphold rights and freedoms and to confront the frailty and failings of the global human rights system.

At the same time, a powerful surge of advocacy has emerged. Millions of people have used their voices to demand accountability for horrific violations, including human trafficking, torture, the displacement of people and the illegal occupation of lands.

Bermuda is no exception. While we are fortunate to enjoy relative health and stability on our island, the disparity in access to basic needs continues to widen. The Commission is grateful for the extraordinary web of advocates insisting upon a more just and equitable Bermuda. There is a steadfast movement in Bermuda from individuals, collectives, support services, government, and non-ministry agencies seeking to uphold and advance rights, challenge the 'status quo' and demand a better Bermuda.

The power of individual action in the quest for justice has never been more evident. Each of us has a role in preventing discrimination, challenging unfair practices, and protecting the rights of all.

Our individual and collective action is the most powerful catalyst for bringing rights to life in Bermuda.

The Human Rights Act springs to life and becomes most impactful when applied to our daily lives: in the decisions we make, the questions we ask, the way we interact with each other, and honour our distinct and diverse identities.

As it relates to the Commission's deliverables over the reporting period, the following are highlights of the 2023 Annual Report:

- Implementation of our 2023-2025 strategic plan, which underpins a refreshed Vision, a Bermuda that honours human rights for all, and our Mission to protect and promote human rights through education, collaboration, advocacy and enforcement.
- Hosted seven focus groups to determine what the public knows about the Human Rights Commission, what information they would like to receive and how they would prefer to receive information.
- Launched a communications plan designed to raise the Commission's profile and educate the public on their human rights in accordance with the Act.
- Conducted 19 interviews with the local media, including newspaper, radio, podcasts and television.
- Received 150 intakes by members of the public, a 28% increase from the prior year. For the sixth straight year, sex, place of origin, ethnic or national origins, and disability were identified more frequently by members of the public as the basis for alleged discrimination.
- Conducted a public consultation to obtain data on various human rights issues to inform policy recommendations to the Government.
- Provided consultative services to assist organisations and the Government to advance their human rights initiatives within Bermuda.
- Researched and developed five modules focused on Human Rights in the Hospitality and Tourism sector for the Bermuda Tourism Authority.
- Applied for and received leave to intervene as a third party in the proceedings of a matter before the European Court of Human Rights, which concerns the revocation of a right to same-

sex marriage in Bermuda.

- Launched an Instagram account to promote our activities and community engagements.
- Educated the public through presentations and lunch and learns to promote understanding of the Human Rights Act and Bermuda's human rights framework.
- Released public statements on important updates, including our public consultation on various human rights matters and our 2022 Annual Report.
- Collaborated with partner organisations on several initiatives that address discrimination, racism, and inequity, such as Imagine Bermuda, Citizens Uprooting Racism in Bermuda, Bermuda is Love, HOME, Bermuda National Library, and the Bermuda Hospital Board's Mid-Atlantic Wellness Institute (MAWI).

I extend my appreciation to the Selection and Appointment Committee, led by Seth Darrell, the panel members of the Human Rights Tribunal who actively progressed various human rights complaints, and Christina Hererro for her leadership of the independent Human Rights Tribunal.

In closing, my sincerest gratitude goes to each member of our team for their ability to listen, educate, and ensure that all those in Bermuda feel they can rely on the Commission. Each interaction with the public increases our understanding of residents' needs and strengthens our ability to discharge the responsibilities given to us under The Act.

LISA REED
Executive Officer





150

INTAKES RECEIVED

Received 150 intakes by members of the public, a 28% increase from the prior year. For the sixth straight year, sex, race, place of origin, colour, ethnic or national origins, and disability were identified more frequently by members of the public as the basis for alleged discrimination.

46%

INTAKES RELATED TO EMPLOYMENT

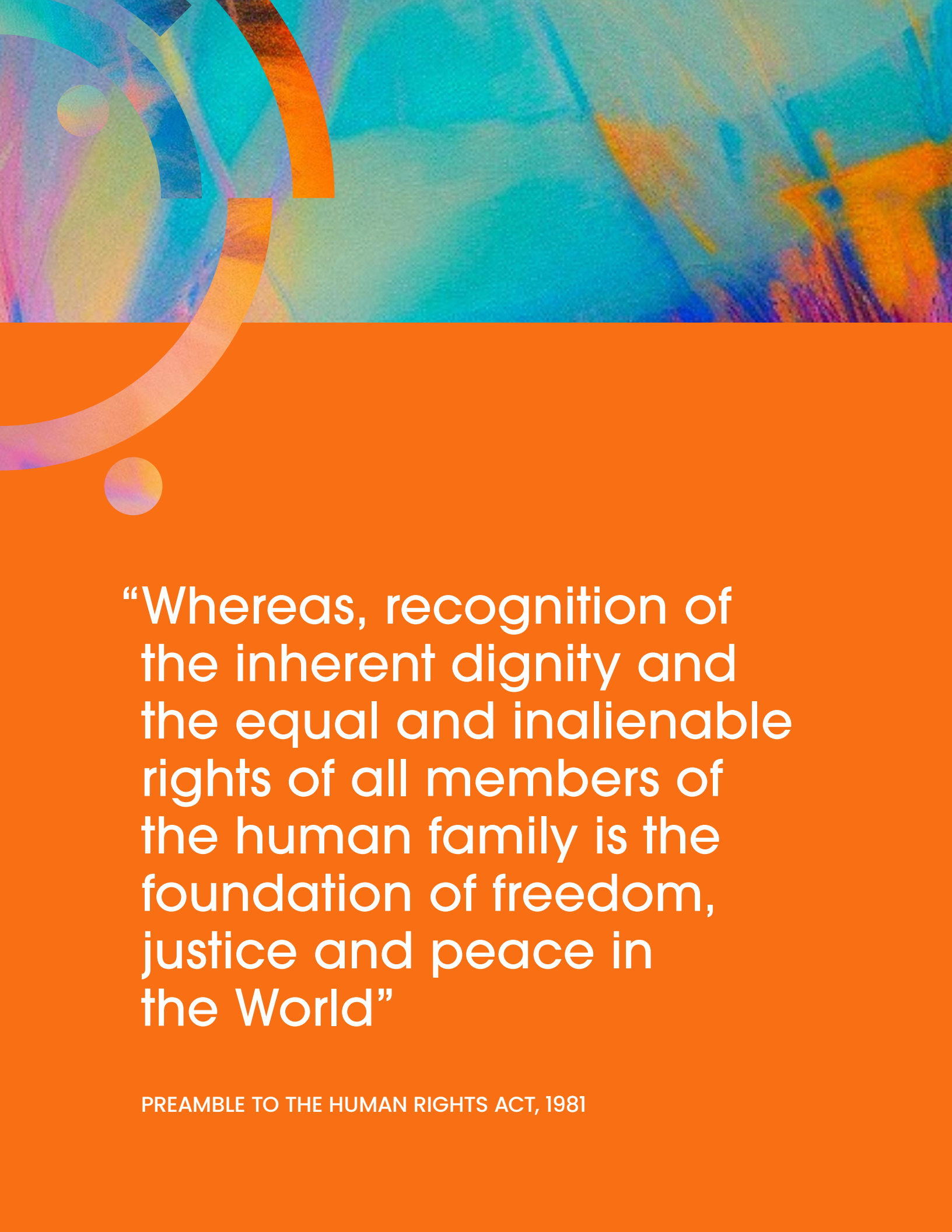
Regarding the areas of discrimination identified by members of the public, forty-six percent (46%) of the intakes related to employment, which combines matters under section 6(1) of the Act, in addition to those identified as employment related. Among the remaining areas of discrimination, the highest were goods, facilities, and services at sixteen percent (16%) and harassment within the workplace at fifteen percent (15%).

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;
- 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.

The background features a vibrant, abstract composition. The top half is filled with soft, painterly brushstrokes in shades of teal, light blue, and yellow. Overlaid on this are several semi-transparent, overlapping circles and arcs in various colors, including orange, purple, and green. The bottom half of the image is a solid, bright orange color, which serves as the background for the white text.

“Whereas, recognition of 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”

PREAMBLE TO THE HUMAN RIGHTS ACT, 1981

Officers of the Human Rights Commission



**Lisa
Reed**
Executive
Officer



**Sonia
Astwood**
Administrative
Officer



**Arion
Mapp**
Legal Counsel



**Sara
Clifford**
Education
Officer



**Darnell
Harvey**
Investigations
Officer



**Treadwell
Tucker**
Investigations
Officer



**Erlene
Postlethwaite**
Intakes
Officer

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



Complaint Management Statistics

Members of the public can submit queries to the Commission and pursue complaints of discrimination, harassment or reprisal by filing complaints in accordance with section 14H of the Human Rights Act, 1981.

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 (Act). An intake is classified as a complaint or query and consists of any form of contact made by a member of the public, who intends to file a complaint or obtain information from the Office of the Human Rights Commission. For procedural purposes, individuals who submit an intake are referred to as complainants. When a complaint is filed and an appropriate individual, company or organisation is identified they are 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, if applicable, appropriate referrals are provided, and the matter may either be forwarded onward to the respondent(s) with an invitation to reply, if it discloses a prima facie case of discrimination or dismissed if it does not. Where notice is sent to the respondent(s), this is referred to as the 'Complaint Received Stage.'

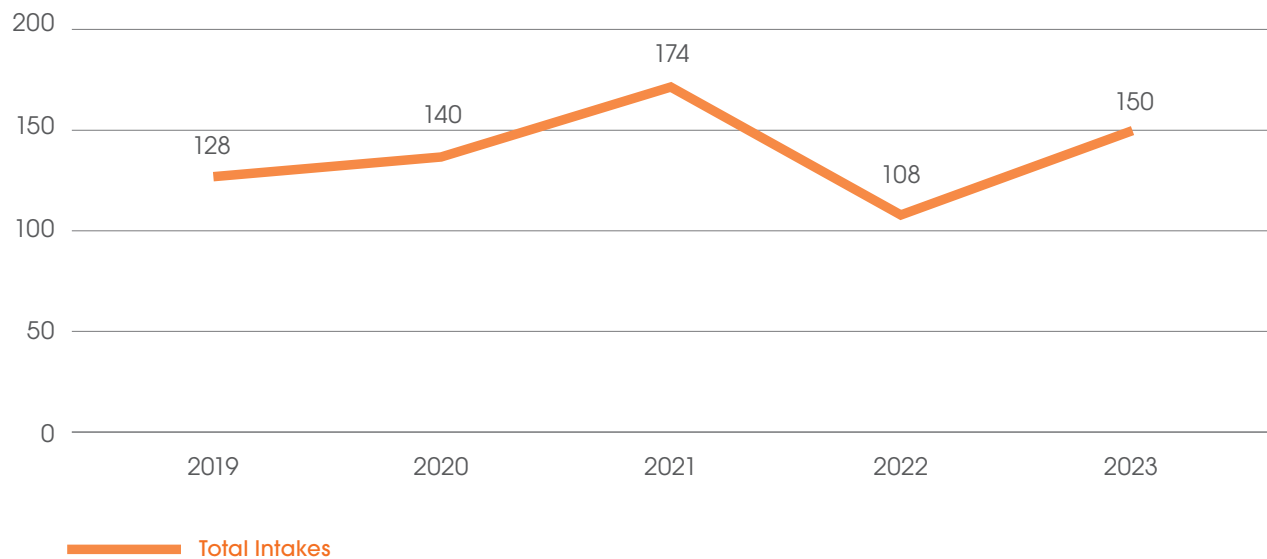
When appropriate to do so, the Executive Officer may also conduct a preliminary inquiry in accordance with section 14I of the Act for the purpose of determining whether to undertake an investigation.

- Intakes are comprised of complaints and queries.
- A complaint is classified as a matter filed with the Commission by an individual who asserts that the Act has been contravened.
- A query is classified as a question regarding the Act or a request for information relating to human rights or rights generally.



Statistical Analysis Intakes and Preliminary Inquiries

FIGURE 1 - Total Intakes for the Period, 2019 - 2023



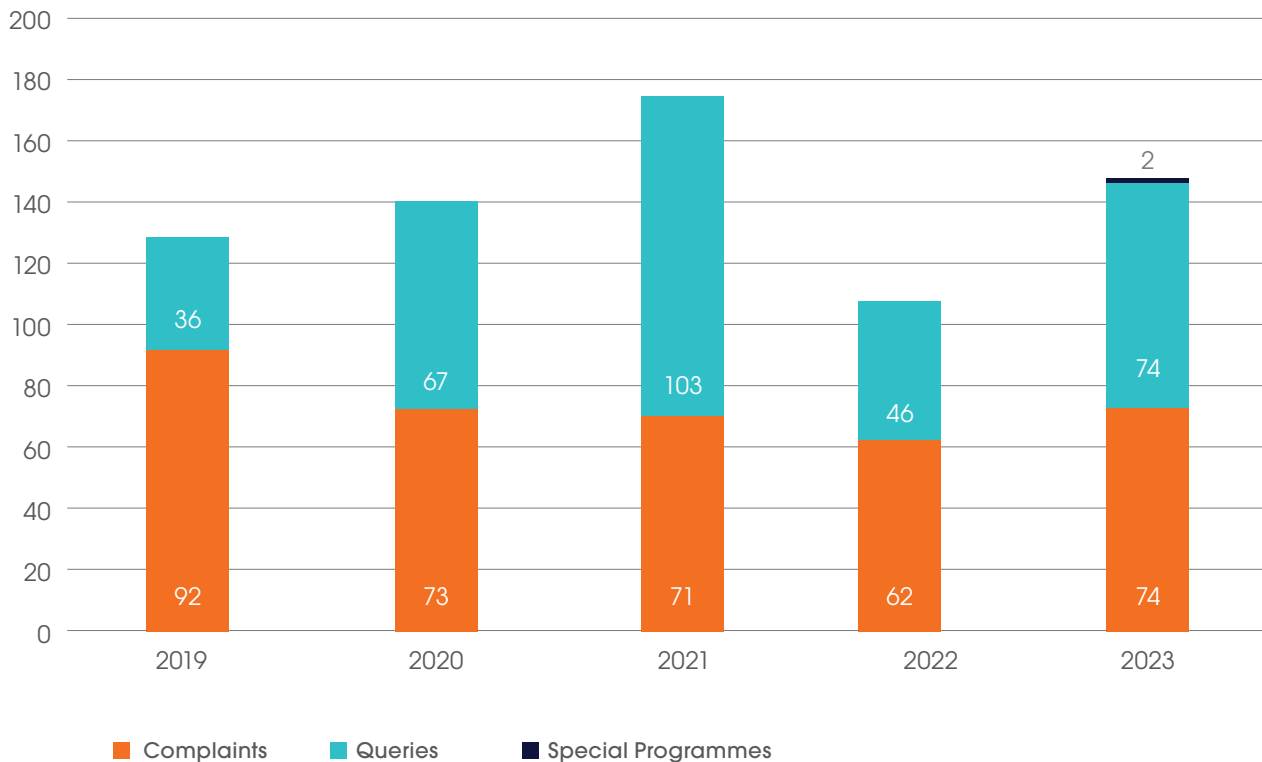
Line graph describing the number of intakes received annually. The X-axis represents the year, and the Y-axis represents the total number with a range of 0 to 200 in intervals of 50. The graph shows an increase from 128 in 2019 to 140 in 2020, followed by an increase in 2021 to 174, and a decrease to 108 in 2022. The graph ends with an increase to 150 in 2023.

In 2023, there were **150 intakes** filed with the Office of the Human Rights Commission by members of the public. In contrast to the previous year, this was an increase of **28%** (108 in 2022).

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 2 - Intakes by Type for the Period, 2019 - 2023



Bar graph setting the number of annual intakes received as either complaints, queries or special programmes. 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 92 complaints and 36 queries in 2019, 73 complaints and 67 queries in 2020, 71 complaints and 103 queries in 2021, 62 complaints and 46 queries in 2022, and 74 complaints, 74 queries, and 2 special programmes in 2023.

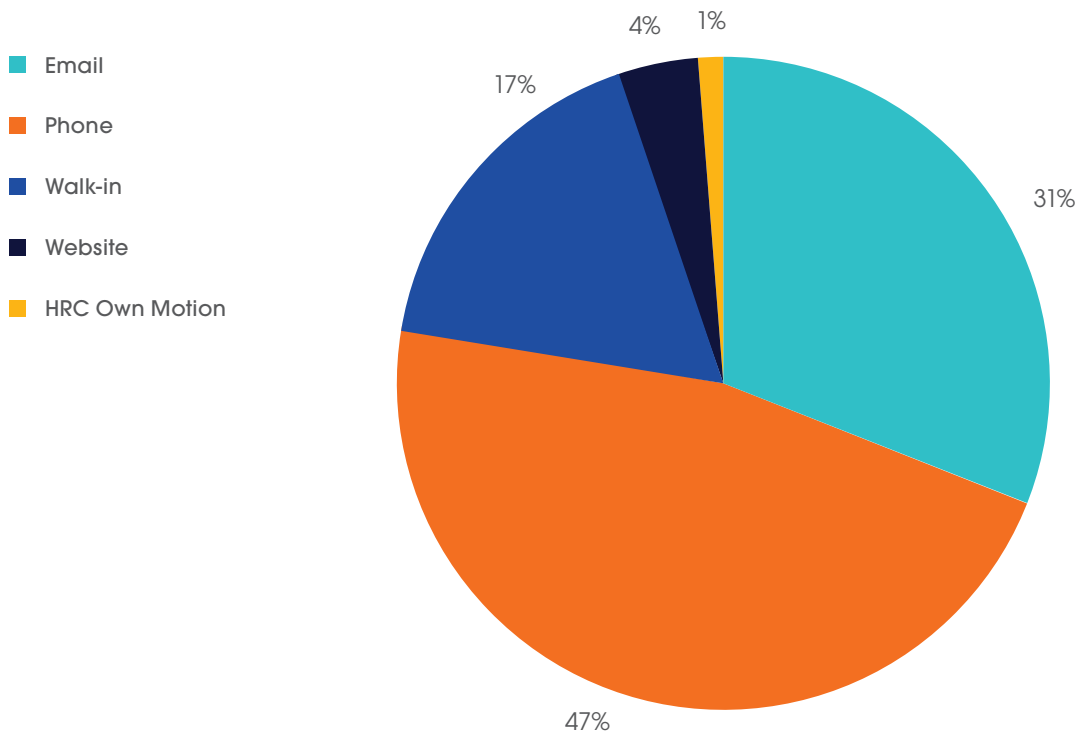
In 2023, when comparing complaints and queries against each other, Figure 2 shows that there was an equal split of complaints and queries received by the Office. Figure 2 illustrates that of the 150 intakes received, 74 were classified as queries, 74 were classified as complaints and 2 related to special programme applications. Since 2022, there have been increases in complaints and queries received by the Office with a larger increase occurring in queries during the reporting period in comparison to the previous year. During 2023, the Human Rights Commission implemented a comprehensive communications strategy, which sought to increase awareness of the Commission and educate Bermuda's residents on their human rights. This was a large focal point of the Commission's strategic communications and education initiatives, which appears to have resulted in an increase in contact between our office and the public. In addition, the Commission remains intentional about logging all queries received, which may have contributed to the increase on record.



Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 3 - Percentage Distribution of Intakes Received by Method of Contact, 2023



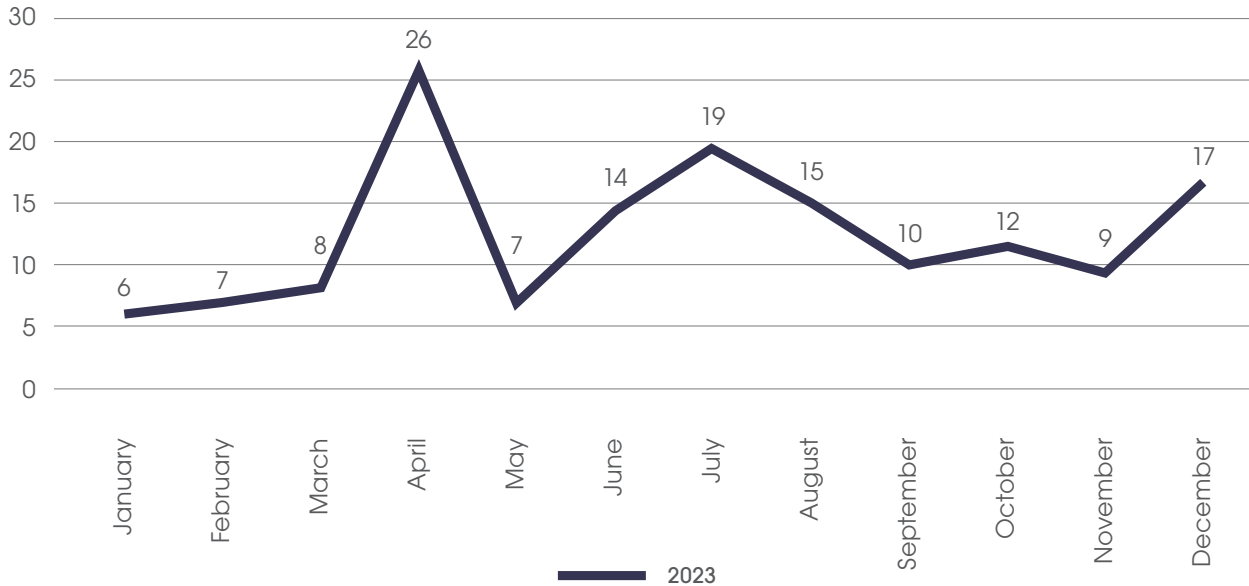
Pie chart displaying the percentage of intakes received in 2023 by email 31%, by phone 47%, by walk-in 17%, by website 4%, and by HRC own motion 1%.

In 2023, 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. Intakes are received in various forms; such as through email, over the phone, with individuals logging intakes in-person or through the website – www.humanrights.bm. There are also instances where the Commission commences an action, which results in it being logged as ‘HRC own motion.’ Of all intakes received in 2023, members of the public contacted the Office by phone 47% of the time, by email 31% of the time, in person at the office 17% of the time and through the website 4% of the time. There was an instance, which accounted for 1%, where a matter commenced on the Commission’s own motion.

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 4 - Annual Intakes by Month, 2023



Line graph describing the total number of intakes received in each month in 2023. The X-axis represents the month, and the Y-axis represents the total number with a range of 0 to 30 and intervals of 5. The graph shows an increase from 6 intakes in January to 7 intakes in February, another increase to 8 intakes in March, a steep increase to 26 intakes in April, a steep decrease to 7 in May, an increase to 14 intakes in June, an increase to 19 intakes in July, a decrease to 15 intakes in August, a decrease to 10 intakes in September, an increase to 12 intakes in October, a decrease to 9 intakes in November and the graph ends with an increase to 17 intakes in December.

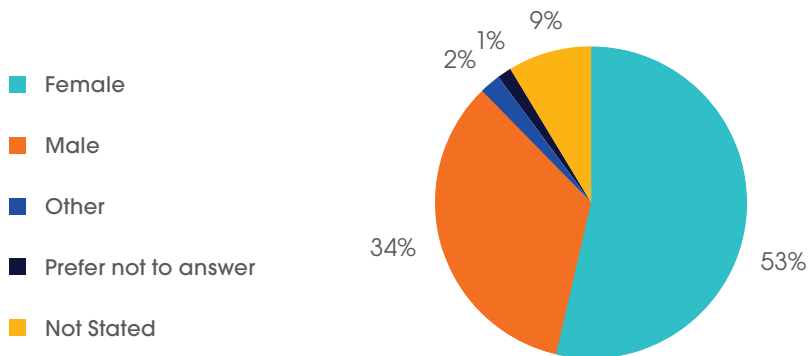
In 2023, when comparing annual intakes by month, Figure 4 illustrates that the highest month for intakes recorded was April 2023 (26 intakes) representing 17% and July 2023 (19 intakes) representing 13%. The lowest number of intakes recorded in a month was January (6 intakes), representing 4%. The mean average for intakes was 12.5 intakes per month.



Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 5 - Percentage Distribution of Intakes by Sex of the Complainant, 2023



Pie chart displaying the percentage of intakes received in 2023 by sex for categories of female 53%, male 34%, other 2%, prefer not to answer 1%, and not stated 9%.

In 2023, the voluntary demographic data received demonstrated that female complainants represented 53% of all intakes received in comparison to 34% for male complainants. Among the intakes received, there were 9% where complainants did not identify their sex, and these have been recorded as 'not stated.' Further, among the intakes received, there were 2% where complainants identified their sex as other and 1% where complainants selected 'prefer not to answer.' In comparison to the reported figures in 2022, the total number of female complainants reduced by 13% from the previously reported total of 66% and the total number of male complainants increased by 3% from the previously reported total of 31%.

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

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

Statistical Analysis

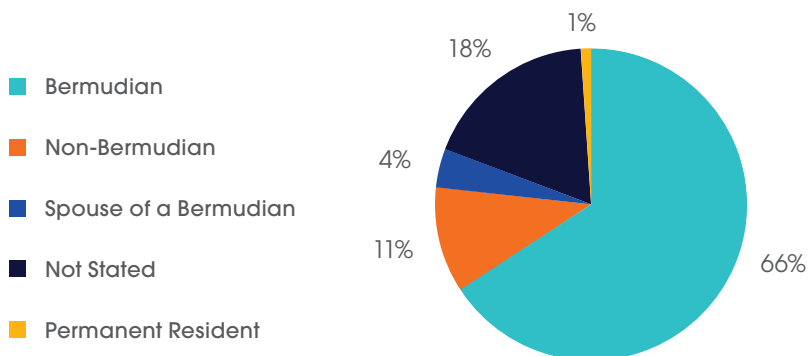
Intakes and Preliminary Inquiries

- **Female complainants** were among the majority of complainants who identified sex as a protected ground when contacting the Commission. Specifically, female complainants represented **55%** of intakes identifying section 2(2)(a)(ii) while **male** complainants represented **36%**. The demographic data received demonstrated that **male and female complainants** equally identified race, colour, place of origin, ethnic or national origins as a protected ground when contacting the Commission; however, **male complainants** cited disability as a relevant protected ground more frequently than female complainants.
- From the areas of discrimination set out within Part II of the Act, the Commission observed that *section 6(1) – employment, section 5(1) – goods, facilities and services, and section 6B(1) – harassment within the workplace* were identified on a more frequent basis by members of the public than others.
- **Female complainants** were among the majority of complainants indicating that they experienced discrimination within the area of employment citing section 6(1) of the Act. Specifically, female complainants represented **53%** of intakes identifying section 6(1) of the Act, while male complainants represented **33%**. The Commission collects demographic data on a voluntary basis and the remaining individuals either selected 'other' or did not state their sex. There was a marginal split between **male and female complainants** who asserted that they experienced discrimination when obtaining goods, facilities, and services in Bermuda, with reference made to section 5(1) of the Act. Male complainants represented **44%** of intakes while female complainants represented **39%** of intakes referencing section 5(1) of the Act. When it came to harassment within the workplace, **female complainants** identified section 6B(1) on a more frequent basis, as they represented **55%** of intakes alleging harassment within the workplace while male complainants represented **27%**. The remaining individuals did not provide demographic data on their sex and fell within the category of 'not stated.'

Statistical Analysis

Intakes and Preliminary Inquiries

FIGURE 6 - Percentage Distribution of Intakes by the Bermuda Immigration Status of the Complainant, 2023



Pie chart displaying the percentage of intakes received in 2023 by Bermuda Immigration Status for categories of Bermudian 66%, non-Bermudian 11%, Spouse of a Bermudian 4%, Permanent Resident 1% and not stated 18%.

Figure 6 illustrates the Bermuda Immigration Status of complainants for intakes received in 2023. The voluntary demographic data received in 2023 demonstrated that Bermudian complainants represented 66% of all intakes received in comparison to 11% for non-Bermudian complainants, 4% for complainants who are Spouses of a Bermudian and 1% for complainants who are a Permanent Resident Certificate Holder. The remaining 18% represented individuals who did not provide demographic data on their immigration status.

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

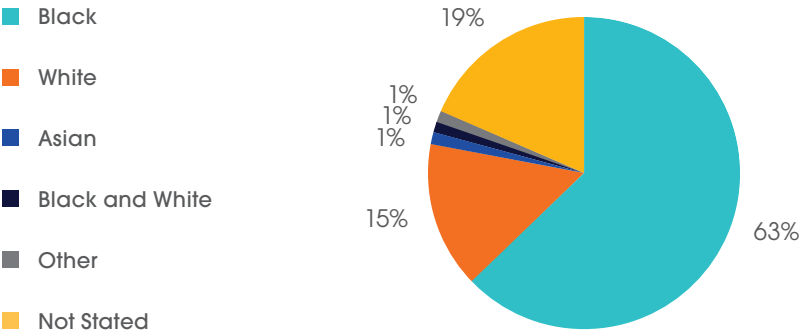
- The protected grounds set out within section 2(2)(a)(ii) – sex, section 2(2)(a)(i) - race, colour, place of origin, ethnic or national origins, and 2(2)(a)(iiiA) - disability, were identified on a more frequent basis by members of the public than others.
- **Bermudian complainants** were among the majority of complainants who identified section 2(2)(a)(i) - race, colour, place of origin, ethnic or national origins, section 2(2)(a)(ii) - sex, and section 2(2)(a)(iiiA) - disability as a protected ground when contacting the Commission. Specifically, Bermudian complainants represented **60%** of intakes identifying section 2(2)(a)(i), **53%** of intakes identifying section 2(2)(a)(ii), and **82%** of intakes identifying section 2(2)(a)(iiiA) of the Act.

Statistical Analysis

Intakes and Preliminary Inquiries

- From the areas of discrimination set out within Part II of the Act, the Commission observed that section 6(1) – *employment*, section 5(1) – *goods, facilities and services*, and section 6B(1) – *harassment* within the workplace were identified on a more frequent basis by members of the public than others.
- **Bermudian complainants** were often among the majority of complainants concerning varying areas of discrimination within the Act, such as section 6(1) – employment, section 5(1) – goods, facilities and services, and section 6B(1) – harassment within the workplace. Specifically, Bermudian complainants represented **50%** of intakes relating to section 6(1), **72%** of intakes relating to section 5(1) and **64%** relating to section 6B(1) of the Act.

FIGURE 7 - Percentage Distribution of Intakes by the Race of the Complainant, 2023



Pie chart displaying the percentage of intakes received in 2023 by race for categories of Black 63%, White 15%, Asian 1%, Black and White 1%, Other 1% and Not Stated 19%.



Statistical Analysis

Intakes and Preliminary Inquiries

In 2023, the voluntary demographic data received demonstrated that complainants identifying their race as Black represented 63% of all intakes received. Complainants identifying their race as White represented 15% of all intakes received with the remainder being comprised of complainants identifying their race as Asian being 1%, complainants identifying their race as Black and White being 1% and complainants identifying their race as Other being 1%. There were instances where complainants did not identify their race, and this has been categorised as 'not stated' and represented 19% of intakes received.

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)(ii) – *sex*, section 2(2)(a)(i) – *race, colour, place of origin, ethnic or national origins*, and 2(2)(a)(iiiA) – *disability*, were identified on a more frequent basis by members of the public than others.
- **Complainants who identified their race as Black** were among the majority of complainants who identified section 2(2)(a)(i) – *race, colour, place of origin, ethnic or national origins* and section 2(2)(a)(iiiA) – *disability* as a protected ground when contacting the Commission. Specifically, complainants who identified their race as Black represented **65%** of intakes identifying section 2(2)(a)(i) of the Act and represented **91%** of intakes identifying section 2(2)(a)(iiiA).
- From the areas of discrimination set out within Part II of the Act, the Commission observed that section 6(1) – *employment*, section 5(1) – *goods, facilities and services*, and section 6B(1) – *harassment within the workplace* were identified on a more frequent basis by members of the public than others.
- **Complainants who identified their race as Black** represented **64%** of intakes asserting that they experienced harassment within the workplace contrary to section 6B(1) of the Act. When evaluating the voluntary demographic data received against frequently identified areas of discrimination such as section 5(1) – *goods, facilities and services*, and section 6(1) – *employment*, complainants who identified their race as Black represented **56%** of intakes identifying section 5(1) and **57%** of intakes identifying section 6(1) of the Act.

Statistical Analysis

Intakes and Preliminary Inquiries

TABLE 8 - Intakes by Ground of Discrimination Cited - Section 2(2)(a), 2023

Ground	No. of Grounds	%
(i.) Race	13	12
(i.) Place of Origin	19	18
(i.) Colour	3	3
(i.) Ethnic / National Origins	5	5
(ii.) Sex	20	19
(ii.) Sexual Orientation	2	2
(iii.) Marital Status	2	2
(iiiA.) Disability	12	11
(iv.) Family Status	11	10
(vi.) Religion	5	5
(vi.) Beliefs	1	1
(vii.) Criminal Record	9	8
*Pregnancy	4	4
**Age	2	2
Total	108	100

Note 1 - *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.

Note 2 - **Protection afforded in section 4 and section 5.

Note 3 - Not all grounds as identified in the Human Rights Act, 1981 have been listed in the table above because no data had been collected for 2023.

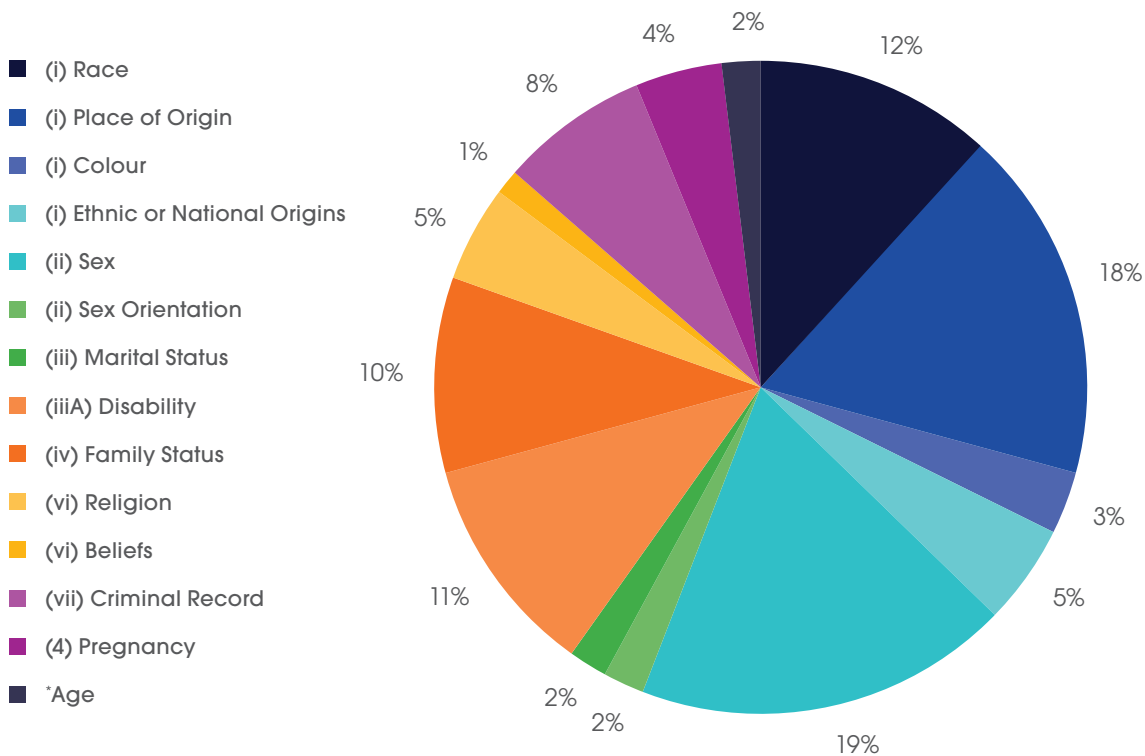
Note 4 - Not included within the statistics for intakes are those where the complainant did not state or identify a ground. The numbers provided reflect statistics for grounds as self-identified.

Note 5 - Percentage totals may not equal 100 due to rounding.



Statistical Analysis Intakes and Preliminary Inquiries

FIGURE 8 - Percentage Distribution of Intakes by Ground of Discrimination Cited - Section 2(2)(a), 2023



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 because no data had been collected for 2023.

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

Pie chart displaying the percentage of intakes received by ground of discrimination in 2023 for categories of Race 12%, Place of Origin 18%, Colour 3%, Ethnic or National Origins 5%, Sex 19%, Sexual Orientation 2%, Marital Status 2%, Disability 11%, Family Status 10%, Religion 5%, Beliefs 1%, Criminal Record 8%, Pregnancy 4%, and Age 2%.

Statistical Analysis

Intakes and Preliminary Inquiries

Table 8 and Figure 8 illustrates that among the individual protected grounds identified by complainants, section 2(2)(a)(ii) - sex, was identified on a more frequent basis than others representing 19% 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 **38%** of all identified protected grounds. These were followed by **disability, section 2(2)(a)(iiiA)**, which represented **11%** of all identified protected grounds and **family status, section 2(2)(a)(iv)**, which represented **10%** of all identified protected grounds.

In comparison to previous years, the following observations have been made:

- Looking back to the reported statistics since 2018, this is now the sixth straight year where the protected grounds of race, place of origin, colour, ethnic or national origins, section 2(2)(a)(i), sex, section 2(2)(a)(ii), and disability, section 2(2)(a)(iiiA) have featured among the three most identified protected grounds within a reporting period.
- The total number of individuals identifying the protected ground of sex, has nearly doubled in a year, as this figure was reported as being 10% in 2022.
- The total number of individuals identifying the protected ground of disability, has decreased within the current reporting period as this total was reported in 2022 as the most frequently identified protected ground representing 24% within the last reporting period.



Statistical Analysis Intakes and Preliminary Inquiries

TABLE 9 - Intakes by Area of Discrimination Cited, 2023

Area	No. of Areas	%
Section 4 - Land	12	9
Section 4A - Land (Bermudian)	1	1
Section 5 - Goods, Facilities & Services	20	16
Section 6 (1) - Employment	38	30
Section 6 (4) - Employment Applications	1	1
Section 6B - Harassment	19	15
Section 7 - Organisations	3	2
Section 8 - Reprisal	2	2
Section 9 - Sexual Harassment	9	7
Section 12 - Contracts	1	1
Employment Related	21	16
Total	127	100

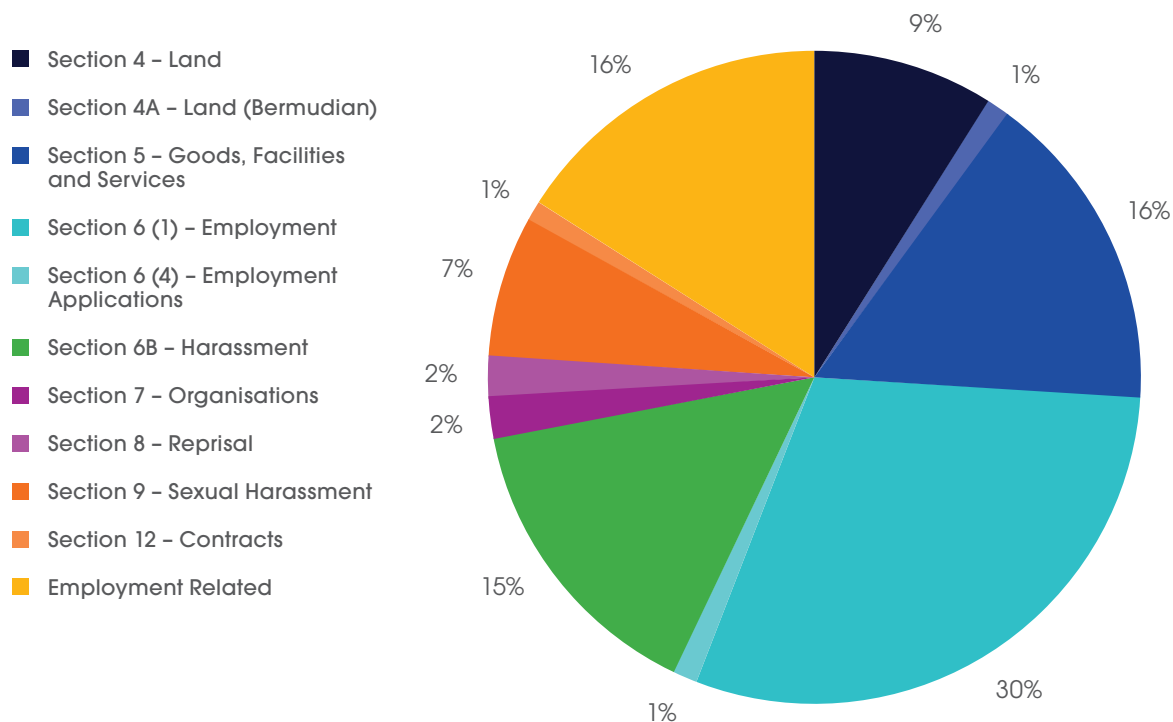
Note 1 - Not all areas as identified in the Human Rights Act, 1981 have been listed in the table above because no data had been collected for 2023.

Note 2 - Not included within the statistics for intakes are those where the complainant did not state or identify an area of discrimination was not identified. The number provided reflects statistics for declared areas of discrimination.

Note 3 - Percentage totals may not equal 100 due to rounding.

Statistical Analysis Intakes and Preliminary Inquiries

TABLE 9 - Percentage Distribution of Intakes by Area of Discrimination Cited, 2023



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 2023.
 Note 2 - Not included within the statistics for intakes are those where the complainant did not state or identify an area of discrimination was not identified. The number provided reflects statistics for declared areas of discrimination.

Pie chart displaying the percentage of intakes received by area of discrimination in 2023 for categories of Section 4 - Land 9%, Section 4A - Land (Bermudian) 1%, Section 5 - Goods, Facilities, and Services 16%, Section 6(1) - Employment 30%, Section 6(4) - Employment Applications 1%, Section 6B(1) - Harassment 15%, Section 7 - Organisations 2%, Section 8 - Reprisal 2%, Sexual Harassment 7%, Section 12 - Contracts 1% and Employment-Related intakes 16%.



Statistical Analysis

Intakes and Preliminary Inquiries

Table 9 and Figure 9 illustrates that a large portion of intakes concerned allegations of discrimination within employment. Complainants primarily cited section 6(1) of the Act when contacting the Commission, which accounted for 30% of identified areas of discrimination.

Complainants frequently alleged that they experienced discrimination or harassment when seeking to access goods, facilities and services, section 5(1), and harassment within the workplace, section 6B(1) of the Act. Specifically, section 5(1) represented **16%** of all identified areas of discrimination and section 6B(1) represented **15%** of all 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 2023, when compared with the identified areas of discrimination, these intakes represented 16% of that total. All other identified areas of discrimination encompassed the remaining 23%.

In comparison to previous years, the following observations have been made:

- Looking back to reported statistics since 2019, section 6(1) – employment, has been the most identified area of discrimination within each reporting period. For section 6B(1) – harassment within the workplace, this area of discrimination has now been ranked among the three most identified areas of discrimination over the past three years.
- A review of the reported statistics in 2022 has revealed both increases and decreases in the percentage of identified areas of discrimination.
 - Increases were observed in the areas of discrimination relating to goods, facilities, and services and discrimination in employment. Specifically, the rate of complainants identifying section 5(1) marginally increased from 12% in 2022 to 16% in 2023 with section 6(1) also increasing from 28% in 2022 to 30% in 2023.
 - Decreases in reporting were observed in areas of discrimination relating to workplace harassment and sexual harassment. Specifically, the rate of complainants identifying section 6B(1) decreased from 19% in 2022 to 15% in 2023. A more significant decrease in reporting was observed with section 9 of the Act, which went from 18% in 2022 to 7% in 2023.

Investigations

In 2023, there were 10 investigations being managed by the Office. These investigations were at various stages of the investigations process. This total has decreased by 6 as there were 16 investigations reported as being managed by the Office in 2022. During this reporting period, of the 10 investigations that were managed by the Office, 4 were approved and referred for investigation within the reporting period while 6 were previously approved and remained ongoing in 2023. In contrast to the previous reporting period, 2022, the total number of investigations previously approved and remaining ongoing has decreased by 7, as this number went from 13 in 2022 to 6 in 2023.

TABLE 10 - Active Investigations by Ground of Discrimination - Section 2 (2)(a), 2023

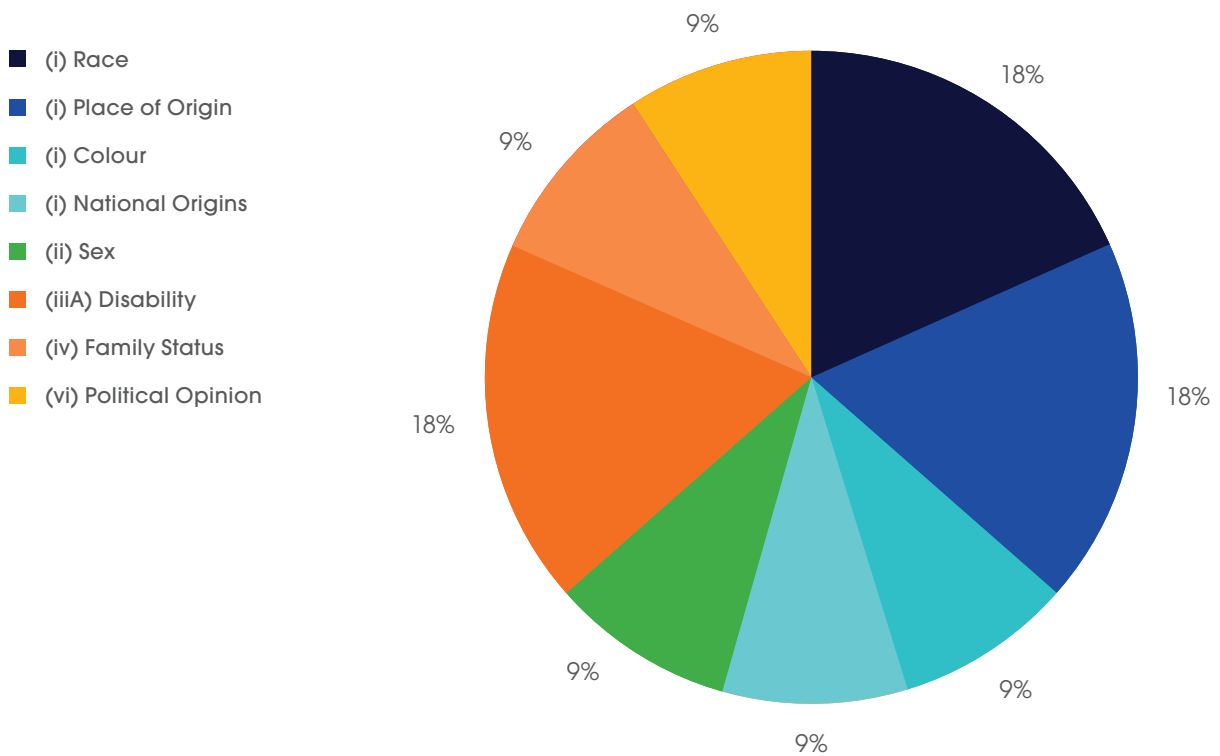
Ground	No. of Grounds	%
(j) Race	2	18
(i) Place of Origin	2	18
(j) Colour	1	9
(i) National Origins	1	9
(ii) Sex	1	9
(iiiA) Disability	2	18
(iv) Family Status	1	9
(vi) Political Opinion	1	9
Total	11	100

Note 1 - Complainants may identify multiple areas of discrimination (and within each area cite multiple allegations of discrimination) and thus, the total may be greater than the total number of investigations.

Note 2 - Percentage totals may not equal 100% due to rounding.

Investigations

TABLE 10 - Percentage Distribution of Active Investigations by Ground of Discrimination - Section 2 (2)(a), 2023



Note 1 - Complainants may identify multiple areas of discrimination (and within each area cite multiple allegations of discrimination) and thus, the total may be greater than the total number of investigations.

Note 2 - Percentage totals may not equal 100% due to rounding.

Pie chart displaying the percentage of active investigations by ground of discrimination in 2023 for categories of race 18%, place of origin 18%, colour 9%, national origins 9%, sex 9%, disability 18%, family status 9%, and political opinion 9%.

Table 10 and Figure 10 illustrate that race, place of origin and disability were among the top three grounds of discrimination being investigated as the total for each represented 18%. The remaining grounds of discrimination identified and being investigated amounted to 9% respectively.

Investigations

TABLE 11 - Active Investigations by Area of Discrimination, 2023

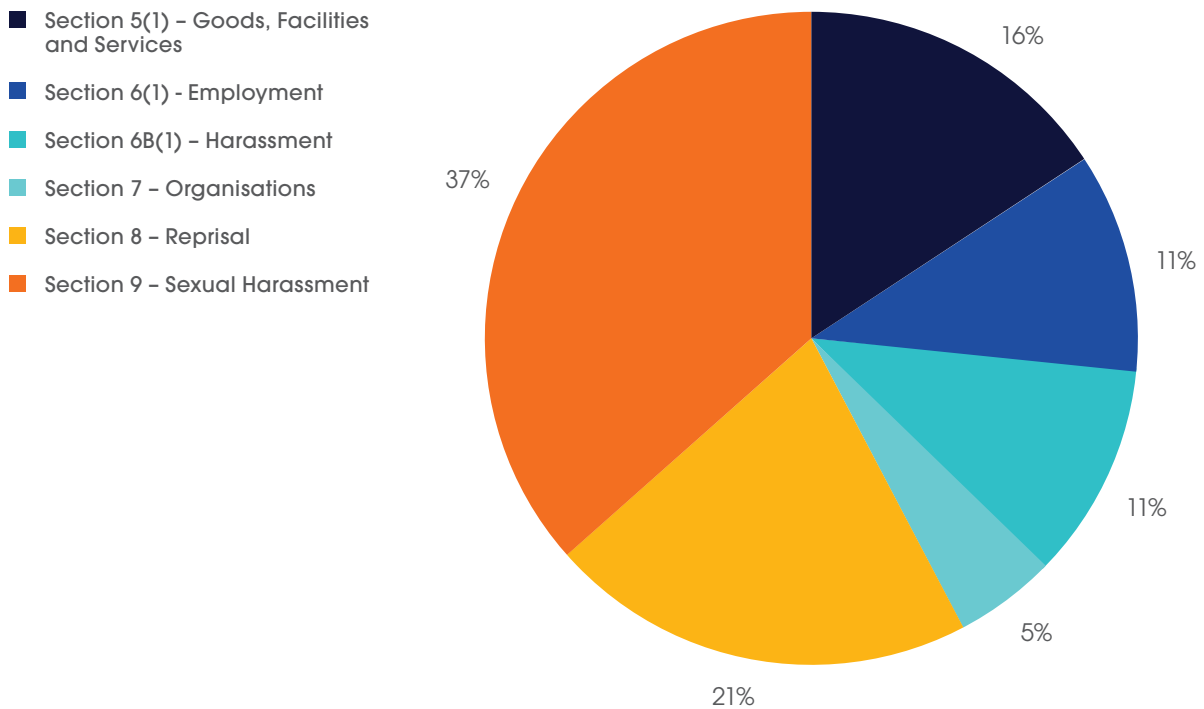
Area	No. of Areas	%
Section 5(1) – Goods, Facilities & Services	3	16
Section 6(1) - Employment	2	11
Section 6B(1) - Harassment	2	11
Section 7 - Organisations	1	5
Section 8 - Reprisal	4	21
Section 9 – Sexual Harassment	7	37
Total	19	100

Note 1 – Complainants may identify multiple areas of discrimination and thus, the total may be greater than the total number of investigations.
Note 2 – Percentage totals may not equal 100% due to rounding.



Investigations

TABLE 11 - Percentage Distribution of Active Investigations by Area of Discrimination, 2023



Note: Complainants may identify multiple areas of discrimination and thus, the total may be greater than the total number of investigations.

Pie chart displaying the percentage of active investigations by area of discrimination in 2023 for categories of goods, facilities, and services 16%, employment 11%, harassment 11%, organisations 5%, reprisal 21%, and sexual harassment 37%.

Table 11 and Figure 11 illustrate that most allegations of discrimination being investigated in 2023 were identified as occurring in the area of sexual harassment, which represented 37%.

The second most prominent area of discrimination being investigated related to reprisal, which accounted for **21%** of the total distribution of active investigations by area of discrimination. This was followed by **15%** being attributed to section 5(1) – goods, facilities, and services. The remaining total was comprised of 11% being attributed to allegations of discrimination within employment, 11% being attributed to allegations of harassment within the workplace, and 5% being attributed to allegations of organisational discrimination.

Investigations

Section 15(1) - Investigation

When a decision is made that a complaint appears to disclose a prima facie case of discrimination, notice is sent to the respondent(s) of the complaint and inviting them to respond to the allegations made. Following receipt of a response from the respondent(s), the Executive Officer reviews all the information provided throughout the Complaint Received Stage with a view to determining whether to investigate or dismiss a complaint.

In accordance with section 15(1) of the Act, the Executive Officer shall investigate a complaint where it appears to be genuine that unlawful discrimination has occurred by reason of any alleged contravention of the Act or where the Executive Officer has reasonable grounds for believing that any person has contravened any provision of the Act.

If a decision is made to investigate, the Executive Officer provides all parties with notice of the decision and determines the terms of reference for the investigation. The Executive Officer delegates her authority over investigations to an Investigations Officer who conducts the investigation and objectively seeks such information from the parties and any witnesses that is deemed to be appropriate. During the investigation, the Executive Officer provides all parties to the complaint with an opportunity to provide documents, witnesses, and their own perspectives on the complaint. There are occasions during an investigation where the Executive Officer utilises the powers available under section 16 of the Act to collect, inspect, and examine records, subject to any just claim of privilege. At the conclusion of the investigation, the Investigator provides the Executive Officer with the details obtained throughout the course of an investigation.

Prior to the commencement of an investigation, parties are invited to consider resolving the dispute by way of the Commission's Voluntary Mediation Program. Throughout the complaint process, Officers evaluate on an ongoing basis whether they have a conflict of interest in the relevant matter. Further, Officers understand that it is imperative for the Commission to maintain neutrality as an advocate for fairness throughout the investigative process.





Complaint Summaries

Complaint Summaries

1. Discrimination Based on Sexual Orientation – Employment

An individual worked as an Analyst within a small local firm and alleged that after their employer and colleagues learned of their sexual orientation, they were subjected to various instances of harassment within the workplace that targeted them for being bisexual. The individual alleged that their employer indicated that their lifestyle choices did not align with their team, and they created various employment-related issues to justify their decision to terminate them. The individual alleged that their sexual orientation was a factor in the decision to terminate them and they received several favourable performance reviews, which were received prior to the employer learning that they were bisexual. The Human Rights Act, 1981 was discussed with the individual and section 6(1)(b) and section 6B(1) of the Act were identified in addition to section 2(2)(a)(ii), which concerns the protected ground sexual orientation.

2. Discrimination Based on Disability – Goods, Facilities, and Services

An individual contacted the Human Rights Commission to raise concerns regarding challenges experienced while trying to utilize public transportation in Bermuda as a person with a disability. The individual reported that prior to developing a disability, they commuted to work on the bus; however, they are now unable to do so due to utilizing a wheelchair. The individual identified section 5(1) of the Human Rights Act, 1981 as being relevant to their complaint, as read with the protected ground – disability and expressed a desire to work with the Human Rights Commission to discuss these challenges directly with the relevant authorities.

3. Discrimination Based on Criminal Record

Individuals contacted the Human Rights Commission in relation to the protected ground – criminal record and section 6 of the Human Rights Act, 1981. An individual shared they have experienced discrimination while seeking employment as they have been asked to disclose whether they have a criminal record during the application stage and believe that their criminal record, which stemmed from a high-profile case, was a factor in the decision not to hire them. Another individual shared that they were told a background check would be required, although this was not required for new hires, as the employer believed that the individual may have a criminal record. An employer contacted the Human Rights Commission to obtain advice on the Human Rights Act, 1981, as they were considering terminating an employee for not disclosing that they had a criminal record when hired. The employer indicated that the nature of the criminal record was not relevant to the role and received a copy of the Human Rights Act, 1981, with references being provided to section 6 as well as section 2(2)(a)(vii) of the Act.



Complaint Summaries

4. Discrimination Based on Sex and Family Status – Employment

An individual contacted the Human Rights Commission in relation to issues that arose within their workplace. The individual shared they started working with a retailer and were subject to a six-month probationary period. The individual received favourable feedback during the two-month, and four-month probationary reviews. They learned they were pregnant after being employed with the retailer for five months and shared the news with their supervisor. A few days later, they received notice that their probation would be extended due to performance-related concerns. However, no examples of the performance concerns were provided, nothing was documented, and the statement conflicted with the favorable performance reviews conducted. The individual believed they were being discriminated against due to their pregnancy and filed a complaint alleging a contravention of section 6(1)(d) of the Human Rights Act, 1981, as read with the protected grounds – sex and family status.

5. Discrimination Based on Disability – Employment

Individuals contacted the Human Rights Commission in relation to discriminatory treatment experienced when applying for jobs.

One shared that they have a disability, the prospective employer was aware of their disability and indicated that the applicant would not be suitable for the role due to having a disability. The individual objected to this directly with the prospective employer and argued that their disability would not prevent them from performing the essential functions of the role; however, the prospective employer disagreed and reaffirmed that the individual would not be hired. The individual identified section 6(1)(a) and section 6(1)(b) of the Human Rights Act, 1981, as read with the protected ground – disability. The individual also shared that no efforts were made to discuss or explore any forms of accommodation with them to ensure that they were not disqualified from employment by reason of their disability.

Another person shared that they were denied an employment opportunity after the prospective employer learned they had a disability. The individual indicated that the prospective employer informed them that they were currently employing someone with a disability and would let them know if the current employee did not work out; however, they were not prepared to employ them in addition to the other employee with a disability. The individual identified section 6(1)(b) of the Human Rights Act, 1981, as read with the protected ground – disability.

Complaint Summaries

6. Discrimination Based on Sex – Housing

An individual contacted the Human Rights Commission in relation to discriminatory treatment experienced while seeking to rent an apartment. They shared that they emailed a prospective landlord in response to an advertisement for a one-bedroom unit available for rent. They indicated that because of their name, people often assume they are male instead of female. The individual and prospective landlord communicated through email only, prior to viewing the unit. They arranged to view the unit with the prospective landlord and confirmed the scheduled time on the day. When they arrived, they were told that they would not rent the unit to them and did not realize they were a female, and stated that the unit was more suitable for a male. The individual identified section 4(1)(a) of the Human Rights Act, 1981, as read with the protected ground – sex, and indicated a desire to file a complaint.

7. Discrimination Based on Sex – Sexual Harassment

Individuals approached the Human Rights Commission in relation to various instances of sexual harassment experienced in the workplace. One individual reported that they were subjected to various sexually inappropriate comments in the workplace and described it as a poisoned work environment where sexual harassment was tolerated and excused by upper management. Another individual alleged that they were sexually assaulted within the workplace by a senior member of their organisation and claimed that while their employer has a sexual harassment policy, it was not adhered to. Another individual identified various sexually inappropriate acts that had occurred in their workplace and alleged their employer did not have a sexual harassment policy in place to deal with complaints of this nature. All the individuals identified section 9(1) and section 9(3) of the Human Rights Act, 1981, as being relevant.

8. Discrimination in Recruitment Processes (Applicants)

The Human Rights Commission was contacted in relation to recruitment processes and application forms used to hire individuals, with a query around whether the recruitment processes contravened the Human Rights Act, 1981. The nature of the query highlighted questions included in application forms that asked applicants to provide details on whether they (a.) had a criminal record, (b.) had children, (c.) had a disability, (d.) were married, or (e.) had religious obligations on the weekend. When assisting the individual with their query, section 6(4) of the Human Rights Act, 1981 was discussed, which states:

“No person shall use or circulate any form of application for employment or make any written or oral inquiry that expresses either directly or indirectly any discriminatory limitation, specification, or preference or that requires an applicant for employment to furnish any information concerning any of the matters set out in section 2: ...”



Complaint Summaries

The individual indicated a desire to work with the Human Rights Commission as efforts were made to approach the organizations with a view to providing education and guidance on the Human Rights Act, 1981, to ensure compliance.

Policy Reviews

Sec 6A applications

The Commission received an application made pursuant to section 6A(1)(a) of the Human Rights Act, 1981, which concerned a program designed to assist people with disabilities and seniors with mobility challenges to swim, play beach volleyball, and other mobility activities. The special program application was granted following a review and further engagement with the applicant.

Voluntary Mediation Programme

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

In 2023, eight matters were involved in the Voluntary Mediation Program. One matter was successfully resolved, two matters were unsuccessful in reaching a resolution and in the remaining five matters, the parties remained actively involved in the process of working towards a resolution through to the next year.

Referral Process

The Commission's referral process is aimed at assisting the public in reaching a resolution concerning their intake, whether it be a complaint or query. Most of the referrals in 2023 were made to the Labour Relations Office as many intakes received by the Commission were based on or related to employment and the workplace.

There were instances where, in addition to complaints of discrimination or harassment, an individual had employment-related issues that concerned the Employment Act 2000. Additionally, as an added resource, Complainants were often encouraged to obtain independent legal advice, which may be through their own attorneys or through the various free legal clinics available on the Island.

Additional referrals provided to Complainants were identified and shared based on material or information provided by them. Depending on the circumstances of the complaint, a Complainant who identifies service-related issues with a public authority in addition to allegations of discrimination, may also be referred to the Office of the Ombudsman for Bermuda or the Department of Consumer Affairs, whereas an individual who raises issues with how their personal information is handled may also be referred to engage directly with the Privacy Commissioner's Office.

Other entities that formed the referral process in 2023, included:

- 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
- 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



Education and Awareness

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 prohibit discrimination based on certain personal characteristics and areas of daily life. Human rights education and awareness is designed to augment legislated protections, beyond enforcement, to support a culture with shared responsibility to consider, balance, evolve, and uphold individual and collective rights.

Disability in the Workplace

The Commission welcomed the opportunity to participate in a panel discussion on disability in the workplace hosted by the Ministry of Youth, Social Development, and Seniors.

The Commission emphasised that disability inclusion in the workplace is not only a legal obligation but a moral imperative that underscores the principles of dignity and equal access. Disability is part of the human condition; anyone can become disabled at any point in their life. Understanding disability in the workplace is a fundamental employment consideration and central to fostering an inclusive employment culture.

Protection against discrimination based on disability has existed under the Human Rights Act since 1988. Protection was expanded in 2012 with the Human Rights (Unreasonable Hardship) Amendment Act 2011, which requires employers to provide reasonable accommodations to support qualified persons with disabilities in pursuing or fulfilling employment opportunities. In 2016, the Act was amended to include mental impairment under the definition of disabled person. Legislation alone cannot create the will to ensure equitable access for all members of society; however, legislated duties must be upheld. The Commission further reinforced the responsibility of employers to foster inclusive environments that honour the dignity and worth of employees and prospective employees with disabilities.

Understanding Disability in the Workplace

**WEDNESDAY
6 DECEMBER 2023
at 1:00 PM**



Minister of Youth, Development and Seniors
Minister Tinée Furbert, JP, MP

HOST Minister Tinée Furbert, JP, MP

PANELISTS INCLUDE:

- Lisa Reed:** Executive Officer, Human Rights Commission
- Sacha Richardson:** Chairwoman, Disability Advisory Council & Disability Advocate/Charity Consultant
- Malika Cartwright:** Director, Workforce Development, Bermuda Government
- Sherrie Lynn Lilley:** Mental Health Counselor & Executive Director, Inspire Bermuda
- Keith Simmons:** Disability Advocate

LIVE on Facebook, Twitter (@bdagovernment & @mysds.bda), YouTube (CITY Bermuda), and on CIVV (One Communications Channel 2 and WOW Channel)



Disability in the Workplace

Barriers to full social and economic inclusion of persons with disabilities in Bermuda include:

- Inaccessible physical environments and transportation.
- The unavailability of assistive devices and technologies.
- Non-adapted means of communication.
- Significant gaps in service delivery.
- Lack of dedicated resources and funding for support services.
- Discriminatory prejudice and stigma in society.
- Lack of will to ensure access and participation is prioritised for residents with disabilities in Bermuda.
- Dated ideologies and exclusionary practices.

Every entity on the island has a role to play in eliminating the resistance to change and defaulting to 'status quo' practices that deny persons with disabilities from accessing their full rights and freedoms in Bermuda. The experience of COVID-19 reinforced how swiftly adjustments can be made when the will to ensure access and participation is prioritised.

The National Accessibility Plan, proposed in 2007, was designed to provide a framework for inclusive community-building by embedding disability strategies into all aspects of national planning. Creating systemic change to progress disability rights in Bermuda requires collective will and national commitment.

The Commission emphasised that disability inclusion in the workplace is not only a legal obligation but a moral imperative that underscores the principles of dignity and equal access.



Human Rights Day

Human Rights Day is observed every year on December 10th and is an opportunity to stand in solidarity with the world in promoting the fundamental principles of human rights. The Commission hosted an interactive lunchtime presentation to reinforce the role and work of the Human Rights Commission and the protections afforded under the Human Rights Act. The Commission team was joined by some of Bermuda's dedicated social justice and support service representatives, who were guided through several facilitated exercises to identify challenges and opportunities to support personal and professional human rights advocacy. The participants explored strategies to fortify their engagement and sustain their advocacy work, while also deepening their understanding of the systems of oppression and exclusion that undermine the creation of a fair and just Bermuda.

Another component of Human Rights Day 2023 was a 30-day social media campaign featuring the 30 Articles of the Universal Declaration of Human Rights (UDHR), a milestone document proclaiming the inalienable rights that everyone is entitled to as a human being. 2023 marked the 75th Anniversary of the Declaration, which fell at a time when rights and fundamental freedoms are under attack globally, and faith in the international human rights system is precariously low. The United Nations commemorations were intended to re-energize the principles embedded within the Declaration and advance its promise of dignity, freedom and justice for all.

Human Rights Day is
an opportunity to stand in
solidarity with the world in
promoting the fundamental
principles of human rights.

Human Rights and Hospitality

“Human rights should underpin all aspects of the hospitality and tourism sector. This includes treatment toward staff and their working conditions, treatment of guests, the supply chain, and how goods and services are procured in the host communities and how the business operates locally.”

INTERNATIONAL TOURISM PARTNERSHIP

The Commission was invited to contribute to an upcoming initiative by the Bermuda Tourism Authority (BTA). At the time of the Annual Report's publication, the BTA had yet to launch the initiative.

The Commission researched and developed content for five modules under the banner of 'Equity and Excellence: Human Rights in Bermuda's Hospitality and Tourism.' The modules offered an overview of human rights principles and their application within Bermuda's hospitality and tourism industry, including the local human rights framework, international obligations, labour rights, discrimination, inclusivity, and a review of industry standards to create equitable and respectful environments for all stakeholders.

Every business, regardless of size or sector, is responsible for respecting human rights and having processes in place to mitigate or prevent human rights violations.

Given the inherent power dynamics within the hospitality sector, this can be a notorious breeding ground for human rights violations. The Commission flagged examples of human rights considerations for the hospitality industry in Bermuda. While some of the frequent and large-scale human rights issues facing the hospitality sector globally may not appear to apply directly to Bermuda, it is essential to be aware of the systemic issues given the hospitality sector's interconnected and hierarchical nature. If left unaddressed, these violations could lead to significant reputational damage, loss of business, and legal implications for organizations and the industry.





THE EXAMPLES ILLUSTRATE THE POTENTIAL FOR THE INDUSTRY'S HUMAN RIGHTS IMPACTS IN ANY GIVEN JURISDICTION:

- **Right to Work:** Are you providing jobs for local communities and contributing to the local economy?
- **Labour Conditions:** Are your staff well-treated across all jobs in the hotel or restaurant? Are all workers there on their own accord? Are they afforded equitable accommodation and salary?
- **Land Rights and Displacement:** Has your hotel property denied local people access to certain parts of the island or any natural resources?
- **Unequal Labour:** How well are your workers or affiliated workers treated? How do you ensure they are not being exploited? Are they all given decent and equal housing and fair salaries?
- **Environmental Sustainability:** Are your practices enhancing or detracting from Bermuda's sustainability concerns? How do you monitor your hotel's consumption practices?
- **The Right to Privacy:** How do you protect the privacy of your guests and employees and service providers?
- **The Right to Life and Health:** How do you support your employee's well-being – ALL employees, across all business sectors - and access to equitable healthcare?
- **Economic Impacts:** How are you giving back to local communities through employment and supply chains? Are you paying suppliers and the workforce fairly?
- **Cultural Impacts:** Are you acting as a centre for community involvement and facilitating positive and shared cultural experiences? Do you offer excursions and education that support local communities and service providers?
- **Child Labour:** Are any of the goods or services you or your affiliated groups use the product of child labour?
- **Sexual Exploitation:** Are your premises used to sexually exploit adults or children?
- **The Right to Participate:** Do your workers have a voice? Whose voices are missing? Do they have access to Union representation?

The hotel industry touches almost every corner of the globe and employs and provides hospitality to millions of people every year. While it holds the potential for gross human rights violations, it also has the power to be an extraordinary force for good.

Opportunities for upholding rights abound. From organisational audits to root out discrimination and unfair employment practices to advocating for systemic review of global supply chains. The industry can promote equitable and inclusive practices in the wider community by prioritising ethical partnerships

and associations that align with organisational values.

Given the significant social, financial, and cultural influence of the hospitality and tourism sector in Bermuda, it holds the potential to be a leading advocate and example in protecting and promoting human rights and sustainable organisational practices. By undertaking these commitments, Bermuda's hospitality and tourism sector can become a beacon of human rights compliance locally, elevating industry standards and setting a shining example for their international counterparts.

World Homelessness Day



www.home.bm

World Homelessness Day is observed internationally on October 10th each year to raise awareness about the needs of people who currently experience homelessness and promote a compassionate approach to alleviating their challenges.

According to the Office of the United Nations High Commissioner for Human Rights, 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 Commission was honoured to participate in the commemoration held at City Hall. The event, hosted by HOME, was intended to draw attention to the needs of people who experience homelessness in Bermuda and provide opportunities for the community to get involved in responding to homelessness through improved policies and funding.

Housing provides stability, dignity, and security for an individual or family. 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 which includes the Right to Work, Education, Health, and Security.

HOME is a registered charity working with the Government of Bermuda, non-governmental agencies, charities, philanthropies, the religious and wider local community to create a collaborative, single plan to eradicate homelessness in Bermuda.



Raising the Profile

Empowering residents with knowledge about their rights and responsibilities under the Human Rights Act, and the role of the Human Rights Commission is vital to realising the Commission's mandate.

Raising the Profile

“Awareness is the greatest agent for change”

ECKHART TOLLE

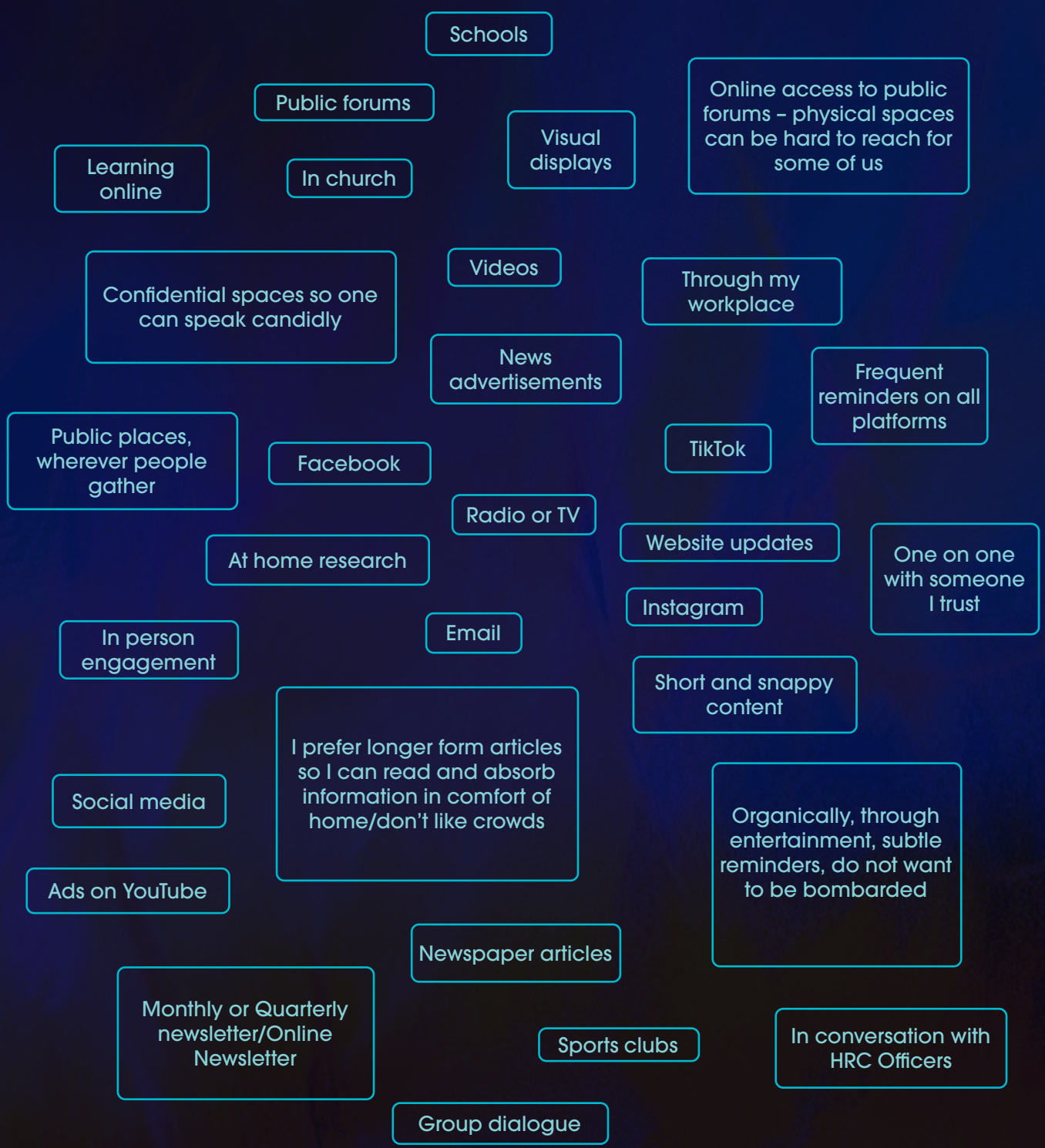
In 2023, the Commission launched its communication strategy and a year-long public awareness campaign. The year commenced with a series of focus groups involving representatives from unions, public service and private sector, faith-based and spiritual organisations, uniformed services, and advocacy and youth groups. The aim was to establish a baseline understanding of what attendees understand human rights to be, identify the strengths and areas for improvement in Bermuda's human rights landscape, and hear what people would value more of from the Human Rights Commission.

The candid and insightful perspectives shared, energised the Commission's commitment to enhancing its public presence and underscored the importance of employing diverse public awareness and educational strategies.

One of the featured questions invited participants to share how they would value learning more about human rights. The variety of responses revealed preferences and the need for multiple communications methods to ensure as many people as possible are reached and no one is excluded.



Communication methods identified by Focus Groups



Raising the Profile

Promoting and protecting human rights requires accessible, consistent, and creative awareness-raising methods across various platforms. This year, the communication's strategy featured media interviews, radio promotions, the development of an awareness video, and an elevated social media presence, all of which supported the Commission's education initiatives, including in-house lunch and learns, roundtables and strategic collaborations. The Executive Officer conducted 19 interviews with the local media, including Bermuda Broadcasting Company (radio and TV), InterIsland Communications VIBE and the Daily Hour. Further, six Lunch n' Learns were held to empower the public to understand their human rights, the human rights framework in Bermuda, and the services provided by the Commission.

MESSAGING TO SUPPORT THE COMMUNICATIONS PLAN FOCUSED ON ADDRESSING:

What are human rights?

What you should know about your human rights.

How you can access the Commission with any concerns or queries.

The Commission is grateful for the feedback received by our stakeholders; it has been helpful in shaping future education and awareness initiatives.



Human Rights Consultations and Guidance

The Commission is both a complaints-handling authority and a public resource to promote understanding of human rights obligations and compliance with the Human Rights Act, 1981. Individuals, groups and organizations often seek consultation and guidance on various issues related to the Human Rights Act, 1981 and associated responsibilities.

Human Rights Consultations and Guidance

A few examples from the past year include:

Ensuring Inclusive School Environments

The Commission consulted with the Government of Bermuda to provide guidance relating to religious or related cultural customs and inclusive practices within public education.

The Commission provided recommendations and considerations to assist with upholding the provisions of the Human Rights Act, 1981, the Education Act 1996, (Education Act) as well as the Bermuda Constitution Order 1968 (Constitution) and international obligations, including the United Nations Convention on the Rights of the Child (Convention). Further recommendations were aimed at encouraging the Government to adopt a human rights-based approach, which often requires the prioritisation of those in the most marginalised situations who face the most significant barriers to realising their rights.

The Education Act recognises the unique characteristics of children/students with respect to the provision of services provided throughout aided and maintained schools. This is observed in section 28, which speaks to collective worship and section 53, which speaks to the principles governing admission to schools. The admission of children to aided or maintained schools is done in such a manner that does not bar entry based on the grounds of *their race, their place of origin, or their religion*.

Collective worship is an established practice within section 28 of the Education Act, whereby, the school day in an aided or maintained school begins with collective worship on the

part of pupils in attendance at the school. The balance of the subsections within section 28 of the Education Act touch on the practicalities of administering collective worship; however, section 28(7) is worth highlighting as it reaffirms the recognition of the unique characteristics of children enrolled in aided or maintained schools by declaring that “collective worship shall not be distinctive of any particular religious group.”

These references align with the obligations within section 5(1) of the HRA, which among other things, provides protection from discrimination in education based on a person’s religion or beliefs. When providing goods, facilities, and services, to members of the public, providers should be mindful of the requirement to do so in a manner that does not directly or indirectly contravene the Human Rights Act.

The Bermuda Constitution Order, 1968 also gives life to protection of freedom of conscience, inclusive of freedom of thought and religion, and both in public or in private, the freedom to manifest and propagate their religion or belief in worship, teaching, practice and observance. Protection from discrimination is also included within section 12, and the expression “discriminatory” within this section means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, or creed.



Human Rights Consultations and Guidance

The United Nations Convention on the Rights of the Child has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social, and cultural rights that all children everywhere are entitled to. Article 2 of the Convention requires for State Parties to respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status. Article 14 imposes an obligation on State Parties to respect the right of the child to freedom of thought, conscience, and religion. The Convention must be understood as a whole, all rights are linked, and no one right is more important than another. It was observed by the Committee on the Rights of the Child, General Committee on 'The Aims of Education' that "children do not lose their human rights by virtue of passing through school gates."

Embracing the right of every person to equal treatment within education is not necessarily a call for absolute neutrality, as a more realistic approach of equal treatment can occur by avoiding the centering or favouring of one religion in contrast to others, holding space for the existence of differing religions or beliefs, while also considering the competing constitutional rights of the individuals. Doing so may not only help students to feel empowered and represented but will also teach and expose students to different cultures and religions.

Consideration should be given to ensuring that the advancement or endorsement of one religion over others does not occur, as this may result in the alienation of children and/or complaints of discrimination. Holding space for

other religions or beliefs can occur in various ways, such as:

- The active promotion of religious inclusivity. This includes the acknowledgement that one religion does not hold greater or lesser value than any other.
- Exploring and featuring different religions through education by celebrating different cultures, beliefs, values, sacred texts or symbols, and religious holidays such as Diwali, Eid al-Fitr, Hanukkah, and Easter.
- Gatherings, such as assemblies, can be used to communicate information and engage in various religious and spiritual practices as part of education for all that does not default to a singular religious practice or ethos.
- Holding time for reflection as schools can encourage engagement on a wide range of morally, socially or culturally relevant topics through dialogue, assignments, excursions, guest speakers, etc. Schools can offer alternative faith, multi-faith, and no-faith elements. For example, at the end of an assembly or in the morning before class, students can be afforded quiet time to reflect on the topic in a manner consistent with their own religion or belief.
- When holding organised Worship, offer a voluntary opt-in group, community club, or activity involving the manifestation of religion or belief practices, facilitated but not led by the school.

With an aim to foster an inclusive school environment, recognising the multicultural and multid denominational nature of the school community should drive efforts. It may be worth asking, 'How do we want to define worship?' This can lead to exciting and creative engagement opportunities, collective learning, and school community-building. Worship

Human Rights Consultations and Guidance

may find expression in many different forms: in music, song, dance, drama, in words of praise, in prayers, readings and teachings, in listening, in thoughtful silence, in meditation, in contemplation of icons and symbols, in the service of others, in the passing on of one's beliefs, in the lighting of a candle and other symbolic actions.

A consistent recommendation is the importance of engaging with all those impacted by any policy or practice within the education system to identify opportunities for inclusive practices and to exchange ideas to help inform collective worship, learning and celebration.

The failure to administer collective worship in an inclusive manner may result in the act being inconsistent with the protections available within the HRA, the Constitution and section 28(7) of the Education Act. There are a variety of accommodations that can be offered to parents, teachers and students with an aim of ensuring that all are able to access services in a manner free from discrimination.

Encouraging the communication of individual needs/requests along with inviting details on how to be more inclusive assists with respect to fostering trust and bringing about an inclusive environment. A lack of inclusivity within the school system may alienate children from different religion or belief backgrounds, with accommodations being limited to choices such as opting out or being absent.

A student should not have to be excluded or absent from the school environment as a solution to the lack of inclusive representation and/or deference to Christianity above all other religions. An alternative to an accommodation of this kind, which aims to avoid centering or favouring one religion over others is to make religious celebrations, events, or activities voluntary or optional with an invitation for parents or students to "opt-in." A shift of this nature gives less space for prioritising one religion over others, the feeling of being left out for those who do not participate, and the stress or discomfort associated with feeling caught between two authority figures, their teachers, and their parents. Simply indicating that children or their parents are able to be exempted in the form of opting out does not serve to remove the pressure to remain among peers in the classroom.

As part of the consultation, the Commission provided additional resources to support the fostering of inclusive education practices. Developing and implementing inclusive practices is not static and requires consideration as new scenarios will arise in the day-to-day operations of a diverse school community, and across the school system in Bermuda. The key is to remain open to facilitating communication in pursuit of honouring the rights of all students in Bermuda.



Human Rights Consultations and Guidance

National Seniors Strategy

The Commission participated in the Ministry of Seniors and Social Development's public consultation for the development of a National Seniors Strategy. The Ministry advised that this strategy will provide a framework that outlines comprehensive, coordinated, and cost-effective actions for addressing the changing needs of Bermuda's ageing population. In partnership with the Bermuda Health Council, the consultation invited stakeholders to identify general observations or concerns logged over time related to Bermuda's senior population.

The Commission was able to provide themed observations that had been logged or observed over time:

- **Employment-related concerns:** These include allegations of age-related discrimination and harassment while seeking employment and while employed, mandatory retirement policies, and the absence of age as a protected ground in the area of employment under the Human Rights Act.
- **Housing:** concern regarding accessible, safe and affordable housing.
- **Healthcare:** access to and cost of healthcare.
- **Technology:** Seniors and the impact of technology, including barriers to accessing public information and services in areas such as housing, healthcare and finance.

Age is a protected characteristic under the Human Rights Act in the disposal of premises (which includes residential or commercial premises), and goods, facilities and services. However, protection against age-related discrimination and harassment is still outstanding in the area of employment. The Commission continues to advocate for its inclusion and intends to propose legislative amendments to ensure adequate protection to protect members of the public from age-related discrimination.

Public Consultation – Human Rights Commission

The Human Rights Commission conducted an island-wide consultation from March 21, 2023, to April 14, 2023, which sought to anonymously obtain the perspectives of the public on various human rights issues. The survey was conducted in this manner to obtain data beyond the scope of our direct engagement with the public who come forward with complaints or queries. The objectives of the survey were to assist with the development of policy recommendations, which were subsequently put forward to the Government of Bermuda and to inform our educational mandates.

The below serves as a summary of key findings, themed responses and recommendations made to the Government.

THE CONSULTATION SOUGHT FOR INDIVIDUALS:

1.

to share experiences relating to any forms of discrimination, harassment, and/or difficulty when securing or occupying housing.

2.

to share experiences relating to any forms of discrimination or harassment based on their source of income (any lawful income).

3.

to share experiences relating to any forms of discrimination or harassment because of their association, relationship, or dealings with another person identified by a protected ground within the Human Rights Act, 1981.

4.

to share experiences relating to any forms of discrimination or harassment that was based on perceptions of them, such as their perceived race, their perceived place of origin, their perceived sexual orientation, or a perceived disability.

Public Consultation

The submissions received significantly contributed to understanding the landscape of discrimination within housing with anonymous information provided from the perspectives of landlords and tenants. The submissions also provided unique perspectives on aspects not presently embedded within the Human Rights Act, 1981, such as protection from discrimination based on perceptions and protection from discrimination based on association.

Details shared during the survey indicated that people who are protected by virtue of the protected characteristics within the Human Rights Act, 1981 and section 4 of the Act, were being discriminated against simply because they were:

- Bermudian, sec. 2(2)(a)(i);
- a woman, sec. 2(2)(a)(ii);
- an unmarried couple, sec. 2(2)(a)(iii);
- gay, sec. 2(2)(a)(ii); or
- a parent, sec. 2(2)(a)(iv).

Examples of submissions received included an individual who was seeking to rent a property and was excluded from multiple opportunities because they were a young/single woman, and the concerns of the prospective landlords were that they would have companions visiting, were too young, and/or may become pregnant. This individual may be protected from discrimination by virtue of section 4(1) of the Human Rights Act, 1981.

Examples of submissions received from individuals renting and those seeking to rent and providing details of discriminatory experiences included:

- various individuals sharing that they have been excluded and/or refused accommodation because they have children, and the prospective landlord informed them of 'no children' policy.
- individuals accounting for scenarios where they were informed that the prospective landlord preferred to rent to someone who was 'not local'.
- individuals shared that they were excluded from consideration for renting a home because they were receiving financial assistance and noted various advertisements and online platforms expressly stating – "No FA".
- an individual shared that they were told they could not have females visit them (a male) because they were not married, and the landlord was religious.
- an individual shared that they were approved for an apartment and when they went to sign the lease (*they had their young child with them*) they were told by the prospective landlord that they would no longer rent to them as they did not know that they had a child and were not going to rent to someone with a child.
- an individual shared that they were told by their landlord that they preferred that they did not have guests, especially black men.

Further to the above, contributors shared that through varying discussions with realtors and prospective landlords they understood from these discussions that there was a general preference where landlords wished to rent to single men, expatriate workers, and specifically those without children.



Public Consultation

Contributors to the survey also included Realtors sharing their perspectives and observations, which included excerpts such as:

- “An increasing issue I have noted is single parents, specifically mothers with their young babies. Landlords do not want to deal with the noise and also a struggling parent trying to pay bills and then they feel bad for making them homeless.”
- “I believe a landlord is going to decline two offers I have provided to them for these reasons. Racist rhetoric: all the time I hear people say they want ‘expat’ tenants, meaning non-Bermudians and they say ‘no locals’ or ‘Bermudians’ which means sadly no Bermudians or darker skinned people. Darker skinned landlords say this more often than others from my experience sadly, which is odd.”
- “Everyone is sick of dealing with irresponsible tenants. They know that expats have already been vetted for the most part by immigration/work permit process so have gone through an approval process with references and tend to have good jobs.”

Contributors to the survey also included Landlords sharing their perspectives and observations, which included excerpts such as:

- “Main fears are people renting and destroying properties and then they fall into arrears, we see it all the time. Unfortunately, it tends to be locals.”
- “More often than not one bedrooms end up being extremely high risk for lower returns for landlords. These properties tend to be under rent control, so the deposit is half and barely covers say the cost of paint when the tenant vacates, let alone any other damage.”
- “There needs to be something in it for owners to incentivize renting openly without discrimination as clearly so many have been burned by people who do not pay the rent and the safest course is an expat who would fear losing their job if they do not pay rent or

one who receives housing allowance. The single biggest reason Bermudians do not pay rent on time is they cannot afford it – so the solution is to offer affordable homes.”

- “Landlords take on a huge amount of risk while the tenant takes hardly any. Because of this, landlords will use discrimination to mitigate the perceived risks.”

The results of the survey demonstrated that various members of the public were experiencing discrimination and/or harassment based on protected grounds while renting and while seeking to rent in Bermuda. Further, the results showed that various landlords were contravening section 4(1) of the Human Rights Act, 1981, as section 4(4) of the Human Rights Act, 1981 was not applicable in all the circumstances identified. The justification put forth on some occasions indicated that the discriminatory conduct was rooted in a desire to mitigate perceived risks; however, individuals should be alert to the intersectionality between stereotypes, prejudices, and discrimination. The disclosures received demonstrated that discrimination within housing is far more prevalent than disclosed and reported on by way of complaints or queries being filed with the office. The Human Rights Commission would like to invite further engagement with tenants, landlords and/or realtors, who would benefit from understanding their rights and obligations owed under the Human Rights Act, 1981.

The survey results demonstrated that individuals within Bermuda have experienced discriminatory conduct because of their association with individuals identified by a protected ground within section 2(2) of the Human Rights Act, 1981. Discriminatory acts of this nature may be based as much on perceptions, myths, stereotypes, and biases as on the existence of actual characteristics, which are protected. While members of our community are protected from discrimination based on the protected grounds outlined



Public Consultation

within section 2(2) of the Act, those who associate with them may experience discrimination due to their association with individuals identified by one or more of the protected grounds within section 2(2) of the Act. Contributors to the survey accounted for discriminatory conduct because of association in the following ways:

- an individual indicated that they were treated in a discriminatory manner while receiving a service because of the race, place of origin and/or ethnic or national origins of the person they were with.
- an individual expressed that they are aware of an individual who was denied an employment opportunity due to the political opinions of that person's relative.
- an individual indicated that they were refused an apartment because of the age and family status of their partner.
- an individual shared that they have experienced discriminatory conduct in various forms because of their association with another who has a criminal record.
- an individual who is gay spoke about their awareness of friends being treated in a discriminatory manner because of their association with them.

The survey results further demonstrated that individuals within Bermuda have experienced discriminatory conduct based on perceived characteristics, which amounts to perceived discrimination. As is the case with discrimination because of association, discriminatory acts of this nature may be based as much on perceptions, myths, stereotypes, and biases as on the existence of actual characteristics, which are protected. A person who is perceived to have the characteristics of a person who falls within 1 or more of the enumerated protected grounds, i.e., race, disability, or place of origin, may be the object of discrimination despite not actually having those characteristics. The adverse effect on a victim of perceived

discrimination may be the same as if they had those characteristics. Contributors to the survey accounted for discriminatory conduct based on perceived characteristics and included:

- an individual who is non-Bermudian shared that they were denied from renting a property and queried the reason why the prospective landlord who told them that they were not renting to locals.
- individuals shared that they have been excluded from employment on occasions where the prospective employer thought they had a disability.
- individuals shared that they experienced discriminatory and harassing conduct within the workplace because of perceptions about their sexual orientation.

The Human Rights Commission as part of the legislative review being conducted concerning the Human Rights Act, 1981, and broader protections within Bermuda, submitted policy recommendations to the Government of Bermuda with aim to strengthen the effectiveness of section 4(1) of the Human Rights Act, 1981, to ensure that members of our Community can better realize the protections afforded to them within the Act. Further policy recommendations included seeking to define the protected ground 'family status' and expand protections within the Act to prohibit discrimination because of association and perceived discrimination.

Legal Matters

European Court of Human Rights (ECHR) – Human Rights Commission (Bermuda)

In 2023, the European Court of Human Rights communicated the case of *Ferguson and Others v. United Kingdom* to the U.K. Government. The case concerns the revocation of a right to same-sex marriage in Bermuda and includes various applicants who are seeking a remedy in the ECHR.

The first seven applicants complained under Article 12, read alone and together with Article 14 of the Convention, about the revocation of the legal recognition of same-sex marriage in Bermuda by virtue of section 53 of the Domestic Partnership Act. The eight applicants also complained of a violation of their rights under Article 9, read together with Article 14 of the Convention, based on their belief in same-sex marriage and/or their desire to take part in legally recognised rites of marriage in accordance with their faith or philosophical or moral convictions.

The questions for the parties, which were set out by the ECHR are:

"1. In relation to the complaint under Article 12 of the Convention, do the first seven applicants, and in particular the first, second, third, fifth and sixth applicants, have victim status within the meaning of Article 34 of the Convention?"

2. Did the coming into force of section 53 of the Domestic Partnership Act violate the rights of the first seven applicants under Article 12 of the Convention, read alone or together with

*Article 14? Is the present case distinguishable from the Court's existing case-law, which has repeatedly held that Article 12 of the Convention does not impose an obligation on Contracting States to grant a same-sex couple access to marriage (see, for example, *Schalk and Kopf v. Austria*, no. 30141/04, §§ 61-62, ECHR 2010; *Hämäläinen v. Finland (GC)*, no. 37359/09, § 96, ECHR 2014; and *Oliari and Others v. Italy*, nos. 18766/11 and 36030/11, § 192, 21 July 2015), on the basis that same-sex marriage was legally recognised in Bermuda when section 53 came into force?"*

3. Are the applicants "victims" within the meaning of Article 34 of the Convention for the purposes of the complaint under Article 9 of the Convention read together with Article 14?"

4. Has there been a violation of the applicants' rights under Article 9 of the Convention, read together with Article 14? In the context of Article 14, was any discrimination experienced by the eighth applicant on the ground of "sexual orientation" or "religion", as alleged by the applicants?"

As Bermuda's National Human Rights Institution, the Human Rights Commission applied to intervene in the proceedings. Following the submission of an application to intervene as a third-party, the ECHR granted the application, which enabled the Human Rights Commission to provide submissions for consideration.



Palestine

75th Anniversary of the Palestinian Nakba

May 15, 2023, marked the 75th anniversary of the Nakba, which was the violent expulsion of approximately three quarters of all Palestinians from their homes and homeland. For the first time in history, the UN General Assembly approved a resolution to commemorate the 75th anniversary of the Nakba. Today, there are more than 7 million Palestinian refugees, defined as people displaced in 1948 and their descendants. For Palestinians, May 15, 1948, represents the destruction of their society, the loss of self, and the right to self-determination.

As of the writing of this report, which has been generated in 2024, there has been significant loss of life in Palestine. At least 35,272 Palestinians have been killed in Gaza, including more than 15,000 children, more than 79,205 people have been injured and over 10,000 remain missing. At least 502 Palestinians have been killed in the West Bank, including more than 124 children and more than 4,950 have been injured. In Israel, 1,139 people have been killed with at least 8,730 injured. At least 105 journalists and media workers were among the more than 36,000 killed.



Palestine

In 2023, South Africa commenced proceedings before the International Court of Justice against Israel, which is known as 'Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)'. Among other things, South Africa alleged that Israel's actions in the Gaza strip violated the U.N.'s 1948 Genocide Convention, to which Israel is a party. In the initial ruling on January 26, 2024, the ICJ set out that it accepted the plausibility of "at least some of the rights claimed by South Africa" under the Genocide Convention, and found it has prima facie jurisdiction to adjudicate the dispute.

A summary of the ICJ's Order of January 26, 2024, mandated the following:

- prevent genocide and desist from killing, injuring, destroying life and preventing births.
- desist from incitement and punish acts of an encouragement to genocide.
- enable the provision of basic services and humanitarian assistance.
- prevent the destruction of and ensure the preservation of evidence.
- submit ongoing reports to the Court on measures taken.

Utilising data from the United Nations Office for the Coordination of Humanitarian Affairs, the World Health Organization and the Palestinian government, Israeli attacks have:

- damaged or destroyed 60% of Gaza's residential buildings.
- damaged 80% of commercial facilities.
- damaged 73% of school buildings.
- resulted in 12 out of 35 hospitals partially functioning.
- resulted in 83% of groundwater wells being non-operational.
- damaged 267 places of worship.

Following the ruling of the International Court of Justice, which issued its ruling warning of a plausible risk of genocide, the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, issued a report concluding that there are "reasonable grounds to believe that the threshold indicating Israel's commission of genocide is met." Towards the end of March 2024, the International Court of Justice ordered Israel to take all necessary and effective action to ensure basic food supplies arrive without delay to the Palestinian population in Gaza. The Court observed in the Order that "Palestinians in Gaza are no longer facing only a risk of famine (...) but that famine is setting in." The Order reaffirmed the January measures but added Israel must take action to ensure unhindered provision of basic services and humanitarian assistance including food, water, and electricity as well as medical supplies and medical care.

Most recently, the UN General Assembly overwhelmingly endorsed a resolution calling for the UN security council to bestow full membership to the state of Palestine, while enhancing its current mission with a range of new rights and privileges, in addition to what is allowed in its current observer status.

The Office of the Commission shares the views of the U.N. Secretary-General Antonio Guterres:

"The people of Gaza are in the midst of an epic humanitarian catastrophe before the eyes of the world. We must not look away."



Financial Accountability

Statement of Accounting Officer's Responsibilities for the Period April 1, 2023 to March 31, 2024

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 March 31st 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 2023/24 fiscal year at \$1,347,000.00.

Information about the Commission's budget, contracts and performance reports are available as requested. Performance reports are proactively made available by the Executive Officer on a quarterly basis.

\$1.3m

**2023/24
OPERATIONAL
BUDGET**







Strategic Planning

Human Rights Commission | Strategic Plan 2022 – 2025

In 2023, the Commission focused on the implementation of the organisation's 2022-2025 strategic plan. The Commission's planning is anchored to the 2030 Sustainable Development Goals (SDG), which reflect the United Nation's roadmap for peace and prosperity for people and the planet, now and into the future.

The following reflects the relevant Thematic Pillars of the 2030 SDGs:

- Advancing sustainable development through human rights;
- Enhancing equality and countering discrimination;
- Enhancing participation and protecting civic space;
- Increasing implementation of the outcomes of human rights mechanisms;
- Preventing violations and strengthening protection of human rights; and,
- Strengthening rule of law and accountability.

The Commission conducted a stakeholder mapping and situational analysis which resulted in a list of issues we agreed to focus on during the period, to achieve targeted high-impact results.

THE EIGHT PRIORITY AREAS ARE AS FOLLOWS:

- | | | | |
|---------------------------------------|--|---------------------------------------|--|
| 1.
Legislation | 2.
Accreditation | 3.
Policies on Protections | 4.
Commission for Unity and Racial Equality Strategy |
| 5.
Strategic Collaborations | 6.
Education, Communication, Awareness | 7.
Standards and Procedures | 8.
Structure and Staffing |

ONCE THEMED, WE IDENTIFIED OUR STRATEGIC GOALS AS FOLLOWS:

- | | | |
|---|--------------------------------------|---|
| To increase the visibility of the Human Rights Commission in Bermuda | To improve internal processes | To increase protections in Bermuda |
|---|--------------------------------------|---|

Reflecting on the direction of the organization, the vision and mission was also updated to now reflect:

Vision: A Bermuda that honours and protects human rights for all.
Mission: To promote and protect human rights through education, collaboration, advocacy, and enforcement.

Over the strategy period, the Commission’s plan is to reaffirm its position as Bermuda’s National Human Rights Institution, which operates independently with impartiality, integrity, transparency, and accountability.

Bermuda Is Love

Bermuda Is Love ♥ (@bdaislove)



The Human Rights Commission is pleased to showcase Bermuda Is Love as an inspiring example of individual advocacy in support of collective rights.

Bermuda Is Love was formed in August 2020 by a group of friends eager to make a positive impact in their community. Their mission is to create a Bermuda where everyone’s basic needs are met and guaranteed by law. Their vision is a Bermuda where we all recognise and act on our duty to care for and love one another.

Bermuda Is Love seeks to adopt a human rights-based approach to their advocacy: each of their events corresponds with a fundamental human right to highlight the issue's relevancy and provide education to the public. As they assert, 'The Right to Food', or 'The Right to a Healthy Environment', are all fundamental to living a good life. One is not more important than another, and we

cannot prejudice the importance of one at the expense of another. All the rights we have established work together to ensure a fairer, more equal world for everyone.'

Bermuda Is Love seeks to transform the hearts and minds of everyone in Bermuda. Since their inception, they have spearheaded a variety of initiatives ranging from trash clean-ups, blood drives, clothing drives, free clothing giveaways, upcycling events, to hosting lectures and presentations, film viewings, community garden support, and coordinating volunteer drives to support existing community initiatives. Bermuda Is Love describes itself as more than a charity as alongside their community work, they advocate for social and systemic change and for increased social and civic responsibility:

“We believe that Bermudians should strive to love each other and respect the environment we live in. We believe that love should be the





guiding principle of our community. Thus, Bermuda Is Love is more than just a community group, but a movement of socially conscious individuals who have come together to achieve a common goal of making Bermuda a better place for all.”

Bermuda Is Love embodies the idea of being the change you want to see in the world. Their philosophy leans into the belief that we each have a role to play in creating a healthier, more equitable world, no matter how big or small our time and contribution can be at any given stage of our lives. Bermuda is Love is an outstanding collaborator for promoting and protecting the rights of all in Bermuda.

“We want to bring about a revolution within the hearts and minds of all Bermudians. If you can exhibit love to those around you and respect your environment, then you give meaning to Bermuda Is Love.”



In Remembrance

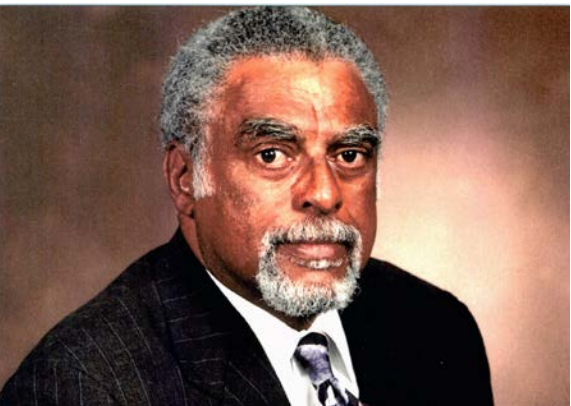


Gerald Harvey
1923-2023

The Human Rights Commission extends condolences to the family and friends of Gerald Harvey.

The Progressive Group are national heroes and remarkable social justice activists. In 1959, they were young men and women who risked their lives to challenge racism and discrimination at great cost to their personal safety and security. They were citizens who were unwilling to let the scourge and violence of racism continue unchallenged in Bermuda. Their strategic and courageous commitment led to the dismantling of segregation in Bermuda's theatres and was a catalyst for dismantling segregation across the island.

Gerald Harvey's remarkable example, and the legacy of the Progressive Group, continues to inspire the work of the Human Rights Commission and the spirit of advocacy in Bermuda.



Ottiwell Simmons
1933-2023

Ottiwell Simmons is recognised as a visionary social justice activist and labour leader whose courageous and steadfast actions transformed Bermuda's sociopolitical landscape.

Tributes poured in for Ottiwell Simmons from all sectors of Bermuda recognising his bold and generous leadership in fighting for equitable labour rights and decent work for all.

Premier Burt acknowledged his sacrifice and legacy, "Brother Oattie's fearless pursuit of social justice and rights for Bermuda's workers laid the foundation for the employment protections which today we often take for granted. With the support of so many others, Ottiwell Simmons' name is synonymous with transforming Bermuda into a more just and equitable society."

The Human Rights Commission extends condolences to the family and friends of Ottiwell Simmons, and gratitude for his extraordinary sacrifice in creating a better Bermuda for us all.



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. Seth Darrell serves as the Head of the Selection and Appointment Committee, together with committee members Cherie Dill, Chiara Nannini, Dennis Pimentel, and Robin Tucker.

The Human Rights Tribunal



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 – 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.

Summary of Human Rights Tribunal Matters

During the reporting period, the Human Rights Tribunal was engaged in the adjudication of various human rights complaints. Examples have been provided below to highlight some of the issues being adjudicated by the Human Rights Tribunal.

Sexual Harassment / Reprisal by Employer

This matter before the Human Rights Tribunal concerns an individual that alleged that they were sexually harassed within the workplace by a colleague who abused their position of authority for the purpose of sexually harassing them in contravention of section 9(1) of the Human Rights Act, 1981. Within this matter, the complainant asserts that their employer and colleague violated their right to freedom in the workplace from sexual harassment in contravention of section 9(3) of the Human Rights Act, 1981. The individual also alleged that they experienced various acts of reprisal and/or retaliation for reporting the discriminatory conduct.

Discrimination based on Sex and Family Status by Employer

This matter before the Human Rights Tribunal concerns an individual that alleged that they experienced various forms of discriminatory treatment after informing their employer of their pregnancy. This matter specifically concerns section 6(1)(b) and section 6(1)(g) of the Human Rights Act, 1981, as read with the protected grounds within section 2(2)(a)(ii) – sex and section 2(2)(a)(iv) – family status, and a portion of their complaint alleged that they were demoted because of their pregnancy.

Discrimination based on Disability by Prospective Employer

This matter before the Human Rights Tribunal concerns an individual that alleged that the hiring practices of a prospective employer

discriminated against them based on their disability. They alleged that they were disqualified from employment in circumstances where the prospective employer failed with respect to the duty to accommodate them due to their disability up to the point of unreasonable hardship. They alleged a contravention of section 6(1)(b) of the Human Rights Act, 1981, and asserted that they were either directly or indirectly discriminated against by the prospective employer.

Discrimination based on Place of Origin and/or Ethnic or National Origins by Service Providers

This matter before the Human Rights Tribunal concerns an individual that alleged that they experienced discrimination when seeking to utilise a service provided by a local organisation due to their place of origin and/or national origins. Specifically, their complaint alleges that they were denied a service due to their place of origin and/or national origins and they alleged a contravention of section 5(1) of the Human Rights Act, 1981, as read with the protected grounds within section 2(2)(a)(i) – place of origin and/or national origins.

Sexual Harassment by Landlord

This matter before the Human Rights Tribunal concerns an individual that alleged that they were renting a home and were subjected to various forms of behaviour by an agent of their landlord, which amounted to sexual harassment. They alleged a contravention of section 9(2) of the Human Rights Act, 1981.

Annexes

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, 2023 to December 31, 2023 which reflects the story of the work carried out during this period for the fulfilment of the Commission's statutory mandate.

Timeline of the Human Rights Act

View online version: humanrights.bm/wp-content/uploads/2022/09/HRC-timeline2022.pdf

Definitions

Disability: is defined within the Human Rights Act, 1981, and means the condition of being a disabled person.

Disabled person: is defined with the Human Rights Act, 1981, and means a person who has any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness, including diabetes, epilepsy, acquired immune deficiency syndrome, human immunodeficiency virus, paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog, wheelchair or other remedial appliance or device. Also, a person who has, or has had, a mental impairment and the impairment has, or has had, a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

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.

Harassment: is defined with the Human Rights Act, 1981, a person harasses another if they persistently engage in comment or conduct towards that other person – which is vexatious; and which they know, or ought reasonably to know, is unwelcome.

Intake: means a complaint or query (may also include a request for information).

Sexual Harassment: is defined within the Human Rights Act, 1981, a person harasses another sexually if they persistently engage in sexual comment or sexual conduct towards that other which is vexatious and which they know or ought reasonably to know, is unwelcome.



How to Contact the Human Rights 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.

Walk-In:	Human Rights Commission Milner Place Ground Floor, 32 Victoria Street, Hamilton HM12
Mail:	32 Victoria Street Hamilton HM CX
Phone:	(441) 295-5859
Email:	info@humanrights.bm
Web:	www.humanrights.bm

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