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## Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

### Cayman Islands

#### Working paper prepared by the Secretariat

#### Contents

	<i>Page</i>
The Territory at a glance . . . . .	3
I. Constitutional, legal and political issues . . . . .	4
II. Budget . . . . .	4
III. Economic conditions . . . . .	5
A. General . . . . .	5
B. Financial services . . . . .	5
C. Tourism . . . . .	7
D. Agriculture . . . . .	7
E. Infrastructure . . . . .	8
F. Telecommunications and utilities . . . . .	8
IV. Social conditions . . . . .	9
A. General . . . . .	9
B. Labour and immigration . . . . .	10
C. Education . . . . .	10
D. Public health . . . . .	11

*Note:* The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 5 December 2022. Further details are contained in previous working papers, available at [www.un.org/dppa/decolonization/en/documents/workingpapers](http://www.un.org/dppa/decolonization/en/documents/workingpapers).



E.	Crime and public safety . . . . .	11
F.	Human rights . . . . .	12
V.	Environment and disaster preparedness. . . . .	12
VI.	Relations with international organizations and partners. . . . .	14
VII.	Future status of the Territory . . . . .	15
A.	Position of the territorial Government. . . . .	15
B.	Position of the administering Power . . . . .	15
VIII.	Action taken by the General Assembly . . . . .	15
Annex		
	Map of the Cayman Islands . . . . .	17

### **The Territory at a glance**

*Territory:* The Cayman Islands is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

*Representative of administrative Power:* Governor Martyn Keith Roper (since October 2018).

*Geography:* Located some 290 km west of Jamaica and about the same distance south of Cuba, the Territory comprises three islands: Grand Cayman, Cayman Brac and the adjacent Little Cayman.

*Land area:* 264 km<sup>2</sup>.

*Exclusive economic zone:* 119,137 km<sup>2</sup>.

*Population:* 71,105 (men: 35,984; women: 35,058) (2021 census).

*Life expectancy at birth:* 82.3 years (men: 79.8 years; women: 84.7 years, based on the 2010 population and housing census).

*Ethnic composition:* Afro-European (40 per cent), African (20 per cent), European (20 per cent), other (20 per cent).

*Language:* English.

*Capital:* George Town.

*Head of the territorial Government:* Premier G. Wayne Panton (since April 2021).

*Main political parties:* Cayman Islands People's Party and People's Progressive Movement.

*Elections:* The most recent elections were held on 14 April 2021.

*Legislature:* Parliament (19 elected and 2 ex officio members).

*Gross domestic product per capita:* CI\$ 72,416 (2021 estimate).

*Economy:* International financial services and tourism.

*Main trading partners:* United States of America.

*Unemployment rate:* 5.7 per cent (2021).

*Monetary unit:* Cayman dollar, pegged to the United States dollar (CI\$ 1 = US\$ 1.20).

*Brief history:* The Territory, reportedly sighted by Christopher Columbus in the late fifteenth century, was first settled by the British between 1661 and 1671. A tradition of self-government gradually grew in the Territory beginning in 1734 and a legislative assembly was established in 1831 and was known as the Assembly of Justices and Vestry. Slavery was abolished in 1834. In 1863, the Cayman Islands became a dependency of Jamaica and, when the latter achieved independence 99 years later, the Islands remained under the British Crown.

## **I. Constitutional, legal and political issues**

1. The current Constitution entered into force on 6 November 2009 and was amended in November 2020. Under the Constitution, the Governor, appointed by the British Crown, is responsible for external affairs, defence, internal security and the appointment of persons to the civil service.

2. In accordance with the 2020 constitutional amendment, the Parliament of the Cayman Islands consists of the Speaker, 19 elected members and 2 ex officio members, the Deputy Governor and the Attorney General. The Speaker can be either an elected member of Parliament who is not a minister, or a person qualified to be an elected member of Parliament.

3. The Territory's Cabinet, chaired by the Governor, is composed of the Premier, seven other ministers and two ex officio members, namely, the Deputy Governor and the Attorney General. The Premier is a member of Parliament who is recommended by the party with the majority of seats and appointed by the Governor. The seven other ministers are appointed by the Governor upon the advice of the Premier from within the elected membership of Parliament. The last general election took place in April 2021, resulting in a Government of 12 independent members of Parliament led by G. Wayne Panton as Premier.

4. The Judiciary is comprised of the following jurisdictions, in ascending order within the hierarchy of the courts: the Summary Court (including Family, Youth and Coroner's Courts); the Grand Court; the Court of Appeal; and the Privy Council. The Summary Court has civil and criminal jurisdiction. The Grand Court is a superior court of record, having unlimited jurisdiction in both criminal and civil matters. The Court of Appeal does not exercise inherent jurisdiction but is a creature of statute and of the Constitution. The Privy Council is the final appellate court.

5. According to the then Premier, the Constitution (Amendment) Order 2020, which was approved by the Privy Council on 11 November 2020, laid before Parliament on 18 November 2020 and came into effect on 4 December 2020, brought the Territory "a step forward to greater self-determination". The amendment was introduced following the constitutional review by the Cayman Islands Review Committee and the meetings between the territorial Government and the Government of the United Kingdom of Great Britain and Northern Ireland on 7 and 10 December 2018, during which they discussed the proposed constitutional changes and confirmed that the territorial Government had autonomous capacity in respect of domestic affairs and that the United Kingdom would not seek to legislate, directly or indirectly, for the Cayman Islands without, at a minimum, consulting with the territorial Government.

## **II. Budget**

6. For 2022, the 2022 and 2023 budget document of the Territory, which covers a 24-month period from 1 January 2022 to 31 December 2023, forecast an operating revenue of CI\$ 940.9 million, CI\$ 8.6 million more than in 2021. It also forecast an operating and financing expenditure of CI\$ 921.5 million, CI\$ 40.5 million less than in 2020.

7. The unaudited financial results of the core Government for the nine-month period which ended on 30 September 2022 showed a surplus of CI\$ 97.1 million (CI\$ 81.8 million for the entire public sector) and bank account balances of CI\$ 393.7 million in cash and deposits.

8. Since 2012, the United Kingdom and the Cayman Islands have been working together under a framework for fiscal responsibility that commits the Territory to prudent and transparent fiscal management through effective medium-term planning. According to the administering Power, the Territory complies with the required debt and cash reserve ratios specified in the framework.

9. The Cayman Islands is a jurisdiction with no direct individual or corporate income tax. The principal sources of government revenue are import duties, financial services licence fees, work permit fees and stamp duties. There is also an environmental tax on visitors, which they are required to pay as they depart the Territory.

### **III. Economic conditions**

#### **A. General**

10. The economy of the Cayman Islands is based on the provision of financial services – the dominant sector in the economy – and tourism. There are no commercial fisheries.

11. The 2021 real gross domestic product (GDP) was estimated at CI\$ 4.35 billion, compared with CI\$ 4.27 billion in 2020. The GDP at constant prices in 2021 was estimated to have expanded by 1.8 per cent, compared with a 5.7 per cent contraction in 2020. Most sectors of the economy showed recovery in 2021. The construction sector led growth with an increase of 7.9 per cent. The services sector, which accounted for 88.8 per cent of GDP, increased by 1.0 per cent.

#### **B. Financial services**

12. The financing and insurance services sector accounted for approximately 32.6 per cent of the Territory's GDP in 2021 and is estimated to have expanded by 1.8 per cent. Meanwhile, the domestic banking sector contracted despite a rise in credit.

13. According to the Cayman Islands annual economic report for 2020, the Cayman Islands lost ground in the international financial space, falling from fourteenth to sixteenth in terms of assets, while remaining stable in terms of liabilities. The financial services industry expanded in 2021, with most indicators rising for the period. Compared with 2020, the total number of insurers increased by 7 (or 1.0 per cent), to 686; the total number of registered companies increased by 4.9 per cent, to 116,996; and new company registrations increased by 42.8 per cent, to 16,748. The number of bank and trust licences continued its downward trend, declining by 9 (or 8.2 per cent), to 101.

14. Following the conclusion of the bilateral arrangement with the United Kingdom on the exchange of beneficial ownership information, the Cayman Islands beneficial ownership regime came into force on 1 July 2017. Under the law, companies incorporated or registered in the Cayman Islands are required to maintain a register of information about their beneficial owners or to file, with the competent authority on beneficial ownership, the reason they are not required to maintain a beneficial ownership register. A centralized platform allows law enforcement and local competent authorities to conduct instantaneous searches of the beneficial ownership registers of all companies incorporated or registered in the Cayman Islands, which in turn facilitates the swift sharing of information on beneficial ownership with international law enforcement or the competent authorities. The Limited Liability Partnership (Amendment) Law, 2018, which came into force on 30 November 2020,

requires limited liability partnerships that are exempt from these requirements to file written confirmations of exemption. Under the Limited Liability Companies (Amendment) Act, 2022, existing limited liability companies no longer have to file a certificate of amendment in relation to membership changes.

15. In May 2018, the Parliament of the United Kingdom passed the Sanctions and Anti-Money Laundering Act, pursuant to which the Secretary of State was required to provide all reasonable assistance to the Governments of overseas territories to enable each of those Governments to establish a publicly accessible register of the beneficial ownership of companies registered in its jurisdiction and to prepare, no later than 31 December 2020, a draft Order in Council requiring any overseas territory that has not introduced such a register to do so. On 14 December 2020, the Government of the United Kingdom published a draft Order in Council setting out a framework for the registers. The Government of the Cayman Islands has committed itself to introducing such a register, and the Government of the United Kingdom is providing support where required. The Government of the United Kingdom expects this register, and those of the other overseas territories, to be in place by the end of 2023. This is in line with the call by the United Kingdom to make publicly accessible registers a global norm by 2023.

16. In September 2021, the territorial Government issued a consultation paper which outlined the measures being considered with a view to improving the legislative framework and create a more effective beneficial ownership regime. According to the administering Power, additional consultations took place in subsequent months, which informed the development of the draft Beneficial Ownership Transparency Bill, which sets out the framework for publicly accessible registers of beneficial ownership. The draft Bill was issued for consultation in October 2022, and work to develop it further is ongoing.

17. On 22 November 2022, the European Court of Justice issued a ruling invalidating the provision whereby information on the beneficial ownership of companies is accessible to the general public. According to the statement published by the territorial Government on 30 November 2022 in this regard, the Ministry of Financial Services and Commerce, with the assistance of external counsel, was reviewing the judgment to determine whether it had any implications with respect to the proposal to introduce public beneficial ownership registers.

18. The Cayman Islands Monetary Authority is the body responsible for monitoring compliance with international financial standards in the Territory and for reporting findings to the territorial Government on a regular basis. An anti-corruption commission was established under the Territory's Anti-Corruption Law (2008).

19. The territorial Government continues to make progress on its comprehensive action plan to address the 63 recommendations set out in a report by the Caribbean Financial Action Task Force of March 2019. Since February 2021, the Task Force has been monitoring progress on the three remaining recommended actions, with one satisfied in June 2021 and another satisfied in October 2022. The Cayman Islands continues to make progress on the final recommended action, which the Task Force encourages the jurisdiction to complete by February 2023. In April 2022, the National Strategy for Combating Money Laundering, Terrorist Financing, and Proliferation Financing 2022–2025 was published, laying out a comprehensive action plan under seven strategic themes: enhancing the jurisdiction's legal and regulatory framework; implementing a comprehensive risk-based supervisory framework; strengthening sanctions, intelligence, enforcement and asset recovery; enhancing domestic cooperation and coordination; ensuring an efficient and effective system for international cooperation; raising awareness among all stakeholders and the general public; and strengthening the beneficial ownership framework.

20. The Cayman Islands is a party to the Council of Europe-Organization for Economic Cooperation and Development (OECD) Convention on Mutual Administrative Assistance in Tax Matters. In addition to a bilateral double tax arrangement and bilateral tax information exchange agreements, the Cayman Islands is a party to the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information and bilateral competent authority agreements. The first exchanges under the OECD Common Reporting Standard were completed in September 2017. The Cayman Islands is also a party to the Multilateral Competent Authority Agreement on the exchange of Country-by-Country Reports under Action 14 of the Action Plan on Base Erosion and Profit Shifting and bilateral competent authority agreements. According to the administering Power, the Cayman Islands will spontaneously exchange information with relevant jurisdictions for the purposes of the substantial activities requirements for non-tax jurisdictions or only nominal tax jurisdictions under Action 5 of the Action Plan on Base Erosion and Profit Shifting.

### **C. Tourism**

21. Cayman Airways and other airlines operate international service from various cities in Canada, Cuba, Honduras, Jamaica, the United Kingdom and the United States of America. According to the administering Power, non-stop service to the Territory was available from 22 international gateways in 2022. The borders officially reopened for tourism on 20 November 2021, which allowed commercial flights to resume. On the basis of airline schedules for October to December 2022, inbound airline seats for that period are expected to be over 94 per cent of the 2019 level.

22. The coronavirus (COVID-19) pandemic and travel restrictions continued to have a negative effect on the tourism sector. In 2021, the number of overall tourist arrivals was 17,308, a decrease of 94.7 per cent from 2020. The decrease could be attributed to the lack of cruise arrivals, as cruise ports remained closed. The number of stay-over arrivals in the Territory had been on the rise since 2009, reaching a high of some 502,739 in 2019 (approximately 22 per cent of overall arrivals), but the figure declined sharply for the second consecutive year, from 121,819 in 2020 to 17,308 in 2021 – a fall of 85.8 per cent. The spread of new strains of the virus, namely the Delta and Omicron variants, meant that there was a spike in the number of cases in the fourth quarter of the year, which limited the Territory's ability to effectively reopen the sector.

23. The Cayman Islands received 180,624 stay-over visitors in the first nine months of 2022. The number of visits for the first nine months of 2022 was 47 per cent of the number for the same reference period in 2019. There were 140 cruise ship calls, with 426,293 passengers, between March and September 2022.

### **D. Agriculture**

24. In 2020, the agriculture and fishing industries contributed 0.4 per cent of the total GDP of the Territory, maintaining the same level since 2010.

25. The Department of Agriculture is seeking to develop sustainable agricultural production in order to promote measures of self-sufficiency and food security for the Territory.

## **E. Infrastructure**

26. In 2020, the construction sector contributed 4.1 per cent of the total GDP of the Territory, an increase from 3.9 per cent in 2019. The number of building permits granted in Grand Cayman increased from 741, worth CI\$ 457.7 million, in 2020, to 1,183, worth CI\$ 717.0 million, in 2021. A total of 803 proposed projects worth CI\$ 1.3 billion were approved in Grand Cayman in 2021, compared with 837 projects worth CI\$ 883.2 million in 2020.

27. According to the administering Power, the Grand Cayman road network consists of approximately 518 travel lane km with approximately 43 km of primary arterial roads and 113 km of secondary arterial roads. According to the National Roads Authority, Rex Crighton Boulevard (formerly the East-West Arterial) will be extended by two miles to meet the increasing challenges of climate change/sea level rise and to serve as an emergency route when coastal roads are compromised. The project will also assist in the promotion and implementation of sustainable public transportation through dedicated bus lanes. The National Roads Authority is aware of environmental concerns and is committed to identifying and developing engineering solutions that will minimize unavoidable impacts. While phase 1 is in progress, the Authority is in discussions with the National Conservation Council regarding an environmental impact assessment to be undertaken concurrently with phase 2.

28. The airports master plan, approved in 2014, has guided infrastructure developments over the past seven years. These developments include a new commercial terminal with larger capacity, completed in 2019, and the strengthening of the runway in 2020. At the end of 2019, prior to the start of the pandemic, the commercial, business and tourist sectors had expanded, putting stress on the systems and infrastructure of the three airports that serve the Territory: Owen Roberts International Airport, Charles Kirkconnell International Airport and Little Cayman Airport. The Cayman Islands Airports Authority is developing a new airports master plan, having outlined the need to do so in November 2021, in order to identify solutions to the stressors, sustainability options and necessary infrastructure expansion. The plan will cover at least 20 years and will include analysis to guide future business decisions. According to the administering Power, the plan is expected to be completed in the first quarter of 2023.

## **F. Telecommunications and utilities**

29. The information and communication sector accounted for 2.7 per cent of the total GDP in 2020, an increase from 2.6 per cent in 2019. Currently, four telecommunications companies provide fixed and/or mobile voice and data services. According to the Cayman Islands Utility Regulation and Competition Office, there are 14 FM radio broadcasting stations and five companies that provide subscription television services in the Territory. From 2020 to 2021, the total number of fixed and mobile phone lines increased from 123,509 to 131,367 and the number of Internet connections increased from 26,131 to 27,596. An upgrade of the Territory's public safety radio system, aimed at supporting public safety communications among emergency services and first responders, including those activated in a disaster, was completed in April 2019.

30. On Grand Cayman, where the Caribbean Utilities Company has a non-exclusive licence for electricity generation and an exclusive licence for its transmission and distribution, almost all power generation relies on imported diesel. Since 2011, Grand Cayman has had a consumer-owned renewable energy generation programme, which enables consumers to generate energy from renewable sources and to be compensated



with stable, long-term rates. The current capacity limit is 9 MW, up from 4 MW in 2016. Since 2018, Grand Cayman has had a distributed energy resources programme of 3 MW, which was approved by the Cayman Islands Utility Regulation and Competition Office. In December 2021, the Office approved the allocation of an additional capacity of 3 MW to the consumer-owned renewable energy generation and distributed energy resources programmes. According to the administering Power, the total capacity of intermittent renewable energy that can be safely and reliably connected to the grid in Grand Cayman is currently 17 MW.

31. Official statistics indicate that net electricity production in Grand Cayman increased from 651,500 MWh to 662,000 MWh and electricity consumption rose from 644,317 MWh to 660,469 MWh, by 2.5 per cent, between 2020 and 2021.

32. According to official data, from 2020 to 2021 water consumption in the Cayman Islands declined by 0.3 per cent, from 1,952.0 million gallons to 1,946.4 million gallons, and water production rose by 3.4 per cent, from 2,395.4 million gallons to 2,477.4 million gallons.

## **IV. Social conditions**

### **A. General**

33. The Ministry of Investment, Innovation and Social Development exists to advance the economic, social and political interests of the Government, people and businesses of the Cayman Islands. It is responsible for reimagining and reforming social development through changes to government policies and social assistance programmes. Its Social Development Division includes the Needs Assessment Unit, the Sunrise Adult Training Centre and the Department of Children and Family Services. The Needs Assessment Unit provides financial assistance for basic necessities such as food, clothing, rent, utilities, medical expenses and funeral costs. The Sunrise Adult Training Centre exists to educate, support and serve; it links adults with additional learning needs to therapy and employment opportunities so as to empower them and maximize their independence, potential and quality of life. The Department of Children and Family Services provides social work interventions required to address child protection, delinquency and family issues, as well as providing residential care for children and the indigent elderly. In March 2017, the Multi-Agency Safeguarding Hub began operating as the primary child safeguarding focal point with strategic and operational responsibility for all child welfare matters, in partnership with the Royal Cayman Islands Police Services, the Department of Children and Family Services, the Health Services Authority and the Department of Education.

34. According to statistics released by the Royal Cayman Islands Police Service, the number of domestic violence referrals further decreased by 24 per cent, from 2,295 in 2020 to 1,735 in 2021, after steadily increasing in the period up to 2019. There were 406 domestic violence crimes in 2021, compared to 469 in 2020. In 2021, 50 per cent of violent offences involved an element of domestic violence, down from 59 per cent in 2020. Since 2015, the number of child safeguarding referrals have steadily increased, with a 22 per cent increase, from 1,146 in 2020 to 1,399 in 2021. Even with COVID-19 restrictions in place in 2020, it would appear that reporting of domestic violence crimes, as well as early intervention, remained effective in preventing violence from escalating into more serious categories.

35. According to the administering Power, the Counselling Centre continued to enhance its services in order to more effectively address a broad range of emerging needs in society through community-based therapy, restructured counselling services

to provide more effective responses to the growing number of people in need, a music therapy programme, parent coaching, skill-building workshops and other programmes. According to the administering Power, the National Drug Council delivered over 640 presentations on the harmful effects of alcohol, tobacco and other drugs.

## **B. Labour and immigration**

36. In 2021, the labour force was made up of 48,688 persons (25,589 men and 23,098 women), an increase of 10.9 per cent compared with 2020. It was comprised of 22,012 Caymanians (45.2 per cent of the total labour force), 22,236 non-Caymanians (45.7 per cent) and 4,440 permanent residents with the rights to work (9.1 per cent). The number of Caymanian workers increased by 3.6 per cent, compared to increases of 16.2 per cent for non-Caymanians and 25.4 per cent for permanent residents. In 2021, the unemployment rate was 8.5 per cent among Caymanians and 2.8 per cent among non-Caymanians (compared with 8.3 per cent and 2.2 per cent, respectively, in 2020). The overall unemployment rate in 2021 was 5.7 per cent, an increase from 5.2 per cent in 2020. Government statistics indicate that the number of work permits for non-Caymanian workers increased from 19,134 in 2020 to 22,236 in 2021.

37. The Customs and Border Control Act (revised in 2021) came into effect in 2019, and on 1 February 2019 the Cayman Islands Customs and Border Control Department was established, merging the Customs Department and the border control functions of the Department of Immigration. In addition, regarding the processes for persons seeking work permits, residency and the right to be Caymanian, the Immigration (Transition) Act (revised in 2021) facilitated the transfer of power and authority from the Department of Immigration to the Workforce, Opportunities and Residence Cayman, a portfolio of the Ministry of Border Control and Labour established in May 2018.

38. The gross minimum basic wage in the Territory remains CI\$ 6 per hour for most employees, and CI\$ 4.50 per hour for service employees of employers that have a registered gratuities scheme. There are also special calculations for live-in domestic workers, as well as for employees who work on a commission basis.

## **C. Education**

39. Education is compulsory for all resident children between 5 and 17 years of age. According to the administering Power, in the 2022/23 school year, 9,319 students (of whom 50.8 per cent were male, 49.2 per cent female and 0.01 per cent identifying as non-binary) were enrolled in compulsory education. The mandatory school-age population that attend private schools increased from 42 per cent in the previous school year to 45 per cent, while 55 per cent were in public education. Non-Caymanian children can access the public system if their parents are on government contracts or if there is space available, in accordance with the government enrolment policy. According to the administering Power, two public and three private institutions provide tertiary education.

40. Students from overseas territories benefit from the home student rate for tuition fees at British universities, provided that they have lived in a British overseas territory, the European Economic Area or Switzerland for the three years prior to the first academic year of their course of study. Students will be eligible for tuition fee loans in England provided that they have settled status upon arrival in the United Kingdom and are starting full-time or part-time undergraduate courses in the 2023/24

academic year. Eligible students are encouraged to ensure that they hold a British passport before applying for home fee status to study in the United Kingdom.

## **D. Public health**

41. The Territory's Health Services Authority is responsible for the provision of all public health care. According to the Pan American Health Organization (PAHO), the Authority is the sole provider of public health-care services at the primary, secondary and tertiary levels of service. According to the administering Power, these arrangements are now being reviewed as part of a public health reform aimed at setting up a national public health department under the Ministry of Health and Wellness. Health insurance is compulsory in the Cayman Islands. In July 2021, the territorial Government committed itself to implementing public education programmes on the negative impacts of overutilization of health-care services on the quality and affordability of service, and to revamping and expanding the services of the Cayman Islands National Insurance Company in order to extend access to health care to more Caymanians, provide free health care for children and the elderly, and reform existing criteria for access to free health care.

42. On 21 December 2020, the territorial Government signed a partnership agreement with a private health-care group to develop a new medical facility; the commencement of the project, according to the administering Power, has been postponed to September 2023. According to the administering Power, the territorial Government also partners with various agencies, including the United Kingdom Health Security Agency and the Caribbean Public Health Agency, as well as PAHO.

43. The Government of the United Kingdom has been supporting the overseas territories throughout the COVID-19 pandemic. The support has included the funding and supply of testing kits, laboratory consumables, medical equipment, medical supplies and COVID-19 vaccines, including booster doses, and the provision of public health expertise. According to the administering Power, its support is in line with its enduring commitment to the peoples of its overseas territories.

44. According to the administering Power, as at 7 November 2022, approximately 84.7 per cent of the total population (93.4 per cent of those over 5 years of age) had received two doses of the COVID-19 vaccine.

## **E. Crime and public safety**

45. The 458-strong Royal Cayman Islands Police Service is headed by a commissioner, who reports to the Governor. Between 2020 and 2021, the total number of recorded crimes increased by 3.9 per cent, from 3,556 to 3,696. The overall levels of serious crime remained stable, with an increase of 13 offences, a change of less than 1 per cent. Violent crimes decreased by 5.2 per cent, from 854 to 809. Traffic accidents increased by 22 per cent, from 2,166 to 2,633.

46. In 2021, the average daily population in prison was 211 (14 women and 197 men), an increase from 203 (13 women and 190 men) in 2020.

47. The Government of the United Kingdom has indicated its commitment to providing assistance to the overseas territories to deal with major storms and other disasters. In 2022, HMS *Medway* and HMS *Protector* were stationed in the Caribbean as part of the North Atlantic patrol tasking of the Royal Navy, ensuring a year-round maritime presence of the United Kingdom to support the overseas territories to prepare for and respond to the threat of hurricanes and other disasters and to provide

humanitarian assistance, disaster relief and crisis communications support in the region.

## **F. Human rights**

48. The Human Rights Commission was established under section 116 of the Cayman Islands Constitution Order 2009 and appointments were first made in January 2010. The Commission's primary responsibility is to promote understanding and observance of human rights in the Cayman Islands. In addition, the Commission has powers to accept and investigate public complaints regarding potential breaches of human rights, to provide a forum for mediation or conciliation, to give advice and guidance and to publish reports of its own initiative on human rights issues. It is an independent body that is not subject to the direction or control of a person or an authority.

49. Part I of Schedule 2 of the Cayman Islands Constitution Order 2009 setting out the Bill of Rights, Freedoms and Responsibilities came into effect on 6 November 2012, with the exception of the provisions relating to the segregation of prisoners (non-convicts from convicted prisoners and juvenile from adult prisoners), which came into effect on 6 November 2013.

50. The Territory is subject to several major human rights conventions and instruments to which the administering Power has acceded, including the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The Gender Affairs Unit is the focal point for gender mainstreaming within the Cayman Islands Government and is responsible for sector-specific gender training, public education efforts, and gender-awareness training.

51. Further to the Legislative Assembly passing the Disabilities (Solomon Webster) Law on 24 October 2016, which was aimed at implementing elements of the Cayman Islands Disability Policy 2014–2033, the National Council for Persons with Disabilities was established. The Council is responsible for overseeing policy implementation, and the creation of a voluntary disabilities register to improve the quantity and quality of available data on persons with disabilities in order to inform policy, legislation and services.

52. According to the administering Power, the Council of Older Persons was established pursuant to the Older Persons Law, 2017. The Council of Older Persons convened its first meeting in November 2017 and meets in order to oversee the implementation of the Cayman Islands Older Persons Policy 2016–2035 and to promote, protect and advance the well-being of older persons.

## **V. Environment and disaster preparedness**

53. The Cayman Islands is included in the ratification by the United Kingdom of several multilateral environmental agreements, including the Convention on Wetlands of International Importance especially as Waterfowl Habitat, the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change and its Kyoto Protocol. The National Conservation Law (2013) gives effect to various provisions of these conventions. The Law, by which the National Conservation

Council was established in 2014, is intended to protect and conserve endangered, threatened and endemic wildlife and their habitats. A total of 11.3 per cent of the land area of the Territory is protected; with 6.4 per cent protected through the Law.

54. The Department of Environment works, together with other agencies, to ensure that the Territory's natural resources are preserved and protected. According to the administering Power, the Department of Agriculture collaborates with the Department of Environment and the Council to protect endangered flora and fauna from the introduction of invasive alien species that could have a negative impact on crop and livestock production, as well as on public health. In October 2018, the Department of Environment coordinated a green iguana cull programme to control the population of invasive green iguanas on Grand Cayman. According to the administering Power, 1.4 million green iguanas have been removed through the programme.

55. In July 2021, the Royal Society for the Protection of Birds, in partnership with the territorial Government, obtained £484,227 in funding from Darwin Plus, also known as the Overseas Territories Environment and Climate Fund, for safeguarding Cayman's sister islands from invasive species, as feral cat predation has resulted in catastrophic declines in native species and invasive green iguanas are spreading from Grand Cayman. The National Conservation (Alien Species) Regulations, 2022, were passed by the Cabinet in October 2022 and set out ways to control feral animals and other alien species to reduce the threat to native species.

56. Increasing recreational and artisanal fishing in the shallow waters around the Cayman Islands continues to threaten the Territory's marine environment. According to the administering Power, the new Marine Parks Regulations, enacted in March 2021, increased the proportion of near-shore shelf included in protected "no-take" areas, from 14.8 per cent to 45.2 per cent.

57. ReGen is a multimillion-dollar project to turn the George Town Landfill site into a green space and build an infrastructure that will improve recycling and turn materials that are not recycled into electricity. It is designed to deliver sustainable waste management and promote the international waste hierarchy (reduce, reuse, recycle, recover, dispose).

58. In November 2021, the Ministry for Sustainability and Climate Change Resiliency signed an agreement for a climate change risk assessment, as a first step in the process of reviewing and updating the 2011 draft national climate change policy and strategy. According to the administering Power, a final report was produced in November 2022 by the Centre for Environment, Fisheries and Aquaculture Science of the Department for Environment, Food and Rural Affairs of the United Kingdom and an updated climate change policy is to be finalized in 2023. The Ministry also launched public education campaigns to promote several energy efficiency programmes, encouraging sustainable lifestyles and operations based on responsible and innovative energy supply and consumption, and addressing goal No. 1 of the national energy policy: knowledge and education. According to the administering Power, the Territory has received support and policy advice from the United Nations Environment Programme, as well as funding and technical support from the European Union.

59. In September 2021, the territorial Government committed seed capital in the amount of \$25 million for a 10-year period to establish the Commonwealth Climate Growth Fund, focused on businesses and technologies that deliver climate mitigation and adaptation throughout the 54 member countries of the Commonwealth. The Fund has committed to investing \$50 million in blue or green private sector enterprises and projects in the Cayman Islands.

60. Following the adoption of the Paris Agreement at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in 2015, the territorial Government initiated a review of its draft national energy policy of 2013. In 2017, the national energy policy 2017–2037 was introduced, which is focused on exploiting renewable energy, promoting energy efficiency and conservation measures and supporting energy security by reducing reliance on imported fossil-based fuels. The first five-year review of the policy is currently under way and, according to the administering Power, is due to be completed in early 2023.

61. The Territory has one utility-scale solar power plant, which was completed in June 2017. Consistent with the national energy policy goal of having 70 per cent of total electric power generated from renewable energy by 2037, the project has successfully commissioned 5 MW of renewable solar power, delivered actual energy production of 9.4 GWh of clean electricity annually and prevented over 4.2 tons of greenhouse gas emissions. In 2022, the Cayman Islands Utility Regulation and Competition Office issued requests for a solar photovoltaic plant and a dispatchable photovoltaic generation plant, both with energy storage facilities.

62. Hazard Management Cayman Islands, a government agency, has overall responsibility for the Territory's disaster management programme, including preparedness, response, mitigation and recovery. An annual hurricane exercise continues to be conducted prior to each hurricane season, which runs from 1 June to 30 November, in addition to exercises related to other hazards. According to the administering Power, the Territory has also engaged in several initiatives sponsored by the Foreign, Commonwealth and Development Office to improve and better communicate the national hazard management plan and enhance resilience.

63. In 2020, the Cayman Islands joined the Charter on Cooperation to Achieve the Coordinated Use of Space Facilities in the Event of Natural or Technological Disasters, making it possible for the Territory to request satellite data in the event of a major disaster. In September 2020, the Cayman Islands joined the Caribbean Disaster Emergency Management Agency, which conducted a comprehensive disaster management audit of the Territory, following which, according to the administering Power, a workplan is being developed to close the gaps and identify areas for further strengthening.

64. In 2022, a United Kingdom-funded seabed mapping survey of the Territory was completed, which will help to improve inundation modelling accuracy and support environmental resilience.

65. The Cayman Islands Regiment is the Territory's first formal military formation, with the role of providing disaster relief and security in both the Territory and the wider Caribbean region. The Regiment was said to have 175 personnel by the end of 2022.

## **VI. Relations with international organizations and partners**

66. The Cayman Islands is an associate member of the Economic Commission for Latin America and the Caribbean and of the United Nations Educational, Scientific and Cultural Organization and a member of the Universal Postal Union. The Territory also participates in the work of the Caribbean Community as an associate member and is a member of the Caribbean Development Bank and the International Olympic Committee.

## **VII. Future status of the Territory**

### **A. Position of the territorial Government**

67. Information on the position of the territorial Government regarding the future status of the Cayman Islands is reflected in section I above.

### **B. Position of the administering Power**

68. At the 9th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 14 October 2022, during the seventy-seventh session of the General Assembly, the representative of the United Kingdom stated that the relationship of his Government with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British.

69. He added that the United Kingdom and the Territories were in agreement that the Territories had a large measure of internal self-government, subject only to the United Kingdom retaining powers that enabled it to carry out its obligations under international law. He also noted that the United Kingdom Overseas Territories Joint Ministerial Council met annually to monitor and drive forward collective priorities, including environmental protection, and that the United Kingdom was committed to supporting Territories in achieving those collective priorities and to carrying out its responsibilities, including sharing security.

## **VIII. Action taken by the General Assembly**

70. On 12 December 2022, the General Assembly adopted resolution [77/138](#) on the question of the Cayman Islands without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2022 ([A/77/23](#)) and the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of the Cayman Islands to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution [1514 \(XV\)](#), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of the Cayman Islands, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of the Cayman Islands to determine freely their future political status, in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution [1541 \(XV\)](#) and other relevant resolutions and decisions;

(d) Recalled the 2009 Constitution of the Cayman Islands, and stressed the importance of the work of the Constitutional Commission, including its work on human rights education;

(e) Requested the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(f) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

(g) Stressed that the Territory should continue to participate in the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, including regional seminars, in order to provide the Committee with up-to-date information regarding the decolonization process;

(h) Also stressed the importance of the Special Committee being apprised of the views and wishes of the people of the Cayman Islands and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the Cayman Islands and the administering Power;

(i) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in the Cayman Islands, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(j) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(k) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supported, *inter alia*, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as an international financial centre, that were not aligned with the interest of the people of the Territory;

(l) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(m) Requested the Special Committee to continue to examine the question of the Cayman Islands and to report thereon to the General Assembly at its seventy-eighth session and on the implementation of the resolution.



## Annex

## Map of the Cayman Islands

