

The following Executive Summary is submitted for the 2021 Annual Report (January 1, 2021, to December 31, 2021) on behalf of the Office of the Human Rights Commission for Bermuda (Commission), pursuant to Section 30A of the Human Rights Act 1981 (Act). In furtherance of the Commission's sustainability efforts, the 2021 Annual Report has been issued in a digitised format.

ANNUAL REPORT 2021

Executive Summary

As the National Human Rights Institution (NHRI) for Bermuda, the Commission's mission is to eliminate discrimination through advocacy, education, and enforcement. 2021 saw the impacts of the pandemic continue to influence all aspects of life in Bermuda. There was a heightened focus on the policies developed by employers and the Government of Bermuda in response to the pandemic and its associated effects.

The Commission reinforced the need to recognise that with any mandatory policy or practice applied to society collectively, the potential for discriminatory impacts exists and must be carefully assessed to ensure against unintended impacts or direct actions which could amount to violations against the Act. Discrimination may occur where policies and procedures do not account for individual circumstances, differences, and characteristics, which may then result in persons being unfairly disadvantaged.

174 COMPLAINTS
RECEIVED

The Commission received one hundred and seventy-four (174) complaints with members of the public primarily identifying discriminatory treatment based on section 2(2)(a)(i) – race, place of origin, colour, ethnic or national origins, which comprised thirty-five percent (35%) of identified grounds. This was followed by the protected ground of disability at twenty percent (20%) and sex, which accounted for twelve percent (12%) of the identified grounds.

59% INTAKES RELATED
TO EMPLOYMENT

Regarding the areas of discrimination identified by members of the public, fifty-nine percent (59%) 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 was sexual harassment at nine percent (9%) and a split between housing and harassment within the workplace at eight percent (8%), respectively.

The Human Rights Amendment Act 2021 marked an important step in ensuring that Bermuda has an independent Human Rights Tribunal that can efficiently and expertly adjudicate human rights cases. An independent tribunal represents the establishment of another crucial pillar in Bermuda’s human rights framework.

The amendments create a clear separation between the Tribunal and the Commission, with the Human Rights Tribunal panel members independently appointed by the Selection and Appointment Committee, established under section 13A of the Human Rights Act, 1981.

Incorporating human rights standards into policy and legislative development helps ensure the integration of rights into national decision-making. The Commission provided resources to encourage the Government’s application of a human rights-based approach (HRBA) to governance.

Adopting a Human Rights-Based Approach (HRBA)

An HRBA is underpinned by five fundamental human rights principles, also known as PANEL: **Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality**:

01

Participation

Everyone is entitled to active participation in decision-making processes which affect the enjoyment of their rights.

02

Accountability

Duty-bearers are held accountable for failing to fulfil their obligations towards rightsholders. There should be effective remedies in place when human rights breaches occur.

03

Non-discrimination and equality

All individuals are entitled to their rights without discrimination of any kind. All types of discrimination should be prohibited, prevented, and eliminated.

04

Empowerment

Everyone is entitled to claim and exercise their rights. Individuals and communities need to understand their rights and participate in the development of policies which affect their lives.

05

Legality

Approaches should align with the legal rights set out in domestic and international laws.

In the year ahead, the Commission is committed to fortifying Bermuda’s national human rights legislation and expanding educational outreach to broadly promote the protections afforded under the Act and Bermuda’s human rights framework. As a Non-Ministry Office, the Commission’s autonomy and strengthened capacity are essential to effectively fulfilling its mandate and safeguarding the rights of all.

