

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
8 OCTOBER 2015
CONFERENCE ROOM
CAYMAN CORPORATE CENTRE

PRESENT: James Austin-Smith Chairman
 Chelsea Frazier-Rivers Member
 Lisa-Ann Hurlston-McKenzie Member

APOLOGIES: Ben Tonner Member
 Reverend Donovan Myers Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:
 Deborah Bodden Manager

1. Meeting called to order

The meeting was called to order at 2:00pm.

2. Arrival of Cuban Refugee Boat

Prior to the start of the meeting member Chelsea Frazier-Rivers informed the Commission that a boat with numerous Cuban refugees was in the George Town Harbour. The reports indicated that the boat was smoking and had a large number of persons on board including women and children. The Commission contacted senior representatives of the Immigration Department and Royal Cayman Islands Police Department. The Commission has concerns regarding the failure to comply with what the Commission has been told is the current policy and the various international treaties extended to the Cayman Islands regarding human trafficking and will discuss at the next meeting what further actions can be taken.

3. Confirmation of Previous Minutes

The 3 September 2015 minutes were approved.

4. Matters Arising from Previous Minutes

a. Matters arising from the meeting with HM Prisons Inspectorate Team

Having followed up again on these two matters the Commission has been informed that final works are currently being undertaken in order for the new police cells to be put into use; and that the Ministry of Home Affairs have undertaken a data collection exercise and is now in the process of collating the data in order to report to the Honourable Premier to make a policy decision in the matter of extending OPCAT to the Cayman Islands. The Commission will ask for an update on the timeline and progress made on these matters.

b. Meeting with Representative of the UNHCR

Having followed up again on this matter as it relates to extending Palermo Protocol to the Cayman Islands, the Commission has been informed that the Ministry of Home

Affairs is working with various stakeholders to ensure policies and training are in place to mitigate any concerns regarding human trafficking in refugee cases.

c. Report on Mental Health Inadequacies

Having followed up with the Chairman of the Mental Health Commission, it has been agreed that the Commission will create an educational pamphlet which will detail those rights most relevant to healthcare professionals dealing with mental health cases along with information on the treatment of these vulnerable persons.

d. Issues at Lighthouse School

The Commission received a response from the Chief Education Officer immediately before the start of the meeting and therefore this issue will be deferred until the next meeting when members can properly consider the response.

e. Education Bill 2015

The Commission remains in the review stage of this matter. The Chairman has been asked to comment on the Government's policy of admitting persons to public schools. The Chairman will review the information obtained by the previous Commission and further consider the matter.

f. Conditional Release Law

The Commission has received an initial response from the Director of the Department of Community Rehabilitation to its correspondence requesting an update on the regulations and a breakdown of the costs associated with implementing the legislation so that it can properly consider this matter. It is understood a more comprehensive response will be received from the Deputy Governor's Office.

g. Labour Relations Bill (2015)

The Commission remains in the review stage of this matter.

5. New Business

a. Legal Aid Bill

The Commission has been asked for comments on the revised Legal Aid Bill. Having previously reviewed and commented on the initial Bill the Commission will review the changes made to this version.

b. Talk Today Appearance

The Chairman attended on Talk Today on 6 October 2015 in order to discuss the work of the Commission. A broad range of topics were covered and the segment was well received.

c. International Human Rights Day

International Human Rights Day will be held again this year on 10 December. Commission members agreed they will confirm their schedules in order to attend various media outlets.

6. Human Rights Complaints

a. Update on Human Rights Complaint 014/2013

Members were updated on this complaint. The complainant has alleged that the time the public authority is taking in this matter is inordinate and continues to breach his rights. The Commission will follow up in this regard.

b. Update on Human Rights Complaint 006/2014

Members were updated on this complaint. The Commission continues to work towards ensuring a long-term solution is found to this situation.

c. Update on Human Rights Complaint 014/2014

Members were updated on this complaint. The Commission continues to work towards ensuring a long-term solution is found to this situation.

d. Update on Human Rights Complaint 002/2015

The Commission has agreed that prior to releasing a report on this matter it will await the release of documents as ordered by the Information Commissioner's Office as this information may be of significance to the report. The complainant has been informed and understands the position.

e. Update on Human Rights Complaint 003/2015

Members were updated on this complaint. The Commission continues to work towards ensuring a long-term solution is found to this situation.

f. Update on Human Rights Complaint 004/2015

This matter was deferred until the next agenda as there was not a quorate number of members present to consider the matter. It is noted that the Chairman (James Austin-Smith) recused himself from this complaint and instead is being handled by Acting Chairman Ben Tonner.

g. Update on Human Rights Complaint 008/2015

The requested information has yet to be received however it is understood that the complainant has new legal representation and as such, prior to closing the file the Commission will enquire as to the status of providing the requested information. It is noted that the member Ben Tonner recused himself from this complaint.

h. Update on Human Rights Complaint 009/2015

The Members were provided with the updated information as requested from the complainant and following discussions the Commission agreed to draft a report in this matter, however it is acknowledged that this is a complex matter which will take some time to complete.

i. Update on Human Rights Complaint 010/2015

The Commission has again corresponded with the relevant public authority in order to ascertain the relevant information however it has yet to receive the requested information.

j. Update on Human Rights Complaint 011/2015

The Commission has received the relevant information however it is unsure as to why the public authority has not made a decision in the matter. The Commission will follow up in this regard.

k. Human Rights Complaint 012/2015

The Commission has not had a response from the complainant to its request for information. The Commission agreed that it will give the complainant a further two weeks to provide the information or the file will be closed.

l. Human Rights Complaint 013/2015

Having received the relevant information from the complainant the Commission agreed to write to his legal representative for further clarification. It is noted that the member Ben Tonner recused himself from this complaint.

m. Human Rights Complaint 016/2015

The additional information has been received from the complainant and the Commission will further review and consider the matter.

n. Human Rights Complaint 017/2015

The Commission has not yet received the requested information from the public authority and will request the same again.

o. Human Rights Complaint 018/2015

The Commission has not received the requested information from the complainant and the file is due to be closed in the near future as per the correspondence with the complainant.

7. Any Other Business

a. Use of Drones

The Chairman was asked for comment on the use of drones by the Cayman Islands Government in terms of any human rights implications. The Commission will research and consider the query.

b. Pension Related Issues

Whilst on Talk Today the Chairman was asked a question about the Pensions Law. The Commission will research and consider the query.

c. Educational Opportunities

The Chairman has been asked by a teacher to attend her class to discuss human rights in the Cayman Islands. He will forward the email to the Secretariat for coordination of such a visit.

d. Website

The procurement process for the re-building of websites for the Commissions has been completed and the Secretariat is now awaiting the information from the Computer Services Department in order to make a determination as to the successful bidder.

e. Acknowledgements

The Commission would like to identify persons who play an integral role in human rights, each year in their Annual Report. Members were asked to give this some consideration.

8. Action Items

The members were asked to:

- a. Consider how best to advance the concerns as they relate to the policies for handling migrants;
- b. Consider the response from the Chief Education Officer regarding the Lighthouse School;
- c. Continue to consider the Education Bill 2015;
- d. Continue to consider the Labour Relations Bill (2015);
- e. Consider the amendments to the Legal Aid Bill;
- f. Consider any media opportunities for IHRD;
- g. Consider the Pension Law as being in contravention of the Bill of Rights; and
- h. Consider persons who have played an integral role in human rights in 2015.

The Secretariat was asked to:

- a. Follow-up with the relevant public authorities regarding the timelines and progress made on the matters outlined in 4.a. above;
- b. Work on creating an educational pamphlet centered around human rights and mental health;
- c. Draft relevant correspondence for all human rights complaints and enquiries;
- d. Research the use of drones;
- e. Co-ordinate a visit to the school when information is provided; and
- f. Continue to work on creating a new website.

9. Items to be Discussed at the Next Meeting

- a. Matters arising from the meeting with HM Prisons Inspectorate Team
- b. Issues at Lighthouse School
- c. Education Bill 2015
- d. Conditional Release Law
- e. International Human Rights Day
- f. Policies on Handling Migrants
- g. New and Outstanding Human Rights Complaints and Enquiries

10. Next Meeting

The next meeting of the HRC is scheduled for 5 November 2015 at 2:00pm at the offices of the Commissions Secretariat.

11. Adjournment

The meeting was adjourned at 4:00pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION