

**MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
5 JUNE 2014
CONFERENCE ROOM
CAYMAN CORPORATE CENTRE**

PRESENT:	Alistair Walters	Chairman
	James Austin-Smith	Member
	Lisa Hurlston-McKenzie	Member
	Reverend Donovan Myers	Member

APOLOGIES:
Chelsea Frazier-Rivers Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:
Josephine Hislop Analyst

1. **Meeting called to order**
The meeting was called to order at 2:31pm.

2. **Confirmation of Previous Minutes**
The minutes of 1 May 2014 were approved.

3. **Matters Arising from Previous Minutes**
 - a. **Policies and Procedures Manual**
Members approved the changes previously circulated to the Policies and Procedures Manual which will now be uploaded to the HRC's website.

 - b. **HRC Website**
The Secretariat continues to work with members of the CSD team in order to make the website more user friendly. Quotes are also being gathered from private companies in the event the project needs to be outsourced.

 - c. **Outstanding Research Projects**
 - a. **Migrants**
Following the last meeting the members received the previously published report on this subject matter and members discussed whether any further action is necessary at this time. Based on this discussion it was agreed at this time no further action would be necessary. In addition, the previous request by a member of the media to accompany the HRC should it choose to view the conditions of the Cubans being housed at the Immigration Detention Centre was denied. Members believed that they should encourage the individual from the media to view the Immigration Detention Centre on his own since the Commission has decided to conclude their report on the Cuban Migrants.

b. Deportation Matters

The HRC has now received a copy of the Draft Deportation Policy from the Deputy Governor and the Ministry of Home Affairs. Members have been provided with the Secretariat's research on the policy and have decided to respond with their comments to the Deputy Governor and the Ministry of Home and Community Affairs in a letter.

c. Prison's Strip-Search Policy

The HRC has received a response from the Prisons Director in which he made the majority of the changes the HRC requested. The HRC agreed that the policy is now human rights compliant and decided to send a letter of appreciation to the Prison Director for his work to ensure this policy is human rights compliant.

d. Religious Accommodation

The HRC has not yet received a response on the letter it wrote encouraging the Government to implement a policy which governs the use of religious signs/displays in public buildings, religious messages included in e-mail signatures, and prayer during meetings. The Secretariat will continue to follow this up.

e. Disability Policy

The HRC submitted comments to the Sub-Committee on the Draft Disability Policy on 13 May, 2014. The submission was acknowledged by the Committee Chairman who thanked the HRC for its comments.

4. New Business

a. Work/Goals of the Commission

The HRC discussed the work it will complete and the goals it wishes to achieve during its term. It was agreed the HRC will approach matters as they related to Life Sentences (through various media enquiries), Non-Discrimination (initially through media enquiry) and general Prison issues (through liaising with the Prisons Inspectorate).

b. Whistleblowers Protection Legislative Proposals

The Law Reform Commission recently released the Protected Disclosures Bill, 2014 which seeks to "facilitate and encourage the making, in a responsible manner, of disclosures of improper conduct; protect persons who make specified disclosures from being subjected to detrimental action; regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct; provide protection to the person and the property of the person making the protected disclosure; and compensate the person making protected disclosures from damages suffered by him as a result of making such disclosures." The Secretariat is currently reviewing the Bill to discern whether there are any human rights issues/concerns contained within. Members will be provided with a copy of the Bill and the research in the near future.

c. Gender Equality Consultation

Following the first National Conference on Women, the Ministry of Education, Employment and Gender Affairs continues to gather additional perspectives on the issues and challenges facing girls and women in the Cayman Islands by launching a wider public consultation exercise. The Ministry has released a Conference Report and are

requested that members of the public provide feedback (by 30 June, 2014) on the key issues and possible solutions that have been identified as well as any additional thoughts about discrimination against women and girls that continues to linger in the identified focus areas. The HRC agreed to review this report. Members will be provided with a copy of the report and the research in the near future.

d. Caymanian Bar Association (CBA) Student Chapter Research Project

The CBA Student Chapter requested to work with the HRC last year and chose to complete a project in which they looked at the following - *Over the past few years there have proposals for a sex offender registry in the Cayman Islands, would the creation of a public registry be a breach of human rights - right to privacy?* Unfortunately due to other commitments the Student Chapter did not manage to turn the project in when scheduled and thus it was submitted after the previous HRC members finished their term. The Secretariat will circulate the report and the HRC will review it and give consideration to uploading the report onto its website. The report includes a disclaimer that the work is that of the CBA Student Chapter and not the HRC.

5. Human Rights Complaints

a. Update on Human Rights Complaint 014/2012

The HRC received the requested information from the public authority which assisted with their decision to close the file. The complainant does not agree with the HRC's decision to close the file and requested a meeting with the Chairman. Members agreed that the complainant should put forward their concerns in writing without restating the original complaint. Due consideration to the matter will then be given.

b. Update on Human Rights Complaint 014/2013

The HRC received correspondence from the public authority against whom the allegation of a breach of human rights was made. The HRC is now waiting for the public authority to take the action it detailed it was in the process of taking in relation to resolving this matter.

c. Update on Human Rights Complaint 019/2013

The HRC continues to wait for representations to be made on behalf of the complainant to the Cayman Islands Government by an external agency in order that the case can be progressed.

d. Update on Human Rights Complaint 002/2014

The HRC received the requested information from the public authority and was able to determine that they handled the matter in a human rights compliant manner. Members agreed no breach existed and therefore the file was closed.

e. Human Rights Complaint 011/2014

Prior to discussing this complaint members discussed any possible or perceived conflicts of interest they may have in relation to the complainant. It was agreed that at this time there was no need for any member to recuse him/herself. Members will receive a copy of the complaint so that they may consider the same in order to discuss the matter at the next meeting.

6. Any Other Business

a. Request for interview

The HRC was asked to comment on discrimination as it relates to being homosexual in Cayman. The HRC was asked for a statement on what (if anything) should be done to reduce discrimination/ stigma surrounding homosexuality etc. The HRC provided the following statement: "Discrimination, in accordance with the Bill of Rights, means treating people differently, without justification, when they are in similar situations. S.16 – Non-discrimination as a right in the 2009 Constitution gives the public protection from the government discriminating against them on certain specified grounds in relation to any of the Rights that the Bill of Rights guarantees. Those specified grounds are sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, age, mental or physical disability, property, birth or other status. Non-discrimination is not an absolute right and may be contravened to the extent that it is objective, reasonably justifiable and proportionate in a democratic society on the grounds set out in the Constitution. The Human Rights Commission is opposed to any person being treated in a discriminatory manner."

Following the release of the statement the HRC was again contacted and asked the following questions: How does the HRC feel about people discriminating against homosexuals? Is there an aspect of the law in Cayman that could be amended to ensure more rights for homosexuals/ those opposing to it in the community? How does the HRC feel about gay marriage? The request indicated that the discussion would predominantly focus on the human rights principle of equality. Members discussed the request and agreed to provide a further written statement.

b. Tour of the Prison

In line with its agreed goals the HRC decided to enquire as to whether there are any plans for Her Majesty's Prison Inspectorate Team to return to the Cayman Islands to conduct any follow-up inspections. If the team will be returning to the Cayman Islands the HRC will request to accompany the team on their inspection. This request will be explored with the Director of Prisons.

7. Action Items

Members were asked to:

- a. review the information related to whistleblower protection once circulated;
- b. review the information related to gender equality once circulated; and
- c. review the CBA Student Chapter report.

The Secretariat was asked to:

- d. upload the amended policies and procedures manual to the website;
- e. continue working on the issues as they relate to the website;
- f. provide a response to the media enquiry on the matter as it relates to migrants;
- g. draft a response to the deportation policy;
- h. draft a letter to the Prisons Director regarding the Strip Search Policy;
- i. continue the review of the information related to whistleblower protection and circulate it along with the research to members for review;

- j. review of the information related to gender equality and circulate it along with the research to members for review;
- k. circulate the CBA Student Chapter report to members for review;
- l. draft letters to complaints and public authorities as relevant in the complaints discussed;
- m. draft a response to the request for interview as detailed above for review; and
- n. enquire with the Prisons Director regarding a tour of the Prison.

8. Items to be Discussed at the Next Meeting

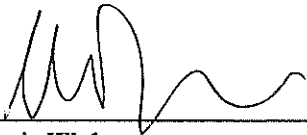
- a. Deportation and Prohibited Immigrants
- b. Religious Accommodation
- c. Whistleblowers Protection Legislative Proposals
- d. Gender Equality Consultation
- e. CBA Student Chapter Research Project
- f. Interview re: discrimination
- g. Tour of the Prisons
- h. Human Rights Complaints

9. Next Meeting

The next meeting of the HRC is scheduled for 3 July, 2014 at 2:30pm at the offices of the Commissions Secretariat.

10. Adjournment

The meeting was adjourned at 3:37pm; following which the HRC engaged in the first of a four part series of human rights specific trainings.



Alistair Walters
CHAIRMAN
HUMAN RIGHTS COMMISSION