



## Cayman Islands Human Rights Commission

*promoting, protecting and preserving human rights*

### **Human Rights Commission's Response to Request for Statement 22 March 2016**

The Human Rights Commission ("the Commission") has taken an active interest in the issues which surround Cuban migrants who enter our jurisdictional waters for some time. In 2013 the Commission released a report on the subject which is attached for ease of reference. This report was produced following numerous meetings with Senior Government Officials and consideration of relevant documents including policies, procedures, and the Memorandum of Understanding signed by the Cayman Islands and the Cuban Governments.

Since the release of this report in 2013 the Commission has continued to monitor the situation and has, on numerous occasions, communicated (and met) with Senior Government Officials (as recently as earlier this month) regarding the development of policies which are compliant with not only the Bill of Rights but also International Human Rights Treaties that are extended to the Cayman Islands. The Commission has also communicated (and met) with representatives of the United Nations High Commission for Refugees ("the UNHCR") and the Red Cross regarding this matter. Representatives from the Commission have visited, on numerous occasions, the Immigration Detention Centre as well as other locations where migrants are being housed.

The Commission understands this is a highly emotive subject for many people, however our goal is always to ensure that our legal obligations are upheld and migrants in these situations are treated fairly and humanely. On that basis the Commission has expressed its concerns to the Government that the Cayman Islands should not act in a way that facilitates or encourages illegal migration or human trafficking. It has further communicated to the Government its agreement with the UNHCR that immediate reconsideration should be given to the process currently in place as it fails to ensure that the Cayman Islands does not deter and prevent human trafficking. It is the formal processing of migrants in controlled circumstances which can ensure the Cayman Islands are not a party to human trafficking, as the proper investigation of potential people trafficking cannot be carried out during interceptions at sea.

In this regard, the Commission has queried whether the Government has any intention of requesting the extension of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children ("the Protocol") (which supplements the United Nations Convention against Transnational Organized Crime ("the Convention")). At this time the Cayman Islands are not a signatory to the Convention however 166 states (including the United Kingdom) are. It is clear to the Commission that the goals articulated in the Convention and Protocol are regarded as important throughout the global community.

The Commission continues to monitor the situation and work with the Cayman Islands Government, the UNHCR, and other relevant organisations to ensure the protection of human rights in the Cayman Islands.

Ends.