



Cayman Islands Human Rights Commission

promoting, protecting and preserving human rights

REF: HRC-RES-HUMAN TRAFFICKING

Eric Bush
Chief Officer, Ministry of Home Affairs
P.O. Box 111
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CAYMAN ISLANDS

21 May 2015

Dear Mr. Bush,

Recently I had an opportunity to meet with the United Nations High Commission for Refugees' Deputy Regional Representative for the USA and Caribbean Dr. Buti Kale to discuss migration both in the Cayman Islands and in the region. As you are aware, this is a topic on which the Human Rights Commission has expressed a keen interest over the past few years. The Commission culminated its most recent research by releasing a report in 2013 on Cuban migrants.

During our discussions Dr. Kale raised concerns about people trafficking and 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**")). Following enquiries the Commission learned that whilst the Cayman Islands are not a signatory to the Convention 166 states (including the United Kingdom) are. Clearly the goals articulated in the Convention and Protocol are regarded as important throughout the global community.

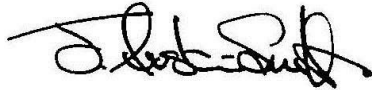
Specifically Dr. Kale and I discussed the UNHCR's concerns about allowing migrants entering Cayman waters to carry on their journeys (providing the occupants in the boat are safe and the boat is in good condition) as opposed to landing all persons in Cayman to be formally processed. It is the formal 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.

The Human Rights Commission agrees 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.

Can you provide the Commission with any details of the Government's consideration of such a requirement for formal processing? In the event that the issue has not previously been considered the Commission urges the government to do so as a matter of priority.

Finally, can you confirm whether the Government currently has any intention to ask for the Convention and Protocol to be extended to the Cayman Islands? In the event that it does not can you clarify why?

Yours sincerely,



James Austin-Smith
Chairman
Human Rights Commission

cc: Honourable Attorney General