

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
29 SEPTEMBER 2017
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT:	James Austin-Smith	Chairman
	Ben Tonner	Member
	Joni Kirkconnell	Member
	Rev. Dr. Yvette Noble Bloomfield	Member
	Lisa-Ann Hurlston McKenzie	Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager
Sheila Alvarez	Administrator/Analyst
Lise Hurlstone	Administrator/Analyst

1. Meeting called to order

The meeting was called to order at 3:04pm. The Chairman welcomed members Joni Kirkconnell and Rev. Dr. Yvette Noble Bloomfield to the Commission.

2. Confirmation of Previous Minutes

The 3 April 2017 and 1 June 2017 minutes were approved.

3. New Business**a. Cayman Airways Limited (CAL) Employee Handbook**

The Commission discussed the CAL Employee Handbook which sets out guidelines on the appearance and grooming standards of its staff, pilots and crew. The handbook was provided at the Commission's request following an editorial (dated 14 June 2017) in a local newspaper detailing the stringent policies of CAL with regards to crew members. The Commission agreed that in accordance with s.19 and s.24 of the Constitution, the policies would benefit from some clarification in terms of both proportionality and degree of discretion afforded to the CAL Management. Such feedback will be provided.

b. International Literacy Day/Right to Education

International Literacy Day was observed on 8 September 2017. This year's theme was 'Literacy in a digital world' and the Commission published a press release, accompanied by a literacy activity guide for students, in recognition of the event.

c. Petition from "Cayman Brackers United"

The Commission discussed correspondence, received on 7 September 2017 from Cayman Brackers United ("CBU") regarding an ongoing investigation involving a local artist and artwork he displays publicly which the CBU deems to be "obscene" and "offensive". The correspondence requested that the Commission clarify that the rights of the artist were not absolute as the CBU deems is being asserted by the media. In addition, the CBU presented the Commission, as a named party with a link to a petition

titled “Protect the rights, freedoms, and reputations of everyone in the Cayman Brac community”. The CBU further expressed concern with the government’s policy on the signing of petitions by public servants indicating it is difficult to comprehend.

The Commission will inform the CBU that it is aware of the ongoing investigation referred to in the email and has had sight of the petition; however in accordance with the Commission’s policies and procedures it does not comment on matters which are currently before the criminal courts or pending determination by the Director of Public Prosecutions. In addition, the Commission agreed that a simplified version of the policy on signing petitions could be useful and will make such a recommendation to the Deputy Governor.

d. Rotary Club of Grand Cayman – Speaker Invite

The Chairman was invited to speak at a Rotary Club of Grand Cayman meeting held on 28 September to inform members about the role and remit of the Commission as well as its achievements and challenges. The Chairman noted that the talk was well received.

e. World Mental Health Day

The Secretariat advised of the upcoming World Mental Health Day commemorated annually on 10 October 2017. This year’s theme is ‘Mental Health in the Workplace’. The Commission will issue a press release but will also liaise with other relevant entities regarding any local plans for the day.

4. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 005/2017

The Commission discussed the response received to its enquiries from a public authority named in this complaint. Following discussions, it was agreed a second public authority needs to be approached for additional information.

b. Update on Human Rights Complaint 012/2017

The Commission considered follow-up correspondence from the complainant regarding a matter which had been referred to another entity. The Commission agreed that while it has no powers to further consider the matter, it could make enquiries to make sure the matter had been thoroughly investigated. The complainant will be notified once a response is received.

c. Human Rights Complaint 014/2017

The Commission reviewed this complaint and supporting documents/information along with the additional information received at the request of the Secretariat. The Commission agreed that there exists an appropriate legal remedy which should be sought. The complainant will be notified and the file closed. It is noted that member Ben Tonner recused himself from this complaint.

d. Human Rights Complaint 015/2017

The Commission reviewed this complaint and supporting documents/information along with the additional information received at the request of the Secretariat. The Commission agreed that there exists an appropriate legal remedy which should be sought; however it also agreed that general recommendations could be made to the

named public authority. The complainant will be notified and the file closed. It is noted that member Ben Tonner recused himself from this complaint.

e. Human Rights Complaint 016/2017

The Commission reviewed this complaint and supporting documents/information. The complainant appears to have four separate complaints which the Commission will query with the named public authority to gain the necessary information to make a decision. The complainant will be informed of this.

f. Human Rights Complaint 017/2017

The Commission reviewed this complaint and the correspondence that was provided to the complainant on 13 September 2017 from the Secretariat per the Commission's policies and procedures. The Commission agreed that no further action is needed regarding this complaint. The file remains closed.

5. Any Other Business

a. Email Correspondence – Appeal on same sex marriage for Caymanians

The Commission discussed an email received on 26 September 2017, from a young Caymanian who is appealing to the government to implement legislation that will allow her to wed her same sex partner in Cayman. The Commission considers that its views on this topic have been made very clear in the past and they remain unchanged: it fully supports the complainant's challenge and agrees that Cayman must take steps to amend its laws to remove the discrimination that the enquirer highlights. The Commission agreed that it will respond to the individual indicating the same and that it will continue to monitor the situation as it progresses. It is noted that member Ben Tonner recused himself from this matter.

b. Press Release – Dr. Leonardo Raznovich

A member of the media requested the Commission's comment, on 29 September 2017, on a press release issued by Dr. Leonardo Raznovich which detailed his views on an alleged rejection of an application for a Residency and Employment Rights Certificate by the Immigration Appeals Tribunal made by a Caymanian on behalf of her same-sex foreign national spouse. The Commission agreed that it will respond to the media indicating that it is unsure of the specifics of the case referred to however it considers that its views on this topic have been made very clear in the past and they remain unchanged.

c. Newspaper article – Prisoner challenges 'unlawful' transfer to UK

The Commission noted the above captioned article that was featured in the Cayman Compass on 26 September 2017 as a point of interest. It was further noted that the prisoner is legally represented.

d. Validation of Elimination of Mother-To-Child Transmission (EMTCT) of HIV and Syphilis

The Commission has been made aware of the recent validation of the Cayman Islands as a country that has achieved EMTCT of HIV and syphilis from a public health perspective. The validation status will subsequently be published in the World Health Organisation's Weekly Epidemiological Record. Members agreed to issue a press release to congratulate the Ministry of Health and its stakeholders on this achievement.

6. Action Items

The Secretariat was asked to:

- a. Draft correspondence or conduct research in all matters and human rights complaints and enquiries as detailed above.

7. Items to be Discussed at the Next Meeting

- a. New and outstanding human rights complaints.

8. Next Meeting

The next meeting of the HRC has been scheduled for 23 October 2017 at 3:00pm at the offices of the Commissions Secretariat.

9. Adjournment

The meeting was adjourned at 4:59pm.



James Austin-Smith

CHAIRMAN

HUMAN RIGHTS COMMISSION