

**MINUTES**  
**MEETING OF THE HUMAN RIGHTS COMMISSION**  
**3 JULY 2014**  
**CONFERENCE ROOM**  
**CAYMAN CORPORATE CENTRE**

<b>PRESENT:</b>	Alistair Walters	Chairman
	James Austin-Smith	Member
	Chelsea Frazier-Rivers	Member
	Lisa-Ann Hurlston-McKenzie	Member
	Reverend Donovan Myers	Member

**APOLOGIES:** N/A

**COMMISSIONS SECRETARIAT MEMBERS PRESENT:**

Deborah Bodden	Manager
Josephine Hislop	Analyst

**1. Meeting called to order**

The meeting was called to order at 2:33pm.

**2. Confirmation of Previous Minutes**

The minutes of 5 June 2014 were approved.

**3. Matters Arising from Previous Minutes**

**a. Outstanding Research Projects**

**i. Deportation and Prohibited Immigrants**

The members once again discussed this issue and agreed that this matter continues to be one of concern to the HRC. Members further agreed that it will compile a report on these matters and seek to release it to the both Senior Government Officials and the wider public.

**ii. Religious Accommodation**

The Deputy Governor has responded to the HRC indicating that they are considering the HRC's suggestion regarding the creation of a policy which will provide direction on religious accommodation to civil servants. Once the matter has been fully considered the Deputy Governor will revert to the HRC.

**iii. Whistleblowers Protection Legislative Proposals**

The legislation was reviewed by the Commissions Secretariat and no evidence of any human rights issues were found with this legislation. Whilst the legislation was not specifically sent to the HRC the Chairman requested that a letter be sent to the Law Reform Commission indicating the HRC's findings and expressing its continued interest to receive all new and or amended pieces of legislation for review.

**iv. Gender Equality Consultation**

Members were unable to complete the questionnaire in time for the Ministry's deadline however it was agreed that the Secretariat's findings with regards to the applicable section on human rights issues should be sent albeit it will be received out of time.

**v. Caymanian Bar Association (CBA) Student Chapter Research Project**

Members acknowledged that the subject of the research project was a sensitive one and believed they required more time to review its contents before a decision can be made as to the direction in which the HRC wishes to take with this project/report.

**vi. Request for Interview Re: Homosexuality Discrimination**

Member James Austin-Smith will be representing the HRC in a pre-recorded segment for Cayman 27 once a time can be scheduled to do so in regards to the request for further comment. The Commission was made aware that the specific reporter has released a YouTube clip on being homosexual in the Cayman Islands and the difficulties faced as a result of having a different sexual orientation in a community which is predominantly Christian. Members of the HRC will respectfully ask to view the interview before it is available to the public to make sure that it is presented in a way which represents the HRC's position on the subject matter.

**vii. Tour of the Prisons**

The members were informed that Her Majesty's Prison Inspectorate Team has tentatively been scheduled to return to conduct a follow-up inspection of Her Majesty's Prisons in the Cayman Islands in the first quarter of 2015. Members agreed it would be most beneficial to meet with members from the inspection team to discuss human rights concerns as they relate to the prisons. The Secretariat will make these arrangements closer to the time.

**viii. Media appearances on Whole Life Sentences**

It was agreed that members Rev. Donovan Myers and James Austin-Smith will represent the HRC on Rooster to discuss this important human rights matter when a mutually convenient date can be agreed. Rooster representatives queried whether the HRC would be amenable to having the Prisons Director attend to discuss this matter as it has been developing with the release of several lifers in recent months from HMP Northward.

**4. Human Rights Complaints**

**a. Update on Human Rights Complaint 014/2013**

The public authority against whom the complaint has been made has directly responded with the complainant and copies provided to the HRC. The HRC agreed that it will wait to receive information on the outcome of the matter following the latest developments before agreeing how further to proceed.

**b. Update on Human Rights Complaint 006/2014**

The HRC is continuing to review this complaint and the broader human rights issues it presents.



**c. Update on Human Rights Complaint 008/2014**

Members of the Commission agreed, following a review of the correspondence from both parties, that the information presented appeared to be vastly different and ultimately a case of miscommunication between the complainant and the public authority has occurred. Accordingly the complainant will be asked to discuss the matter further with the public authority and both parties will be provided with the opportunity to mediate the dispute should they not be able to resolve the matter on their own. The complainant may revert to the HRC in the future should the need arise.

**d. Human Rights Complaint 011/2014**

Members reviewed the complaint and its supporting documents and noted that there were insufficient grounds in which to determine that this complaint evidenced a breach of human rights based on the fact that the subject matter of the complaint occurred over eight years ago prior to the implementation of the Bill of Rights. The Commission discussed various avenues for possible resolution of this complaint (outside of its remit i.e. referrals to other entities) but ultimately agreed that this complainant could benefit from legal advice which would allow him to understand the legalities of his complaint. The HRC will also explain its non-judicial mandate and its guiding principles as found in its Policies and Procedures Manual.

It is noted, for the record, that member James Austin-Smith recused himself from this complaint and therefore did not participate in the discussion or the decision making aspect of this complaint.

**e. Human Rights Complaint 012/2014**

This complaint was only received yesterday and thus members will be forwarded the complaint which will be considered at the next meeting.

**5. Any Other Business**

**a. HRC Projects/Matters/Issues**

The Chairman acknowledged that at times the members are unable to respond within tight deadlines and the HRC unanimously agreed that the Manager should use her discretion to choose projects/matters/issues which the HRC should be working on or contributing to. The Secretariat will therefore draft responses to such projects/matters/issues and will forward them to the members indicating a deadline which must be met with a caveat that failure to do so will result in an agreement with the draft. It was further agreed that in these instances the Manager may also progress matters with the Chairman directly.

**b. Letter from the UNHCR**

The UNHCR Regional Representative sent a letter thanking the HRC Chairman for meeting with him during his recent visit to discuss human rights related issues. The Secretariat will acknowledge the correspondence indicating the HRC's gratitude at having been afforded the opportunity to forge a relationship with the UNHCR.

**c. Standards in Public Life Law**

A query was raised as to what the HRC members will be required to declare following the implementation of the Standards in Public Life Law. The Manager explained the requirements including the caveats for members indicating that information will only be

required by members if there is a conflict of interest and that information will not include specific figures or other details. Members agreed that this was a sensible requirement.

**6. Action Items**

Members were asked to:

- a. Review the Draft Deportation and Prohibited Immigrant Report when circulated;
- b. Review the CBA Student Chapter's submission; and
- c. Review the HRC Complaint 012/2014.

The Secretariat was asked to:

- a. Draft a report on Deportation and Prohibited Immigrants;
- b. Respond to the Law Reform Commission regarding the Protected Disclosures Bill;
- c. Draft a letter to the Ministry of Education, Employment and Gender Affairs regarding the Women's Conference report;
- d. Liaise with Cayman 27 and Rooster to schedule the respective interviews;
- e. Draft correspondence in all HRC Complaints; and
- f. Draft a letter to the UNHCR.

**4. Items to be Discussed at the Next Meeting**

- a. Deportation and Prohibited Immigrants
- b. CBA Student Chapter Research
- c. Media Appearances
- d. New and Outstanding Human Rights Complaints

**5. Next Meeting**

The next meeting of the HRC is scheduled for 4<sup>th</sup> September, 2014 at 2:30pm at the offices of the Commissions Secretariat.

**6. Adjournment**

The meeting was adjourned at 3:53pm.



RR

Alistair Walters

CHAIRMAN

HUMAN RIGHTS COMMISSION