## **MINUTES** MEETING OF THE HUMAN RIGHTS COMMISSION 14 MAY 2015 CONFERENCE ROOM

CAYMAN CORPORATE CENTRE

**PRESENT:** James Austin-Smith

Chairman

Chelsea Frazier-Rivers

Member

Reverend Donovan Myers

Member

APOLOGIES: Lisa-Ann Hurlston-McKenzie

Member

Ben Tonner

Member

### COMMISSIONS SECRETARIAT MEMBERS PRESENT:

Deborah Bodden

Manager

#### 1. Meeting called to order

The meeting was called to order at 2:05pm.

#### 2. Confirmation of Previous Minutes

The 16 April 2015 minutes were approved.

#### 3. Matters Arising from Previous Minutes

## a. Outstanding Research Projects

### **Deportation and Prohibited Immigrants**

The Secretariat continues, on behalf of the Commission, to liaise with the relevant authorities in order that this matter may be further progressed

#### b. Matters arising from the meeting with HM Prisons Inspectorate Team

The Commission has corresponded with the public authority requesting further information in this matter but has not yet had a response. A follow-up letter will be sent.

#### c. Non-Profit Organisation Bill 2015

The Commission briefly discussed areas of possible concern in the Bill and intends to conduct a further review in order to submit comments to the Law Reform Commission

### d. Media Questions Re: Minimum Wage Report

The Commission has now had an opportunity to review the section of the report which speaks to domestic helpers as vulnerable persons. The Commission is concerned regarding the allegations set out in the report and will release a statement to that effect

#### 4. **Human Rights Complaints**

#### Update on Human Rights Complaint 014/2013

Members were updated on this complaint No further action by the Commission is necessary at this time as the public authority is working with the complainant to resolve the matter

### b. Update on Human Rights Complaint 019/2013

Members were updated on this complaint. No further action by the Commission is necessary at this time as the public authority is working with the complainant to resolve the matter.

## c. Update on Human Rights Complaint 006/2014

Members were updated on this complaint. Whilst the public authority is working to resolve the matter the Commission will write to request the complainant be provided with an update on their requests.

### d. Update on Human Rights Complaint 014/2014

Members were updated on this complaint. Whilst the public authority is working to resolve the matter the Commission will write to request the complainant be provided with an update on their requests.

## e. Update on Human Rights Complaint 002/2015

The Commission has corresponded with the public authority requesting further information in this matter and thus far has received only a holding response A follow-up request for information has not yet been acknowledged. A further follow-up will be sent

### f. Update on Human Rights Complaint 003/2015

Members were updated on this complaint Whilst the public authority is working to resolve the matter the Commission will write to request the complainant be provided with an update on their requests

## g. Update on Human Rights Complaint 004/2015

The complainant has yet to submit the additional documents he indicated he wished to submit and therefore the second part of the complaint is again deferred until the next meeting.

#### h. Update on Human Rights Complaint 005/2015

The Commission considered the complaint form and supporting documents in this matter and agreed to draft a letter to the complainant's legal representative requesting further information but has only received a holding response. As such the Commission will write to the complainant and ask him to liaise with his attorney so that the Commission may receive the relevant information necessary to consider the complaint.

### i. Update on Human Rights Complaint 006/2015

The Commission received the requested information from the public authority and considered the complaint Following consideration of all of the material the Commission agreed that the matter did not present any evidence of a breach of the complainant's human rights. The complainant will be informed and the file closed.

#### j. Update on Human Rights Complaint 008/2015

Whilst the Commission received a response from the complainant's legal representative, the information provided did not assist the Commission in considering the complaint. As such the Commission will write to the complainant and ask her to liaise with her attorney so that the Commission may receive the relevant information necessary to consider the complaint.

### k. Human Rights Complaint 009/2015

Due to the deadline associated with this complaint the Commission drafted a letter to the public authority requesting further information as soon as the complaint was received. A follow-up request for information was made however no response has been received. A further follow-up will be sent

### 5. Human Rights Enquiries

### a. Update on Human Rights Enquiry 004/2015

The Commission received and considered the requested information from the public authority. Following which the Commission agreed that the matter did not present any evidence of a breach of human rights. The enquirer will be informed and the file closed.

### b. Human Rights Enquiry 007/2015

The Commission received an enquiry which following review did not contain evidence of a breach of human rights in accordance with the Bill of Rights, Freedoms and Responsibilities. The enquirer was informed accordingly

### 6. Any Other Business

### a. Report Re: Sexual Abuse

The Human Rights Commission has noted the release of a report conducted in Cayman two years ago by the Pan American Health Organisation. The Commission is concerned regarding the figures detailed in the reports regarding the levels of violence, sexual abuse and mental health problems faced by teenagers in Cayman and across the region. The Commission will release a statement to that effect

#### b. Justice Protection Bill

The Secretariat provided the Commission with the draft research on this Bill for review at a later date

#### c. Meeting with Representative of UNHCR

The Chairman met with the Regional Representative of the UNHCR last week to discuss issues related to migration and attempting to find a regional solution. The Chairman undertook to ascertain more information any treaties governing migration.

### 7. Action Items

The Secretariat was asked to:

- a. Draft correspondence re the meeting with the HM Prisons Inspectorate Team;
- b. Send draft comments on the Non-Profit Organisation Bill 2015 to the Chairman;
- c. Draft a response to the Media Questions Re: Minimum Wage Report;
- d. Draft relevant correspondence for all human rights complaints and enquiries;
- e. Draft a statement on the Report Re: Sexual Abuse; and
- f. Draft correspondence to both the CIG and the UNHCR regarding migration.

### 8. Items to be Discussed at the Next Meeting

- a. Outstanding Research Projects
- b. Matters arising from the meeting with HM Prisons Inspectorate Team
- c. Non-Profit Organisation Bill 2015
- d. New and Outstanding Human Rights Complaints and Enquiries

# 9. Next Meeting

The next meeting of the HRC is scheduled for 11 June 2015 at 2:00pm at the offices of the Commissions Secretariat

# 10. Adjournment

The meeting was adjourned at 3:40pm.

James Austin-Smith

**CHAIRMAN** 

**HUMAN RIGHTS COMMISSION**