

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
3 SEPTEMBER 2015
CONFERENCE ROOM
CAYMAN CORPORATE CENTRE

PRESENT:	James Austin-Smith	Chairman
	Ben Tonner	Member
	Lisa-Ann Hurlston-McKenzie	Member
	Reverend Donovan Myers	Member

APOLOGIES:	Chelsea Frazier-Rivers	Member
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COMMISSIONS SECRETARIAT MEMBERS PRESENT:	
Deborah Bodden	Manager

1. **Meeting called to order**
The meeting was called to order at 2:20pm.
2. **Confirmation of Previous Minutes**
The 9 July 2015 minutes were approved.
3. **Matters Arising from Previous Minutes**
 - a. **Matters arising from the meeting with HM Prisons Inspectorate Team**
The Commission has followed-up requesting a time line of when decisions will be made by the public authority in these matters but has not yet had a response.
 - b. **Non-Profit Organisation Bill (2015)**
The Commission has completed a review of this Bill and has found there are no apparent human rights concerns.
 - c. **Meeting with Representative of the UNHCR**
The Commission has followed-up requesting a time line of when decisions will be made by the public authority in these matters but has not yet had a response.
 - d. **Report on Mental Health Inadequacies**
The Commission received an initial response from the Chief Officer of the Ministry of Health regarding the Mental Health Commission's (MHC) desire to collaborate with the Commission for the purposes of training. The Commission was advised, in July, by the Ministry that more detailed information will follow from the Chairman of the MHC in the near future. As the Commission has not yet received such correspondence, it will follow up on the possible collaboration.

e. Issues at Lighthouse School

The Commission agreed, that not having had a response from the parent whose name was referred to in the newspaper it will contact the Ministry of Education to enquire what steps it has taken to remedy the situation.

f. Blue Spot Handicapped Spots

The Commission has received a response from the Acting Commissioner of Police following its enquiry as to what is being done to educate Officers about not parking in handicapped spaces. The Commission is satisfied with the response received which indicates that the Commissioners take this matter seriously and ensure all Officers are aware of their responsibilities under the law.

g. Education Bill 2015

The Commission remains in the review stage of this matter.

h. Conditional Release Law

The Commission has not yet received a response from the Director of the Department of Community Rehabilitation to its correspondence requesting an update on the regulations and a breakdown of the costs associated with implementing the legislation so that it can properly consider this matter. It will follow up on this request for information.

4. New Business

a. Same-Sex Unions

The Commission released a statement on same-sex unions after a motion was brought before the house to retain the definition of marriage in accordance with the Constitution. The content of the address was seen as hateful and discriminatory and the Commission in turn released a statement and drafted correspondence to the Premier on the subject. Both documents were posted on the Commission's website and its Facebook page. As a result, the Chairman was invited to attend the Rooster CrossTalk Show on 26 August to further discuss the matter.

b. Draft Labour Relations Law

The Commission is currently in the process of considering this legislation and will provide feedback in due course.

c. Marine Parks Proposals

The Commission is aware that public consultation on the marine parks proposal will begin shortly. The Commission previously reviewed the proposals during the 2012 public consultation period. The Commission continues to be of the view that the Department of Environment and the Environmental Advisory Committee are taking the necessary positive steps to bring the National Conservation Law into effect. The Commission will draft a statement on the importance of the protection of environment and the Commission's views on these positive steps being taken.

d. Volunteers

The Chairman has received an enquiry by a member of the public who is interested in assisting with any projects the Commission may have appropriate for their skill set. The

Commission has agreed that as long as the necessary confidentiality safeguards are in place, this should be embraced.

5. Human Rights Complaints

a. 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 continues to work with the complainant to resolve the matter.

c. Update on Human Rights Complaint 006/2014

Members were updated on this complaint. The Commission understands the public authority is working to address this complaint through an interim solution however the Commission is interested in ensuring a long-term solution is found.

d. Update on Human Rights Complaint 014/2014

Members were updated on this complaint. The Commission has previously followed up with the relevant public authority requesting an update on this matter however no long-term solution has been found and as a result the Commission will again follow-up on its previous recommendations.

e. Update on Human Rights Complaint 002/2015

The Commission again attempted to request answers/information related to this complaint from the relevant public authority however the reply again does not provide satisfactory outcome and thus the Commission has agreed to draft a report on this complaint.

f. Update on Human Rights Complaint 003/2015

Members were updated on this complaint. The Commission has previously followed up with the relevant public authority requesting an update on this matter however no long-term solution has been found and as a result the Commission will again follow-up on its previous recommendations.

g. Update on Human Rights Complaint 004/2015

Members were updated on this complaint. The Commission agreed it required further information and this will be sought. It is noted that the Chairman (James Austin-Smith) recused himself from this complaint and instead it was handled by Acting Chairman Ben Tonner.

h. Update on Human Rights Complaint 008/2015

The Commission corresponded with the complainant's legal representative asking for additional specific information about the accusations however such information has yet to be received.

i. Update on Human Rights Complaint 009/2015

Members were updated on this complaint. As the Commission has been looking into this complaint for a significant period of time Members agreed that the complainant will be contacted in order that the file is updated.

j. Update on Human Rights Complaint 010/2015

Members were updated on this complaint. The Commission corresponded with the relevant public authority in order to ascertain the relevant information however it has yet to receive the requested information.

k. Update on Human Rights Complaint 011/2015

Members were updated on this complaint. The Commission corresponded with the relevant public authority in order to ascertain the relevant information however it has yet to receive the requested information.

l. Human Rights Complaint 012/2015

The Commission considered this complaint and agreed that it required further information from the complainant in order to properly consider this complaint. It is noted that the member Ben Tonner recused himself from this complaint.

m. Human Rights Complaint 013/2015

The Commission considered this complaint and agreed that it should write to the relevant public authority in order to ascertain the information necessary to make an informed decision after the complainant provides the necessary release of information. It is noted that the member Ben Tonner recused himself from this complaint.

n. Human Rights Complaint 014/2015

The Commission considered this complaint and agreed that this matter falls outside the jurisdiction of the Commission and therefore is not something the Commission can process. The complainant will be notified.

o. Human Rights Complaint 015/2015

The Commission considered this complaint and agreed that this matter falls outside the jurisdiction of the Commission and therefore is not something the Commission can process. The complainant will be notified.

p. Human Rights Complaint 016/2015

The Commission considered this complaint and agreed that it required further information from the complainant in order to properly consider the matter.

q. Human Rights Complaint 017/2015

The Commission considered this complaint and agreed that it should write to the relevant public authority in order to ascertain the information necessary to make an informed decision.

r. Human Rights Complaint 018/2015

The Commission considered this complaint and agreed that part of the complaint did not appear to evidence a breach but instead an appropriate balance of rights; and part of

the complaint requires further information be submitted by the complainant in order to properly consider the matter.

6. Any Other Business
Website

The Commission reiterated the need for a more properly functioning website. The Manager updated the Members on her recent meeting regarding the building of new websites for all of the Commissions and the procurement process which is being undertaken to award the contract.

7. Action Items

The members were asked to:

- a. Conduct a final review of the Education Bill (2015); and
- b. Conduct a review of the Labour Relations Bill (2015).

The Secretariat was asked to:

- a. Send a follow-up letter to the relevant public authorities asking for replies within agreed timeframes in all outstanding matters;
- b. Draft correspondence to the Chairman of the Mental Health Commission re the possible collaborative efforts;
- c. Draft correspondence to the Ministry of Education re the issues at the Lighthouse School;
- d. Draft a viewpoint on the marine parks proposals;
- e. Draft relevant correspondence for all human rights complaints and enquiries; and
- f. Continue to work on creating a new website.

8. Items to be Discussed at the Next Meeting

- a. Matters arising from the meeting with HM Prisons Inspectorate Team
- b. Meeting with Representative of the UNHCR
- c. Issues at Lighthouse School
- d. Education Bill 2015
- e. Conditional Release Law
- f. Labour Relations Law
- g. New and Outstanding Human Rights Complaints and Enquiries

9. Next Meeting

The next meeting of the HRC is scheduled for 8 October 2015 at 2:00pm at the offices of the Commissions Secretariat.

10. Adjournment

The meeting was adjourned at 4:25pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION