



**d. Education Bill 2015**

The Commission has finalised its review of this Bill and will set out its concerns and questions in a response to the Government.

**e. Conditional Release Law**

The Commission continues to have concerns about the effect implementation of this Law when a date is given by Her Excellency. The Commission will reiterate these concerns to the Government.

**f. Labor Relations Bill (2015)**

The Commission remains in the review stage of this Bill; however it is anticipated that following the next meeting a response will be submitted to the Government.

**g. International Human Rights Day**

Commission members attended segments on Day Break and Talk Today which were well received.

**h. Development of a National Mental Health Policy**

The Manager attended the workshop held by the Ministry of Health in November and reported that the Government was progressing in a timely manner with the development of the much needed policy. The Commission previously indicated its support of the Ministry on its Facebook page.

**i. Disability Legislation**

Following on from the Commission's statement on the celebration of the 20<sup>th</sup> anniversary of the enactment of the UK's Disability Discrimination Act (1995), the Cayman Islands Disability Committee reached out to the Commission with the offer of facilitating a presentation to update the Commission on disability legislation in the Cayman Islands. The presentation will be scheduled for the next meeting.

**j. Same-sex Unions**

The Commission has responded and received a reply from the Honourable Premier in this matter. The Commission does not intend to take any further actions on this matter at this time.

**4. New Business**

**a. Annual Report**

The Annual Report will be presented to all members by email for discussion at the next meeting.

**5. Human Rights Complaints**

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

Members were updated on this complaint. The Commission has had an update confirming that the matter is being brought to a satisfactory close between the parties. It is noted that the member Ben Tonner continues to recuse himself from this complaint.



- b. Update on Human Rights Complaint 006/2014**  
Members were updated on this complaint. The Secretariat has begun drafting a report which deals with the overarching principles in this complaint, which is similar to two other open cases. It is understood that legislation is currently being drafted which would remedy this situation.
- c. Update on Human Rights Complaint 014/2014**  
Members were updated on this complaint. The Secretariat has begun drafting a report which deals with the overarching principles in this complaint, which is similar to two other open cases. It is understood that legislation is currently being drafted which would remedy this situation.
- d. Update on Human Rights Complaint 002/2015**  
Members were updated on this complaint. The draft report in the matter has been prepared and will be updated in accordance with feedback received from members. The complainant in this matter will also be contacted for necessary additional information.
- e. Update on Human Rights Complaint 003/2015**  
Members were updated on this complaint. The Secretariat has begun drafting a report which deals with the overarching principles in this complaint, which is similar to two other open cases. It is understood that legislation is currently being drafted which would remedy this situation.
- f. Update on Human Rights Complaint 004/2015**  
Members discussed this complaint however further consideration by members is necessary. It is noted that Chairman James Austin-Smith continues to recuse himself from this matter.
- g. Update on Human Rights Complaint 008/2015**  
Members were updated on this case. The legal representative for the complainant has not provided a response to the Commission's queries and it is now understood that the legal representative has changed. The Secretariat will try to ascertain who is now representing the complainant. It is noted that the member Ben Tonner continues to recuse himself from this complaint.
- h. Update on Human Rights Complaint 009/2015**  
Members were updated on this complaint. Whilst the draft report has been presented to members the Commission continues to await a response to its last set of questions to the public authority in order to finalise the report.
- i. Update on Human Rights Complaint 010/2015**  
Members were updated on this complaint. Having received a substantive response from the public authority in this matter, the Commission will request details surrounding the next steps the public authority plans to take; prior to writing a report.

- j. Update on Human Rights Complaint 011/2015**  
Members were updated on this complaint. Having received only a partial response from the public authority in this matter, the Commission will again request the necessary additional details prior to writing a report.
- k. Update on Human Rights Complaint 013/2015**  
Members were updated on this complaint. Having received a response from the legal representative in this matter, members agreed that the matter should be deferred until the legal representative has an opportunity to consider the matter and steps forward. The complainant will be notified. It is noted that the member Ben Tonner continues to recuse himself from this complaint.
- l. Update on Human Rights Complaint 017/2015**  
Members were updated on this complaint. Having received a response from the public authority the Commission will request details surrounding the next steps the public authority plans to take; prior to making a decision in the matter.
- m. Update on Human Rights Complaint 019/2015**  
Members were updated on this complaint. Having received the relevant information and considered the matter, it was agreed that there is no evidence that a breach has occurred however the Government would benefit from having an overarching policy on this matter. The Commission will inform the complainant accordingly, close the file and liaise with the relevant public authority regarding the drafting of a relevant policy.
- n. Update on Human Rights Complaint 020/2015**  
Members were updated on this complaint. Having received the relevant information and considered the matter, it was agreed that no breach has occurred. The Commission will inform the complainant accordingly and close the file.
- o. Update on Human Rights Complaint 021/2015**  
Members were updated on this complaint. Having received the relevant information and considered the matter, it was agreed that there is no evidence that a breach has occurred however the Government would benefit from having an overarching policy on this matter. The Commission will inform the complainant accordingly, close the file and liaise with the relevant public authority regarding the drafting of a relevant policy.
- p. Update on Human Rights Complaint 022/2015**  
Members were updated on this complaint. Having received the relevant information and considered the matter, it was agreed that there is no evidence that a breach has occurred. The Commission will inform the complainant accordingly and close the file.
- q. Update on Human Rights Complaint 023/2015**  
Whilst this matter has been closed members were informed as a matter of interest that the complainant has filed a matter in the Courts which involves a modified version of the complaint previously made to the Commission.



r. **Update on Human Rights Complaint 024/2015**

Members were updated on this complaint. Having received a response from the legal representative of the complainant, the Commission agreed to query the decision making process utilised by the public authority in an effort to gain the necessary information to properly consider the matter.

s. **Human Rights Complaint 026/2015**

The Commission considered this complaint and agreed this was a matter which needed further exploring and will seek to obtain that information by conducting relevant research prior to corresponding with the relevant public authority.

t. **Human Rights Complaint 027/2015**

The Commission considered this complaint and agreed that there is no evidence that a breach has occurred. The complainant will be notified and the file closed.

u. **Human Rights Complaint 028/2015**

The Commission considered this complaint and agreed that there is no evidence that a breach has occurred. The complainant will be notified and the file closed.

v. **Human Rights Complaint 029/2015**

The Commission reviewed this complaint and agreed that further information was needed from the complainant in order to establish a timeline and properly consider the allegation. The complainant will be contacted, as will the relevant public authority should the need arise.

w. **Human Rights Complaint 030/2015**

The Commission considered this complaint and agreed that there is no evidence that a breach has occurred. The complainant will be notified and the file closed.

x. **Human Rights Complaint 031/2015**

The Commission considered this complaint and agreed that there is no evidence that a breach has occurred. The complainant will be notified and the file closed.

6. **Any Other Business**

a. **Vote of Thanks**

The Chairman asked that the Commission's thanks to the Secretariat staff for their hard work over the last year be minuted.

b. **Tour of the Prison**

The Manager relayed that the Commission's Secretariat staff went on a tour of Her Majesty's Prison Northward on 11 December and that a subsequent tour of the Fairbanks Prison and the Immigration Detention Centre will be arranged in the New Year.

c. **Drones**

The Commission will review the previously disseminated research on the use of drones by the Government for discussion at the next meeting.

**d. Enquiry**

The Commission received and discussed an enquiry from a member of the health profession regarding the ability to give consent to sex by individuals with cognitive disabilities. The Commission agreed that a solution to this enquiry requires an amendment to the legislation which provides definitions that are quite outdated and doesn't properly deal with actions not amounting to penetrative sex. The Commission expressed its willingness to review, for human rights compliance, any new legislative changes that governed this issue.

**7. Action Items**

The members were asked to:

- a. Continue to consider the Labour Relations Bill (2015); and
- b. Consider the Annual Report when disseminated.

The Secretariat was asked to:

- a. Follow-up with the Ministry of Home Affairs regarding the opening of the custody suites;
- b. Follow-up with the Department of Immigration regarding the current policies for handling migrants;
- c. Draft correspondence to the Government regarding the need for legislation to govern the use of CCTV by CIG;
- d. Draft a response to the review of the Education Bill 2015;
- e. Draft a response detailing the concerns of the Commission of the implementation Conditional Release Law;
- f. Confirm the presentation by the Disability Committee for the next meeting;
- g. Disseminate the Annual Report; and
- h. Draft responses to the new and outstanding human rights complaints.

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

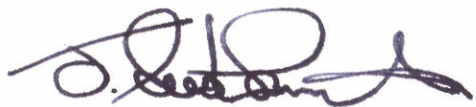
- a. Opening of Police Custody Suites
- b. Policies Surrounding the Handling of Cuban Migrants
- c. Issues at Lighthouse School
- d. Education Bill 2015
- e. Conditional Release Law
- f. Labor Relations Bill (2015)
- g. Annual Report
- h. Use of Drones by the CIG
- i. New and Outstanding Human Rights Complaints and Enquiries
- j. Presentation by the Disability Committee

**9. Next Meeting**

The next meeting of the HRC is scheduled for 19 January 2016 at 2:00pm at the offices of the Commissions Secretariat.

10. Adjournment

The meeting was adjourned at 5:20pm.



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James Austin-Smith  
CHAIRMAN  
HUMAN RIGHTS COMMISSION