

**MINUTES**  
**MEETING OF THE HUMAN RIGHTS COMMISSION**  
**9 JUNE 2016**  
**CONFERENCE ROOM**  
**ARTEMIS HOUSE**

<b>PRESENT:</b>	James Austin-Smith	Chairman
	Ben Tonner (in part)	Member
	Reverend Donovan Myers	Member
	Lisa-Ann Hurlston-McKenzie	Member
	Danielle Coleman	Member

**APOLOGIES:** N/A

**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 2:44pm.
2. **Confirmation of Previous Minutes**  
The 5 May 2016 minutes were approved.
3. **Outstanding Business**
  - a. **Response to Labour Relations Bill**  
The draft letter to the Minister of Education outlining the Commission's concerns with the Bill was approved by all with minor amendments. The Secretariat will finalise the draft letter with these comments and submit it to the Ministry on the Commission's behalf.
  - b. **Mental Health Educational Pamphlets**  
The pamphlets were approved with no changes. The Secretariat will move ahead liaising with Government Information Services for assistance with finalising the layout and design of the pamphlets for hard-copy and electronic publication for the use of mental health professionals.
  - c. **Response to Discussion Paper on Bullying**  
The draft letter was approved by all with minor changes. The Secretariat will finalise the draft letter with these comments and submit it to the Cayman Islands Law Reform Commission (CILRC) on the Commission's behalf.

**d. Operation of the Human Rights Commission**

Members noted the large volume of work the Commission is currently facing and agreed the best way forward to meet the necessary deadlines.

**e. Prohibited Immigrants Report**

The Commission discussed the report and provided feedback on the issue of prohibited immigrants, which relates to several cases currently before the Commission. The Commission was informed that the draft legislation and policy related to this issue is still in progress with the Ministry of Home Affairs. The Secretariat will update the report and send it back out for further consideration in order to finalise it at the next meeting.

**f. CCTV Report**

- i. Members approved the draft letter to the Chief Officer of the Ministry of Education regarding their review of the human rights implications of the policy governing the use of CCTVs and video surveillance in schools. The Secretariat will finalise the draft letter and submit to the Ministry on the Commission's behalf.
- ii. The Commission discussed the report and requested further research be conducted in some of the areas regarding the report. The Secretariat will conduct the necessary research, update the report and send it back out for further consideration in order to finalise it at the next meeting.

**4. New Business**

**a. Migrants**

The Commission recently corresponded with the Chief Officer of the Ministry of Home Affairs, comprehensively identifying the concerns raised for the Commission over the past seven months since it became heavily involved with migrants. The Commission also discussed improvements to its own processes of accepting complaints from migrants and the concept of a legal aid clinic set up by the Department of Immigration when migrants request legal representation.

**b. Use of Taser Policy**

The Commission, today, released a statement as requested by a member of the media in response to the use of a Taser on an individual by the RCIPS. It was agreed that no further action is required of the Commission at this time.

**c. Viewpoint Re: Environmental Concerns**

The Commission has noted a viewpoint (released on Cayman News Service on 2 June) concerning environmental claims regarding the George Town landfill. It was agreed that no further action is required of the Commission at this time.

**d. LGBT Conference**

The Commission was reminded about the upcoming "Queering Paradigms" conference that is being held at the Chamber of Commerce conference room this weekend. Members also discussed the call from multiple MLAs this week for a referendum on the issue of same sex marriage. It was agreed that no further action is required of the Commission at this time.

**e. World Refugee Day**

The Commission agreed it would release a statement to mark the observation of World Refugee Day 2016 on 20 June 2016.

**5. Human Rights Complaints**

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

The Commission was updated on this complaint which is now closed. However, the public authority has indicated that they wish to provide a response on the Commission's decision on the matter. It is noted that member Ben Tonner continues to recuse himself from this complaint.

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

This complaint was deferred until the next meeting. In the interim, the Secretariat will make amendments to the report as requested, per the feedback of Commission members.

**c. Update on Human Rights Complaint 014/2014**

This complaint was deferred until the next meeting. In the interim, the Secretariat will make amendments to the report as requested, per the feedback of Commission members.

**d. Update on Human Rights Complaint 002/2015**

This complaint was deferred as the Commission is awaiting further information from the complainant.

**e. Update on Human Rights Complaint 003/2015**

This complaint was deferred until the next meeting. In the interim, the Secretariat will make amendments to the report as requested, per the feedback of Commission members.

**f. Update on Human Rights Complaint 004/2015**

Members agreed the research on this matter had been completed and a discussion took place on the same. The Secretariat was asked to incorporate feedback from members into the draft report and send it back out for further consideration in order to finalise it at the next meeting.

**g. Update on Human Rights Complaint 008/2015**

Having not had a response from the complainant's legal advisor, the Commission agreed to close this case, which is currently before the Courts. The complainant will be notified. It is noted that member Ben Tonner continues to recuse himself from this complaint.

**h. Update on Human Rights Complaint 009/2015**

The Commission is awaiting one point of clarification from the public authority however it was agreed that there is no evidence of a breach of the complainant's human rights. Following the receipt of the clarification the Commission agreed that the file should be closed. The complainant will be notified.



**i. Update on Human Rights Complaint 013/2015**

The Commission considered the updates on this complaint and agreed that there is no evidence of a breach of the complainant's human rights and that the file will be closed. The complainant will be notified. It is noted that member Ben Tonner continues to recuse himself from this complaint.

**j. Update on Human Rights Complaint 020, 021, 022/2015**

The Chairman continues to consider and conduct research on the additional requests made by the complainant in this matter.

**k. Update on Human Rights Complaint 026/2015**

Following correspondence with the public authority in this matter the Commission agreed that a remedy has been found and that there is no evidence of a breach of the complainant's human rights and that the file will be closed. The complainant will be notified.

**l. Update on Human Rights Complaint 029/2015**

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

**m. Update on Human Rights Complaint 001/2016**

The Commission received a response from the public authority on this matter and agreed with the authority's observations. There is no evidence of a breach of the complainant's human rights and the file will be closed. The complainant will be notified.

**n. Update on Human Rights Complaint 003 and 004/2016**

The Commission considered the updates on these complaints and agreed:

**003/2014**

This complaint had numerous parts. Each was considered and it was agreed none provided any evidence of a breach of the complainant's human rights. The file will therefore be closed and the complainant will be notified.

**004/2016**

This complaint was deferred as the Commission continues to wait for an update from the public authority.

**o. Update on Human Rights Complaint 005/2016**

The Commission reviewed this complaint and agreed to follow-up with the public authority involved to seek an update.

**p. Update on Human Rights Complaint 010/2016**

The Commission considered the updates on this complaint and agreed that there is no evidence of a breach of the complainant's human rights and that the file will be closed. The complainant will be notified. It is noted that Chairman James Austin-Smith and member Ben Tonner recused themselves from this complaint. As such, private legal advice was taken by the Secretariat. Acting Chairman Rev. Donovan Meyers requested

that the letter to the complainant be vetted by the legal advisors retained for this case prior to disseminating the same. It was agreed that the complaint brings forward broader immigration related issues which should be discussed by the Commission (in general terms) so a decision can be made as to whether this is a general interest topic the Commission wishes to look into.

**q. Human Rights Complaint 019/2016**

The Commission discussed this complaint. It was agreed that the complaint was out of time and that a letter will be issued to the complainant advising as such and the file will be closed. The complainant will be notified.

**r. Human Rights Complaint 020/2016**

The Commission discussed this complaint. It was agreed that there is no evidence of a breach of the complainant's human rights and that the file will be closed. The complainant will be notified. It is noted that member Ben Tonner recused himself from this complaint.

**s. Human Rights Complaint 021/2016**

The Commission discussed this complaint. It was agreed that the complaint predates the implementation of the Bill of Rights ("the BoR") and that a letter will be issued to the complainant advising as such. The file will then be closed.

**t. Human Rights Complaint 022/2016**

The Commission discussed this complaint. It was agreed that a letter will be issued to the complainant advising of their options to appeal against the decision of the public authority involved. The file will then be closed.

**u. Human Rights Complaint 023/2016**

The Commission discussed this complaint. It was agreed that a letter will be issued to the complainant advising of their options to appeal against the decision of the public authority involved. The file will then be closed.

**6. Any Other Business**

**a. Immigration Related Issues**

As a result of a complaint broader immigration related issues have been raised. These were discussed by the Commission (in general terms) and members were provided with relevant information to consider for the next meeting.

**b. Request for Statement**

The Commission was asked for a statement by the media regarding the Information and Communications Technology Authority (ICTA) regulations around the issue of surveillance. A statement will be prepared accordingly.

**c. Website**

The new Human Rights Commission website is expected to be ready for a test-stage preliminary demonstration next week. The Secretariat will update the Commission with any further progress as it becomes available.

**d. Additional Complaints**

Two further complaints (our Ref: 024/2016 and 025/2016) were received in the days before the meeting however it was agreed the Commission did not have the necessary time to consider them nor are they deemed urgent. As such they will be added to next month's agenda.

**7. Action Items**

The members were asked to:

- a. Review the CCTV report;
- b. Approve the World Refugee Day press release;
- c. Consider what other information is required from the complainant and public authority in 029/2015; and
- d. Review the Immigration concerns as noted under Any Other Business.

The Secretariat was asked to:

- a. Dispatch the Commission's response on the Labour Relations Bill;
- b. Send the Mental Health Educational Pamphlets to GIS;
- c. Dispatch the Commission's response on Bullying;
- d. Update the Prohibited Immigrants Report;
- e. Forward the updated CCTV Report for Members' comments;
- f. Make arrangements to facilitate the improvements of the Commission's own processes of accepting complaints from migrants;
- g. Draft a letter to the Acting Chief Immigration Officer regarding a possible legal clinic for migrants;
- h. Draft correspondence in all outstanding and new human rights complaints;
- i. Issue the Commission's statement on the ICTA regulations when finalised; and
- j. Progress the updating of the website.

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

- a. CCTV report
- b. Prohibited Immigrants report
- c. Immigration concerns as noted in Any Other Business
- d. New and outstanding human rights complaints

**9. Next Meeting**

The next meeting of the HRC is scheduled for 7 July 2016 at 2:30pm at the offices of the Commissions Secretariat.

**10. Adjournment**

The meeting was adjourned at 5:11pm.



**James Austin-Smith**  
**CHAIRMAN**  
**HUMAN RIGHTS COMMISSION**