

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
11 MARCH 2020
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT:	Dale Crowley	Chairman
	Rev. Dr. Yvette Noble Bloomfield	Member
	Joni Kirkconnell	Member
	Dorothy Scott	Member
	Nick Quin	Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager
Shari Welcome	Public Relations and Education Coordinator (for part)
Lise Hurlstone	Administrator/Analyst (for part)

1. Meeting called to order

The meeting was called to order at 2:20pm.

2. Confirmation of Previous Minutes

The minutes of 23 January 2020 were approved.

3. Outstanding Business**a. Migrants****i. Continued Detention Policy**

The Secretariat wrote to Customs and Border Control on 18 February 2020 for an update on the draft Policy. No response has been received to date. The Commission requested continued monthly follow-ups.

ii. Refugee Protection Appeals Tribunal (RPAT)

The Commission was informed that the newly appointed persons to the RPAT will be formally trained by the UK Home Office from 16-27 March 2020. The Commission requested that a follow-up be sent confirming the completion of the scheduled training and the functioning of the Tribunal.

iii. IDC Update

Following a request for information, the Commission was informed that there are currently 13 Cuban migrants detained at the IDC and 18 who have been released into the community. The 31 persons are all in varying stages of the asylum or appeals

process. Those persons released into the community have been temporarily admitted and are being monitored electronically.

b. Independent Monitoring Board (IMB)

The Office of the Deputy Governor has responded to a request for information in broad terms indicating that the questions posed require consideration at a policy level. The Secretariat requested additional information which has not yet been provided. The Commission requested continued follow-ups quarterly until the information is received.

c. Prohibited Immigrant Report Letter

The Secretariat wrote to the Ministry on 18 February 2020 to enquire as to whether Cabinet has yet reviewed the Draft Policy governing this subject area however no response has been received to date. The Commission requested continued follow-ups quarterly.

d. Draft 2018-19 Annual Report

The former Chairman is currently reviewing this Report prior to dissemination to Members.

e. Draft 2019 Annual Report (Second Half)

The Chairman is currently reviewing this Report prior to dissemination to Members.

f. IDC and Prisons Tours

Members will tour HMP Northward on 19 March 2020 and IDC and Fairbanks Prison on 27 March 2020. The Secretariat will confirm these arrangements with Members in advance of each tour.

g. Civil Unions Legislation

The Secretariat wrote to the Honourable Premier today seeking an update on the status of the draft legislation to provide for civil unions following the decision of the Cayman Islands Court of Appeal dated 7 November 2019 with respect to the appeal in the matter of Day and Bodden v. The Governor of the Cayman Islands et al. In addition, the Commission requested an advanced copy of draft legislation once available in order to consider the same and further lend its support to advancing a resolution for all parties in this matter.

h. Education (Amendment) Bill, 2019 and Draft Anti-Bullying (Schools) Regulations, 2019

Following the submission of comments on the Bill and Regulations, the Law Reform Commission thanked the Commission for its feedback which it felt would help inform the finalization of its recommendations. The Commission will continue to look for information on the progression of these legislative reform measures.

i. Surveillance Devices Bill, 2019

The Chairman continues to conduct a review of this Bill and as such discussions will be deferred until the next meeting.

j. Electoral Register

The Commission discussed the Supervisor of Elections response to their enquiries regarding the requirement to include voter's personal information (such as physical home addresses) in the public electoral voters register. The Commission queried this due to concerns raised regarding the protection of personal information under the new Data Protection Law, 2019 as well as concerns for personal safety for those persons who work in areas such as police, prisons, etc.; and those persons who may be considered vulnerable such as previous victims of domestic violence. The Supervisor informed the Commission that he had recommended to Cabinet, in January 2020, that the addresses and occupations of voters be removed from the public electoral voters register; however, he was unsure whether those recommendations would be given consideration. The Commission agreed to write to the Governor (copied to the Deputy Governor) expressing its concerns, supporting the recommendations made by the Supervisor, and querying the next steps in order to progress these recommendations.

k. 2020 Agenda

Members discussed possible Awareness Days related to human rights for 2020 along with other opportunities to assist in educational and public relations opportunities. The Secretariat was asked to finalise further details of these possibilities for consideration (including providing a communications strategy proposal, exploring other forms of media and social network platforms and a tentative content calendar based on the awareness dates identified to be developed by the Secretariat) at the next meeting.

4. New Business

a. Gender Equality Cayman – 2019 Workplace Survey

Members discussed this Survey and requested that research be undertaken to develop a comparative analysis of the recommendations against Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

5. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 005/2017

The Commission reviewed advice received from the legal advisor on this matter. The Chairman will revert to the legal advisor in order to obtain necessary follow-up information.

b. Update on Human Rights Complaints 026/2018 & 001/2019

The Commission issued follow-up correspondence to the public authority on 25 February 2020 and is currently awaiting a response. A further follow-up will be made prior to the next meeting.

c. Update on Human Rights Complaints 009/2019, 010/2019 & 011/2019

The Commission reviewed the response from the public authority dated 24 February 2020 which continues to confirm the public authority is seeking the necessary legislative

amendments to resolve this matter. In the interim the public authority continues to ensure the complainants are not further affected.

d. Update on Human Rights Complaints 018/2019

The Commission reviewed the response from the public authority dated 3 March 2020; however, the queries of the Commission were not actually answered and the explanation given not satisfactory. The Commission will follow-up with the public authority to obtain the necessary information in order to further consider this matter.

e. Update on Human Rights Complaints 021/2019, 022/2019 & 023/2019

The Commission reviewed the response from the public authority dated 10 March 2020. The Commission was satisfied with the response which provided that there was no evidence of a breach of the complainants' human rights. The Commission will enquire of the public authority to ensure they have provided the complainants with reasons for its decisions prior to closing the file.

f. Update on Human Rights Complaint 033/2019

Whilst the substantive complaint was closed following the last meeting the Commission continued to conduct research into this matter. The Commission agreed to post to its website the initial research completed. The Commission will undertake additional research in order to draft correspondence to the relevant public authority.

g. Human Rights Enquiry 001/2019

The Commission considered the research conducted by Member Dorothy Scott in this matter. It was agreed that there is a lacuna in the legislation and the Commission will write to the public authority with recommendations to resolve this matter.

h. Human Rights Enquiry 001/2020

The Commission issued follow-up correspondence to the public authority on 24 February 2020 and is currently awaiting a response. A further follow-up will be made prior to the next meeting.

6. Any Other Business

a. Human Rights Complaint 001/2020

The Secretariat received a complaint via walk-in two days prior to the meeting. Initial calls were made to the public authority given the nature of the complaint and a follow-up email was sent to confirm the details received via telephone. A follow-up email will be sent prior to the next meeting if the information is not received by then.

b. COVID-19

Given the status of the potential spread of COVID-19 throughout the islands the Commission is aware that the Government could implement restrictions which could impact the right to movement (as well as other rights i.e. right to life if no restrictions are put in place) in the

Constitution. The Commission considered the relevant sections of the Constitution and agreed a small research project should be undertaken and a brief public education flyer produced.

c. Mental Health Situational Analysis

The Chairman and Manager met with a representative of the Ministry of Health and Public Health England (PHE). The PHE were on island conducting a mental health situational analysis. The last study conducted by PAHO was in late 2014, where a report was developed using the World Health Organisation Assessment Instrument for Mental Health Systems, otherwise known as the WHO-AIMS. This mental health situational analysis is part of PHE's work in Non-Communicable Diseases with the United Kingdom Overseas Territories. Information was provided related to the mental health issues that the Commission comes into contact with and any concerns that have developed as a result.

d. Francis Bodden Girls' Home (FBGH)

The Commission has noted that there have been a number of reports regarding runaways of the FBGH recently. The Commission will write to the Ministry and the CAYS Foundation (which oversees the boys and girls homes) expressing the Commission's general concerns and querying assistance that is being provided to the residents as well as whether anything has arisen from the recent trial of the two former workers under whose watch a male resident drowned at the beach.

7. Action Items

The Chairman is to:

- a. Review the draft 2019 Annual Report (second half);
- b. Review the Draft Surveillance Devices Bill, 2019; and
- c. Revert to the legal advisor in order to obtain necessary follow-up information on the relevant human rights complaint.

The Secretariat was asked to:

- a. Follow-up on the CBC's Continued Detention Policy monthly;
- b. Follow-up on the RPAT training and functionality;
- c. Follow-up with the ODG regarding the IMB queries;
- d. Follow-up quarterly with the Ministry regarding the Prohibited Immigrant Report Letter;
- e. Confirm the arrangements for the IDC and Prison Tours;
- f. Follow-up with the former Chairman on the 2018-19 Annual Report;
- g. Follow-up with the Premier (if the information is not received prior to the next meeting) on the draft legislation for civil unions;
- h. Continue to look for updates on the Education Bill and Anti-Bullying Regulations in due course;
- i. Draft a letter to the Governor (cc to the Deputy Governor) regarding the electoral register concerns and recommendations;
- j. Draft a communications strategy proposal for the Commission's 2020 Agenda;

- k. Complete research on the Gender Equality Cayman 2019 Workplace Survey and CEDAW; and
- l. Draft correspondence or conduct research in all human rights complaints and enquiries as detailed above.

8. Items to be Discussed at the Next Meeting

- a. Continued Detention Policy
- b. Refugee Protection Appeals Tribunal (RPAT)
- c. IDC Update
- d. Independent Monitoring Board (IMB)
- e. Prohibited Immigrant Report Letter
- f. Draft 2018-19 Annual Report
- g. Draft 2019 Annual Report (Second Half)
- h. IDC and Prisons Tour
- i. Civil Unions Legislation
- j. Education (Amendment) Bill, 2019 and Draft Anti-Bullying (Schools) Regulations, 2019
- k. Surveillance Devices Bill, 2019
- l. Electoral Register
- m. 2020 Agenda
- n. Rotary Central Fundraiser for the Alex Panton Foundation

9. Next Meeting

The next meeting date will be in late April and an email will be sent requesting Members' availability.

10. Adjournment

The meeting was adjourned at 4:10pm.



Dale Crowley

CHAIRMAN

HUMAN RIGHTS COMMISSION