

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
21 JUNE 2018
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT: James Austin-Smith	Chairman
Lisa-Ann Hurlston McKenzie	Member
Rev. Dr. Yvette Noble Bloomfield	Member
Joni Kirkconnell	Member
Dorothy Scott	Member

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 3:12pm.

2. Confirmation of Previous Minutes

The 10 May 2018 minutes were approved with minor grammatical changes.

3. Outstanding Business

a. Annual Report

The Annual Report is due to be laid in the Legislative Assembly (the "LA") during the next sitting of the House. A copy was also submitted to His Excellency the Governor. Once laid in the House, the report will become available on the Commission's website.

b. Migrants

Members discussed the previous actions of the Commission on this matter and agreed to ascertain from the Department of Immigration ("DoI") and the Prison Service an update on the status of those migrants currently detained and whether there have been any formal complaints (and if so any resolutions) lodged by detainees in the last 12 months.

Members noted that a statement in recognition of 'World Refugee Day' was released on 20 June and is available on the Commission's website.

c. Prisons Inspection Board (PIB)

Members discussed the Deputy Governor's response of 19 June which advised that the PIB appointments will be finalised once a review of the PIB's Terms of Reference ("ToR") is

completed. It was agreed to respond to the Deputy Governor to request a copy of the draft ToR for the Commission's review.

d. Same-sex Unions

Members were briefed on meetings attended by the Chairman and the Manager during their recent visit to Bermuda. Facilitated by the Bermuda Human Rights Commission, the agenda included meetings with the Bermuda Governor, the Minister responsible for human rights, the Bermuda Human Rights Commission, various community and activism groups, as well as various other stakeholders. Though several methods were used to reach out to the largest stakeholder who fought against the legislation, no response was received.

The Chairman and Manager sought to understand lessons learned whilst introducing legislation governing same-sex unions and marriages. Overall the biggest 'take-away' was that the community voice is important. The Commission agreed that this was an opportune time to launch an equality campaign touching on the various matters that the Commission has been dealing with and identified.

e. Family Law Reform Legislation

A review of the draft legislation identified significant issues. As such, the Commission will enquire with the Director of the Law Reform Commission (the "LRC") as to the feedback provided by the community and whether the legislation will be given a first reading in the next session of the LA.

f. Community Presentations

A number of presentations have been facilitated, or are being scheduled including:

- i. An appearance by the Chairman on a segment of Radio Cayman's 'Talk Today' in honour of May's Child Month and to promote this year's educational theme – 'Protection of Youth';
- ii. A general presentation on human rights with the youth at TAYA Lounge;
- iii. A discussion on rights specific to prison staff; and
- iv. a presentation to the Early Childhood Association ("ECA") specifically on the rights of a child.

As a result of various concerns expressed by the attendees of the presentation to the ECA, the Commission agreed to review the policies of the Department of Education Services ("DES") and the Needs Assessment Unit ("NAU") for families to access the Early Childhood Assistance Programme ("ECAP").

4. New Business

a. Cayman Airways Limited (CAL) Maternity Leave Policy

The Commission continues to consider the CAL Maternity Leave Policy for cabin crewmembers (the "policy"). Members agreed further research needs to be conducted

including a review of the Gender Equality Law, the Labour Law, and policies of other entities which would have similar policies due to safety concerns. Following this review, the Commission will again consider the matter.

5. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaints 019/2017 & 005/2018

The Commission is still awaiting an update from the public authority on its progress to remedy this matter. The Secretariat will continue to follow-up with the public authority.

b. Update on Human Rights Complaint 009/2018

The complainant was requested, on 23 May, to provide additional information in order to properly consider the complaint. The file will be closed on 22 June if no response is received.

c. Update on Human Rights Complaint 011/2018

The Commission discussed the response received from the public authority involved and agreed further information was needed in order to address specific areas of concern. Members agreed to respond to the public authority and request a timeline of its actions taken regarding this complaint.

6. Any Other Business

a. Commission Members

The Manager advised that today's meeting is the final meeting of the Commission for Chairman James Austin-Smith and Member Lisa-Ann Hurlston McKenzie whose tenures expire at the end of June. The Commission thanked Mr. Austin-Smith for his passion and dedication and Mrs. Hurlston McKenzie for her contribution and engagement during their tenures on the Commission.

7. Action Items

Members were asked to:

- a. Review the MoE's and NAU's policies on ECAP; and
- b. Review and approve any draft correspondence (Chairman).

The Secretariat was asked to:

- a. Draft correspondence to the DoI and Prison Service regarding migrants as detailed above;
- b. Follow-up with the Deputy Governor regarding the PIB as detailed above;
- c. Explore opportunities to engage in an equality campaign;
- d. Enquire with the Director of the LRC regarding Family Law Reform Legislation as detailed above;
- e. Circulate copies of the MoE's and NAU's policies on ECAP to members for their review;
- f. Conduct research related to the CAL Maternity Leave Policy as detailed above; and

- g. 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. Migrants
- b. Prisons Inspection Board (PIB)
- c. Equality Campaign
- d. Family Law Reform Legislation
- e. Early Childhood Assistance Programme (ECAP) Funding Policies
- f. Cayman Airways Limited (CAL) Maternity Leave Policy
- g. New and outstanding human rights complaints

9. Next Meeting

Members agreed that the next meeting will not be scheduled until they have circulated their dates of availability, during the summer, to the Secretariat.

10. Adjournment

The meeting was adjourned at 4:55pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION