

**HUMAN RIGHTS COMMISSION
4th MEETING OF 2023
MINUTES
18 MAY 2023
CONFERENCE ROOM
COMMISSION SECRETARIAT OFFICES**

PRESENT:

Deborah Barker Roye	Interim Chairperson (via Zoom)
Nicholas Quin	Member
Cathy Gomez	Member
Ben Tonner	Member
Jennifer Hunter	Member

SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Lise Hurlstone	Research Analyst

1. Meeting called to order

The meeting commenced at 3:25 pm.

2. Previous Minutes

The minutes of the meetings held on 9 March 2023 and 24 March 2023 were approved by the members in attendance at that meeting with minor changes.

3. Outstanding Business**a. Awareness and Events Calendar**

The Commission was updated on the progress of the 3-month Communications Plan, including the following Facebook Posts: 20 March 2023 in recognition of World Down Syndrome Day, 21 March 2023 in recognition of International Day for the Elimination of Racial Discrimination, and 22 April 2023 for Earth Day. Members discussed drafting informational prospective Facebook posts to be pre-approved by the Commission for posting over the summer months. It was agreed for the Secretariat to work with the Public Communications Specialist to finalise these drafts for circulation and approval by the Commission.

Additionally, members discussed the Cayman International School (CIS) Justice, Equality, Diversity and Inclusion (JEDI) Committee partnership to do a take-over of the HRC Facebook page for International Day of Families. Due to some logistical issues with the timeline the Commission was updated that it was mutually agreed between the Secretariat and the JEDI representative to postpone the take-over day to 29 May. The take-over would still be done

in recognition of International Day of Families, which took place on 15 May. Members agreed with some minor formatting feedback provided by the Public Communications Specialist and the Secretariat was asked to pass this on to the JEDI team. Members noted that they were very pleased to see the hard work of the children involved. They particularly enjoyed the videos as well as the overall effort of seeing the voice of young people reflected in the work. The Commission looks forward to seeing the final product on 29 May.

b. Migrants

i. Migrants Policy

The Commission was updated that no further responses were received to their previous attempts at contact with the Customs and Border Control (CBC) Director regarding the draft Migrants Policy. Members discussed their options and agreed to write a letter to the Deputy Governor to request that he facilitate a meeting between the Commission and the Director of CBC along with the Chief Officer of Ministry of Border Control and Labour (MoBC&L) in relation to migrants. The Secretariat was requested to draft the same. Member Cathy Gomez was recused from this matter.

ii. Legislative Amendment

The Commission was updated that its latest correspondence regarding the proposed amendment to the immigration legislation relating to spouses of asylum grantees was sent to the Chief Officer of MoBC&L on 5 May 2023. It was agreed to allow more time for a response from the Chief Officer, and the Secretariat would follow up on the same. In addition, the MoBC&L would be included as an invitee in the letter described above in item 3.b.i.

c. Query re WORC Internal Process

The Interim Chair updated members that she would endeavour to compose an initial draft of formal feedback to Workforce Opportunities & Residency Cayman (WORC) on the 'mindful to revoke' policy to review with member Ben Tonner prior to the next meeting. The draft would then be circulated to other members prior to finalisation by the Secretariat to respond to the Director of WORC.

d. Bill of Rights (BoR) Training

Members Jennifer Hunter and Nick Quin updated the Commission on their reading of the current training. The Commission discussed the possibility of outsourcing the re-development of the civil service BoR Training to a consultant who would be familiar with the Cayman Islands Constitution, and who has a background in legal training. Therefore, the Commission requested that the Secretariat reach out to the Truman Bodden Law School to seek a consultant to develop a BoR training for members to review. Additionally, the Secretariat was asked to write to the Governor's Office to inquire whether any Foreign and Commonwealth Development Office funding may be available to facilitate this project.

e. Prison Tours

Members discussed their visits in March to Fairbanks Prison/ERU and Northward Prison. As the planned visit to the Immigration Detention Centre (IDC) at Fairbanks did not happen due to unforeseen circumstances, the Secretariat was asked to reach out to CBC to reschedule the IDC visit. Unfortunately this would not be able to happen before September due to various scheduling issues for the Commission and the Secretariat.

Members still expressed interests in learning more about the conditions at the Bodden Town Civic Centre where some migrants are currently housed. The Secretariat has not yet had a response from the initial inquiry to the Independent Monitoring Board on this topic but will follow up.

f. HRC Annual Report

The Secretariat updated the Commission that internal edits to the Report are in the process of being finalised, after which stage the draft Report will be shared with the Interim Chair for her review.

g. Prospect Primary Request for Human Rights Presentation

Members were advised that, further to the request made by the Prospect Primary School International Baccalaureate Primary Years Programme Coordinator (IBPYPC) in March, the Commission was unable to fulfil the request for a presentation on human rights to students due to scheduling conflicts. Interim Chair Deborah Barker Roye and Member Jennifer Hunter had agreed to assist if possible, but unfortunately travel and other unforeseen circumstances restricted their availability before the school's deadline. The Commission advised that they would be interested in reaching out to the IBPYPC at Prospect Primary to see if there may be any future opportunities for presentations to students in the next school year. The Secretariat was asked to inquire accordingly.

4. Human Rights Complaints and Enquiries

OLD:

a. Update on Human Rights Complaint 020/2022

The Commission was advised that no further updates have yet been received in this matter after the Commission's letter to the Complainant on 5 May 2023, and it was agreed to continue to await a response. The Secretariat was asked to follow up accordingly.

b. Update on Human Rights Complaint 022/2022

The Commission was advised that no further updates have yet been received in this matter after the Commission's letter to the Complainant on 6 February 2023, and it was agreed to write to the public authority in question for additional information that was requested. It is noted that Member Cathy Gomez was recused from this complaint.

c. Update on Human Rights Complaint 024/2022

The Commission was advised that no further updates have yet been received in this matter after the Commission's letter to the Complainant on 6 February 2023, and it was agreed to continue to await a response. The Secretariat was asked to follow up accordingly.

d. Update on Human Rights Complaint 025/2022

The Commission was advised that no further updates have yet been received in this matter. Members discussed the options and agreed to write to the Complainant noting their recent review of the public authority in question and the results of the review. Additionally, it was agreed to write to the Chief Officer of the Ministry which the public authority in question falls under highlighting the concerns gleaned from their review and requesting information on the next steps in resolving these concerns. The Secretariat was requested to draft correspondence accordingly.

e. Update on Human Rights Complaint 001/2023

The Commission was advised that no further updates have yet been received in this matter after the Commission's letter to the public authority in question on 5 May 2023, and it was agreed to continue to await a response. The Secretariat was asked to follow up accordingly.

f. Update on Human Rights Complaint 003/2023

The Commission was advised that no further updates have yet been received in this matter after the Commission's letter to the Complainant on 9 May 2023, and it was agreed to continue to await a response. The Secretariat was asked to follow up accordingly.

g. Update on Human Rights Complaint 006/2023

The Commission agreed at their meeting on 24 March 2023 to close this matter. However, before the closure letter was able to be sent to the Complainant they contacted the Commission with an update and a query. The Interim Chair advised the Commission that she considered the query when it arose but determined that there was nothing in the additional submission which would change the closure decision. Therefore, the closure letter was amended slightly to include the additional submission and issued to the Complainant on 5 May 2023. The Commission noted their agreement with the Interim Chair's perspective on the additional submission. The file remains closed.

h. Update on Human Rights Complaint 007/2023

The Commission was updated on the complaint, which was raised originally in Any Other Business in the last meeting on 24 March 2023. The Secretariat advised of their preliminary research on the matter which included a conversation with the public

authority in question. The Commission determined that the letter from the public authority outlined an appeal process available to the Complainant and requested that the Secretariat inquire as to what the Complainant's status is with that appeal process.

i. Update on Human Rights Enquiry 001/2023

The Commission was advised that no further updates have yet been received in this matter and it was agreed that as the substantive matter has been open since early 2022 the file should be closed. The Complainant will be given 30 days to submit any updates to the Commission once the notice of closure has been sent. The Secretariat has been asked to draft correspondence accordingly.

NEW:

j. Human Rights Complaint 008/2023

The Commission reviewed this complaint which was originally received on 23 March 2023. The Commission carefully considered the submission and it was noted that the substantive complaint appears to be the same as one that was previously submitted by the same Complainant which had been closed, and no new information has been provided. The file would therefore be closed and the Complainant notified accordingly. The Secretariat was asked to draft correspondence. It was noted that member Cathy Gomez was recused from this complaint.

k. Human Rights Complaint 009/2023

The Commission reviewed this complaint which was originally received on 23 March 2023. The Commission carefully considered the submission and it was noted that the substantive complaint appears to be the same as one that was previously submitted by the same Complainant which had been closed, and no new information has been provided. The file would therefore be closed and the Complainant notified accordingly. The Secretariat was asked to draft correspondence. It was noted that member Cathy Gomez was recused from this complaint.

l. Human Rights Complaint 010/2023

The Commission reviewed this complaint which was originally received on 23 March 2023. The Commission carefully considered the submission and it was noted that the substantive complaint appears to be the same as one that was previously submitted by the same Complainant which had been closed, and no new information has been provided. The file would therefore be closed and the Complainant notified accordingly. The Secretariat was asked to draft correspondence. It was noted that member Cathy Gomez was recused from this complaint.

m. Human Rights Complaint 011/2023

The Commission reviewed this complaint, which was received on 14 April 2023, and agreed that the outcome which the Complainant is seeking is outside of their remit and

should be pursued via the court system. The file would be closed and the Complainant advised accordingly. The Secretariat was asked to draft correspondence. It was noted that member Cathy Gomez was recused from this complaint.

n. Human Rights Complaint 012/2023

The Commission reviewed this complaint, which was received on 27 April 2023, and agreed that the outcome which the Complainant is seeking is outside of their remit and should be pursued via the court system. The file would therefore be closed and the Complainant advised accordingly. The Secretariat was asked to draft correspondence. It was noted that member Ben Tonner was recused from this complaint.

o. Human Rights Enquiry 003/2023

The Commission reviewed this enquiry which was received via email on 25 April 2023 and agreed that it was not within the Commission's Constitutional remit to assist as requested. The file would therefore be closed and the Complainant advised accordingly. The Secretariat was asked to draft correspondence.

5. New Business

6. Any other Business

a. Recent News Articles

The Commission reviewed and discussed two news articles that were issued since their last meeting regarding court rulings on the Bill of Rights. These articles were titled "Court ruling finds PR system breaches BoR" issued 31 March 2023 on Cayman News Service, and "Fired Pines Retirement Home worker's rights breached, judge rules" issued 11 May 2023 on the Cayman Compass. Regarding the first article, the Commission agreed to write to the Premier to find out more about the Committee which had been identified to review the PR points system. Regarding the second article, they agreed to write to the Chief Officer of the MoBC&L to inquire about any planned legislative response. The Secretariat was asked to draft correspondence.

b. Secretariat Organisational Structure Updates

The Manager provided an update to the Commission on the ongoing human resource issue. It was noted that permission had been granted to open the recruitment process for two administrative positions within the Secretariat, and discussions would continue regarding the possibility for others. Additionally, the Manager noted the diversion of resources over the upcoming July/August to accommodate a large project for another Commission that needed to take place at that time. It was noted that social media posts could be prepared and approved by the Commission in advance for posting during that time as discussed in item 3.a. above.

7. Action Items

Members of the HRC resolved that:

- a. Interim Chair Deborah Barker Roye would draft an initial response to WORC on their revocation processes with the assistance of member Ben Tonner, prior to circulating to other members for their feedback as detailed in item 3.c. above.

It was resolved The Secretariat would:

- b. Work with the Public Communications Specialist to finalise these draft prospective social media posts for circulation as detailed in item 3.a. above;
- c. Facilitate the finalisation of materials and logistics for the social media take-over by the CIS JEDI Committee on 29 May as detailed in item 3.a. above;
- d. Draft a letter to the Deputy Governor regarding a meeting between the HRC, CBC and MoBC&L in relation to migrants as detail in item 3.b.i. above;
- e. Follow up on the most recent correspondence to the CO of MoBC&L as detailed in item 3.b.ii. above;
- f. Finalise correspondence to the Director of WORC on the 'mindful to revoke' policy once draft is received from the Interim Chair as detailed in item 3.c. above;
- g. Reach out to the Truman Bodden Law School to seek a consultant to develop a BoR training for members to review as detailed in item 3.d. above;
- h. Draft correspondence to Her Excellency, Governor Jane Owen, to inquire whether any funding may be available to facilitate the redevelopment of a BoR Training as detailed in item 3.d. above;
- i. Reach out to CBC to reschedule the HRC's visit to IDC visit sometime after September 2023 as detailed in item 3.e. above;
- j. Follow up with the Independent Monitoring Board regarding the conditions at the Bodden Town Civic Centre as detailed in item 3.e. above;
- k. Finalise the internal edits to the Annual Report and share with the Interim Chair for her review as detailed in item 3.f. above;
- l. Reach out to the IBPYPC at Prospect Primary regarding any future opportunities for human rights presentations to students in the next school year as detailed in item 3.g. above;
- m. Write to the Premier to find out more about the Committee which had been identified to review the PR points system as identified in the 31 March 2023 CNS article, as detailed in item 6.a. above;
- n. Draft correspondence to the Chief Officer of the MoBC&L to inquire about any planned legislative response to the worker's rights court ruling as identified in the 11 May 2023 Compass article, as detailed in item 6.a. above; and
- o. Draft correspondence for all complaints and enquiries as detailed above.

8. Items to be Discussed at the Next Meeting

- a. Awareness and Events Calendar
- b. Migrants
 - i. Migrants Policy

- ii. Legislative Amendment
- c. Query re WORC Internal Process
- d. Bill of Rights (BoR) Training
- e. Prison Tours
- f. HRC Annual Report
- g. Prospect Primary Request for Human Rights Presentation
- h. Recent News Articles

9. Next Meeting

The next meeting will be scheduled for 20 June 2023 at 3:15pm.

10. Adjournment

The meeting was adjourned at 6:05 pm.



Deborah Barker Roye
INTERIM CHAIRPERSON
HUMAN RIGHTS COMMISSION