

**HUMAN RIGHTS COMMISSION  
1<sup>st</sup> MEETING OF 2024  
MINUTES  
18 January 2024  
CONFERENCE ROOM  
COMMISSION SECRETARIAT OFFICES**

**PRESENT:**

Benjamin Tonner KC	Chairman
Cathy Gomez	Member
Nicholas Quin	Member

**APOLOGIES:**

Jennifer Hunter	Member
Deborah Barker-Roye	Member

**SECRETARIAT MEMBERS PRESENT:**

Donna-Kay Smith	Interim Manager
Francis Kearns	Deputy Manager
Lise Hurlstone	Research Analyst (In part)
Evette Burnell	Administrator/Analyst
Jessica Ebanks	PR & Education Coordinator (in part)

**1. Meeting called to order**

The meeting commenced at 3:20 pm.

The new Deputy Manager Mr. Francis Kearns was introduced. The Interim Manager advised that Mr. Kearns will be overseeing the administrative team of the Commissions Secretariat, to support the needs of all six Commissions.

**2. Previous Minutes**

The minutes of the meeting held on 1 December 2023 were approved with minor amendments. The Secretariat will finalize and arrange for the minutes to be published on the HRC website.

### **3. Matters Arising from Previous Meeting**

#### **a. Education Initiatives**

##### **i. Social Media Campaign**

The PR & Education Coordinator updated the Commission that an Instagram account has been established for the HRC under the name “Human Rights Cayman”. In regards to the social media plan for 2024, the campaign consists of 20 weekly posts covering the first 20 rights in the Cayman Islands Bill of Rights. The posts will use content from a line of pamphlets created on these issues and each post will include a link to the website for further information. These posts will start week commencing 21 February 2024. In addition, local events, national holidays and international observance days will be used as opportunities to promote relevant material. For example, National Heroes Day can be celebrated by highlighting individuals who championed human rights. A schedule of these specific dates has been circulated to members of the Commission.

##### **ii. Human Rights Presentation for Schools**

The PR & Education Coordinator advised that the Deputy Principal from a local private school had enquired with the Secretariat with regards to the HRC presenting at a staff development day in April 2024. The HRC discussed and decided to request further information on the subject. In addition, the HRC is interested in increasing engagement with schools on the topic of human rights. The PR & Education Coordinator confirmed that human rights are part of the Cayman Islands Primary National Curriculum in Key Stage 2. Further research will be carried out to determine the content that currently exists in the curriculum and how the HRC may be able to offer support.

##### **iii. Bill of Rights Training**

The Interim Manager updated the HRC following a meeting with representatives from the Truman Bodden Law School (TBLS) on 12 October 2023 to discuss the possibility of TBLS assisting with content for a Bill of Rights training session for civil servants. Representatives from TBLS suggested that they may be able to assist in May/June 2024.

In the interim, the HRC discussed the possibility of creating a simple online slideshow followed by multiple choice questions to answer. It was agreed that the Secretariat will draft this slideshow and send to the HRC to review and give feedback.

##### **iv. PR & Education Plan 2024**

The PR & Education Plan for 2024 was circulated by the PR & Education Coordinator. Q1 will consist of the 20 posts over 20 weeks regarding the Cayman Islands Bill of

Rights, and creating the training slides on the topic for civil servants. Activity in Q2 will focus on embedding human rights in the Civil Service and including it in a new introductory video for employees. The HRC also agreed to a photo shoot with HRC members, to be used in the video. Plans for Q3 include engagement with schools. This is aimed to start in the 2024/2025 academic year but will be operationalised in August/September 2024. Activity in Q4 will be focused on community engagement. For example, it was agreed the CICC Jingle Bell Walk could be a good event to support in December. Human Rights Day is on December 10th and this could be observed. HRC members approved the plans and were happy for the PR/Education Coordinator to proceed.

**b. Migrants**

Following the meeting the Commission held with the Ministry of Border Control & Labour (MoBCL) and Customs and Border Control (CBC) on 30 November 2023, a file note with details of the discussion was shared. This was read and approved by Member Quin, and will be circulated to those HRC members who were also present at the 30 November meeting, for their approval. The Commission agreed to confirm with the Ministry before making the File Note public. The next meeting has not been confirmed. The Secretariat will reach out to the Ministry for an update on the progress with the legislation and to arrange a joint meeting with MoBCL and CBC.

**i. Migrants Policy**

The draft Migrant Policy the Commission had reviewed and given feedback on in May 2022 is being progressed by CBC. CBC has included amendments to the policy following the feedback by HRC. They are finalising the policy and will give an update on this and a walk-through of the policy at the next meeting. The Secretariat will follow up with CBC on the status of the policy and to arrange a joint meeting with MoBCL and CBC.

**ii. Legislative Amendment**

The Immigration Transition Bill is continuing to undergo amendments, but the amendments relating to spouses of asylum grantees have been delayed due to higher priority issues. In the last meeting, MoBCL suggested these amendments should be put before parliament early in 2024. The Secretariat will contact MoBCL for an update on this.

**iii. Bodden Town Civic Centre Tour (BTCC)**

A letter was sent to MoBCL regarding issues the HRC noted after its visit to the BTCC in August 2023. A more detailed letter is being drafted around these issues. This letter will be sent once it has been updated to include the information gathered in the meeting with MoBCL on 30 November, 2023. The Secretariat is to circulate the updated draft to the Chair for approval. The HRC also discussed if any

department/body has responsibility for monitoring the conditions in the BTCC. The Secretariat will follow up on this before the next meeting.

**iv. Migrants Report**

The HRC Migrant Reports from 2013 and around 2006 were provided to the HRC for review to identify if themes or issues could be brought to light and discussed in the next CBC meeting. The Secretariat will draft a summary of the Reports' main themes for members to review and circulate prior to the next meeting.

**c. Query re WORC Internal Process**

The Secretariat prepared a draft letter to WORC regarding the *Mindful to Revoke* process for approval, which summarizes the Commission's concerns, based on the previous research and feedback provided. The Secretariat will circulate the word version to members for review and comments.

**d. Prison Updates**

The Ministry of Home Affairs' letter regarding current prison programmes was discussed. The Secretariat drafted a short response letter to the Acting Chief Officer of the Ministry of Home Affairs noting feedback provided by member Cathy Gomez in relation to the programmes listed in the report. Some amendments were suggested and an updated draft will be circulated to Chairman Tonner and Member Gomez for approval prior to sending.

**e. HRC Annual Report**

The updated draft Annual Report was provided for members' review, which included the statistic updates suggested by former Interim Chairman Deborah Barker-Roye, in order to better reflect the Commission's work. Some amendments were suggested. There was discussion on how the data is presented and how this might be improved for future reports. The Secretariat will circulate the updated draft Annual Report for review by former Interim Chairman Deborah Barker-Roye and for further input.

**f. NAU Policies**

The Needs Assessment Unit (NAU) has changed its name to The Financial Assistance Department (FAD). Following the change, updated policy documents are required from DCFS in regards to a historical issue of whether FAD policies are compliant with the Cayman Islands Bill of Rights. The Secretariat emailed DCFS to obtain a copy of any updated policies, however, no response has been received. The Secretariat will follow-up prior to the next meeting and provide an update.

**g. Child Safeguarding**

The Commission discussed obtaining any updated policy documents from the Multi-Agency Safeguarding Hub (MASH), in regards to a historical query whether the MASH Unit's policies on interviewing minors is compliant with the Cayman Islands Bill of Rights. The Secretariat

contacted MASH to request if any updated policy documents were available, however, no response has yet been received. The Secretariat will follow up and provide an update at the next meeting.

**h. Mental Health Related Updates**

**i. Mental Health NGOs**

The Secretariat received the list of Mental Health NGOs and provided this list to the Commission for review. Members commented that this could be useful for the HRC in considering future partnering projects and resources. No further action was determined at this point.

**ii. East End Mental Health Facility**

The Secretariat received a response from the new facility's Director with an update on the status of the facility. She advised the Commission that it is foreseen for the new facility to open in the first half of 2024. They are currently still awaiting the Certificate of Occupancy and some staffing and training is still to be completed.

**4. Human Rights Complaints and Enquiries**

**OLD:**

**a. Update on Human Rights Complaint 013/2023**

The Commission was not updated on this Complaint as one member was recused, meaning there was no longer a quorum. This matter will be placed on the agenda for the next meeting. It is noted that member Cathy Gomez is recused from this matter.

**b. Update on Human Rights Enquiry 002/2019**

The Commission was updated on this matter. The Secretariat followed up with the complainant, but no response was received. Another email will be sent requesting contact to be made and if no response is received before the next meeting a 30 day notice letter will be sent.

**c. Update on Human Rights Complaint 015/2023**

The Commission was updated that no response had been received since October. The Commission agreed to close this case following lack of response to the last letter sent requesting an update. The letter is to be provided in the next meeting packet.

**d. Update on Human Rights Complaint 016/2023**

The Commission was not updated on this Complaint as one member was recused, meaning there was no longer a quorum. This matter will be placed on the agenda for the next meeting. It is noted that member Cathy Gomez is recused from this matter.

**e. Update on Human Rights Complaint 017/2023**

Correspondence was received on behalf of the Respondent from a local law firm. The

Commission decided this was a contractual civil dispute and not a case for the HRC. A closure letter will be sent to the Complainant with a copy of the letter from the local law firm concerned, advising the Complainant to seek legal advice on the matter.

**f. Update on Human Rights Complaint 001/2023**

The Secretariat drafted a letter to the relevant public authority requesting that a version of the specified directive be included in the form and asking for a report on progress. An amendment was made and the letter was approved for circulation.

**k. Human Rights Complaint 020/2023**

The Commission was not updated on this Complaint as one member was recused, meaning there was no longer a quorum. This matter will be placed on the agenda for the next meeting. It is noted that member Cathy Gomez is recused from this matter.

**g. Update on Human Rights Complaint 020/2022**

The requested closure letter was drafted and presented to the Commission for approval. The letter was approved for circulation with one amendment.

**h. Update on Human Rights Complaint 024/2022**

The requested closure letter was drafted and presented to the Commission for approval. The letter was approved for circulation.

**l. Human Rights Complaint 021/2023**

The Commission was not updated on this Complaint as one member was recused, meaning there was no longer a quorum. This matter will be placed on the agenda for the next meeting. It is noted that member Cathy Gomez is recused from this matter.

**i. Update on Human Rights Enquiry 004/2023**

The requested closure letter was drafted and presented to the Commission for approval. The letter was approved for circulation.

**j. Update on Human Rights Complaints 009/010/011/2019**

The requested closure letters were drafted for these historic cases, as agreed in the last meeting and presented to the Commission for approval. The letters were approved for circulation with one minor amendment.

**NEW:**

**k. Human Rights Complaint 022/2023**

The Complainant wrote to the Commission regarding a sentencing issue. The Secretariat is to contact the Public Authority concerned for verification of the facts and will update members accordingly.

**l. Human Rights Complaint 001/2024**

The Commission was not updated on this Complaint as one member was recused, meaning there was no longer a quorum. This matter will be placed on the agenda for the next meeting. It is noted that Chairman Tonner is recused from this matter.

**m. Human Rights Complaint 002/2024**

The Commission was not updated on this Complaint as one member was recused, meaning there was no longer a quorum. This matter will be placed on the agenda for the next meeting. It is noted that member Cathy Gomez is recused from this matter.

**n. Human Rights Complaint 003/2024**

The Commission was not updated on this Complaint as one member was recused, meaning there was no longer a quorum. This matter will be placed on the agenda for the next meeting. It is noted that member Cathy Gomez is recused from this matter.

**o. Human Rights Complaint 004/2024**

The Commission reviewed the complaint and decided that the issue does not fall within the remit of the HRC. The complaint will be closed and a closure letter drafted and sent to the Complainant.

**5. New Business**

An email was received from a private enterprise regarding collaborating with the HRC on housing issues in the Cayman Islands. The Secretariat will reach out to arrange a call with the company to ascertain what their goals might be and if the HRC would be a suitable contact for their pursuit.

**6. Any other Business**

- a. The Secretariat requested input from the Chairman on how the Commission would like to issue acknowledgement letters for new complaints. It was decided that the Secretariat issue the acknowledgement on Commissions Secretariat letterhead advising that the complaint will be put before the HRC at their next meeting.

**7. Action Items**

It was resolved the Secretariat would:

- a. Finalize and publish the approved minutes on the HRC website as discussed under item 2 above.
- b. Draft the social media posts for the 20 posts over 20 weeks regarding the BOR, as discussed in item 3.a.i above;

- c. Contact the private school enquiring about the HRC delivering a presentation for staff development day to discuss and find out more, as outlined in item 3.a.ii above;
- d. Conduct research on the content of education on human rights taught in school curriculum, as outlined in item 3.a.ii above;
- e. Prepare BOR training materials for a basic slide show for Civil Servants before TBLS can deliver this training for the Civil Service later in 2024, as discussed in item 3.a.iii. above;
- f. Circulate the file note for the meeting with CBC and MoBCL to Members Hunter and Barker-Roye to verify content. The Secretariat is also to verify if these minutes are to be released, subject to CBC/MoBCL approval, as outlined in item 3.b above;
- g. Contact CBC and MoBCL to get an update on their policy progress and to schedule the next meeting to walk-through the policy, as outlined in item 3.b.i above;
- h. Request an update on progress with the amendments relating to spouses of asylum grantees from MoBCL as outlined in item 3.b.ii above;
- i. Amend the letter outlining the main concerns in regards to the BTCC, including the updates from the 30 November 2023 meeting. Circulate to the Chair for review, as outlined in item 3.b.iii above;
- j. Determine which department/body is responsible for monitoring the conditions in the BTCC, as outlined in item 3.b.iii above;
- k. Draft a summary of the historic Migrant reports main themes for members to review and circulate prior to the next meeting, as outlined in item 3.b.iv above;
- l. Send draft letter re WORC MTR to Chair for review, as outlined in item 3.c. above;
- m. Send updated draft letter re the Prison Programs Report for the Acting Chief Officer of the Ministry of Home Affairs, to the Chair and Member Gomez as outlined in item 3.d. above;
- n. Collect final feedback from HRC members on the updated draft Annual Report 2022 as outlined in item 3.e. above;
- o. Follow up on the Financial Assistance Regulations 2023 and any corresponding DCFS policies as outlined in item 3.f. above;
- p. Follow up regarding MASH policies as outlined in item 3.g. above;
- q. Draft correspondence for all complaints and enquiries as detailed above.

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

- a. PR & Education Initiatives
  - i. Social Media Campaign
  - ii. Human Rights Presentation for Schools
  - iii. Bill of Rights Training
  - iv. PR & Education Plan 2024
- b. Migrants
  - i. Migrants Policy
  - ii. Legislative Amendment
  - iii. Bodden Town Civic Centre Updates
  - iv. Migrants Report
- c. Query re WORC Internal Process Update



- d. Prisons Updates
- e. HRC Annual Report
- f. NAU Policies
- g. Child Safeguarding

**9. Next Meeting**

The next meeting will be scheduled via round-robin.

**10. Adjournment**

The meeting was adjourned at 5:40 pm.



**Benjamin Tonner KC**  
**CHAIRMAN**  
**HUMAN RIGHTS COMMISSION**