

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
19 JANUARY 2022
VIA ZOOM

PRESENT: Dale Crowley Chairman
 Joni Kirkconnell Member
 Nick Quin Member
 Deborah Barker Roye Member

APOLOGIES: Cathy Gomez Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Lise Hurlstone	Research Analyst
Shari Welcome	PR & Education Coordinator
Jackelin Connolly	Administrative Officer
Derricka Neysmith	Administrative Officer
Megan Ramnarine	Administrative Officer

1. Meeting called to order

The meeting was called to order at 11:37 am. The Research Analyst welcomed back the PR & Education Coordinator from her maternity leave and introduced a newly hired temporary staff member, Megan Ramnarine, who is currently in training to provide additional assistance to the Secretariat.

2. Confirmation of Previous Minutes

The minutes of 10 November 2021 were approved.

3. Outstanding Business

a. 2021 General Elections Reports

Members' feedback in the Cayman Islands General Election 2021 Domestic Observers' Report was provided in December 2021 and the Secretariat provided a copy of the draft correspondence to be sent to the relevant public authority accordingly. Members were asked to review and revert with comments on the draft correspondence for the Secretariat to send.

b. Migrants

i. Migrants Policy (the Policy)

After several follow-ups to Customs and Border Control (CBC), Members received an update on the draft Policy from the CBC Director. Members noted that the Policy has taken a significant amount of time to be finalised, and further agreed to provide comments on the Policy. Member Deborah Barker Roye agreed to look into the powers of the CBC in this regard under the relevant legislation. The Secretariat was asked to

send correspondence to the relevant public authorities to respectively enquire about the Policy's finalisation date and indicate that the Commission anticipates submitting comments.

ii. Legislative Amendment

Members noted that there are no recent updates on this item but it has been flagged as a potential future issue with the Ministry of Border Control and Labour. The Secretariat was asked to follow up to request an update.

c. CIIMB Annual Report 2020

Members had no additional comments other than what had been discussed with the CIIMB at the HRC's presentation to them in September 2021 and agreed that there is no further action is to be taken at this time.

d. HRC COVID-19 Statement

Members discussed the statement and agreed that it would be appropriate to pause publication until more relevant information was available. The Secretariat will continue to seek the same.

e. Legal Advice

The Secretariat advised Members that letters were sent seeking legal advice and responses were received. Members discussed the need to seek further options and requested the Secretariat's assistance in this regard.

f. IDC and Prison Tours

Members were advised that due to the current increase in COVID-19 transmission rates and the continued closure of the prison to visitors, no attempts have been made to reschedule the prison tours as yet. After a discussion of other options, the Chairman requested that the Secretariat follow up in Q4 2022.

g. Extraordinary Meetings

Extraordinary meetings concerning NAU Policies and Child Safeguarding remain on the agenda. It was noted that prior to setting meeting dates, legal advice assistance will be needed. The Secretariat was requested to begin seeking the same, and Members agreed to assist by preparing instructions.

4. New Business

a. Penal Code Reform

Members considered a discussion paper on Penal Code Reform issued by the Law Reform Commission and agreed to provide feedback. An extraordinary meeting would be scheduled to further discuss this item. The Secretariat was asked to contact the Law Reform Commission to submit questions that were raised and to prepare for an extraordinary meeting to further discuss this matter.

5. Human Rights Complaints & Enquiries**a. Update on Human Rights Complaint 021/2021**

Members were updated on this complaint. The Secretariat continues to follow up on a response from the relevant public authority.

b. Update on Human Rights Complaint 026/2021

Members were updated on this complaint. The Secretariat informed members that additional information continues to be sought. The Secretariat was asked to contact the relevant public authority to follow up on their latest response.

c. Human Rights Complaint 027/2021

Members considered this complaint, received on 29 October 2021. It was agreed that the allegations would be better addressed by other public authorities in the first instance. The file will be closed and the complainant advised accordingly.

d. Human Rights Complaint 028/2021

Members considered this complaint, received on 29 October 2021. It was agreed that the allegations would be better addressed by other public authorities in the first instance. The file will be closed and the complainant advised accordingly.

e. Human Rights Complaint 029/2021

Members considered this complaint, received on 23 November 2021. It was agreed that another more appropriate avenue for recourse exists based on the submission. The file will be closed and the complainant advised accordingly.

f. Human Rights Complaint 030/2021

Members considered this complaint received on 15 December 2021. The Secretariat has reached out to the public authority and will provide updates in the next meeting.

g. Human Rights Complaint 001/2022

Members acknowledged this complaint, received on 4 January 2022. The Commission considered the matter and agreed it required further exploration and will seek to obtain additional information from the relevant public authority.

h. Human Rights Complaint 002/2022

Members acknowledged this complaint received on 4 January 2022. The Commission considered the matter and agreed it required further exploration and will seek to obtain additional information from the relevant public authority.

i. Update on Human Rights Enquiry 003/2021

Members were updated on this enquiry received on 7 August 2021. Members decided that in order to respond to the public authority, additional information will need to be sought and the Secretariat would follow up on the same.

j. Human Rights Enquiry 005/2021

Members noted this enquiry which was received on 12 October 2021. It was agreed that this file would be closed as there was no further action required on the part of the Commission.

k. Human Rights Enquiry 006/2021

Members noted this enquiry, which was received on 23 November 2021. It was agreed that this file would be closed as there was no further action required on the part of the Commission.

l. Human Rights Enquiry 007/2021

Members noted this enquiry which was received on 15 December 2021. It was agreed that this file would be closed as the matter was outside of the Commission's remit.

6. Any Other Business

a. Recent Homophobic Attack

Members noted reports in the media regarding a homophobic attack that took place on 3 January 2022. Members noted the need to publish a statement and conduct an investigation on its own initiative. Members also raised the question of whether there is any anti-discrimination legislation and asked the Secretariat to conduct research regarding this matter. Subsequently, it can raise the issue with the relevant public authority if this gap exists.

b. Luncheon with the Governor

Members noted the upcoming luncheon with the Governor where member Nick Quin will be attending on behalf of the Human Rights Commission.

c. HRC Annual Report

The PR & Education Coordinator updated members that the HRC Annual Report is in progress and will be circulated for review once completed.

d. Meeting with the Governor

The Chairman updated the members on his meeting with the Governor.

7. Action Items

Members were asked to:

- a.** Finalise their review of the feedback correspondence regarding the 2021 General Election Reports as detailed in item 3.b.;
- b.** Member Deborah Barker Roye agreed to look into the powers of the relevant legislation as detailed in item 3.b.i above;
- c.** Provide instructions to seek legal advice as detailed in item 3.g. above;

- d. Prepare feedback on the Penal Code Reform discussion paper as detailed in 4.a. above;
- e. Review any research found by the Secretariat as detailed in item 6.a. above; and

The Secretariat was asked to:

- a. Send correspondence to the relevant public authority to enquire about the Policy's finalization date and compile comments from Members per item 3.b.i. above;
- b. Provide updates to members per item 3.b.ii. above;
- c. Seek other avenues for legal advice as detailed in item 3.e. above;
- d. Seek appropriate legal advice as detailed in item 3.g. above;
- e. Prepare correspondence to the Law Reform Commission with the HRC's queries and plan for an extraordinary meeting to discuss in depth the Penal Code Reform as detailed in item 4.a. above;
- f. Conduct research regarding current anti-discriminatory legislation as detailed in item 6.a. above;
- g. Liaise with Member Nick Quin regarding preparation for his luncheon with the Governor; and
- h. Draft correspondence for all complaint matters as detailed above.

8. Items to be Discussed at the Next Meeting

- a. Migrants
- b. Legal Advice
- c. Penal Code Reform
- d. HRC Complaints and Enquiries

9. Next Meeting

The next regular meeting date will be held on 8 March 2022 at 10:30 am. An extraordinary meeting is scheduled for 16 Feb 2022 at 10:30am.

10. Adjournment

The meeting was adjourned at 1:30 pm.



Dale Crowley
CHAIRMAN
HUMAN RIGHTS COMMISSION