

MINUTES MEETING OF THE HUMAN RIGHTS COMMISSION 2 MARCH 2018 CONFERENCE ROOM ARTEMIS HOUSE
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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 3:05pm. The Chairman welcomed new member Dorothy Scott to the Commission.

2. Confirmation of Previous Minutes

The 31 January 2018 minutes were approved with one minor grammatical change.

3. Outstanding Business**a. Draft Annual Report**

The Chairman continues to finalise the draft Annual Report which will be circulated to members for feedback. The report will then be submitted for tabling in the Legislative Assembly.

b. Needs Assessment Unit (“NAU”) Policy

The Commission discussed the Director of the NAU’s response, received on 9 February 2018, to its concerns regarding the NAU’s Policy on ‘Eligibility Criteria for Poor Relief Assistance’ (the “Policy”). The email advised that the Commission’s recommendation to seek legal advice on the Policy will be discussed with the Ministry of Community Affairs. The Commission agreed to continue to follow-up on this matter after one month of having issued the recommendation.

c. 2018 Initiatives

The Commission discussed numerous opportunities to engage with the public in order to promote the theme of protection of children. The Secretariat will move forward with contacting various entities and pursuing these opportunities.

d. Migrants

The Commission, as a result of the Secretariat’s liaising with other entities received a copy of the latest report on the Immigration Detention Centre written following an inspection by the Prisons Inspection Board (“PIB”) dated 3 August 2017. It is noted that the PIB is presently

not constituted and as such a more recent inspection has not been conducted. The Secretary of the PIB has been asked to follow-up with the Ministry to determine the state of the PIB's recommendations. In addition, the Secretariat compiled a list of all recommendations made to relevant public authorities, since December 2015, concerning migrants. It was noted that the PIB report contained similar legal, policy and procedural recommendations to that of the Commission. Accordingly, it was agreed for follow-up correspondence to be sent to the relevant public agencies to enquire whether any of the Commission's recommendations have been implemented. The Commission also requested statistics regarding those migrants currently detained.

4. New Business

a. Protection Starts Here (“PSH”) Multi-agency Group

Following a newspaper article on a multi-agency child abuse prevention project referred to as PSH, spearheaded since 2012 by the Cayman Islands Red Cross (“CIRC”), the Secretariat met, on 1 March 2018, with the Deputy Director of the CIRC to discuss the possibility of the Commission partnering with the CIRC on any upcoming initiatives/programmes which promote the protection of children. The Deputy Director welcomed the opportunity for the entities to collaborate and will provide further information on such opportunities.

b. Mother Withholds Child from School due to Alleged Assault

The Commission discussed the bullying and assault allegations at Red Bay Primary School which was featured on Cayman 27 on 9 February 2018. The victim is a Year 2 student whose mother said she does not want to return to school due to the repeated bullying and victimisation she is subjected to. The mother further alleges that she is “not getting any help from school officials.” The Commission agreed to write a letter to the Chief Education Officer about the matter to enquire about the status of the matter and the school's policies surrounding these issues.

c. Beach Access

The Commission discussed the numerous articles and reports concerning issues with blocked beach access points and rights of way. The Commission requested the Secretariat to liaise with the Chairman of the Public Lands Commission to enquire on the timeline for addressing the concerns raised in the Beach Access Report 2017 as the Commission previously indicated this was a priority for it.

5. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 019/2017

This complaint was re-opened (after being closed in December) as the complainant indicated to the Commission that there was additional documentation to be submitted for consideration. To date no further documentation has been received from the complainant. The Secretariat was requested to advise the complainant that, in the event that the additional documentation is not received, the file will be closed again in 30 days.

b. Update on Human Rights Complaint 002/2018

The Commission discussed the supplementary information received from the two public authorities involved in this complaint. Members concurred that they have some grave concerns about aspects of one of the public authority's administrative policies. The Commission agreed to issue a letter to the primary public authority to enquire further on the nature of their administrative policy.

6. Any Other Business

a. Update on Human Rights Complaint 005/2017

This matter was closed following the last meeting however Members were informed that a positive response was received from the relevant public authority, acknowledging the Commission's recommendation. The Commission requested the Secretariat follow-up with the public authority in three months to enquire on the status of the recommended policy.

b. Human Rights Complaint 004/2018

The Commission was informed about this complaint and the actions taken by the Secretariat. The Commission agreed that this is a civil matter between two private parties, which does not fall under its remit. However, in order to assist the member of the public the Commission agreed to reach out to the public authorities involved to provide a response on the matter, and then close the file.

7. Action Items

The Secretariat was asked to:

- a. follow-up with the NAU
- b. liaise with youth organisations on opportunities for collaboration;
- c. follow-up with the PIB and correspond with the relevant public authorities on issues related to migrants;
- d. enquire with the Department of Education Services' on the bullying issue as detailed above;
- e. enquire with the PLC on the Beach Access Report 2017 as detailed above; and
- f. 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. Draft Annual Report
- b. Needs Assessment Unit ("NAU") Policy
- c. 2018 Initiatives
- d. Migrants
- e. Mother Withholds Child from School due to Alleged Assault
- f. Beach Access
- g. New and outstanding human rights complaints

9. Next Meeting

The next meeting of the HRC has been scheduled for 12 April 2018 at 3:00pm at the offices of the Commissions Secretariat.

10. Adjournment

The meeting was adjourned at 4:17pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION