

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
23 JANUARY 2020
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT:	Dale Crowley	Chairman (from 9:50 am)
	Rev. Dr. Yvette Noble Bloomfield	Member (until 10:15am)
	Joni Kirkconnell	Member
	Dorothy Scott	Member
	Nick Quin	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 9:00am. Members were informed that the Chairman asked that the meeting proceed in his absence given that there was quorum as he had been unavoidably delayed at his office but would join as soon as possible.

2. Confirmation of Previous Minutes

The 22 November 2019 and 13 December 2019 minutes were approved.

3. Outstanding Business

a. Migrants

i. Continued Detention Policy

Members considered the response of 8 January provided by Customs and Border Control (CBC) on the Continued Detention Policy (the "Draft Policy"), which advised that the Draft Policy has been sent to Deputies and the Director before it is submitted to the Chief Policy Officer for final comments and approval. Members agreed to continue to follow up regularly with CBC.

ii. Refugee Protection Appeals Tribunal (RPAT)

Members considered the update from the Cabinet Office of 8 January which advised that: 1) on 17 December 2019 Cabinet approved the appointment of 4 new members to the RPAT (so it is now quorate); 2) training for members is being organised by the Governor's Office and the Ministry of Employment and Border Control (MoE&BC) through the UK Home Office as a matter of priority; 3) the draft Rules and a Guidance Note for the RPAT will be reviewed at the training with the UK Home Office. The documents will be discussed for approval subsequently. Members agreed to continue to follow up regularly with the Cabinet Office.

iii. IDC Update

The Secretariat advised that they are awaiting an update from the Director of Prisons on the number of migrants detained at IDC. Members will be advised of the updated numbers once a response is received.

b. Independent Monitoring Board (IMB)

The Commission reviewed correspondence of 16 January from the Office of the Deputy Governor (ODG) advising that the proposed amendments to the Prisons Law and Regulations to establish the IMB in statute will likely be completed in the 3rd or 4th quarter of 2020. The ODG advised, however, that this has not hampered the operations of the IMB which expects to issue its 2019 Annual Report this year. He further offered to have an ODG representative provide an in-person briefing to the Commission should they wish to avail themselves of this opportunity. Members agreed to ask the ODG when and how often the UK inspectors (who had previously conducted inspections of prison facilities in Cayman) would be asked to conduct additional inspections. Members also agreed that a briefing would be more useful following a review of the proposed draft legislation and/or policies.

c. Prohibited Immigrants

The Commission reviewed correspondence of 10 January from the MoE&BC which advised that the MoE&BC remains committed to scheduling this matter to go before Cabinet, pending their availability. Members agreed to continue to follow up regularly with the Ministry.

d. Draft 2018-19 Annual Report

The Draft Annual Report 2018-19 continues to be reviewed by the previous Chairman.

e. Draft 2019 Annual Report (Second Half)

A draft abridged report on the Commission's work for the latter part of 2019 has been provided to the Chairman, who will advise once it is ready to be circulated to Members for their input prior to submission to the Legislative Assembly and publication.

f. IDC and Prisons Tours

Based on Members' availability it was agreed to arrange the tours of Northward Prison and IDC/Fairbanks Prison for mid- to late-March.

g. Civil Unions Legislation

The Commission released a statement on 30 December 2019 regarding the Cayman Islands Court of Appeal (CICA) ruling on same-sex marriages. Members were updated on the latest developments as reported in the media today that Ms. Day and Ms. Bodden-Bush have formally indicated their intent to appeal the CICA ruling to the Judicial Committee of the Privy Council in the UK. Media reports also indicate that the Government is actively working on draft legislation to provide for civil unions equivalent to marriage in accordance with the ruling. Members agreed to request a copy of the draft legislation once available for review, and also to issue a media statement in advance of the LA debate on the same.

h. Education (Amendment) Bill, 2019 and Draft Anti-Bullying (Schools) Regulations, 2019

Members discussed the comments on the Education (Amendment) Bill, 2019 and Draft Anti-Bullying (Schools) Regulations, 2019 (the Bill and Regulations) provided by Member Nick Quin and provided additional feedback. All comments will be compiled and re-circulated to the Commission prior to final submission to the Law Reform Commission.

i. Surveillance Devices Bill, 2019

The Chairman continues to consider this proposed legislation. Discussion was deferred until the next meeting.

4. New Business

a. Electoral Register

The Chairman continues to consider this issue. Discussion was deferred until the next meeting.

b. 2020 Agenda

Members discussed various topics of interest and it was agreed that, based on this discussion, the Secretariat would prepare a draft calendar of dates for promoting various issues in 2020 for the Commission's approval.

5. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 005/2017

Members were updated that the Commission will continue to liaise with the legal advisor on this matter in order to be in a position to properly consider this matter.

b. Update on Human Rights Complaints 026/2018 & 001/2019

Members were updated that a substantive response from the legal representative for the public authority has yet to be received given that she went on leave shortly after receiving the Commission's correspondence. It was agreed the Secretariat should follow up.

c. Update on Human Rights Complaints 009/2019, 010/2019 & 011/2019

The Commission received a response from the relevant public authority in this matter on 21 January 2020, where it was updated on the status of the legislative amendments in the public authority's review process. Additionally, it was advised that the complainants have not been penalized for the defect in the law as they await the finalization of the amendments. The Commission will continue to follow up for regular updates.

d. Update on Human Rights Complaints 018/2019

The Commission discussed the responses received from the public authority involved and an update from the complainant. It was determined that correspondence would be prepared to the public authority as further information was needed.

e. Update on Human Rights Complaints 021/2019, 022/2019 & 023/2019

The Commission discussed the updated information received from the public authority involved, the complainant and the consideration of a legal point related to the complaint. Members agreed to draft an email to a separate public authority in order to ascertain some final details on the matter for consideration.

f. Human Rights Complaint 033/2019

The Commission was updated on this matter and it was agreed that more detailed research on a specific related issue was needed to determine if any recommendations may need to be made, but that the substantive complaint could be closed. A letter would be drafted to the complainant advising him of the same.

g. Human Rights Enquiry 001/2019

Member Dorothy Scott continues to consider this issue. Discussion was deferred until the next meeting.

h. Human Rights Enquiry 001/2020

Members discussed this enquiry and agreed that further information was needed to consider the matter fully. It was agreed to write to the relevant public authority to ascertain the same.

6. Any Other Business

The Secretariat informed Members of a charity event taking place to raise funds for the Alex Panton Foundation. The Secretariat was asked to ascertain further information.

7. Action Items

The Chairman is to:

- a. Review the draft 2019 Annual Report (Second Half);
- b. Continue to review the Surveillance Devices Bill as detailed in 3.i. above; and
- c. Continue to review the statutory guidance as to why the Official Register of Electors publicly discloses the physical address of its electors.

8. The Members are to:

- a. Continue to review the enquiry 001/2019 and revert the findings to the Commission (Member Dorothy Scott).

9. The Secretariat was asked to:

- a. Continue to follow-up with CBC monthly re: Continued Detention Policy;
- b. Continue to follow-up with the Cabinet Office re: the progress of the RPAT as necessary;
- c. Follow-up with the DoP to provide an update on the number of migrants at IDC;
- d. Draft correspondence to the ODG regarding the trainings for the IMB and the amendments to the Prisons legislation;
- e. Continue to liaise with the MoE&BC to seek an update on the status of the draft prohibited immigrant policy;
- f. Arrange for Members to tour the IDC and prisons in late-March;
- g. Draft correspondence to the Government re: civil unions legislation;
- h. Prepare a statement re: civil unions legislation debates;
- i. Collate comments on the Education Amendment Bill and Regulations and circulate to members;
- j. Draft schedule of promotional dates for 2020;
- k. Make enquiries regarding the Alex Panton Foundation charitable event fundraiser; and
- l. Draft correspondence or conduct research in all human rights complaints and enquiries as detailed above.

10. Items to be Discussed at the Next Meeting

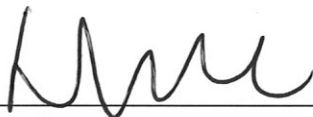
- a. Continued Detention Policy
- b. Refugee Protection Appeals Tribunal (RPAT)
- c. IDC Update
- d. Independent Monitoring Board (IMB)
- e. Prohibited Immigrant Report Letter
- f. Draft 2018-19 Annual Report
- g. Draft 2019 Annual Report (Second Half)
- h. IDC and Prisons Tour
- i. Civil Unions Legislation
- j. Education (Amendment) Bill, 2019 and Draft Anti-Bullying (Schools) Regulations, 2019
- k. Surveillance Devices Bill, 2019
- l. Electoral Register
- m. 2020 Agenda
- n. Rotary Central Fundraiser for the Alex Pantou Foundation

11. Next Meeting

The next meeting date will be agreed via email round robin.

12. Adjournment

The meeting was adjourned at 10:53 am.



Dale Crowley

CHAIRMAN

HUMAN RIGHTS COMMISSION

