

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
11 FEBRUARY 2021
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT:

Dale Crowley	Chairman
Deborah Barker Roye	Member
Joni Kirkconnell	Member
Dorothy Scott	Member
Nick Quin	Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager (via phone)
Lise Hurlstone	Administrator/Analyst

1. Meeting called to order

The meeting was called to order at 11:01am.

2. Confirmation of Previous Minutes

The minutes of 10 December 2020 were approved with one minor amendment.

3. Outstanding Business**a. Letter from the Constitutional Commission (“CC”)**

Members discussed the correspondence having reviewed all of the background and history of the creation and constitutional remit of the CC. Members agreed that the main area/power that is lacking is the ability to compel public officials to respond to the CC’s requests for information. Members queried whether there are any provisions in the Freedom of Information Law as it relates to the powers of the Ombudsman when public officials do not respond to FOI requests/orders/etc. The Commission also felt that indemnity for Members should be introduced based on the current work of the CC and the anticipation of broader powers in the future. The Commission will write to the CC setting out its comments.

b. Changes to the Customs and Border Protection Law Re: Rights of Spouses of Asylum Grantees

The Secretariat received a response from the Ministry of Employment and Border Control (“the Ministry”) in regards to the timeframe that they expect the changes to the CBC Law to be made in order to provide the spouses of asylum seekers with the right to remain on island and to work. The Ministry has confirmed that Cabinet has authorised the ministry to issue drafting instructions, and the goal is to submit a Bill to Parliament in Quarter 1 of 2021. The Commission noted that a number of individuals continue to protest outside of the steps of the Government Building and that the Commission itself has three open complaints on the

subject matter. Given yesterday's announcement that Parliament is now being dissolved this weekend the Commission agreed that the matter would not be addressed in the near future as hoped by the Ministry. The Commission will issue follow-up correspondence to the Ministry recommending that this matter remain a top priority for the Government and also issue a press release indicating that they are aware of the situation, detailing the steps that have been taken by the Commission, providing the web address where the substantive correspondence can be reviewed, and details of its recommendation.

c. Parliamentary Code of Conduct

The Chairman of the Commission for Standards in Public Life ("the CSPL") responded to the Commission's recommendation that a Parliamentary Code of Conduct should be formalised. The CSPL offered any assistance it could to advance such a Code. The Commission agreed that following the reasons behind the dissolving of the Parliament, the silence from Members of Parliament on the recommendation previously made, and this upcoming election this remains an extremely topical issue. As such, the Commission will issue a follow-up press release in response to the Parliament being dissolved and reminding candidates for election of the importance of the Commission's recommendation.

4. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 015/2020

Members were updated on this complaint in that the public authority (against whom the complaint was made) had now provided the documentation necessary to assist in considering this matter. The documentation has been provided to the complainant and their legal representative and the Commission agreed that there was no further action to be taken and the matter should be closed.

b. Human Rights Complaint 016/2020

Members received copies of this complaint and the history of previous complaints made by the complainant and considered by the Commission which relate to the subject matter of this complaint. Members agreed to review the documentation and provide the Secretariat with comments by the end of next week.

c. Human Rights Complaint 001/2021

Members were provided a summary of this complaint and it was agreed that whilst some preliminary information had been received, additional and more detailed information was required. The Secretariat will attempt to ascertain the additional information as requested, as a matter of priority.

d. Human Rights Complaint 002/2021

Members were provided with a summary of this complaint which consists of a number of human rights complaints regarding the same matter. Upon first review it appears as though the matter is outside the remit of the Commission but further research will be undertaken to confirm the same.

e. Human Rights Complaint 003/2021

Members were provided with a summary of this complaint that was received following the last meeting. As the matter was a civil one between two parties the complainant was advised that the matter did not fall under the remit of the Commission and the complaint closed. The Commission agreed no further action needed to be taken.

f. Human Rights Complaint 004/2021

Members were provided with a summary of this complaint that was received following the last meeting. As the matter was a civil one between two parties the complainant was advised that the matter did not fall under the remit of the Commission and the complaint closed. The Commission agreed no further action needed to be taken.

g. Human Rights Complaint 005/2021

Members were provided with a summary of this complaint that was received yesterday. The complainant in the matter is the same complainant and contains subject matter relevant to HRC/COMP/001/2021. The matters will be considered together as this complaint also requires the Secretariat to ascertain additional information.

5. Any Other Business

a. HRC Reports

The Chairman has now reviewed the 2019 (in-part) Briefing Note and the 2020 Annual Report. Members were provided with copies of each and asked to submit feedback via email by the end of next week so that they may be submitted to His Excellency and for tabling at Parliament. Members who were a part of the Commission during those periods will also be provided with copies of the Reports via email for approval.

b. CIG Restrictions on Travel and Quarantine (COVID-19)

The Commission discussed the current policies as they relate to restrictions on travel and quarantine requirements for residents of the Cayman Islands. Members agreed that research should be conducted as to whether these emergency powers should still be enforced and whether the Government is adhering to the s.19 of the Constitution – Lawful Administrative Action, specifically proportionality. Following an undertaking of research into these queries the Commission will agree (at the next meeting) its stance and issue a press release detailing its considerations and recommendations.

c. IDC and Prisons Tours

Members agreed that the Secretariat should approach the Director of Prisons to determine whether visitors were now being allowed back into the prison facilities and if so, to setup tours for after Easter.

d. Members' Term

It was noted that member Dorothy Scott's term is coming to an end at the end of February. The Chairman thanked her for her service and contribution. A new appointment will be made by His Excellency in due course.

6. Action Items

Members were asked to:

- a. Review HRC COMP 016/2020 and provide feedback to the Secretariat; and
- b. Review the Reports as detailed in 5a. above and provide feedback to the Secretariat by the end of next week.

The Secretariat was asked to:

- a. Make the minor edit to the previous minutes and upload them to the website;
- b. Draft correspondence to CC as outlined in 3a. above;
- c. Conduct research on the CIG restrictions on travel and quarantine as outlined in 5b. above;
- d. Draft correspondence to the Ministry and a press release as outlined in 3b. above;
- e. Draft a press release related to the dissolving of Parliament and the formalisation of a Parliamentary Code of Conduct as outlined in 3c. above;
- f. Send copies of the Reports referred to in 5a. above to past members who were active during the period which the report covers for their feedback;
- g. Arrange the IDC and Prison Tours; and
- h. Conduct research as applicable and draft letters for approval in human rights complaints.

7. Items to be Discussed at the Next Meeting

- a. Response from the Constitutional Commission
- b. Changes to the CBC Law
- c. Parliamentary Code of Conduct
- d. HRC Reports
- e. Research on CIG Restrictions on Travel and Quarantine (COVID-19)
- f. IDC and Prisons Tours
- g. HRC Complaints

8. Next Meeting

The next meeting date will be held on 16 March 2021 at 11:00am.

9. Adjournment

The meeting was adjourned at 12:10pm.



Dale Crowley
CHAIRMAN
HUMAN RIGHTS COMMISSION