

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
29 APRIL 2021
CONFERENCE ROOM
ARTEMIS HOUSE

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

APOLOGIES: Dorothy Scott Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:

Deborah Bodden Manager
Lise Hurlstone Administrator/Analyst (for part)
Sheila Watler Administrative Officer

1. Meeting called to order

The meeting was called to order at 11:05 am.

2. Confirmation of Previous Minutes

The minutes of 11 February 2021 were approved.

3. Outstanding Business

a. HRC Reports

The Commission was informed that the 2018/19 Annual Report, 2019 Briefing Note and 2020 Annual Report have been finalised and have been submitted to Parliament for tabling at its first session.

b. IDC and Prisons Tours

Members were reminded that the tour of HMP Northward Prison has been scheduled for 28 May 2021 at 1:00 pm. The Manager further noted that the PR & Education Coordinator is working to confirm the date for the HMP Fairbanks Prison and Immigration Detention Centre tours.

c. Member's Term

The Commission was informed that Member Dorothy Scott was asked by His Excellency the Governor to extend her tenure until 31 May 2021 given the upcoming 2021 General Election. A new appointment will be made by His Excellency in due course.

4. New Business

a. UK CPA BIMR Election Mission

The Commission was briefed on the meeting held via Zoom with HRC Members Nick Quin and Deborah Barker Roye along with the Manager and representatives from the UK CPA BIMR Election Mission (the “Mission”), on 12 April 2021. The Mission met with various stakeholders, including HRC, to discuss and assess Cayman’s election process. A wide discussion was held, however, the Mission sought the HRC’s views specifically on persons they considered to be disenfranchised during the elections process, being those:

- i. with disabilities/mental health and/or prisoners given the specific constitutional provisions not allowing these persons to vote;
- ii. with permanent residency who could not vote; and
- iii. who possess the Right to be Caymanian but who cannot stand for election due to the provision of mandating persons are at minimum 3rd generation Caymanians.

Given that these specific matters had not been discussed by the HRC, Members agreed to defer their answers until such time as an official position could be taken. The Mission indicated that these recommendations will again be in their final report and the HRC undertook to review and consider the same once the final (public) report was received.

b. Migrants standoff

The Commission discussed the recent standoff by the Cuban migrants who were removed from the MV Bulk Freedom (cargo ship) on 8 April 2021 and the court order issued to Government officials to remove the infant who fell ill on the ship for the purpose of obtaining appropriate medical treatment. The Commission did not receive any direct contact, information or updates on the migrants’ situation including anything regarding the infant who was placed in the custody of the Department of Children and Family Services.

Given that these situations can give rise to human rights issues, Members agreed to seek an update from the relevant authorities on the status of the migrants involved in the standoff; and to resume its follow-ups on the i. Migrant Policy and, ii. Cabinet Papers (in two weeks) to amend the Customs and Border Control Law, 2018 to add the spouse of political asylum seekers as a dependent.

5. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 009, 010 & 011/2019

The Commission followed up on the status of the actions needed to be undertaken by the public authority to remedy this matter. An update was provided on 19 April 2021. The Commission will continue to follow-up.

b. Update on Human Rights Complaint 010/2020

The Commission followed up on the status of the actions needed to be undertaken by the public authority to remedy this matter. An update was provided on 19 April 2021. The Commission will continue to follow-up.

c. Update on Human Rights Complaint 016/2020

Members were informed that, subsequent to the previous meeting, this complaint was closed on 10 March 2021 via round robin email given that there was no evidence of a breach or infringement of the complainant's human rights.

d. Update on Human Rights Complaint 001/2021

Members were updated on this complaint and agreed no further action is required given that it appears the complainant is adequately represented by multiple legal counsel and the matter is progressing through the Court with seemingly appropriate Orders being issued and adhered to by parties. The Commission will write to the complainant to advise that the file is now closed, but that their legal representative can revert to the Commission if necessary.

e. Update on Human Rights Complaint 002/2021

Members were updated on this complaint which was closed on 10 March 2021 as it did not fall under the remit of the Commission.

f. Update on Human Rights Complaint 005/2021

This complaint is relative to the complaint in 5. d. above and is now closed.

g. Human Rights Complaint 006/2021

Members were provided with a summary of this complaint which was closed on 5 March 2021 given that the complainant is now legally represented.

h. Human Rights Complaint 007/2021

Members considered this complaint which was received on 15 March 2021. It was agreed that there was no evidence of a breach of human rights and that other avenues for recourse exist based on the submission. The file will be closed and the complainant advised accordingly.

i. Human Rights Complaint 008/2021

Members were briefed on this matter which did not require any action on behalf of the Commission and was closed on 9 April 2021 given that the matter did not fall under the Commission's remit.

j. Human Rights Complaint 009/2021

Members considered this complaint and it was agreed that whilst some preliminary information had been received from the complainant, additional and more detailed information was required from the public authority involved. The Secretariat will attempt to ascertain the additional information as requested, as a matter of priority.

6. Any Other Business

Member Nick Quin queried whether the Commission can hire interns to assist with human rights related work and research. The Manager explained that there are several complications in hiring interns including: i. the sensitive nature of the complaints received; ii. the lack of consistent

projects/workload; iii. the desire of most interested persons to be mentored by an individual with legal qualifications which the Secretariat cannot currently offer. The Commission is always open to hearing from individuals or groups interested in human rights-related projects and, in the past, have shared their work on the Commission's website. It was agreed that persons could work on general matters that arise with the signing of an appropriate privacy/confidentiality agreement. Further consideration will need to be had regarding such an arrangement.

7. Action Items

The Secretariat was asked to:

- a. Monitor the tabling of the HRC Reports in Parliament once sessions commence;
- b. Confirm the date for the tour of the Fairbanks Prison and Detention Centre;
- c. Circulate the Mission's final report when publicly released;
- d. Follow-up with the relevant public authorities re: an update on all migrant-related matters as detailed in 4. b.; and
- e. Draft letters for approval in all human rights complaint matters.

8. Items to be Discussed at the Next Meeting

- a. IDC and Prisons Tours
- b. Migrants Issues
- c. HRC Complaints and Enquiries

9. Next Meeting

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

10. Adjournment

The meeting was adjourned at 12:07 pm.



Dale Crowley
CHAIRMAN
HUMAN RIGHTS COMMISSION