

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
23 SEPTEMBER 2021
VIA ZOOM

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

APOLOGIES: Marilyn Conolly Manager

COMMISSIONS SECRETARIAT MEMBERS PRESENT:

Lise Hurlstone Research Analyst
Sheila Watler Administrative Officer

1. Meeting called to order

The meeting was called to order at 11:02 am. The Chairman welcomed newly appointed Member Cathy Gomez and thanked her for agreeing to facilitate the upcoming presentation to the Cayman Islands Independent Monitoring Board (the "CIIMB"), in conjunction with Member Deborah Barker Roye, on 27 September 2021.

2. Confirmation of Previous Minutes

The minutes of 29 April 2021, 9 July 2021, 28 July 2021 and 16 August 2021 were approved.

3. Outstanding Business

a. IDC and Prisons Tours

Members noted that the tour of HMP Northward Prison, Fairbanks Prison and the Immigration Detention Centre ("IDC") that was scheduled for 17 September 2021 at 10:00 am – 1:00 pm (Northward), and at 3:00 pm – 5:00 pm (Fairbanks & IDC), was cancelled due to a prison employee testing positive for COVID-19. As a result, the Prisons were closed to visitors on 16 September 2021 going forward. The Secretariat will liaise with the Director of Prisons to arrange a new tour date in due course.

b. 2021 General Election Reports

The Commission noted both the Domestic Observer's Report and the CPA BIMR Election Expert Mission Final Report (the "Reports"), on the Cayman Islands General Election 2021. Due to the number of items to consider on today's agenda, Members agreed to finalise their review of the Reports, and circulate any comments via email.

c. Migrants

Members noted the relevant public authorities' responses of 8 April 2021 and 7 May 2021 to the incident which occurred in April 2021 involving a group of migrants in a standoff. Whilst the Commission had no further concerns regarding this particular incident, Members agreed to revisit the status of the overriding policy with regards to the handling of migrants. The Secretariat was asked to follow-up with the relevant public authority on this. In the event that the policy is currently in draft form, the relevant public authority will be requested to finalise the policy. The Secretariat will prepare correspondence accordingly for the Commission's review.

d. Child Safeguarding

Members discussed this matter and agreed that there was not sufficient time to properly discuss this matter. Therefore, this item would be deferred to an extraordinary meeting. A meeting date will be agreed via round robin.

e. NAU Policies

As noted in item 3. d. above, Members agreed that this item would also be deferred to an extraordinary meeting. A meeting date will be agreed via round robin.

4. New Business

a. CIIMB Annual Report 2020

The Commission discussed the CIIMB's Annual Report 2020 (the "Report"). Members agreed to provide any comments on the Report after the Commission's presentation to the CIIMB as previously mentioned in item 1. Members further agreed to review the Report in conjunction with the matter contained in item 5. d. below.

b. HRC Presentation to CIIMB

As noted in items 1. And 4. a. above, the Commission's presentation to the CIIMB will take place on Monday, 27 September, 2021 at 5:30pm via Zoom. Members Deborah Barker Roye and Cathy Gomez will be facilitating the presentation which will be centred on the rights and treatment of prisoners. Members were asked to circulate any comments on the draft presentation, via email, by the close of business on Friday, 24 September, 2021.

5. Human Rights Complaints & Enquiries

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

Members were updated on the correspondence of 30 June 2021, 1 July 2021 and 15 September 2021 received by the relevant entities involved. It was noted that draft legislation was being developed and once finalised, it would be forwarded to the Commission for its review and input. It was further noted that a resolution had been attained and the files are now closed.

b. Update on Human Rights Complaint 010/2020

Members were updated on the correspondence of 30 June 2021, 1 July 2021 and 15 September 2021 received by the relevant entities involved. It was noted that draft legislation was being developed and once finalised, it would be forwarded to the Commission for its review and input. It was further noted that a resolution had been attained and the files are now closed.

c. Human Rights Complaint 009/2021

Members were updated on this complaint. The complaint was closed on 7 July 2021 given that the complaint was not eligible to be considered at this time. However, some element of concern were noted by the Commission and therefore, it has chosen to investigate these further on its own initiative.

d. Human Rights Complaint 010/2021

Members noted the matter which was closed on 30 April 2021 as there was no further action required on the part of the Commission.

e. Human Rights Complaint 011/2021

Members considered this complaint which was received on 3 May 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.

f. Human Rights Complaint 012/2021

Members were briefed on this matter which did not require any action on behalf of the Commission and was closed on 10 September 2021 given that the matter did not fall under the Commission's remit.

g. Human Rights Complaint 013/2021

Members considered this complaint which was received on 20 July 2021. The Secretariat made initial enquiries with the public authority involved on 14 September 2021 and sought their response on allegations of human rights violations. The Secretariat will follow-up with the public authority involved if a response is not received by 28 September 2021.

h. Human Rights Complaint 014/2021

Members were provided with a summary of this complaint which was closed on 13 September 2021 given that the matter was resolved by the relevant public authority involved.

i. Human Rights Complaint 015/2021 & HRC/ENQ/001/2021

Members were briefed on these matters which were closed on 10 September 2021 given that the matters did not fall under the Commission's remit.

j. Human Rights Complaint 016/2021

Members were briefed on this matter which did not require any action on behalf of the Commission and was closed on 14 September 2021 given that the matter did not fall under the Commission's remit.

k. Human Rights Complaint 017/2021

Members were briefed on this matter which was closed on 10 September 2021 given that the matter did not fall under the Commission's remit.

l. Human Rights Complaint 018/2021

Members were briefed on this matter which was closed on 10 September 2021 given that the matter did not fall under the Commission's remit.

m. Human Rights Complaint 019/2021

Members were briefed on this matter which was closed on 10 September 2021 given that the matter did not fall under the Commission's remit.

n. Human Rights Complaint 020/2021

Members were briefed on this matter which was closed on 14 September 2021 given that the matter did not fall under the Commission's remit.

o. Human Rights Complaint 021/2021

Members considered this complaint, received on 11 August 2021, which was two-fold. For part one of the complaint, and in order to ascertain the outcome that they are seeking, it was agreed that the complainant should seek legal advice on other options to resolve this. The Commission further recommends that they apply for legal aid if necessary. As per part two of the complaint, after the meeting the Chairman agreed to write to the public authority involved to seek a response. The complainant will be advised accordingly.

p. Human Rights Complaint 022/2021

Members were briefed on this matter which was closed on 14 September 2021 given that the matter did not fall under the Commission's remit.

q. Human Rights Complaint 023/2021

Members were briefed on this matter which was closed on 14 September 2021 given that the matter did not fall under the Commission's remit.

r. Human Rights Complaint 024/2021

Members considered this complaint which was received on 1 September 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.

s. Human Rights Complaint 025/2021

Members considered this complaint which was received on 13 September 2021. It was agreed that other avenues for recourse exist based on the submission. The file will be closed and the complainant advised accordingly. It is noted that Member Deborah Barker Roye was recused from this complaint.

t. Human Rights Enquiry 003/2021

Members noted this enquiry which was received on 7 August 2021. It was agreed that research is needed in order for the Commission to release a statement on this subject. The Secretariat was asked to conduct the necessary research for the Commission's review. The Commission further agreed to write to the government to enquire about its new policies on this subject matter.

u. Human Rights Enquiry 004/2021

Members noted this enquiry which was received on 11 August 2021 and closed on the same as there was no further action required on the part of the Commission.

6. Any Other Business

There was no other business to discuss.

7. Action Items

Members were asked to:

- a.** Finalise their review of the Reports as detailed in item 3. b. above;
- b.** Provide any comments on the CIIMB's Annual Report 2020 as detailed in item 4. a. above; and
- c.** Circulate any comments on the draft HRC presentation to the CIIMB as detailed in item 4. b. above.

The Secretariat was asked to:

- a.** Reschedule the date for the tour of the Northward Prison, Fairbanks Prison and Immigration Detention Centre as detailed in item 3. a. above;
- b.** Follow-up with the relevant public authorities re: an update on the draft policy regarding the handling of migrants as detailed in item 3. c. above;
- c.** Follow-up with Members to arrange an extraordinary meeting as detailed in item 3. d. above;
- d.** Follow-up with Members to arrange an extraordinary meeting as detailed in items 3. e. and 5. c. above; and
- e.** Conduct research, all follow-ups and draft letters for approval in all human rights complaint/enquiry matters.

8. Items to be Discussed at the Next Meeting

- a.** IDC and Prisons Tours
- b.** 2021 General Election Reports
- c.** Migrants
- d.** CIIMB Annual Report 2020

- e. HRC Presentation to CIIMB
- f. HRC Complaints and Enquiries

9. Next Meeting

The next meeting date will be held on 26 October 2021 at 11:00 am.

10. Adjournment

The meeting was adjourned at 12:34 pm.



Dale Crowley

CHAIRMAN

HUMAN RIGHTS COMMISSION