

**HUMAN RIGHTS COMMISSION
1st MEETING OF 2023
MINUTES
26 JANUARY 2023
CONFERENCE ROOM
COMMISSION SECRETARIAT OFFICES**

PRESENT:

Nicholas Quin	Acting Chairperson
Cathy Gomez	Member (in part)
Ben Tonner	Member
Jennifer Hunter	Member

APOLOGIES:

Deborah Barker Roye	Interim Chairperson
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SECRETARIAT MEMBERS PRESENT:

Lise Hurlstone	Research Analyst
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1. Meeting called to order

- a. The meeting commenced at 3:32 pm.

2. Previous Minutes (Approved)

The minutes of the meeting held on 25 November 2022 were approved with minor changes. They were circulated to Deborah Barker-Roye via email for her final approval.

3. Outstanding Business**a. CIS Justice, Equity, Diversity, and Inclusion Committee**

Unfortunately, due to technical difficulties, the representatives from CIS were not able to join the meeting as planned. In the interests of time the Secretariat was asked to arrange to have the staff and student representatives join at the Commission's next meeting.

b. Awareness and Events Calendar

The Commission discussed dates of interest (identified previously by the former PR & Education Coordinator) that could be highlighted in the upcoming year, and a selection were identified for the first quarter of 2023. The Secretariat was asked to circulate draft social media posts to highlight those days amongst members for pre-approval prior to posting.

c. Migrants**i. Migrants Policy**

The Commission noted the continued lack of response to the attempts to follow up

with the Customs and Border Control (CBC) Director on its correspondence of 13 May 2022. The Secretariat was requested to draft follow up correspondence to the CBC Director highlighting the urgency of the situation given the current numbers of migrants entering the Cayman Islands, and providing a timeframe for a response. Member Cathy Gomez was recused from this matter.

ii. Legislative Amendment

Members noted that it has been 8 months since a substantive response was received from the Chief Officer of the Ministry of Border Control and Labour (the “MoBC&L”) regarding the proposed amendment to the immigration legislation. It was resolved that the Secretariat will follow up with the MoBC&L Chief Officer highlighting the time since their last substantive update, and the Commission’s constitutional obligations, in order to seek a response.

d. Law Reform: Re Discrimination

Members discussed the Archbold Review article on hate crime legislation shared by member Ben Tonner. It was agreed that the Commission’s stance on its involvement in any legislative amendment initiatives remains unchanged, and no further action is required at this time.

e. Query re WORC Internal Process

Members discussed the response provided by WORC to their inquiry but agreed that it would require more in-depth consideration. Member Ben Tonner and Interim Chair Deborah Barker-Roye were asked to consider how the HRC can best respond for the next Commission meeting.

f. Bill of Rights (BoR) Training

Member Nick Quin advised that he would continue to review the materials on the civil service BoR Training with a view to providing a response at the next meeting.

g. Prison Tours

Members agreed that it would be beneficial to schedule prison tours again in the near future, and the Acting Director of Prisons has advised that he is able to accommodate the Commission’s needs. The Secretariat was asked to seek feedback on possible dates from members via email for visits to Fairbanks/IDC and His Majesty’s Cayman Islands Prison Service Northward (separately). Additionally the Secretariat was asked to circulate the latest report from the UK Prisons Inspectorate and the Independent Monitoring Board if possible.

4. Human Rights Complaints and Enquiries

OLD:

a. Update on Human Rights Complaint 006/2022 & 019/2022

Members were advised that the wording for the closure letter for 006/2022 is continuing to be reviewed prior to approval. Members further agreed that, regarding 019/2022, upon detailed review of the materials from the Legal Aid Department there was no evidence of a breach. The Secretariat was asked to draft correspondence to the complainant accordingly and the file will be closed. It is noted that member Cathy Gomez was recused from this complaint. Furthermore, member Ben Tonner noted that his firm has represented the complainant in the past. He had no involvement in the matter and does not see a conflict with contributing to this matter, nonetheless he wished for this to be noted.

b. Update on Human Rights Complaint 009/2022 & 017/2022

Members were updated that the complainant had given permission for their legal representative to be contacted regarding the complaint, however, the legal representative had not yet responded. The Commission requested the Secretariat to continue to follow up with the legal representative as needed. It is noted that Member Cathy Gomez was recused from this complaint.

c. Update on Human Rights Complaint 014/2022

Members noted the update from the complainant in this matter and agreed to close the complaint. The Secretariat was asked to draft a closure letter.

d. Update on Human Rights Complaint 015/2022

Members noted the update from the complainant in this matter and agreed to close the complaint. The Secretariat was asked to draft a closure letter.

e. Update on Human Rights Complaint 016/2022

The Research Analyst noted that this item was included on the agenda in error as it was previously closed at the 4 November 2022 meeting. No further action is required.

f. Update on Human Rights Complaint 020/2022

The Commission was advised that an update was received from the complainant that she expected to have more information from the public authority concerned by the end of this week. The Commission agreed to await a further update from the complainant, followed up on by the Secretariat as needed.

g. Update on Human Rights Complaint 021/2022

The Commission was advised that no further update was received from the complainant after correspondence requesting the same was sent to the complainant over one month previous. The Commission agreed for the Secretariat to draft correspondence providing

30 days for the complainant to respond within, after which the matter would be closed if no response was received. It is noted that Member Cathy Gomez was recused from this complaint.

h. Update on Human Rights Complaint 022/2022

The Commission was provided with the latest update on this matter. It was agreed that the Secretariat should draft correspondence to the complainant seeking permission for further investigation by the Commission. It is noted that Member Cathy Gomez was recused from this complaint.

i. Update on Human Rights Complaint 023/2022

The Commission noted that once an update was provided by the public authority involved it was determined that there was no evidence of a breach, and that there was an alternate remedy to achieve the outcome the complainant sought. No further action was required as the Manager wrote to the complainant on 11 January 2023 to explain the same and advise that the matter was closed. Member Ben Tonner advised that a new pro bono legal advice service, the CI Legal Assistance Clinic, was now available which may be able to assist when the Commission made referrals for legal advice. The Clinic is an initiative between the Department of Legal Aid, the Cayman Islands Legal Practitioners Association, and the Truman Bodden Law School, and more information can be found at <https://cilac.ky/areas-of-law/>.

New

j. Human Rights Complaint 024/2022

Members acknowledged this complaint which was received on 9 November 2022. Members agreed that it appears that the complainant is availing themselves of the statutory appeal process provided for in the relevant law and so it would be more appropriate for the Commission to simply monitor the matter at this time. The Secretariat would draft correspondence to the complainant accordingly.

k. Human Rights Complaint 025/2022

Members acknowledged this complaint which was received on 20 December 2022. Members resolved that more information was required in order to determine whether any breach had occurred, and asked the Secretariat to draft correspondence requesting the same from the complainant.

l. Human Rights Complaint 001/2023

Members acknowledged this complaint which was received on 3 January 2023. An update from the public authority involved was also provided. The Secretariat will request an update from the complainant in advance of the next meeting.

m. Human Rights Enquiry 001/2023

Members acknowledged this enquiry which was received on 16 January 2023. The Secretariat was requested to ask the enquirer to continue to keep the Commission apprised of the matter.

5. New Business

There was no new business.

6. Any other Business

- a. An email was shared with the Commission which alleged that a serious assault was committed against a migrant in custody in the Islands with the knowledge of several senior civil servants and politicians. However, certain attributes of the email called into question its legitimacy. The Commission agreed to verify some of the contents of the email with the relevant public authorities prior to deciding whether to pursue an investigation into the matter, and asked the Secretariat to assist with doing so.

7. Action Items

Members of the HRC resolved that:

- a. Member Ben Tonner and Interim Chair Deborah Barker-Roye should consider how the HRC can best respond to the WORC Query as detailed in item 3.e. above.
- b. Member Nick Quin should continue to review the materials on the civil service BoR Training as detailed in item 3.f above.

It was resolved The Secretariat would:

- a. Arrange to have the staff and student representatives from the CIS JEDI Committee join at the Commission's next meeting as detailed in item 3.a above;
- b. Circulate draft social media posts to highlight the selected awareness dates amongst members for pre-approval as detailed in item 3.b. above;
- c. Draft follow up correspondence to the CBC Director as detailed in item 3.c.i. above;
- d. Follow up with the MoBC&L Chief Officer as detailed in item 3.c.ii. above;
- e. Seek feedback on possible dates from members via email for visits to Fairbanks/IDC and His Majesty's Cayman Islands Prison Service Northward as detailed in item 3.g. above;
- f. Circulate the latest report from the UK Prisons Inspectorate and the Independent Monitoring Board as detailed in item 3.g. above;
- g. Assist with verifying some of the contents of the email regarding the migrant assault as detailed in 6.a. above; and
- h. Draft correspondence for all complaint matters as detailed above.

8. Items to be Discussed at the Next Meeting

- a. CIS Justice, Equity, Diversity and Inclusion Committee
- b. Awareness and Events Calendar
- c. Migrants

- i. Migrants Policy
- ii. Legislative Amendment
- iii. Alleged Assault
- d. Query re WORC Internal Process
- e. Bill of Rights (BoR) Training
- f. Prison Tours
- g. HRC Annual Report
- h. HRC Complaints and Enquiries

9. Next Meeting

The next meeting date will be scheduled via e-mail round-robin amongst members.

10. Adjournment

The meeting was adjourned at 5:41 pm.



Nicholas Quin
ACTING CHAIRPERSON
HUMAN RIGHTS COMMISSION