

**HUMAN RIGHTS COMMISSION
2nd MEETING OF 2023
MINUTES
9 MARCH 2023
CONFERENCE ROOM
COMMISSION SECRETARIAT OFFICES**

PRESENT:

Deborah Barker Roye	Interim Chairperson (via Zoom)
Nicholas Quin	Member
Cathy Gomez	Member (in part)
Ben Tonner	Member (in part)
Jennifer Hunter	Member

SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Lise Hurlstone	Research Analyst

GUESTS:

Adrienne Waller	CIS JEDI Committee
Natalie Vacirca	CIS JEDI Committee

1. Meeting called to order

The meeting commenced at 3:20 pm. The Interim Chair thanked member Nicholas Quin for assisting during her absence at the last meeting by acting as Chair. Mr Quin also acknowledged the contributions of member Ben Tonner who assisted in that meeting as well.

2. Previous Minutes

The minutes of the meeting held on 26 January 2023 were approved by the members in attendance at that meeting with minor changes. It is noted that the minutes of the meeting held on 25 November 2022 were approved by Deborah Barker Roye via email.

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

The Interim Chair welcomed invited guests Ms Adrienne Waller and Ms Natalie Vacirca from the Cayman International School Justice, Equity, Diversity and Inclusion (JEDI) Committee. The guests had met with the Interim Chair in November 2022 for preliminary discussions on how the Committee could work with the HRC going forward. They attended today's meeting to present to the entire Commission on the purpose of their organisation and how they could potentially work together. The Commission discussed the possibility of having some students from the JEDI Committee work with them to do a "take-over" of their social

media for a day. Ms Waller and Ms Vacirca thought this could be a good option and agreed to share the HRC's proposal with students of the JEDI Committee. The Secretariat was asked to prepare correspondence to formally propose the partnership between the HRC and CIS JEDI Committee for the social media take-over day.

b. Awareness and Events Calendar

The Commission reviewed the draft 3-month Communications Plan that was prepared by the Secretariat and a CIG Public Communications Specialist and discussed it. Members were happy with the proposed activities and agreed to proceed with the plan along with a review at the end of March. The first action from the plan was also discussed, which was a Facebook post recognising International Women's Day on 8 March 2023, approved by the Interim Chair prior to posting.

The Secretariat was asked to ensure that the Governor's Office was included in any notifications of HRC Facebook posts, as well as CIG. Additionally, the Secretariat was asked to monitor any potentially fraudulent social media posts purporting to be the Commission. Members also agreed to provide photos of themselves wearing "fun" socks and share these with the Secretariat to post in recognition of World Down Syndrome "Rock Your Socks" Day on 21 March 2023.

c. Migrants

i. Migrants Policy

The Commission was updated on the Secretariat's attempts, on behalf of the Commission, to contact the Customs and Border Control (CBC) Director regarding its correspondence of 13 May 2022. The Secretariat was requested to continue phone call and email follow ups at this stage. Member Cathy Gomez was recused from this matter.

ii. Legislative Amendment

Members discussed the update that was provided by the Chief Officer of the Ministry of Border Control and Labour (the "MoBC&L") regarding the proposed amendment to the immigration legislation. It was noted that the relevant amendment required further revision, which is in progress. The Commission agreed to reply to the correspondence from MoBC&L to a) request an updated timeframe for completion of the revisions, and b) recommend that asylum grantees, and/or spouses of asylum grantees applying for Cabinet waivers, be notified of these updates.

d. Query re WORC Internal Process

Members were presented with the more in-depth review of this policy and discussed. Various elements were noted, such as the apparent reversal of the burden of proof on to the respondent, the short timeframe for response and the need to comply with s.19 of the Constitution with respect to proportionality and procedural fairness. The Interim Chair agreed to compose an initial draft of formal feedback to review with member Ben Tonner

and then circulate to other members prior to finalising.

e. 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. Member Jennifer Hunter was also asked to review the materials, due to her background in education, and the Secretariat was asked to forward her the materials.

f. Prison Tours

Members confirmed their attendance on the proposed prison tour dates for Fairbanks/ERU and Northward on 17 and 23 March respectively and asked the Secretariat to confirm any visitation protocols they need to be aware of. Members were advised that the Immigration Detention Centre (IDC), adjacent to Fairbanks Prison and ERU, was managed by Customs and Border Control and that if they wished to visit there as well this would have to be arranged separately. Members agreed that if it was possible to visit IDC on the same day as the Fairbanks visit they would like to do so. Members were also asked if they would like to visit the Boddan Town Civic Centre, which was recently in the news as a temporary location for some asylum seekers. One member agreed to attend, along with the Secretariat Manager, but HRC would first contact the Independent Monitoring Board (IMB) to understand whether there were any human rights concerns about this facility. The Secretariat was accordingly asked to make arrangements for tours of IDC and to prepare correspondence to the IMB.

4. Human Rights Complaints and Enquiries

OLD:

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

Members noted the lack of time to get through all items on the agenda at this meeting and agreed to table this complaint at the next meeting scheduled for 24 March 2023. It was noted that member Cathy Gomez was recused from this complaint.

b. Update on Human Rights Complaint 020/2022

Members noted the lack of time to get through all items on the agenda at this meeting and agreed to table this complaint at the next meeting scheduled for 24 March 2023.

c. Update on Human Rights Complaint 021/2022

Members were advised that no response was received from the complainant in this matter since its last correspondence. It was agreed that this file was closed by default. It is noted that member Cathy Gomez was recused from this complaint.

d. Update on Human Rights Complaint 022/2022

The Commission was advised that no further updates have yet been received in this matter and it was agreed to continue to await a response. It is noted that Member

Cathy Gomez was recused from this complaint.

e. Update on Human Rights Complaint 024/2022

The Commission was advised that no further updates have yet been received in this matter and it was agreed to continue to await a response. It is noted that Member Cathy Gomez was recused from this complaint.

f. Update on Human Rights Complaint 025/2022

The Commission was advised that no further updates have yet been received in this matter and it was agreed to continue to await a response. It is noted that Member Cathy Gomez was recused from this complaint.

g. Update on Human Rights Complaint 001/2023

Members discussed the updates from the public authority and Complainant on this matter and it was agreed that the resolution the Complainant originally sought had been achieved. However, the Commission agreed that further information from the public authority was necessary in order to determine whether a potential breach had occurred. The Secretariat was requested to write to the public authority accordingly.

h. Update on Human Rights Enquiry 001/2023

The Commission was advised that no further updates have yet been received in this matter and it was agreed to continue to await a response.

i. Update on Human Rights Enquiry 002/2023

Members reviewed the latest information from the public authority in this matter and it was agreed that no potential breach had taken place. Therefore the file will be closed.

NEW:

j. Human Rights Complaint 002/2023

Members noted the lack of time to get through all items on the agenda at this meeting and agreed to table this complaint at the next meeting scheduled for 24 March 2023.

k. Human Rights Complaint 003/2023

Members noted the lack of time to get through all items on the agenda at this meeting and agreed to table this complaint at the next meeting scheduled for 24 March 2023. It was noted that member Cathy Gomez was recused from this complaint.

l. Human Rights Complaint 004/2023

Members noted the lack of time to get through all items on the agenda at this meeting and agreed to table this complaint at the next meeting scheduled for 24 March 2023.

m. Human Rights Complaint 005/2023

Members discussed this complaint, which was received on 28 February 2023, and agreed that there was no evidence of a breach. The file would be closed and the Complainant

advised accordingly. It was noted that member Cathy Gomez was recused from this complaint.

n. Human Rights Complaint 006/2023

Members noted the lack of time to get through all items on the agenda at this meeting and agreed to table this complaint at the next meeting scheduled for 24 March 2023.

5. New Business

a. HRC Annual Report 2022

Members were updated that a first draft of the Annual Report for 2022 was in progress.

6. Any other Business

a. Email re Little Cayman Museum

An email was shared with the Commission from a visitor to the Islands which highlighted the lack of information regarding the history of slaves and slavery in the Cayman Islands in the Little Cayman Museum as a potential human rights breach. Members reviewed the correspondence on the matter, which had also been cc'd to the Cayman Islands National Museum. It was noted that the Little Cayman Museum was privately owned and therefore this matter was outside of the remit of the HRC. The Commission agreed to acknowledge receipt of the email and advise the author accordingly.

b. Secretariat Organisational Structure Updates

The Manager provided an update to members on the recommendations from the Portfolio of the Civil Service (PoCS) for the restructuring of the Secretariat which would impact the Commission. The Manager explained that PoCS recommended that the posts of Public Relations & Education Coordinator (currently vacant) and Research Analyst (currently filled) should be eliminated in order to create two more administrative posts. PoCS also recommended that the full-time Deputy Manager post (currently vacant), should be converted to a short term two year post then eliminated while a new Administrative Supervisor post was being developed.

The Manager advised that, based on her observation of the work of the Commissions, there was a continuing need for new administrative posts to support the work of all 6 commissions. Members agreed that more administrative support was required and the Interim Chair noted her request for an administrative post 100% dedicated to working for the HRC, in addition to specialised public relations and education, and research, posts. Members offered their support for achieving these requests and their general support for the Secretariat. The Manager advised that she would share the staffing requests of the Commission with PoCS as feedback to their recommendations.

7. Action Items

Members of the HRC resolved that:

- a. Interim Chair Deborah Barker Roye would draft an initial response to WORC on their revocation processes with the assistance of member Ben Tonner, prior to circulating to other members for their feedback as detailed in item 3.d. above; and
- b. Member Nick Quin would continue to review the materials on the civil service BoR Training, and member Jennifer Hunter would review these materials as well, once received, as detailed in item 3.e. above.

It was resolved The Secretariat would:

- c. Draft correspondence to formally propose the partnership between the HRC and CIS JEDI Committee for the social media take-over day as detailed in item 3.b. above;
- d. Ensure liaison with the Governor’s Office to request that future Facebook posts be shared through the Governor’s Office Facebook account as detailed in item 3.b. above;
- e. Monitor other local Facebook accounts for any potentially fraudulent social media posts purporting to be the Commission as detailed in item 3.b. above;
- f. Remind commission members to provide photos of themselves wearing “fun” socks for posting on the HRC Facebook page in recognition of World Down Syndrome “Rock Your Socks” Day 2023 as detailed in item 3.b. above;
- g. Liaise with the Public Communications Specialist to reassess the 3-month media awareness calendar at end of March as detailed in item 3.b. above;
- h. Continue to follow up via phone and email with CBC Director for a response on the Migrants Policy feedback as detailed in item 3.c.i. above;
- i. Draft correspondence responding to the Chief Officer of MoBC&L regarding the legislative amendment relating to the spouses of asylum grantee’s ability to work as detailed in item 3.c.ii. above;
- j. Forward the civil service BoR training materials to member Jennifer Hunter as detailed in item 3.e. above;
- k. Liaise with HMCIPS officials to confirm arrangements for each prison visit in advance as detailed in item 3.f. above;
- l. Liaise with CBC to request to visit the IDC as detailed in item 3.f. above;
- m. Draft correspondence to the Independent Monitoring Board inquiring about any human rights concerns at this facility as detailed in item 3.f. above;
- n. Draft correspondence to the inquirer regarding the Little Cayman Museum matter as detailed in item 6.a. above; and
- o. Draft correspondence for all complaints and enquiries as detailed above.

8. Items to be Discussed at the Next Meeting

- a. Awareness and Events Calendar
- b. Migrants
 - i. Migrants Policy
 - ii. Legislative Amendment
- c. Query re WORC Internal Process
- d. Bill of Rights (BoR) Training

- e. Prison Tours
- f. HRC Annual Report
- g. HRC Complaints and Enquiries

9. Next Meeting

It was noted that due to a shortage of time not all matters on the agenda were able to be heard. Members agreed to arrange an extraordinary meeting to go through the remaining agenda items. This meeting date will be scheduled via e-mail round-robin amongst members.

10. Adjournment

The meeting was adjourned at 6:00 pm.



Deborah Barker Roye
INTERIM CHAIRPERSON
HUMAN RIGHTS COMMISSION