

**HUMAN RIGHTS COMMISSION
7th MEETING OF 2023
MINUTES
18 OCTOBER 2023
CONFERENCE ROOM
COMMISSION SECRETARIAT OFFICES**

PRESENT:

Deborah Barker Roye	Interim Chairperson
Cathy Gomez	Member
Ben Tonner KC	Member
Jennifer Hunter	Member

APOLOGIES:

Nicholas Quin	Member
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SECRETARIAT MEMBERS PRESENT:

Donna-Kay Smith	Interim Manager
Lise Hurlstone	Research Analyst
Jessica Ebanks	PR & Education Coordinator (in part)

1. Meeting called to order

The meeting commenced at 3:24 pm. The Interim Manager for the Commissions Secretariat, who was appointed effective 10 October 2023, was introduced. The Interim Manager advised that the Portfolio of the Civil Service is giving priority to having the Manager post filled by January 2024. Until the new Manager is recruited, the Interim Manager will be focused on ensuring business continuity and helping to build capacity within the Commissions Secretariat to better support the HRC and other commissions. The Interim Chairperson noted that the Commission is happy with the support being provided by the Secretariat and looks forward to the further support being provided by the Interim Manager.

Additionally, the Interim Chairperson announced that her tenure chairing the Commission would come to an end as of 28 October 2023. While she would remain on the Commission as a member until a suitable replacement member could be found, the Governor had agreed to appoint the next Chairperson as current member Ben Tonner. The Interim Chairperson and members congratulated Mr Tonner on his upcoming appointment.

2. Previous Minutes

The minutes of the meeting held on 13 September 2023 were approved by members with

changes.

3. Outstanding Business

a. Education Initiatives

i. Social Media Campaign

The PR & Education Coordinator updated the Commission that the Facebook posts which had been circulated to and approved by members via email since the last meeting had begun being posted each Thursday since 5 October. She reported that the engagement levels had not been high so far but this is likely due to the Commission's period of inactivity on social media immediately prior. She advised that she has been in touch with the Public Communications Specialist at the Department of Communications, who has agreed to assist with re-sharing HRC Facebook posts on other CIG accounts, and that this should help boost engagement.

Members also discussed the policy going forward with Facebook comments. It was agreed that any queries or concerns requiring more in-depth assistance that were posted on the HRC Facebook page should be responded to and the persons redirected to contact the Commission via email, phone or in-person.

The Commission asked whether the PR & Education Coordinator would recommend the use of any other social media platforms, and she advised that Instagram could be well-suited for the Commission's needs. This would be investigated further for potential incorporation into the upcoming 2024 PR & Education Plan for the Commission.

The PR & Education Coordinator noted that International Human Rights Day (IHRD) is coming up on 10 December, and stated that she would suggest a plan for recognizing this day for the next meeting for members' approval.

ii. Prospect Primary Request for Human Rights Presentation

The Commission was advised that the PR & Education Coordinator plans to reach out at the end of October to their contact at Prospect Primary regarding a potential date for this presentation.

iii. Bill of Rights Training

The PR & Education Coordinator and Research Analyst advised the Commission that they met with representatives from the Truman Bodden Law School (TBLS) on 12 October to discuss the feasibility of TBLS' assistance with re-developing content for a Bill of Rights training for the civil service. Feedback from the meeting was provided to the Commission and the Interim Secretariat Manager noted the option of producing a video recording as an output for this project. Members agreed that this was a good route to take, especially for re-launching the training, as it afforded

flexibility and could be implemented in a timely manner. Members also reviewed draft learning outcomes prepared by the Secretariat that could be provided to TBLS to assist in determining their capacity to assist. The Secretariat was requested to revert to TBLS with the updated information to query their capacity for providing a finished product in early 2024.

b. Migrants

The Research Analyst advised the Commission that the file note which was previously drafted based on the Commission's meeting with the Deputy Governor, the Chief Officer of the Ministry of Border Control and Labour (MoBCL), and the Director of Customs and Border Control (CBC) on 6 September was finalized and circulated to the other parties. The Chief Officer and the Director had subsequently responded to state that they would seek to carry out the action points and looked forward to the Commission reaching out about the proposed quarterly meeting. The Secretariat was asked to seek HRC members' availability for mid-November for this meeting and to prepare a draft agenda for approval, and then to liaise with the other parties to finalise a date accordingly. The agenda would also be shared with other parties in advance once it was finalised.

i. Migrants Policy

Members agreed to follow up with the CBC Director for a response to the HRC's feedback from 2022 on the draft Migrant Detention Policy at the proposed quarterly meeting being sought for mid-November. They would also enquire after the possibility of holding a separate meeting with someone at CBC who could walk them through the logistics of the policy so they could have a better understanding of how it functions. The Secretariat was asked to liaise accordingly.

ii. Legislative Amendment

Members agreed for the Secretariat to follow up with the Chief Officer of MoBCL for an update on the legislative amendments relating to spouses of asylum grantees at the proposed quarterly meeting being sought for mid-November.

iii. Bodden Town Civic Centre Tour

Members provided feedback on the draft correspondence to the Chief Officer of MoBCL regarding their visit to the Bodden Town Civic Centre (BTCC) in August. This letter consists of the entirety of the Commission's preliminary observations from the BTCC visit. The Secretariat was asked to make the requested amendments and send the letter accordingly.

iv. Migrants Report

The Secretariat advised that it continued to research pre-existing reports issued by the HRC on the topic of migrants, as well as reports issued by other jurisdictions on this subject, to determine if it is appropriate to issue a comprehensive report on this

topic presently. An update on this matter would be provided at the next meeting.

c. Query re WORC Internal Process

The Interim Chairperson updated the Commission that after reviewing the correspondence on this item she had asked the Research Analyst to draft an updated letter to WORC summarising the Commission's concerns, based on the previous research and feedback provided. The Secretariat was then asked to circulate this to the wider Commission for approval prior to sending.

d. Prison Tours

Members were asked to continue to review the report provided by the Acting Chief Officer of the Ministry of Home Affairs (MoHA) to provide feedback. The Interim Chairperson shared that Her Excellency The Governor, Jane Owen, had suggested that, since the Commission deals with complaints regarding Her Majesty's Cayman Islands Prison Service (HMCIPS), it would be beneficial for HRC to attend a meeting of the Cayman Islands Independent Monitoring Board (CIIMB), which also falls under her purview. The Secretariat was asked to follow up with a representative from the Governor's Office accordingly.

e. HRC Annual Report

The Interim Chairperson advised that feedback has been provided to the Secretariat. She added that she would like to revisit the 'statistics' section of the report so that it more accurately reflects the work of the Commission, and that she would meet with the Secretariat to agree upon the final format. Once these final changes were made the document could be circulated to the Commission.

f. Recent News Articles

i. Non-Profit Organisations and the Labour Act

The Commission was updated on the revision of the draft correspondence to the Chief Officer of MoBCL in light of the August 2023 news article indicating that Government has appealed the decision of the Grand Court that the Labour Act is incompatible with the Constitution in the matter of Shelliann Bush v the Attorney General of the Cayman Islands et al. Members agreed that due to the change in circumstances it was no longer necessary to issue this correspondence, and the Commission would instead await an update on the CICA decision. The Secretariat was asked to monitor the news on this topic accordingly.

g. NAU Policies

Members discussed the summary provided by the Secretariat on this historical issue of whether the Needs Assessment Unit (NAU) policies and procedures related to accessing its services is compliant with the Bill of Rights. The recent news articles on an overhaul of NAU's legislation and regulations was also highlighted and discussed. The Commission

determined that in order to consider whether this issue was still relevant it should understand the current state of the NAU. The Secretariat was therefore asked to seek to have sight of any updated legislation, draft regulations and policies from the relevant personnel.

h. Child Safeguarding

The Commission discussed the summary provided by the Secretariat on this historical issue of whether the Multi-Agency Safeguarding Hub (MASH) Unit's policies on interviewing minors is compliant with the Bill of Rights. It was agreed to defer a more in-depth discussion on this until the next meeting. The Secretariat was asked to circulate a copy of the MASH Unit's policies on this issue to the Commission, along with its previous correspondence to the agency and copies of minutes related to this item, for members' consideration.

4. Human Rights Complaints and Enquiries

OLD:

a. Update on Human Rights Complaint 020/2022

The Commission was updated that the requested letter asking the Complainant to provide an update once they had heard back on their internal complaint to the public authority in question had been sent, and they were currently awaiting a response. The Secretariat would follow up accordingly.

b. Update on Human Rights Complaint 024/2022

The Commission was updated that the requested letter asking the Complainant to provide an update, if any was available, otherwise the file would be closed within 30 days had been sent, and they were currently awaiting a response. The Secretariat would provide an update accordingly.

c. Update on Human Rights Complaint 001/2023

The Commission was updated that no response had yet been received to the last two follow-ups made by the Secretariat to the public authority in question, the latest one having been made on 16 October 2023. The Secretariat was asked to continue to follow up with the public authority for a response.

d. Update on Human Rights Complaint 007/2023

The Secretariat will further review this complaint to determine whether any additional internal actions are necessary.

e. Update on Human Rights Complaint 013/2023

The Commission was updated that the requested correspondence had been sent, and a response had not been received prior to the meeting. However, it was noted that a response had been received in while the meeting was in progress. However, in order to

keep the meeting within a reasonable time, the response would be considered at the next meeting. It is noted that member Cathy Gomez is recused from this matter.

f. Update on Human Rights Enquiry 002/2019

The Commission was updated on this enquiry, which had been closed in 2020. However, the Enquirer contacted the Commission again with new information on 29 September 2023 and made a further query about the status of the original recommendation to the public authority involved. The Secretariat advised the Commission that upon receipt of the query it sought an update from the public authority and was awaiting a response. The Commission was happy with this action, but advised that they were unsure whether the new information constituted a human rights breach. They additionally requested that the Secretariat advise the enquirer to reach out to a non-governmental resource which may be able to be of assistance.

g. Update on Human Rights Enquiry 004/2023

The Commission was updated that the requested letter asking the Complainant to provide an update, if any was available, otherwise the file would be closed within 30 days was approved and they were currently awaiting the Spanish translation prior to sending. The Secretariat would provide an update at the next meeting accordingly.

h. Update on Human Rights Complaint 015/2023

The Commission was updated that the Interim Chairperson had approved the requested letter asking the Complainant to provide an update once they had followed the public authority's internal complaint procedure. The Secretariat advised that it would be sent imminently.

i. Update on Human Rights Complaint 016/2023

The Commission was updated that the requested correspondence for this complaint was still being drafted. The Secretariat would seek to finalize it with the Interim Chairperson and send it as soon as possible. It is noted that member Cathy Gomez is recused from this matter.

j. Update on Human Rights Complaint 017/2023

The Commission was updated that the requested correspondence for this complaint was still being drafted. The Secretariat would seek to finalize it with the Interim Chairperson and send it as soon as possible.

NEW:

k. Human Rights Enquiry 005/2023

The Commission reviewed this enquiry, which was received on 26 September 2023, and agreed that that the preliminary response sent by the Secretariat confirming that the enquirer was pursuing the most appropriate path, and that the option remained to submit

a formal complaint to the HRC in the future should they wish, was sufficient. No further action was required and the enquiry could be closed.

5. New Business

a. HSA World Mental Health Day Panel Discussion

The PR & Education Coordinator advised that the HRC had been invited to sit on a panel discussion hosted by Health Services Authority (HSA) in recognition of World Mental Health Day (WMHD) 2023 where the theme was *Mental health is a universal human right*. Member Ben Tonner represented the Commission on the panel, which took place on Wednesday, 11 October. He advised that the panel was moderated by Ms Dympna Carten and the other panellists were Psychiatrist Dr Marc Lockhart of Behavioural Health Associates Cayman, Ms Fiona McDougall of the Mental Health Commission and HSA Legal Counsel Mr Garcia Kelly.

Mr Tonner recapped that he discussed what human rights are, and how mental health figured into that in that whilst there is no right to “mental health”, good mental health isn’t possible without human rights. He added that it was an excellent opportunity to network with other non-governmental organisations, as well as raise the profile of the Commission in the community. The Chair thanked Mr Tonner for attending on the Commission’s behalf, and noted that Her Excellency The Governor, Jane Owen, was advised of HRC’s participation on the panel and she communicated that it was an excellent event for the Commission to participate in. The Secretariat was asked to follow up with the organisers on some of the other mental health-related NGOs on-island to explore possible cross-promotional opportunities on social media.

A further discussion ensued regarding the proposed mental health facility in East End which has been raised in the local news. Members asked the Secretariat to review news media to determine the status of the facility, the target population, scope, etc. If this information could not be gleaned from the news the Secretariat was asked to draft correspondence to the Ministry of Health & Wellness inquiring about the same.

b. PR & Education Plan 2024

The PR & Education Coordinator advised members that she has begun the process of drafting the new PR & Education Plan for 2024 based on the Commission’s previous discussions. Members were asked to consider any suggestions they might have for the 2024 Plan and provide them at the next meeting. Member Ben Tonner suggested that World Peace Day be placed on the calendar for recognition in 2024.

6. Any other Business

a. Letter re Situation in Israel

A letter was circulated to members which was received from the “Concerned youths of the Cayman Islands” by way of blind carbon copy email. The letter related to the current

situation playing out between the Israeli Government and Hamas in Israel in the Gaza Strip, and requested the support of the people of the Cayman Islands in condemning the actions of Israel. The Commission noted the contents of the letter and discussed it briefly. However, it was determined that no further action should be taken at this time.

7. Action Items

It was resolved that Commission Members would:

- a.** Continue to consider the report on prisons provided by ACO Ebanks as outlined in item 3.d. above; and
- b.** Consider any suggestions for the 2024 PR & Education Plan to provide at the next meeting as outlined in item 5.b. above.

It was resolved the Secretariat would:

- c.** Note the confirmed social media policy approach that any queries or concerns requiring more in-depth assistance posted on the HRC Facebook page should be responded to and the persons redirected as outlined in item 3.a.i. above;
- d.** Investigate the potential incorporation of the Instagram social media platform into the upcoming 2024 PR & Education Plan as outlined in item 3.a.i. above;
- e.** Suggest a plan for recognizing IHRD day for the next meeting for members' approval as outlined in item 3.a.i. above;
- f.** Reach out by the end of October to Prospect Primary School regarding a potential date for the HRC to present to students as outlined in item 3.a.ii. above;
- g.** Revert to TBLS with the updated information to query their capacity for providing the finished Bill of Rights training content in early 2024 as outlined in item 3.a.iii above;
- h.** Seek members' availability for a mid-November for a meeting with the DG, Chief Officer of MoBCL and Director of CBC, liaise with the other parties to finalise a date accordingly, and prepare a meeting agenda for members' approval prior to circulation as outlined in item 3.b.;
- i.** Follow up with the CBC Director for a response to the HRC's feedback from 2022 on the draft Migrant Detention Policy, as well as holding a separate meeting with a CBC representative to walk HRC through the logistics of the policy, at the proposed quarterly meeting as outlined in item 3.b.i. above;
- j.** Follow up with the Chief Officer of MoBCL for an update on the legislative amendments relating to spouses of asylum grantees at the proposed quarterly meeting as outlined in item 3.b.ii. above;
- k.** Amend and send the draft correspondence to the Chief Officer of MoBCL regarding HRC's visit to BTCC as outlined in item 3.b.iii. above;
- l.** Continue to research local and international reports issued by the HRC on the topic of migrants as outlined in item 3.b.iv. above;
- m.** Draft an updated letter to WORC summarising the Commission's concerns on the 'minded to revoke' policy, and circulate to the Commission for approval as outlined in item 3.c. above;
- n.** The Secretariat was asked to follow up with the Governor's Office regarding attending a meeting of CIIMB as outlined in item 3.d. above;

- o. Finalise the Annual Report, including the statistics section, with the Interim Chairperson in order to circulate to the Commission for review as outlined in item 3.e. above;
- p. Monitor the news on the matter of Shelliann Bush v Attorney General et al. for a forthcoming decision from the Court of Appeal as identified in item 3.f.i. above;
- q. Seek to have sight of any updated legislation, draft regulations and policies relating to the NAU for the Commission as identified in item 3.g. above;
- r. Circulate a copy of the MASH Unit's policies on this issue to the Commission, along with its previous correspondence to the agency and copies of minutes related to this item, for members' consideration as outlined in item 3.h. above;
- s. The Secretariat was asked to follow up with the organisers of HSA WMHD Panel regarding other local mental-health related non-governmental organisations as outlined in item 5.a. above;
- t. Review news media to determine the status of the East End mental health facility, the target population, scope, etc. and draft correspondence to the Ministry of Health & Wellness inquiring about the same if no information can be found as identified in item 5.a. above;
- u. Place World Peace Day on the PR & Education calendar for recognition in 2024 as identified in item 5.b. above; and
- v. Draft correspondence for all complaints and enquiries as detailed above.

8. Items to be Discussed at the Next Meeting

- a. Education Initiatives
 - i. Social Media Campaign
 - ii. PR & Education Plan 2024
 - iii. Prospect Primary Request for Human Rights Presentation
 - iv. Bill of Rights Training
- b. Migrants
 - i. Migrants Policy
 - ii. Legislative Amendment
 - iii. Bodden Town Civic Centre Tour
 - iv. Migrants Report
- c. Query re WORC Internal Process
- d. Prison Tours
- e. HRC Annual Report
- f. Recent News Articles
 - i. Non-profit organisations and the Labour Act
- g. NAU Policies
- h. Child Safeguarding

9. Next Meeting

The next meeting will be scheduled via round-robin email so as to include Member Nick Quin who is currently away.

10. Adjournment

The meeting was adjourned at 6:00 pm.



**Deborah Barker Roye
INTERIM CHAIRPERSON
HUMAN RIGHTS COMMISSION**