

**HUMAN RIGHTS COMMISSION  
8<sup>th</sup> MEETING OF 2023  
MINUTES  
1 DECEMBER 2023  
CONFERENCE ROOM  
COMMISSION SECRETARIAT OFFICES**

**PRESENT:**

Benjamin Tonner KC	Chairman
Deborah Barker-Roye	Member
Cathy Gomez	Member
Jennifer Hunter	Member
Nicholas Quin	Member

**SECRETARIAT MEMBERS PRESENT:**

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

**1. Meeting called to order**

The meeting commenced at 3:32 pm.

It was confirmed that Mr. Benjamin Tonner KC was officially appointed as the new HRC Chairman by Her Excellency the Governor Jane Owen (HE) effective 20 November 2023. Members were advised that the former Interim Chairman, Mrs. Barker-Roye, has agreed to remain on the Commission as a member until 31 December 2023 to allow for a suitable replacement member to be found.

Additionally, the new Administrator/Analyst Ms. Evette Burnell was introduced. The Interim Manager advised that Ms. Burnell will be the primary support for the HRC going forward as work within the Administrative Team has been re-distributed so that each Administrator/Analyst is assigned two commissions to better support the needs of the commissions.

**2. Previous Minutes**

The minutes of the meeting held on 18 October 2023 were approved with minor amendments. The Secretariat will finalize and arrange for the minutes to be published on the HRC website.

### 3. Matters Arising from Previous Meeting

#### a. Education Initiatives

##### i. Social Media Campaign

The PR & Education Coordinator updated the Commission that the Facebook posts that were previously approved by members have been receiving increased engagement since the last meeting. It was noted that the CIG supported the HRC's efforts by re-sharing the HRC Facebook posts on other CIG accounts.

Reference was made to numerous negative and inaccurate comments posted about the HRC in November 2023 by a single user account on Facebook that did not appear to be legitimate. It was discussed that the use of Facebook was intended to be a forum for the HRC to promote Human Rights, as opposed to being a discussion platform. As such, the decision was taken that the comments should be disabled and existing comments removed. The functionality to share and like functions will remain available to the public.

Members requested that an Instagram account be created for the HRC in addition to Facebook. The PR & Education Coordinator confirmed that this will be done. The decision was taken that the comments function will be restricted similar to Facebook.

The PR & Education Coordinator indicated that she would draft a message to recognize International Human Rights Day (IHRD) on 10 December and provide to the Commission for approval.

##### ii. Prospect Primary Request for Human Rights Presentation

The PR & Education Coordinator advised that despite following up with Prospect Primary in response to a prior request for a Human Rights presentation, there has been no response from Prospect Primary regarding a potential date for the presentation. It was discussed and agreed that no further action needs to be taken at this time unless Prospect Primary returns with the request.

The Commission requested that the Secretariat find out if Human Rights is on the education curriculum and what age group this would target. It was discussed that based on the information received, the HRC would consider creating a general primary school presentation which would be ready for use at short notice upon receiving a request from any school.

##### iii. Bill of Rights Training

The PR & Education Coordinator advised the HRC that since meeting with representatives from the Truman Bodden Law School (TBLs) on 12 October 2023 (to

discuss the possibility of TBLS' assistance with re-developing content for a Bill of Rights training for the civil service), answers were provided to the questions raised by the TBLS however a decision has not yet been received from the TBLS regarding their availability to revise the course content. The Secretariat will follow-up on the matter and update members in the next meeting.

**iv. PR & Education Plan 2024**

The Social Media Plan for 2024 was discussed and members agreed that the existing timetable for 2023, of significant days/events, was to be used for 2024 to assist with planning outreach.

**b. Migrants**

Reference was made to the meeting the Commission held with the Ministry of Border Control & Labour (MoBCL) and Customs and Border Control (CBC) on 30 November 2023. The Commission was represented at the meeting by Members Jennifer Hunter, Deborah Barker-Roye and Nicholas Quin, along with the Secretariat Research Analyst.

Members reported that the meeting went well and it was obvious that efforts were made to ensure transparency. Members recapped the highlights of the meeting.

The Secretariat will prepare a summary of the meeting and circulate to the Commission, following which the Commission will decide whether to release the summary. The Secretariat will arrange the next Quarterly Meeting once the summary has been circulated.

**i. Migrants Policy**

It was discussed that the draft Migrant Policy the Commission had reviewed and given feedback on in May 2022 is being progressed by CBC. CBC has taken on board HRC's comments on this matter, and a revised draft is expected to be received in early 2024. It was recommended to CBC during the meeting held on 30 November 2023 that the policy be made publicly available once finalized.

**ii. Legislative Amendment**

Following an update on the legislative amendments relating to spouses of asylum grantees, it was discussed that some migrants reported that most employers do not recognise the waiver received by spouses under this legislation. However, it was discussed and agreed that this situation does not represent a human rights issue as both the asylum grantee and the spouse are regularised under the law.

Updates were provided for the specific cases before the HRC, and that any outstanding immigration concerns for dependants of asylum seekers was being

actioned this coming Monday, 5 December. The decision was taken by the Commission to close the three cases HRC COMP 009, 010 and 011 of 2019.

It was confirmed that the immigration transition bill was continuing to undergo amendment, but the amendments relating to spouses of asylum grantees was not in the batch to soon be tabled in Parliament. An update on this would be sought at the next meeting the HRC plans to have with MoBCL and CBC.

**iii. Bodden Town Civic Centre Tour (BTCC)**

An update was provided on the matters the HRC raised after its visit to the BTCC in August 2023. Issues with vandalism are of concern and there has been 750,000 KYD spent on fixing damages caused by detainees. It was discussed that CBC has some constraints regarding funding for a more purpose built facility.

During this discussion it was clarified that migrants are not detained at the BTCC and are considered to be on conditional release. The process can be slow, so migrants cannot be detained for the duration while their application is considered. It was noted that at the end of 2022 emergency legislation was introduced and the migrant numbers have reduced drastically.

It was further noted that some asylum grantees have been trying to acquire BOTC passports, but are not eligible, as a result of limitations in the British Nationality Act. However, the issue of the previous travel document for asylum grantees not being machine readable has been rectified.

**iv. Migrants Report**

There is no current update on this item and an update will be provided at the next meeting.

**c. Query re WORC Internal Process**

The Secretariat will prepare a letter to WORC for approval by Chairman Tonner which summarizes the Commission's concerns, based on the previous research and feedback provided.

**d. Prison Tours**

The Research Analyst advised that the Governor's Office reached out to the Cayman Islands Independent Monitoring Board (CIIMB) Secretariat in regards to arranging for the HRC members to attend a CIIMB meeting, further to HE's suggestion. The Governor's Office advised that this has been timetabled for discussion at the CIIMB meeting scheduled for January 2024.

No further comments were provided on the Ministry of Home Affairs' status update/report

on the prisons. The Secretariat will draft a short letter noting the previous feedback provided by member Cathy Gomez to provide a response to the Acting Chief Officer of the Ministry of Home Affairs.

**e. HRC Annual Report**

Member and former Interim Chairman Deborah Barker-Roye advised that feedback has been provided to the Secretariat on the Annual Report and the statistics are to be updated in order to better reflect the Commission's work. The Secretariat will incorporate the statistics in the Annual Report and circulate to members for review once completed.

**f. NAU Policies**

The Needs Assessment Unit (NAU) has changed its name to The Financial Assistance Department (FAD). Members discussed the summary provided by the Secretariat on this historical issue of whether FAD policies and procedures are compliant with the Bill of Rights. Updated policy documents are required from DCFS. The FAD are working on an online system to streamline reforms. The Financial assistance Regulations 2023 will be circulated to members by the Secretariat.

**g. 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. After a review of the MASH Unit's policies on this issue since the last meeting, it was deemed that the policies are not clear enough on this issue to interpret. The HRC discussed and agreed that no further action is required at this time since the person concerned has not made a formal complaint on the matter to-date.

**h. Mental Health Related Updates**

**i. Mental Health NGOs**

The Commission is still awaiting the list of NGOs to be provided, which have been requested from the Community Mental Health Nurse. The Secretariat will follow up on this.

**ii. East End Mental Health Facility**

The Research Analyst updated the Commission that the facility was due to open in September 2023, but there have been staffing issues and they are awaiting the Certificate of Occupancy. The new facility's Director has been emailed and the Secretariat is awaiting a response with a further update.

**4. Human Rights Complaints and Enquiries**

**OLD:**

**a. Update on Human Rights Complaint 020/2022**

It was discussed that over six weeks have passed since the HRC's last correspondence to the complainant advising to engage the public authority directly and there has not been any response or update from the complainant. As no further action can be taken by the HRC at this time, the decision was taken to close the file. The Secretariat will prepare the closure letter for approval by the HRC.

**b. Update on Human Rights Complaint 024/2022**

Reference was made to the correspondence from the complainant indicating that the issue has been resolved. The decision was taken to close the case. The Secretariat will draft the closure letter for approval by the HRC.

**c. Update on Human Rights Complaint 001/2023**

The Commission suggested that a version of the directive should be included in the form provided by the public authority. The Secretariat will draft a letter accordingly requesting that they report back on their progress.

**d. Update on Human Rights Complaint 007/2023**

After discussion it was determined that no further action was required from the Commission on this matter, and so the file should be closed. However, the Commission requested that the issue pertaining to the complainant's engagement with the Commissions Secretariat staff be monitored. The Interim Manager advised that a review will be undertaken of the Policy and Procedure for complaints.

**e. Update on Human Rights Complaint 013/2023**

The Commission was updated on this matter. The Secretariat is to respond to the Director of the public authority in question thanking him for his update and ask for further information.

**f. Update on Human Rights Enquiry 002/2019**

The Commission was updated on this matter. The Secretariat is to follow up with the complainant.

**g. Update on Human Rights Enquiry 004/2023**

The Commission was updated that no response has been received to the request letter for an update within 30 days, and so the decision was made that the file could be closed. The Secretariat will draft correspondence accordingly.

**h. Update on Human Rights Complaint 015/2023**

The Commission was updated that no response had been received since October. The members agreed to forward this agenda item to the next meeting to await a response.

**i. Update on Human Rights Complaint 016/2023**

The Commission was updated that the letter was sent to the public authority, however, the contact person is currently out of office but has advised that a response is forthcoming. The Secretariat can follow up as needed.

**j. Update on Human Rights Complaint 017/2023**

The Commission was updated that the complaint had been escalated to the Governor's Office and another non-governmental organisation by the complainant. A letter was drafted and sent and the Secretariat is awaiting a response. The Secretariat can follow up as needed.

**NEW:**

**k. Human Rights Complaint 019/2023**

New Complaints 019/2023 and 020/2023, both received on 25 October, are from the same complainant. Members agreed to combine the complaints for correspondence purposes. Due to the circumstances surrounding the complaint 019/2023 the members decided that there was no breach of human rights and the matter could be closed. The draft letter was approved to be sent. It is noted that member Cathy Gomez is recused from this matter.

**l. Human Rights Complaint 020/2023**

Regarding complaint 020/2023, referenced above, the complainant was advised to first follow the public authority in question's internal complaint procedure and to update HRC once they have allowed reasonable time for a response. It is noted that member Cathy Gomez is recused from this matter.

**m. Human Rights Complaint 021/2023**

The members discussed this complaint, received on 25 October, and decided that the appropriate way forward would be for the complainant to seek legal advice on the way forward and apply for legal aid if needed. Additionally, it was agreed this file would be closed. The Secretariat is to draft a letter accordingly. It is noted that member Cathy Gomez is recused from this matter.

**5. New Business**

There was no new business to discuss.

**6. Any other Business**

- a. Reference was made to the request from the UNAIDS and UNDP for the HRC Chairman to provide a presentation at the National Dialogue on a Human Rights Commission on the 11th December 2023 to advance the protection of human rights in Jamaica. The HRC discussed that while they would be willing to provide support this would be difficult with

the short notice. As such, it was agreed that the Secretariat will check with the Chairman of the Constitutional Commission, Mr. Vaughan Carter, who had previously expressed his interest to participate and is a former Human Rights Committee member, whether he could attend on behalf of the HRC. The Secretariat will assist as needed.

- b. Member Jennifer Hunter brought to the attention of the Commission the recent article seen in regards a gold smuggler who had been imprisoned in Grand Cayman, however, the Commission decided that, based on the information available, this was not a matter for their further consideration at this time.

## **7. Action Items**

It was resolved the Secretariat would:

- a. Finalize and publish the approved minutes on the HRC website as discussed under item 2 above
- b. Disable the Facebook comments function and remove comments on the HRC's Facebook page, as discussed in item 3.a.i above;
- c. Set-up the HRC Instagram account as outlined in item 3.a.i. above;
- d. Prepare a message for recognition of IHRD as outlined in item 3.a.i. above;
- e. Find out if Human Rights is on the school curriculum as outlined in item 3.a.ii above;
- f. Follow up with TBLS as outlined in item 3.a.iii. above;
- g. Finalise the file note for the meeting with CBC and MoBCL and circulate to Members and verify if these minutes are to be released as outlined in item 3.b
- h. Schedule the next QM as outlined in item 3.b
- i. Secretariat to draft closure letters re HRC COMP 009, 010 and 011 of 2019 as outlined in item 3.b.ii;
- j. An update on amendments relating to spouses of asylum grantees to be sought at the next meeting HRC plans to have with MoBCL and CBC as outlined in item 3.b.ii;
- k. Finalise amendments to letter to WORC as outlined in item 3.c. above;
- l. Draft a letter to the Acting Chief Officer of the Ministry of Home Affairs as outlined in item 3.d. above;
- m. Finalise the Annual Report 2022 as outlined in item 3.e. above;
- n. Circulate the Financial Assistance Regulations 2023 and any corresponding DCFS policies as outlined in item 3.f. above;
- o. Follow up regarding MASH policies as outlined in item 3.g. above;
- p. Follow up on the list of mental health NGOs as outlined in item 3.h.i. above;
- q. Follow up with the new Director of the East End Mental Health Facility as outlined in item 3.h.ii. above;
- r. Assist as needed for Mr Vaughan Carter to attend the human rights conference in Jamaica on behalf of HRC as outlined in item 6.a. above; and
- s. Draft correspondence for all complaints and enquiries as detailed above.

## **8. Items to be Discussed at the Next Meeting**



- a. PR & Education Initiatives
  - i. Social Media Campaign
  - ii. Human Rights Presentation for Schools
  - iii. Bill of Rights Training
  - iv. PR & Education Plan 2024
- b. Migrants
  - i. Migrants Policy
  - ii. Legislative Amendment
  - iii. Bodden Town Civic Centre Updates
  - iv. Migrants Report
- c. Query re WORC Internal Process Update
- d. Prisons Updates
- e. HRC Annual Report
- f. NAU Policies
- g. Child Safeguarding
- h. Mental Health Related Updates
  - i. Mental Health NGOs
  - ii. East End Mental Health Facility Update
- i.

**9. Next Meeting**

The next meeting was scheduled for January 18<sup>th</sup>, 2024 at 3.15pm.

**10. Adjournment**

The meeting was adjourned at 5:26 pm.



**Ben Tonner KC  
CHAIRMAN  
HUMAN RIGHTS COMMISSION**