

<p style="text-align: center;">HUMAN RIGHTS COMMISSION 2nd MEETING OF 2024 MINUTES 28 February 2024 CONFERENCE ROOM HRC SECRETARIAT OFFICES</p>
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PRESENT:

Benjamin Tonner KC	Chairman
Cathy Gomez	Member
Nicholas Quin	Member
Jennifer Hunter	Member

APOLOGIES:

None

SECRETARIAT MEMBERS PRESENT:

Melanie McField	Manager
Francis Kearns	Deputy Manager
Lise Hurlstone	Research Analyst (In part)
Evette Burnell	Administrator/Analyst
Jessica Ebanks	PR & Education Coordinator (in part)

1. Meeting called to order

The meeting commenced at 3:27 pm.

The new Manager Melanie McField was introduced. The Manager gave an update on recruitment and advised that a new HRC member, Dr. Alecia Johns, had been appointed to replace Ms. Barker-Roye, whose membership had expired.

2. Previous Minutes

The minutes of the meeting held on 18 January 2024 were approved with minor amendments. The Secretariat will finalize and publish them on the HRC website.

3. Matters Arising from Previous Meeting

a. Education Initiatives

i. Social Media Campaign

The PR & Education Coordinator updated the HRC that an Instagram account was established under the name “Human Rights Cayman”. The PR & Education Coordinator has started posting and following local interest groups. The next step will be to build the following; this should occur naturally as more content is posted. Sponsored posts may also be used to increase the reach. Social media posts on the subject of the Bill of Rights (BOR) have begun to be posted. The campaign consists of 20 weekly posts covering the first 20 rights in the Cayman Islands BOR.

ii. Human Rights Presentation for Schools

The PR & Education Coordinator advised that two local schools have contacted the HRC requesting a presentation on human rights matters. One is aimed towards staff; the Secretariat will ascertain more details and revert. The other school presentation is for Key Stage 2 (Primary level) students. This will be arranged for after Easter. To help inform both presentations, the Secretariat will research the existing human rights content in the curriculum. The PR & Education Coordinator will edit the current slide deck to suit a younger audience, making it relevant to their daily lives.

iii. Bill of Rights Training

The PR & Education Coordinator discussed Bill of Rights (BOR) training for Civil Servants. A presentation has been created in a simple format with case studies and a quiz. This will be provided to Civil Service College to be uploaded on their new management system in early summer. In the interim, the Secretariat will explore using online tools to make the training more interactive.

It is still anticipated that Truman Bodden Law School (TBLS) will provide the longer term BOR training. A date will be scheduled with TBLS and the Secretariat to discuss the requirements and expectations of this course. Various departments have expressed interest in this course and the interest has been logged to revisit later.

b. Migrants

The file note drafted following the meeting the HRC held with the Ministry of Border Control, Labour & Culture (MoBCLC) and Customs and Border Control (CBC) on 30 November 2023, was agreed and a final version will be saved to file. The date of the next meeting is pending confirmation. The Secretariat will follow up.

i. Migrants Policy

The Secretariat contacted MoBCLC and CBC for an update on the progress of this

matter and is awaiting a response.

ii. Legislative Amendment

The Immigration Transition Bill is continuing to undergo amendments. Additionally, the amendment relating to spouses of asylum grantees are still pending and was due before Parliament in early 2024. The Secretariat contacted the Ministry for an update on the progress and is awaiting a response.

iii. Bodden Town Civic Centre (BTCC)

An updated draft of the letter to the Chief Officer of MoBCLC was circulated by the Secretariat for approval. The HRC revisited the question of independent monitoring/inspection of the conditions in the BTCC and queried the department/unit responsible for this. The Secretariat investigated the entity responsible, but it remains unclear. Concerns were raised for the security of migrants at that location. A local security company currently provides security guards at the CBC Detention Centre and the BTCC. The HRC will continue communications with MoBCLC and CBC.

iv. Migrants Report

The Research Analyst discussed the summary of the 2008 and 2013 Migrant Reports and the main themes and conclusions. Some of the relevant themes highlighted were: the availability of legal advice for migrants and the Marine Law, in regards to stopping and processing migrants.

In the next meeting with CBC, the HRC would like to discuss the illegal migrant process/checklist for what happens when migrants arrive in the Cayman Islands. The Secretariat will reach out to CBC to arrange this.

c. Query re WORC Internal Process

The Secretariat prepared and sent the approved letter to WORC regarding the *Mindful to Revoke* process, which summarizes the HRC's concerns, based on the previous research and feedback provided. The Secretariat will follow up in advance of the next HRC meeting if there is no response.

d. Prison Updates

The Secretariat sent a short response letter to the Acting Chief Officer of the Ministry of Home Affairs incorporating feedback provided by member Cathy Gomez. The Chief Officer and Director of Prisons responded, acknowledging receipt and answering a follow up question.

e. HRC Annual Report

The Secretariat sent the updated draft Annual Report to Members for their review, which included the statistics updates suggested by the former Interim Chairman. There was discussion on how the data is presented and how this might be improved for future reports.

The Secretariat will follow up with the former Interim Chairman for input and to finalise the report for publication. The Secretariat will also start compiling data for the 2023 Annual Report.

f. NAU Policies

The HRC discussed a historical issue of whether the Needs Assessment Unit (NAU), (which is changing its name to the Financial Assistance Department) policies are compliant with the Cayman Islands Bill of Rights and whether policies have been updated in light of the recent Financial Assistance Act (FAA) (2022). The Secretariat contacted the Department of Children and Family Services (DCFS) to obtain a copy of any updated policies, however, they were advised that there are none at this time. The Secretariat will check if a Commencement Order is in place for FAA (2022). If so, updated policy documents will need to be produced.

g. Child Safeguarding

The HRC requested the Secretariat obtain any updated policy documents from the Multi-Agency Safeguarding Hub (MASH), in regards to a historical query whether the MASH Unit's policies on interviewing minors is compliant with the Cayman Islands Bill of Rights. The Secretariat contacted MASH and DCFS to request if any updated policy documents were available, however, they were advised that these documents have not been revised and an urgent revision will commence. The Secretariat will follow up.

h. CI Housing – response to Public Works LLC.

In the last meeting it was agreed to set up a call with Public Works LLC who had emailed the HRC in regards to housing issues in the Cayman Islands. The Secretariat arranged a call between the Chairman and Public Works LLC. The Chairman discussed the role of the HRC and invited them to come back with any questions.

4. Human Rights Complaints and Enquiries

OLD:

a. Update on Human Rights Enquiry 002/2019

The HRC was updated on this matter. The Secretariat followed up with the Complainant and an update was received from the Complainant. The Complainant is to send in further evidence on the matter and the Secretariat will follow up with them.

b. Update on Human Rights Complaint 001/2023

The Secretariat followed up with the Public Authority regarding whether a policy is in place in relation to this issue to prevent the same situation happening again.

c. Update on Human Rights Complaint 013/2023 and Human Rights Complaint 003/2024

The HRC decided to address these two complaints together, as they relate to the same issue. The HRC was informed of the Complainant's appeal date, which has now been set. It was decided to respond to the Complainant advising them to continue to follow the legal

process and bring their concerns forward in the Court of Appeal. It was noted that Member Cathy Gomez was recused from this matter.

d. Update on Human Rights Complaint 016/2023

The HRC was updated on this complaint and the response was given from the Office of the Director of Public Prosecutions (ODPP). The Secretariat will draft a response letter to the Complainant. It was noted that member Cathy Gomez was recused from this matter.

e. Human Rights Complaint 022/2023

The Complainant wrote to the HRC regarding a sentencing concern. The Secretariat contacted the Public Authority for verification and checked the area of law concerned. The matter was proven to be in alignment with the Conditional Release Law and it was agreed that the Secretariat is to draft a closure letter to the Complainant explaining the same.

NEW:

f. Human Rights Complaint 001/2024

The HRC was updated on this Complaint. The Complainant had contacted the law firm McGrath Tonner to request representation. Should legal aid be granted for both senior and junior council, Chairman Tonner would be representing the Complainant and thus he was recused from this matter. The Secretariat will draft a response letter to the Complainant to be signed off by Member Quin in place of the Chairman. It was noted that Member Gomez was also recused from this matter.

g. Human Rights Complaint 002/2024

The HRC reviewed the complaint and requested that the Secretariat contact the Complainant requesting more information on the writ and if there is a filed/sealed copy available that can be sent to the HRC. It was noted that member Cathy Gomez was recused from this matter.

h. Human Rights Complaint 005/2024

The HRC was informed about the new complaint received regarding a government department. The Secretariat is to contact the government department in question and establish their policies and procedures in this regard.

i. Human Rights Complaint 006/2024

The Secretariat is to contact the Complainant's attorney named on the complaint form to establish further details.

j. Human Rights Enquiry 001/2024

The Secretariat is to draft a letter to the Complainant updating them that this is a long-standing issue and the Government is in talks with the banking association to try to find a solution.

5. Any other Business

- a.** The HRC was informed that they had received an invitation from the Governor for a luncheon at Government house. The Secretariat will circulate a calendar invite.
- b.** The Secretariat will contact the new HRC Member to commence the on-boarding process.
- c.** The PR & Education Coordinator circulated an article to members outlining the Secret Trials Bill, which would allow closed door trials when evidence could impact national security. The Chairman asked that this item be placed on the agenda for the next meeting.

6. 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.** Arrange for some sponsored posts on social media to increase reach and the page following, as discussed in item 3.a.i above;
- c.** Contact the school enquiring about the HRC delivering a presentation for staff for Professional Development Day and find out the expectations for the presentation, as outlined in item 3.a.ii above;
- d.** Conduct research on the content of education on human rights taught in school for Key Stage 2, as outlined in item 3.a.ii above;
- e.** Update the current slide deck with suggestions for the HRC, making the presentation more age appropriate for school students, as discussed in item 3.a.ii. above;
- f.** Contact TBLs in regards the BOR training. A date is to be scheduled to discuss the requirements and expectations from this course.
- g.** Contact CBC and MoBCLC to:
 - Request an update on the policy progress and to schedule the next meeting to walk-through the policy, as outlined in item 3.b.i above;
 - Request an update on progress with the amendments relating to spouses of asylum grantees from MoBCLC as outlined in item 3.b.ii above;
 - request an informal discussion to walk through the landing process of migrants and if there is written documentation (e.g. a checklist) that could be reviewed, as outlined in item 3.b.iv above;
- h.** Finalise and send the letter outlining the main concerns in regards to the BTCC, including the updates from the 30 November 2023 meeting, as outlined in item 3.b.iii above;
- i.** Follow up to determine if there is a Department/body who should be responsible for monitoring the conditions in the BTCC, as outlined in item 3.b.iii above;
- j.** Follow up on the letter sent to WORC re the MTR process, as outlined in item 3.c. above;
- k.** Collect final feedback from former Interim Chair on the updated draft Annual Report 2022 and arrange for sign off, as outlined in item 3.e. above;
- l.** Follow up on the Financial Assistance Regulations 2022 and ascertain if a Commencement Order has been put in place. Once in place, follow up on the DCFS corresponding policies, as outlined in item 3.f. above;
- m.** Follow up regarding MASH policies as outlined in item 3.g. above;

- n. Contact the new HRC Member regarding the onboarding process, as outlined in 5.b;
- o. Draft correspondence for all complaints and enquiries as detailed above.

7. 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
- 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. Secret Trials Bill

8. Next Meeting

The next meeting will be scheduled via round-robin.

9. Adjournment

The meeting was adjourned at 5:55 pm.



**Benjamin Tonner KC
CHAIRMAN
HUMAN RIGHTS COMMISSION**