

<p style="text-align: center;"><b>HUMAN RIGHTS COMMISSION</b> <b>3<sup>rd</sup> MEETING OF 2024</b> <b>MINUTES</b> <b>18 April 2024</b> <b>CONFERENCE ROOM</b> <b>HRC SECRETARIAT OFFICES</b></p>
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**PRESENT:**

Benjamin Tonner KC	Chairman
Cathy Gomez	Member
Nicholas Quin	Member
Alecia Johns	Member

**APOLOGIES:**

Jennifer Hunter	Member
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**SECRETARIAT MEMBERS PRESENT:**

Melanie McField	Manager
Francis Kearns	Deputy Manager
Evette Burnell	Administrator/Analyst

**1. Meeting called to order**

The meeting commenced at 3:35 pm.

The Chairman introduced the new HRC Member, Dr. Alecia Johns, who had been appointed to replace Ms. Barker-Roye, whose membership had expired.

**2. Previous Minutes**

The minutes of the meeting held on 28 February 2024 were approved. The Secretariat will finalise and publish them on the HRC website.

**3. Matters Arising from Previous Meeting**

**a. Education Initiatives**

**i. Social Media Campaign**

The Deputy Manager updated the HRC that the followers on the Instagram account have increased, which is established under the name “Human Rights Cayman”. The

Secretariat is also in the process of arranging some sponsored posts for the previously agreed Bill of Rights posts.

The Deputy Manager also informed the Commission that the Secretariat have been conducting some social medial scanning for groups in the Cayman Islands that may discuss Human Rights issues. It was noted that the “Women in Cayman” Facebook group posted recently about concerns relating to Police Officers interviewing minors.

The Secretariat included a draft script in the packet for a Human Rights Commission video for Members to review and approve. The video is intended to be a part of the Civil Servants’ orientation training and will be approximately 1-2 minutes long. Members approved the script content.

**ii. Human Rights Presentation for Schools**

The Deputy Manager informed Members that the PR & Education Coordinator has produced a draft presentation for HRC Members to present to schools, introducing the concept of Human Rights to children. Prospect Primary have requested the Commission to present to children in Year 6. Members Quin and Hunter had previously agreed to assist with this. The date for this presentation will be confirmed by email.

The Chairman informed Members that there has also been contact with Cayman Prep and High School about how Human Rights education is included in the senior school syllabus. The Chairman is expecting a response from the school in due course.

The Chairman also informed Members that he raised the issue of Human Rights in the curriculum in the Commission’s recent luncheon with the Governor. The Secretariat will follow up on this with the Governor’s Office to see if contact can be made with the Ministry of Education.

**iii. Bill of Rights Training**

The temporary Bill of Rights training has been produced by the PR & Education Coordinator and uploaded to the Civil Service College website. So far 12 people have completed the course. It is still planned that Truman Bodden Law School (TBLS) will be providing a more comprehensive training offer, which was discussed between TBLS and the Secretariat in a recent meeting. TBLS have committed to producing a 30-45-minute online training course designed for Civil Servants. The learning objectives have been agreed with TBLS and it is expected that this training will be available by autumn 2024.

The Chairman completed a presentation for staff in a local private school on 8 April , which gained positive feedback. Leaflets and booklets on Human Rights were

provided for the staff, too. It was discussed that the training video being produced by TBLS could potentially be repurposed as a tool for school staff to use in future.

**b. Migrants**

**i. Migrants Policy**

The Migrant Policy updates were due to be discussed in the meeting with MoBCLC and CBC, which was scheduled for April 15<sup>th</sup>. Unfortunately this was cancelled and will be rescheduled.

**ii. Legislative Amendment**

The Immigration Transition Bill amendments relating to spouses of asylum grantees are still pending and were due before Parliament in early 2024. Updates were going to be discussed in the aforementioned meeting with MoBCLC and CBC, which will be rescheduled.

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

The HRC revisited the question of independent monitoring/inspection of the conditions in the BTCC and the fact that there is no clear authority/body assigned to this role. The Secretariat reached out to the Governor's Office to establish if a body should be established/assigned for this purpose. A follow-up will be sent in this regard. The issues regarding the BTCC will be discussed at the forthcoming MoBCLC/CBC meeting.

**iv. Migrants Report**

The lack of availability of legal advice for migrants was discussed as an ongoing concern. This will be discussed further in the next meeting with CBC.

The documents provided by CBC on the migrant process and procedure from time of landing to departure, or asylum, were helpful. The queries on these documents posed by Members will be addressed in the next CBC meeting.

**c. Query re WORC Internal Process**

In the HRC meeting of 28 February, the Secretariat prepared and sent the approved letter to WORC regarding the *Mindful to Revoke* process, which summarises the HRC's concerns, based on the previous research and feedback provided. To date there has been no response from WORC. This will be followed up by the Secretariat before the next HRC meeting.

**d. Prison Updates**

The Secretariat informed Members that the Director of Prisons requested that the Commissions do not receive any email correspondence/complaints from prisoners via Prison Officers. Instead the Director insisted that all communications go via his office as standard

procedure.

The absence of a permanent rehabilitation officer for prisons was discussed. There has not been a permanent member of staff in this position since 2020. There was concern expressed by Members given the importance of this area. Members agreed they should continue to monitor this situation.

**e. HRC Annual Report**

The Secretariat sent the 2022 Annual Report to the Deputy Governor's Office to be tabled before Parliament. Once reviewed by Parliament it will be published on the HRC website. The Secretariat have begun drafting the 2023 Annual Report and will provide an initial draft to the Commission at the next meeting.

**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 the policies have been updated in light of the recent Financial Assistance Act (FAA) (2022). The Secretariat received a copy of the updated policies from the NAU Director and Members will conduct a comparative analysis of the policies against the legislation to see if they are aligned.

**g. Child Safeguarding**

Members had previously requested that 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. No updated policies have been received to date, so the Secretariat will follow this up.

**4. Human Rights Complaints and Enquiries**

**OLD:**

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

The HRC was updated on this matter. The Complainant sent in further evidence, as requested by the Commission. The Secretariat will escalate the complaint for further assistance.

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

The Secretariat followed up with the Public Authority regarding whether their policies have been updated, following previous dialogue with the Commission. No response has yet been received, so the Secretariat will contact the Public Authority again.

**c. Human Rights Complaint 002/2024**

The Complainant sent in the filed/sealed copy of the Writ for HRC to review. The appeal is to be heard soon and a letter will be drafted to the Complainant asking them to inform the Commission of the outcome. It was noted that Member Cathy Gomez was recused from this matter.

**d. Human Rights Complaint 005/2024**

The HRC was updated that the government department in question was asked to provide details of the policies and procedures relating to this matter. The Secretariat received a response from the Director which was provided to Members.

**e. Human Rights Complaint 006/2024**

The Secretariat is to draft a closure letter to the Complainant.

**f. Human Rights Enquiry 001/2024**

The Secretariat is to draft a closure letter to the Complainant.

**NEW:**

**g. Human Rights Complaint 007/2024**

The Secretariat is to draft a closure letter to the Complainant. It was noted that Member Cathy Gomez was recused from this matter.

**h. Human Rights Complaint 008/2024**

A new complaint was received in regards to an individual being refused Government health benefits. The Secretariat is to contact the Complainant to request they provide further information to establish the grounds of refusal.

**i. Human Rights Complaint 009/2024**

The Secretariat is to draft a closure letter to the Complainant.

**j. Human Rights Complaint 010/2024**

Both Chairman Tonner and Member Quin are recused from this case and therefore a quorum was not present. The Complaint will be heard at the next meeting.

**5. New Business**

**a. Secret Trials Bill**

Members discussed the new Secret Trials Bill, which has been reported in the media and could potentially have Human Rights implications. The HRC will monitor the implementation of this new legislation.

## **6. Action Items**

It was resolved the Secretariat would:

- a. Finalise and publish the approved minutes on the HRC website as discussed under item 2 above.
- b. Contact the representative at the Governor's Office regarding Human Rights education taught in CIG Schools, as outlined in item 3.a.ii above;
- c. Contact CBC and MoBCLC to reschedule the next meeting to:
  - o Request an update on the policy progress and walk-through of the policy, as outlined in item 3.b.i above;
  - o Request an update on progress with the amendments relating to spouses of asylum grantees from MoBCLC, as outlined in item 3.b.ii above;
  - o Discuss issues re the BTCC with CBC and follow up with Governor's Office if an authority/body should be inspecting conditions of this site, as outlined in item 3.b.iii above;
  - o Discuss the lack of availability of legal advice to migrants, as outlined in item 3.b.iv above;
  - o Pose queries highlighted by Members re the migrant procedure documents CBC provided, as outlined in item 3.b.iv above;
- d. Follow up on the letter sent to WORC re the MTR process, as outlined in item 3.c. above;
- e. Contact the Director of Prisons to discuss rehabilitation staff, as outlined in item 3.d. above;
- f. Finalise draft HRC Annual Report 2023 for initial review in the next meeting, as outlined in item 3.e. above;
- g. Members to perform cross-analysis of new NAU policies and legislation to check they match up, as outlined in item 3.f. above;
- h. Follow up regarding MASH policies as outlined in item 3.g. above;
- i. 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

**8. Next Meeting**

The next meeting will be scheduled via round-robin.

**9. Adjournment**

The meeting was adjourned at 5:19pm.

A handwritten signature in black ink, appearing to read 'Benjamin Tonner', with a stylized flourish at the end.

**Benjamin Tonner KC  
CHAIRMAN  
HUMAN RIGHTS COMMISSION**