

**HUMAN RIGHTS COMMISSION (“HRC”)
5th MEETING OF 2024
MINUTES
31 July 2024
CONFERENCE ROOM
HRC SECRETARIAT OFFICES**

PRESENT:

Benjamin Tonner KC	Chairperson
Jennifer Hunter	Member
Cathy Gomez	Member
Alecia Johns	Member

APOLOGIES:

Nicholas Quin	Member
---------------	--------

SECRETARIAT MEMBERS PRESENT:

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

1. Meeting called to order

The meeting commenced at 3:22 pm.

2. Previous Minutes

The minutes of the meeting held on 12 June 2024 were previously approved by round-robin and published on the HRC website.

3. Matters Arising from Previous Meeting

a. Education Initiatives

i. Social Media Campaign

The PR & Education Coordinator presented the HRC with some proposed new social media posts, which were approved. The Secretariat will prepare another batch of posts for the next meeting. The Members were informed that the HRC Instagram account now has 164 followers.

ii. Bill of Rights (BoR) Training

It was confirmed that teachers do have access to the temporary BoR training which is live on the Civil Service College website. So far, 40 civil servants have completed this

training. The Civil Service College is currently preparing to launch a new Learning Management System (“LMS”). The BoR course will be migrated to the new system once completed. The Deputy Manager discussed with Members an alternative provider for the more comprehensive training course that has previously been discussed. A potential provider has been identified and has offered a quote for the work, which is within budget. The Members agreed to proceed with this provider and asked the Secretariat to make the necessary arrangements.

iii. Relevant Media Articles

The PR & Education Coordinator informed Members about two recent articles. The first article was in regards to the new Mental Health facility in East End. There are still delays with opening this facility and no timeline can be given for an opening date. There is still no occupancy certificate and it is currently with Public Works. The Secretariat will reach out to the Director for an update. The second article was from a social media group which criticised a public authority’s dress code rules. It was agreed that no action should be taken at this time.

b. Migrants

i. Migrants Policy

The Secretariat shared with Members the revised minutes from the meeting with Customs and Border Control (“CBC”) and the Ministry of Border Control, Labour and Culture (“MoBCLC”) on 6 June 2024. These were approved for circulation. An internal file note from this meeting was also shared with Members. The file note was approved by Members. The Secretariat was asked to reach out to the Refugee Protection Appeals Tribunal to arrange a meeting to help Members better understand the process.

ii. Legislative Amendment

The Immigration Transition Bill amendments relating to spouses of asylum grantees are still pending and are due to be tabled before Parliament in September 2024. Updates were discussed in the aforementioned rescheduled meeting with MoBCLC and CBC. The Ministry will provide a further update to the HRC at the next meeting.

iii. Bodden Town Civic Centre (“BTCC”)

Following confirmation from MoBCLC that there is no authority assigned to the role of monitoring the conditions in the BTCC, Members had decided to investigate further. The Secretariat contacted the Cayman Islands Fire Service (“CIFS”) to establish what inspections had taken place and when. The last inspection was in January 2024, however, the inspector stated that a joint inspection with the Department of Planning and Department of Environmental Health is due to take place to observe the issues identified. A preliminary report will be provided to the HRC following this inspection. The Secretariat will follow up by 15 August 2024 if it has not been received.

iv. Migrants Briefing Document

Following the request from Members that the Secretariat produce a briefing document on the topic of Migrants for new Members, the Deputy Manager presented Members with the document and asked for feedback. Members were advised that if

this document is deemed helpful then a similar type of document could be prepared on other issues to assist new Members understanding the key issues. Members agreed to read the document and provide any feedback by email.

c. Query re Workforce Opportunities and Residency (WORC) Internal Process

Following the HRC providing recommendations on the WORC 'Mindful to Revoke' process, a new draft process document was sent to HRC from the Director of WORC for their feedback. A draft response outlining some additional queries was approved by Members to be sent.

d. Prison Updates

Following the Chairman's attendance at the Cayman Islands Independent Monitoring Board ("CIIMB") meeting, a copy of their Guidance for Monitors was received and there was a brief discussion of the content. The Secretariat will investigate when the next CIIMB annual report will be published and will provide Members with a copy, once available.

e. HRC Annual Report

The Secretariat updated Members that the 2022 HRC Annual Report is due to be tabled before Parliament in the July 2024 sitting. The Secretariat will inform Members once it has been tabled.

The updated draft 2023 Report was also discussed. Members agreed to sign off its content once the Chairman's statement has been agreed and a few minor amendments have been made.

f. NAU Policies

The previously discussed cross-referencing of the Financial Assistance Act and the new Needs Assessment Unit's Policies was deferred to the next meeting. The Secretariat will assist by reviewing both documents in time for the next meeting.

g. Child Safeguarding

Members have previously requested that the Secretariat obtain any updated policy documents from the Multi-Agency Safeguarding Hub ("MASH"), in regards to a historical query as to whether the MASH Unit's policies on interviewing minors is compliant with the Cayman Islands Bill of Rights. The Secretariat has been in contact with the Ministry for Investment, Innovation and Social Development for an update on this policy and any planned amendments. The Secretariat is to follow up during week commencing 5 August 2024 if there is no response.

4. Human Rights Complaints and Enquiries

OLD:

a. Update on Human Rights Enquiry 002/2019

The HRC was updated on this matter. The Secretariat sent details of the concerns to the relevant Ministry and is awaiting a response. A follow up will take place in two weeks should no response be received.

b. Update on Human Rights Complaint 001/2023

The Secretariat received a response from the Public Authority clarifying the policies that

have been updated, following previous dialogue with the Commission. The Chairman also asked Members to review the section 81 (3) of the Police Act to verify his interpretation.

c. Human Rights Complaint 002/2024

Members were updated that the appeal is to be heard on 18 July this year. The Secretariat will follow up on the outcome of the appeal and check public records. It is noted that Member Gomez is conflicted from this Complaint.

d. Human Rights Complaint 005/2024

The HRC decided to close this case following confirmation from the relevant Authority that they have followed policy. A closure letter will be sent with a contact to another agency that may assist.

e. Human Rights Complaint 008/2024

The Secretariat is to contact the Complainant to request that they email the required documents to the relevant Authority.

f. Human Rights Complaint 011/2024

The Secretariat contacted the Complainant and requested a copy of the Order. No response has been received to date. It is noted that Member Gomez is conflicted from this Complaint.

g. Human Rights Complaint 013/2024

The Secretariat contacted the Complainant and requested a copy of the Order. No response has been received to date. It is noted that Member Gomez is conflicted from this Complaint.

h. Human Rights Complaint 014/2024

The Secretariat wrote to the Complainant requesting an update which has not yet been received. It is noted that Member Gomez is conflicted from this Complaint.

i. Human Rights Complaint 015/2024

The HRC decided that it would be most prudent to take external legal advice on this matter prior to offering their response to the Complainant. A potential provider has been identified and approval was given to proceed. The Complainant will be contacted and informed of the decision that advice will be sought. It is noted that Member Johns is conflicted from this Complaint.

NEW:

j. Human Rights Complaint 010/2024

The Secretariat has been unsuccessful in contacting the Complainant, who is believed to have left the jurisdiction. One more attempt will be made to contact the Complainant via phone and email. The case will be closed in the next meeting if contact is still unsuccessful.

k. Human Rights Complaint 016/2024

The Chairman had a conflict on this Complaint and there was not a quorum for the complaint to be heard. The Complaint will be deferred to the next meeting.

l. Human Rights Complaint 017/2024

The Secretariat is to clarify the immigration status of the Complainant's adult children and the exact nature of the parents' Caymanian Status.

m. Human Rights Complaint 018/2024

The Secretariat informed the HRC that the relevant policy in regards to the Complaint has been requested from the public authority and they are awaiting a response. A follow up email will be sent in one week should there be no response. It is noted that Member Gomez is conflicted from this Complaint.

n. Human Rights Complaint 019/2024

The Secretariat were instructed to write a closure letter referring the Complainant to the Labour and Pensions Board and the AIDS Foundation, who may be able to offer support and guidance. As the complaint relates to a private entity, the Bill of Rights does not apply.

o. Human Rights Complaint 020/2024

The Secretariat is to reach out to the relevant monitoring body to find out if any progress has been made on the issue relating to this complaint. A letter should also be sent to the Complainant requesting more information on the suggestion of corruption. It is noted that Member Gomez is conflicted from this Complaint.

5. New Business

None

6. AOB

This was Member Gomez's last meeting. Her excellent service on the Commission was acknowledged and members joined in thanking her sincerely for her contribution to the HRC and wishing her every success for her future endeavors.

7. Action Items

It was resolved the Secretariat would:

- a. Draft the next batch of Instagram posts and circulate to Members for approval in the next meeting, as outlined in item 3.a.i above;
- b. Proceed with onboarding the suggested training provider for the BOR Training, as outlined in item 3.a.ii above;
- c. Contact the Director of the new Mental Health facility in East End for an update on the planned date for opening, as outlined in item 3.a.iii above;
- d. Contact the Refugee Protection Appeals Tribunal to arrange a meeting with the HRC to help Members better understand the process, as outlined in item 3.b.i above;
- e. Follow up on the preliminary report to be provided to the HRC following the fire department inspection and walk through of the BTCC next week, as outlined in item 3.b.iii above;
- f. Send the response with additional queries to WORC re the new MTR process draft received, as outlined in item 3.c. above;

- g. Find out when the next CIIMB Annual Report will be available and provide Members with a copy once published, as outlined in item 3.d. above;
- h. Update the draft HRC Annual Report 2023 to include the Chairman's message and a few other amends, as outlined in item 3.e. above;
- i. Complete the cross-referencing of the Financial Assistance Act and the new NAU Policies and Investigate whether migrants will be included in the eligibility criteria for NAU assistance, as outlined in item 3.f. above;
- j. Follow up regarding MASH policies as outlined in item 3.g. above;
- k. Draft correspondence for all complaints and enquiries as detailed above.

It was resolved that Members would:

- a. Review section 81(3) of the Police Act to verify interpretation, as outlined in item 4.b. above;

8. Items to be Discussed at the Next Meeting

- a. PR & Education Initiatives
 - i. Social Media Campaign
 - ii. Bill of Rights Training
- b. Migrants
 - i. Migrants Policy
 - ii. Legislative Amendment
 - iii. Bodden Town Civic Centre Updates
- c. Query re WORC Internal Process Update
- d. Prisons Updates
- e. HRC Annual Report
- f. NAU Policies
- g. Child Safeguarding

9. Next Meeting

The next meeting will be scheduled via round-robin.

10. Adjournment

The meeting was adjourned at 5.20pm.



**Benjamin Tonner KC
CHAIRMAN
HUMAN RIGHTS COMMISSION**