

**HUMAN RIGHTS COMMISSION (HRC)
4th MEETING OF 2024
MINUTES
12 June 2024
CONFERENCE ROOM
HRC SECRETARIAT OFFICES**

PRESENT:

Benjamin Tonner KC	Chairman
Nicholas Quin	Member
Jennifer Hunter	Member

APOLOGIES:

Cathy Gomez	Member
Alecia Johns	Member

SECRETARIAT MEMBERS PRESENT:

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

1. Meeting called to order

The meeting commenced at 3:25 pm.

2. Previous Minutes

The minutes of the meeting held on 18 April 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, following a boost to some of the publications. The account now has 163 followers. The PR & Education Coordinator will draft the next posts for next quarter and will circulate to Members for approval.

ii. Human Rights Presentation for Schools

The Deputy Manager informed Members that the PR & Education Coordinator had arranged a presentation at Prospect Primary School to introduce the concept of

Human Rights to pupils. Members Quin and Hunter represented the HRC at the presentation, commenting that it went well and the students were engaged. School staff provided positive feedback and requested if there might be the opportunity to provide training for teachers too. It was agreed that the Secretariat should ensure that teachers have access to the existing Bill Of Rights (BOR) training.

iii. Bill of Rights Training

32 civil servants have accessed the temporary BOR training which is live on the Civil Service College website. It is still anticipated that Truman Bodden Law School (TBLS) will be providing a more comprehensive training offer, however, meetings arranged for discussion on this have been delayed and their capacity to provide the course at this time may be limited. Some alternatives were discussed. The Secretariat is to investigate whether there is a budget to engage another training provider.

iv. Relevant Media Articles

Members were presented with two recent articles related to migrants in the Cayman. The first article was in regards to the protests by Cuban migrants outside the Government building, which ended in some individuals being detained. The Chairman requested that we raise this topic in the next meeting with CBC. The second article referred to the recent approval by Cabinet of \$2.4m to fund a new Immigration Detention Centre.

b. Migrants

i. Migrants Policy

Migrant Policy was discussed with CBC during the meeting with CBC and MoBCLC colleagues on 6 June 2024. The Secretariat will produce a file note of this meeting for internal use. This will be added to the packet of the next HRC meeting.

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 July or 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)

The Secretariat were provided with an email from MoBCLC stating that there is no authority/body assigned to the role of monitoring the conditions in the BTCC and they did not believe any entity would be appropriate as the residents there are not detained. The Members were still concerned that there should be oversight in regards to safety issues. The Secretariat will contact MoBCLC and the Governor's Office to discuss the concerns.

iv. Migrants Report

Members requested that the Secretariat produce a briefing document on the topic of Migrants for new Members.

HRC Members are also to consider contacting the Refugee Appeal Tribunal to learn

more about their process.

c. Query re WORC Internal Process

Following the HRC meeting of 28 February, the Secretariat prepared and sent a letter to WORC regarding the *Mindful to Revoke* process, which summarises the HRC's concerns, based on the previous research and feedback provided. On 1 May the Secretariat received a response from WORC stating that the recommendations had been delivered to management for their consideration. The Secretariat will follow this up in two weeks if no further response is provided.

d. Prison Updates

In the HRC meeting of 18 April, the absence of a permanent rehabilitation officer for prisons was discussed. The Secretariat prepared an update but the Chairman was recused from the matter and consequently there was no quorum. The update will be deferred to the next meeting.

e. HRC Annual Report

The Secretariat updated the Members that the 2022 report is due to be tabled before Parliament in June and will then be published.

The draft 2023 report was also discussed and points were given to add to the Chairman's message, including the Chairman's appointment, member changes and Secretariat restructuring.

f. NAU Policies

The previously discussed cross-referencing of the Financial Assistance Act and the new NAU Policies was deferred to the next meeting. In the interim, the Secretariat will contact The Ministry of Social Development to obtain an update on the issue of migrants being included in the eligibility criteria for NAU assistance.

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 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 Secretariat escalated the complaint for further assistance and are awaiting a response to the most recent email sent to the relevant Ministry. 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 regarding whether their

policies have been updated, following previous dialogue with the Commission. Some of the information provided was not clear to members. The Secretariat will follow up with a call to address their queries.

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.

d. Human Rights Complaint 005/2024

An update is to be requested from the Complainant on the outcome of the most recent application and then this can be followed up with the department in question, if required.

e. Human Rights Complaint 008/2024

The Secretariat is to contact the Complainant to request the full document be sent. In addition, a call will be made to the department in question to discuss the details of the refusal.

NEW:

f. Human Rights Complaint 010/2024

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

g. Human Rights Complaint 011/2024

The Secretariat is to contact the Complainant and request a copy of the Order.

h. Human Rights Complaint 012/2024

The Secretariat is to draft a closure letter to the Complainant explaining that they have a legal avenue that can be pursued if they are unhappy with the decision.

i. Human Rights Complaint 013/2024

The Secretariat is to write to the Complainant requesting a copy of the Order.

j. Human Rights Complaint 014/2024

The Secretariat is to write to the Complainant and request an update prior to the next meeting.

k. Human Rights Complaint 015/2024

The Secretariat is to write to the Complainant requesting any updated documents and enquiring if there is a hearing date. The Secretariat will also advise that this request requires careful consideration and will be discussed at the next meeting once all Members are present.

5. New Business

a. Final Report – Penal Code Reform

Members discussed the final report received regarding Penal Code Reforms, called “The Penal Code: Is it Compatible with the Bill of Rights?” for which the HRC had submitted recommendations.

6. AOB

An article regarding Non-Profit Organisations (NPOs) and their employees' seeking a right to a hearing for unfair dismissal was discussed. The Secretariat is to contact MoBCLC to enquire if there are any plans to extend the rights of NPO employees by including them in the Labour Law.

7. 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. Draft the next batch of Instagram posts and circulate to Members for approval, as outlined in item 3.a.i above;
- c. Confirm teachers have access to BOR training for teachers, as outlined in item 3.a.ii above;
- d. Investigate whether there is budget available to secure a training provider for the BOR Training, as outlined in item 3.a.iii above;
- e. Draft a file note for internal use only for the most recent MoBCLC/ CBC meeting, as outlined in item 3.b.i above;
- f. Contact MoBCLC and the Governor's Office to discuss the concerns regarding BTCC, as outlined in item 3.b.iii above;
- g. Produce a briefing document on the topic of Migrants for new Members, as outlined in item 3.b.iv above;
- h. Follow up on the letter sent to WORC re the MTR process, as outlined in item 3.c. above;
- i. Update the draft HRC Annual Report 2023 to include the Chairman's message as outlined in item 3.e. above;
- j. Investigate whether migrants will be included in the eligibility criteria for NAU assistance, as outlined in item 3.f. above;
- k. Follow up regarding MASH policies as outlined in item 3.g. above;
- l. Draft correspondence for all complaints and enquiries as detailed above.

It was resolved that Members would:

- a. Discuss with CBC the issue of protest and freedom of expression and assembly, as outlined in item 3.a.iv above;
- b. Contact the Refugee Appeal Tribunal to learn more about their process, as outlined in 3.b.iv
- c. Perform cross-analysis of new NAU policies and legislation to check they align, as outlined in item 3.f. 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. Relevant Media Articles
- b. Migrants
 - i. Migrants Policy
 - ii. Legislative Amendment
 - iii. Bodden Town Civic Centre Updates
 - iv. Migrants Reports

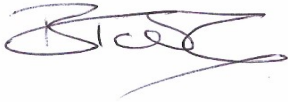
- c. Query re WORC Internal Process Update
- d. Prisons Updates
- e. HRC Annual Report
- f. NAU Policies
- g. Child Safeguarding

9. Next Meeting

The next meeting will be scheduled via round-robin.

10. Adjournment

The meeting was adjourned at 6.23pm.



**Benjamin Tonner KC
CHAIRMAN
HUMAN RIGHTS COMMISSION**