

MINUTES
10th MEETING OF THE HUMAN RIGHTS COMMISSION
14 OCTOBER, 2010
CONFERENCE ROOM
COMMISSIONS SECRETARIAT

PRESENT:	Richard Coles	Chairman
	Alistair Walters	Member
	Cathy Frazier	Member
	Sara Collins	Member
	Rev. Nicholas Sykes	Member

SECRETARIAT MEMBERS PRESENT:

Michael Ebanks	Analyst, Commissions Secretariat
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1. Meeting called to order

The meeting was called to order at 3:35 p.m.

2. Confirmation of previous minutes

Prior to confirmation of the 7 September, 2010 minutes, one HRC member queried the status of the human rights training programme offered by the Australian Human Rights Commission. The status is such that training by the Australian Human Rights Commission is significantly costly; in turn, various local mediation training options are being considered. The HRC is in the process of determining the inherent differences between general mediation and human-rights-specific mediation so as maximize the benefit to the HRC and, ultimately, to the public.

3. Outstanding Business

a. CEDAW Conference, Anguilla: 27-29 October 2010

Julene Banks will attend the CEDAW conference representing the Human Rights Commission. A power point presentation will be created for her and approved by the Commission Chairman.

b. Red Cross Citizenship Project

The HRC was extended an invitation to participate in the Red Cross Citizenship Pilot Project however after having been postponed once it has now been cancelled.

4. New Business

a. Consideration of HRC Legislation

Over the course of the year (2010) the HRC has continued to welcome formal complaints by members of the public in relation to potential human rights infringements by the Cayman Islands Government, public authorities, and public officials. The protocol of the HRC requires a thorough, fair and timely assessment of the evidence provided by the complainant, with an equally thorough and fair assessment of the respondent's processes, procedures, and policies to establish the facts. Thus, the investigatory process hinges on the full and expedient cooperation of the particular Government body or public authority with respect to communication and the production of documents as requested by the HRC. The Commission maintains that such cooperation ought

to be viewed as necessary in a democratic society for the promotion of human rights and demonstrable by willingness of the respondent namely Government entities to produce, in full, documents within a reasonable degree of time as warranted by the circumstances surrounding the case.

The Commission was disappointed with the general response by Government entities during the first of part of the year and had considered requesting the drafting of legislation to compel the production of documents. However as the Commission has observed the quality and timeliness of responses from Government entities in the third quarter of 2010 to be more satisfactory, the drafting of legislation was no longer regarded as a priority and the Commission will continue to closely monitor the quality and timeliness of responses.

b. Letter from member of the public re: Fair Trial

The Commission received a letter from a member of the public mirroring in many respects various concerns previously expressed, in writing (and published on the HRC website), by the Commission to the Attorney General's Chambers. The author further requested information from the HRC as to the appropriate channels in the United Kingdom through which to present the concerns.

The HRC will formally acknowledge the author's letter with a written response, wherein the author will be directed to the Governor's Office (Cayman Islands) as the appropriate channel for the stated purpose. A copy of the author's letter in combination with the HRC response will be provided to the Governor's Office (Cayman Islands).

c. Annual Report to the Legislative Assembly

The Commission, in accordance with the Cayman Islands Constitution 2009, is in the process of finalizing the 2010 annual report, which is to be presented to the Legislative Assembly. The purpose of the annual report is to convey the activities of the Commission during the reporting year. Following presentation of the report to the Legislative Assembly, the document will be published on the HRC website for public access.

d. Older Persons Month

Older Persons Month is currently being observed in the Cayman Islands in October, and as such the Commission will forward the 2010 Report of the Independent Expert on the Question of Human Rights and Extreme Poverty to Hon. Mike Adam (Minister of Community Affairs and Housing) and various other senior members of the Department of Children and Family Services. The report explains that "States are obliged progressively to ensure the right to social security and the right to an adequate standard of living to all individuals within the country. These rights are enshrined in the Universal Declaration of Human Rights and several international human rights treaties and International Labour Organization conventions. Considering the vulnerability of older persons, States must take appropriate measures to establish social security schemes that provide benefits to all older persons without discrimination of any kind and ensure equal rights for men and women." The report will also be uploaded to the HRC website.

e. Creation of Human Rights Policy Indicators

In preparation for the implementation of the Cayman Islands Bill of Rights, the HRC has undertaken to develop a Human Rights Policy Indicators tool that can be utilized by Government entities reviewing internal processes, procedures, and policies for compliance with human rights. The Human Rights Policy Indicator tool has been found useful in other jurisdictions, and will be offered for public access on the HRC website.

f. HRC Youth Photography Project- "C. I. See You"

The Human Rights Commission will launch its Youth Photography Project, "C. I. See You", on Monday 20th October 2010. The project is directed at children between the ages of 8 and 17, and allows participants to take an original photograph in the Cayman Islands that explores the meaning of rights, freedoms, or social responsibilities in the context of the Cayman Islands Bill of Rights.

5. Human Rights Complaints

a. Update on Human Rights Complaint 001/2010

The Commission received additional documentation regarding the matter. An investigation into the complaint is currently on-going. The HRC is now in a position to correspond with the complainant to convey the status of the investigation and to gauge the satisfaction of the complainant. A formal letter will be sent to the complainant.

b. Human Rights Complaint 02/2010

The Commission has received correspondence from the respondent Government department. The HRC has been told that the respondent Government Department will continue to look into the matter.

c. Human Rights Complaint 015/2010

The Commission received correspondence from the respondent Government department. Investigations into the matter, and further review of documents, are required to fully establish a conclusion into the matter.

d. Human Rights Complaint 020/2010

The Commission reviewed the above-referenced case, resulting in the finding that a human rights violation did not occur based on the circumstances presented to the HRC. A formal letter will be sent to the complainant.

6. Any Other Business

a. Public Engagements

The Commission will undertake to develop a concise policy relating to public engagements inclusive of public commentary, public speaking, and other matters by members of the Commission.

7. Items to be Discussed at the Next Meeting

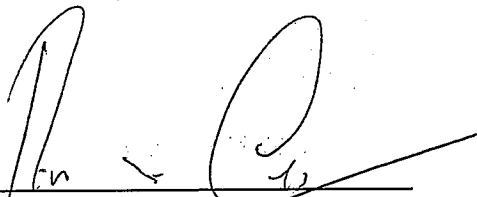
- a. Paris Principles
- b. HR Policy Indicators
- c. Policy Document on Speaking Engagements
- d. Annual Report
- e. Update on Attendance at CEDAW Conference
- f. Update on Photo Competition
- g. Update on IHD – 10 December, 2010

8. Next Meeting

The next meeting will be held on Wednesday, 3 November, 2010 @ 3:30pm in the Commissions Secretariat Boardroom.

10. Adjournment

The meeting was adjourned at 5:10pm.

A handwritten signature in black ink, appearing to read 'Richard Coles', written over a horizontal line.

**Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION**