

**MINUTES**  
**11<sup>th</sup> MEETING OF THE HUMAN RIGHTS COMMISSION**  
**3 NOVEMBER, 2010**  
**CONFERENCE ROOM**  
**COMMISSIONS SECRETARIAT**

**PRESENT:** Richard Coles Chairman  
Cathy Frazier Member  
Rev. Nicholas Sykes Member

**APOLOGIES:** Sara Collins Member  
Alistair Walters Member

**SECRETARIAT MEMBERS PRESENT:**

Deborah Bodden Manager, Commissions Secretariat

**1. Meeting called to order**

The meeting was called to order at 3:38 p.m.

**2. Confirmation of previous minutes**

Prior to confirmation, one HRC member asked to for additional time to review the minutes of 14 October, 2010.

**3. Outstanding Business**

**a. HR Policy Indicators**

It was agreed that the Manager would review the draft Human Rights Policy Indicators in an effort to clarify and condense them. The item will be revisited at the next meeting.

**b. Communication Policy**

It was agreed that the Manager would add in a section detailing the Commission's willingness to cooperate with the media to make the document more inviting. The item will be revisited at the next meeting.

**c. Annual Report**

The Manager has provided a draft copy of the Annual Report to the Chairman who will make changes/comments and then circulate it to all members. The report will summarize the business of the Commission during the 2010 year.

**d. Update on CEDAW Conference, Anguilla: 27-29 October 2010**

Julene Banks has not yet returned to island and thus an update on the conference will be deferred until the next meeting.

**e. Update on HRC Youth Photography Project- "C. I. See You"**

The project has been launched and the flyer and rules have been circulated to all government schools and community groups. The judges for the competition have been finalized however no submissions have been received to date.

**f. Update on International Human Rights Day**

Members were given a brief update on the plans for the event at Camana Bay which are progressing smoothly. The bands and acts have all been lined up and the final details are now being worked out. Member Alistair Walters will be asked to emcee the event. All members were asked to volunteer for either the Day Break Show or the Talk Today Show on the day (10 December, 2010). A flyer is currently being made to circulate island wide and it was thought that we should have some radio ads featuring the Governor, Premier, Deputy Governor, and Chairman leading up to the event and a message printed in the Caymanian Compass on the day.

**g. Meeting with Dr. William Vleck**

Dr. Vleck is a Lecturer in International Relations with the School of International Relations at the University of St Andrews, Scotland and is currently preparing a paper as part of the project, 'Microstates in the Margins of Europe: Post-Colonial Sovereignty Games' coordinated by members of the Department of Political Science, University of Copenhagen. The project will perform a systematic comparison of the relationships between the overseas territories of European Union (EU) Member States (Denmark, France, Netherlands, and United Kingdom), those Member States and the European Union. He has asked to meet with a member of the HRC to ask some questions which broadly involve local perceptions with the statements and actions of the government in Westminster and the European Commission in Brussels concerning two cases – the decriminalisation of homosexuality (2000) and the European Union Savings Tax Directive (2005). He is also interested in more recent events, especially the new Cayman Islands Constitution and the renewed attention given to offshore financial centres because of the global financial crisis. He will be meeting with the Chairman on 9 November.

**h. Meeting with Sir Philip Bailhache**

Sir Philip Bailhache of Jersey is travelling to Cayman hoping to gather information on our new constitution and, more importantly, the process by which we arrived at it. He is, as you can imagine, particularly interested in how we negotiated such a large degree of derogation of authority in external affairs. He will be meeting with the Chairman on 10 November. The Chairman has asked the Manager to try to determine whether Sir Philip will be visiting the island in an official capacity.

**4. New Business**

**a. Paris Principles**

This item has been deferred to the next meeting as the member requesting that it be added to the agenda had to give unexpected apologies. The Manager did say that she would attempt to find out when the report that was to be written by the facilitators of the recent HR Training hosted by the Commonwealth Foundation would be available. The Chairman also asked that the Manager follow up on the press release that was to be released by the Governor's Office on the comments made by the facilitators regarding the Paris Principles and the implications to the CI HRC.

**b. Pension Investigation Information**

This information was sent to members for informational purposes and there is no action needed. The case presented has criminal undertones to it and the Complaints Commissioner is currently conducting an investigation into the matter as a whole. The HRC will wait for the publication of the report and then determine whether there are any human rights implications and if so, make a formal statement on the matter.

**c. Tort Reform Consultation Paper Draft 2010**

The response to the Legal Drafting Department will point out that there does not seem to any human rights implications in this paper as it does not prevent someone from getting medical treatment nor does it prevent someone from being rewarded compensation for medical wrong doing. It simply places a cap on the amount of compensation that can be gained.

**d. The Law of Unintended Consequences by TR**

A member of the public submitted a paper expressing his views on the paper mentioned under item 4 (c) above. This information was sent to members for informational purposes and there is no action needed.

**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 continues.

**b. Human Rights Complaint 021/2010 and 022/2010**

Member Reverend Sykes declared an interest in these cases and therefore they were dealt with as the final matter of business at the end of the meeting once he had excused himself from the meeting.

In the absence of Rev Sykes the meeting was no longer quorate. The Commission reviewed these cases simultaneously as they related to the same subject matter. Correspondence will be sent from the HRC to the respective complainants in accordance with HRC procedures indicating that the Commission has agreed to begin an initial investigation into the matter.

**c. Human Rights Complaint 023/2010**

The Commission reviewed this case and correspondence will be sent from the HRC to the respective complainants in accordance with HRC procedures as this matter was found to be against a private individual and thus not within the remit of the HRC.

**6. Any Other Business**

Reverend Sykes raised the issue that the presentation made at the CEDAW conference said that the HRC fully supported the integration of CEDAW. His personal opinion is that we should not be promoting CEDAW and that this is reinforced by the mandate of the Commission which does not speak to promoting international treaties that the Commission has certain issues/concerns with/about.

The Chairman indicated that he thought it would be strange if the Human Rights Commission did not say that they supported a document which sought to promote the elimination of discrimination against women but agreed that we would have to look at how this particular treaty would affect the Cayman Islands.

The Manager indicated that CEDAW was listed on the agenda for two consecutive months and during those times no member requested to have an in depth discussion on the topic or expressed any concerns about the treaty. Therefore the presentation was created by the

Secretariat and sent to the Chairman for approval containing the statement that the Commission fully supported CEDAW.

It was decided that as we are not aware if or when this treaty would be signed by the Government and if the Human Rights Commission would be consulted prior to the signing, the Manager would prepare a draft of the views of the Commission for circulation so that it will be ready at the appropriate time.

**7. Items to be Discussed at the Next Meeting**

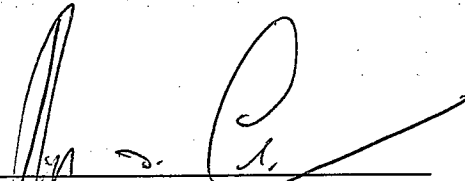
- a. Paris Principles
- b. HR Policy Indicators
- c. Communication Policy
- d. Annual Report
- e. Update on Attendance at CEDAW Conference
- f. Update on Photo Competition
- g. Update on IHD – 10 December, 2010
- h. Mtg with Dr. William Viecek
- i. Mtg with Sir Philip Bailhache

**8. Next Meeting**

The next meeting will be held on Wednesday, 8 December, 2010 @ 3:30pm in the Commissions Secretariat Boardroom.

**10. Adjournment**

The meeting was adjourned at 5:05pm.



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Mr. Richard Coles  
CHAIRMAN  
HUMAN RIGHTS COMMISSION