

**7th MEETING OF 2011
HUMAN RIGHTS COMMISSION
MINUTES
29 AUGUST, 2011
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

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

APOLOGIES: Cathy Frazier Member

SECRETARIAT MEMBERS PRESENT:

Deborah Bodden Manager, Commissions Secretariat
Michael Ebanks Analyst, Commissions Secretariat
Josephine Hislop Analyst, Commissions Secretariat

1. Meeting called to order

The meeting was called to order at 3:40 p.m.

2. Confirmation of previous minutes

The minutes of 7 June, 2011 were confirmed.

3. Matters Arising from the Previous Minutes

a. Civil Servants Signing Petitions

The Commission has provided the Deputy Governor with comments on the Government's draft policy concerning whether civil servants may sign petitions. Additionally, the Commission facilitated the set-up of a meeting between Sir Jeffery Jowell and the Deputy Governor in June 2011 in order to assist Mr. Ebanks with the policy he is preparing for Cabinet approval.

b. Professor Sir Jeffery Jowell

The Commission wishes to express its sincere appreciation to Professor Sir Jeffery Jowell for visiting the Cayman Islands in June 2011 to specifically meet with the constitutionally created commissions. From the perspective of the HRC, the meeting with Sir Jeffrey was highly beneficial. The Commission was able to discuss the challenges they are faced with and to brainstorm possible solutions to promote the effective accomplishment of the Commissions remit. The value of Sir Jeffrey's insight on constitutional law cannot be overstated, to which the Commission is grateful to have been given access.

c. Freedom of Expression vs Parliamentary Privilege

The Commission has formulated a draft response based on an incident stemming from the December 2010 sitting of the Legislative Assembly. Members are now asked to review the draft and provide comments within the next two weeks. Once members have had an opportunity to comment the draft response will be sent to the Honourable Speaker and the Editor of the Cayman Compass to ensure factual correctness.

d. CEDAW

Substantial research has been conducted on the subject matter by both the Secretariat and the Cayman Islands Bar Association (Student Chapter). The Secretariat has reviewed the research from a point of how signing on to CEDAW will affect the daily lives of those living in the Cayman Islands. The Cayman Islands Bar Association (Student Chapter) has reviewed the research from a point of analysing the impact of CEDAW on local legislation. The HRC is grateful to the Student Chapter for its insight and analysis. This research will now be combined and generated into a draft report for the Commission to review.

4. New Business

a. Review of Draft Policies for Human Rights Compliance

It has been agreed that while the Commission is happy to review policy documents for various Government departments, those draft policies should be in the final stage of development. This is to ensure that comments on the document's human rights compliance are based on a policy that has been reviewed and revised by the Attorney General's Chambers and respective Chief and Deputy Chief Officers.

b. Draft Cayman Islands Prison Service Search Policy

The Commission has received a draft version of the Prison Service's Search Policy from the Chief Officer responsible for the Portfolio of Internal and External Affairs, Franz Manderson. The HRC previously requested sight of the Prison Service's search policy upon its development following a HRC complaint in 2010. After review correspondence will be sent from the HRC on this policy.

b. Draft Royal Cayman Islands Police Service Custody Policy

The Commission has received a draft version of the RCIPS Custody Policy from the Chief Inspector responsible for the Contingency Planning Unit, Angelique Howell. After review correspondence will be sent from the HRC on this policy.

c. Department of Environment (Darwin Initiative Project)

The Department of Environment is currently engaged in a 3-year project to study the marine environment in general, including marine parks, as part of the Darwin Initiative Project. The Department is currently in the public presentation and feedback stage, to which they have requested the audience of the HRC on 15 September, 2011. The HRC has requested that the presentation be held at the beginning of the next regularly scheduled Commission meeting as the Chairman will be off island in mid-September and it would be more convenient to other members.

d. ICTA Law – Interception of Telecommunication Messages Regulations 2011

Concerns were raised over the apparent lack of judicial involvement or oversight regarding the regulations for issuing warrants to intercept telecommunication messages. The HRC will seek details of the Legislative Assembly debate that lead to the passage of the regulations. The Commission has not, to date, viewed the regulations, and was not requested to provide comments for human rights implications of the regulations. As part of its research the Commission will seek clarification from the Governor's Office as to why the regulations were formed in this way without any involvement by the judiciary.

e. Facebook Comment

A member of the public posted a comment on the HRC Facebook Page requesting the Commission to consider opening the page's "wall" to allow for public commentary. This had been raised and discussed by HRC prior to a Facebook Page being approved. It was decided at that time not to allow public posting because of the need to continuously respond to those posts in a timely manner. The Commission is not sufficiently staffed to permit continuous monitoring of the "wall". For this reason, the HRC has agreed to adhere to its original decision