

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
18 FEBRUARY, 2010
CONFERENCE ROOM
COMMISSIONS SECRETARIAT

PRESENT: Richard Coles Chairman
Catherine Frazier Member
Rev. Nicholas Sykes Member
Deborah Bodden Manager, Commissions Manager
Jason Webster Analyst, Commissions Secretariat

APOLOGIES: Alistair Walters Member
Sara Collins Member

1. Meeting called to order

The meeting was called to order at 3:45 pm.

2. Confirmation of previous minutes

The minutes of 3 February, 2010 meeting were approved by the Commission.

3. Business brought forward from previous meeting

Outstanding administrative issues

a. Procedural manual

- i. The Civil Service Appeals Commission (CSAC) handbook has been provided for the Chairman to review and he suggested that the CSAC handbook should be circulated to all members of the Commission in order for them to review and determine if it will be useful as a template for the Commission's procedural manual.
- ii. It was suggested that the Secretariat contact the Office of the Complaints Commissioner for information on their procedural manual.

b. Website

- i. Since the Commission will not be using a government domain Computer Services will not be in a position to administer the website however the Secretariat has been charged with the responsibility of obtaining quotes from various service providers. The Commissions Secretariat will be responsible for maintaining the website.

c. Treaties currently extended to the Cayman Islands

- i. Conflicting lists of the treaties which have been extended to the Cayman Islands have been provided by the Judicial Administration, the Foreign and Commonwealth Office and the Attorney General's Chambers.
- ii. The Commission has charged the Secretariat with the responsibility of confirming which list is accurate.

4. New Business

d. Method of resolution for complaints of breaches of treaties and views of the Commission in relation to the next three years

- i. The Commission agreed to consider seeking an external legal opinion to determine its jurisdiction prior to Part I of the Constitution coming into effect.
- ii. Professor Jeffrey Jowell QC because of his intimate knowledge of the Cayman Islands Constitution Order 2009 and his expertise in human rights legislation in other jurisdictions would be an obvious choice
- iii. The Commission recognized that part of its mandate is to uphold the existing treaties which are extended to the Cayman Islands, but wants to seek clarification on what measures are available for complainants.
- iv. Due to the significance of this issue the Chair suggested that this issue be discussed at the next meeting where all members of the Commission can provide their input.

e. Outstanding complaints from the Human Rights Committee

- i. The Secretariat has contacted the former Human Rights Committee and has been informed that there are three (3) outstanding complaints however minimal information has been obtained by the Secretariat.
- ii. The Commission agreed that it could not pursue any action until the case files had been obtained and has asked the Secretariat to follow up with the former Committee in regards to the files.
- iii. The Commission has received two new complaints which lack vital information but noted that it has not had an opportunity to establish a complaints procedure which hinders its ability to consider these complaints.
- iv. One of the complaints was identified as an immigration matter and was also time sensitive. It was agreed that the complainants be advised to raise their concerns with the Office of the Complaints Commissioner because it already has the infrastructure in place to provide assistance.

f. Need for formal link with the Cayman Islands Government

- v. The Chairman recommended that the Commission establish a point of contact within the Civil Service where the Commission's concerns can be expressed.
- vi. The Commission agreed that the two (2) main areas of concern at present are:
- vii. that the Government was systematically checking existing legislation to ensure that it was compliant with the Bill of Rights in Part I of the Constitution; and
- viii. that the Government was preparing to undertake human rights compliance training for all civil servants and employees of statutory authorities.
- ix. The Commission agreed that the point of contact should be the Deputy Governor because he is the Head of the Civil Service and the post holder is apolitical.

g. Primary Constitutional responsibility and the plan for achieving it

- x. The Chairman noted that the primary function of the Commission was to promote understanding and observance of human rights in the Cayman Islands.
- xi. The Chairman asked the other members to consider how they are going to achieve the primary responsibility of the Commission since the issue will be discussed at the next meeting.

5. Any Other Business

a. Legal Aid review

- i. The Chairman and Mr. Walters met with the Legal Aid Review Committee on 16 February, 2010.
- ii. The members of the Commission expressed that they were mostly concerned with the areas of the review that dealt with criminal matters, specifically that all accused persons were provided adequate representation because of sections 5 and 7 of the Constitution.

b. UCCI presentation

- i. The Chairman is unable due to a previous commitment to accept the request to deliver a presentation at the University College of the Cayman Islands during their Conference on Caribbean Literature, Culture and Identity on 11 March, 2010.
- ii. He has requested that nevertheless the Secretariat begin to prepare a PowerPoint presentation on the Bill of Rights and the HRC for use in the future.

c. Office of the Complaints Commissioner

- i. The Commission has requested that the Secretariat schedule a meeting with the Complaints Commissioner to discuss the relationship between the two agencies.
- ii. It was agreed that the Chairman and at least one other member of the Commission should attend the meeting.

d. Explanatory documents

- i. The Commission has agreed to produce explanatory documents to assist with public education.
- ii. These documents would include information on the functions of the Commission and methods for lodging complaints.
- iii. It was decided that before these documents can be produced that the Commission must first finalize the complaints procedure.
- iv. A suggestion that the documents be created in multiple languages was put forward for consideration by the Commission at a later date.

6. Items to be discussed at the Next Meeting

a. Primary responsibility of the Commission

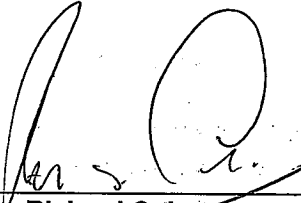
- i. Views of the Commission in relation to the next three (3) years pending the implementation of the Bill of Rights.

7. Next Meeting

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

8. Adjournment

The meeting was adjourned at 5:07 pm.



Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION