

**MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION WITH
THE ELECTORAL BOUNDARIES COMMISSION
APRIL 22, 2010
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

PRESENT: Richard Coles Chairman
Rev. Nicholas Sykes Member
Laura Jackson Analyst, Commission Secretariat

EBC Committee:
Carl Dundas Chairman
Norman Bodden Member
Adrienne Webb Member
Tosca Connor Elections Office

APOLOGIES:
Alistair Walters Member
Sara Collins (via phone) Member
Catherine Frazier Member
Deborah Bodden Manager, Commissions Secretariat
Jason Webster Analyst, Commissions Secretariat

1. Meeting called to order

The meeting was called to order by the Chairman of the EBC at 2:30 p.m. The Chairman welcomed the Human Rights Commission to the meeting. Introductions were made to acquaint the members of the two Commissions.

2. New Business

The Chairman of the EBC stated the intention of the meeting was to discuss the role of the two commissions in terms of upholding human rights. Therefore the EBC wished to dialogue with the HRC on a number of issues they believed were relevant via the following series of questions.

Question #1: What is the HRC's view of the relationship between human rights and the electoral process in the Cayman Islands?

The HRC believes the right to vote for representation is a fundamental right even though the method for the electoral process is not specifically addressed in the Bill of Rights or the ECHR. Therefore, the right to vote is classified as an accepted right rather than a statutory right.

Question #2: How does the HRC see the democratic elections impacting on human rights in the Cayman Islands?

The HRC believes that the observance of electoral processes in civil societies is a pivotal issue at certain points where there is the potential for flawed electoral occurrences. For example if qualified persons are omitted from the electoral register for no valid reason or if the rules of the electoral process are deviated from, then these circumstances could be seen as potential infringements of the right to vote.

Question #3: What is the HRC's view on how voters qualify for the electoral roll?

In the Cayman Islands, a safeguard is built in for the small indigenous population when it comes to qualification for the electoral roll. These safeguards allow the citizens to control the electoral process. Therefore the HRC believes it would be advantageous to explain why the electoral voting criteria is this way in the Cayman Islands so as to avoid any misunderstandings that may result in the belief that such restrictions are an infringement of the fundamental right to vote for those outside the indigenous population.

Question #4: How does the HRC think the EBC's review of electoral boundaries will impact on constituents in each electoral district?

The HRC believes the issue of districts will play a fundamental role in discussions regarding the potential impact of any changes to current electoral boundaries. The HRC expressed the fact that districts in Cayman are often fundamentally linked to ideas of cultural identity and claims of ancestry. Therefore the HRC can foresee some potential resistance if the reasons for doing the electoral boundary reviews are not communicated effectively to the public. However, there would be no immediate human rights restrictions as the same voting right would remain for the individual even though the boundary change may shift them to a different electoral district.

Question #5: How does the HRC view single member Constituencies?

The HRC stated that it finds the idea of a single member constituency appealing as the one person, one vote rules allow for greater equality across the board. At present, the larger districts in Cayman allow the voters additional votes because they are large constituents (i.e. George Town and West Bay have 4 votes per person). The HRC believes that the idea of additional votes given to voters in larger districts based on population data is a generally acceptable one and even though the perception of the 'one person, one vote' scenario is favorable at face value, it is not necessary for greater equality in the electoral procedures.

Question #6: Does the HRC believe that single member constituencies create national politics?

The HRC stated that the district voting methods currently adhered to have served Cayman very well to date. Therefore the EBC shouldn't overlook the peaceful and effective nature of electoral processes, even when there are large changes in government being considered. The HRC pointed to the last election as verification of this because not only was there a change of governing party but the new constitution was introduced. Throughout the election, the procedures remained effective and no issues were raised by the public.

Question #7: How does the HRC think the EBC can enhance the effectiveness of their work as a Commission as mandated by the 2009 Constitution?

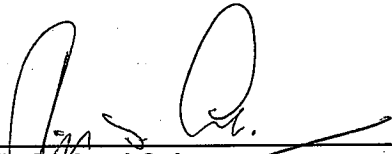
The HRC stated that if the EBC makes every endeavor to maintain the procedures that have thus far served to create harmonious electoral processes, then they should effectively meet both necessary human rights qualifications and powers and functions mandated by the Constitution. The HRC believes that it is only when there are potential disruptions to the methodologies in place, that there could be cause for potential human rights dialogue.

Question #8: How does the HRC stand on compulsory registration for voters?

At present all voters in Cayman are required to register before they can vote. The HRC suggested that voluntary registration for voters would be more amenable to the electoral processes as it removes any required mandate on the individual's freedom to vote.

3. Adjournment

The EBC thanked the HRC for attending a meeting with them and adjourned the discussions at 3:30 pm.



Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION