

**9th MEETING OF 2011
HUMAN RIGHTS COMMISSION
MINUTES
2 NOVEMBER, 2011
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

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

SECRETARIAT MEMBERS PRESENT:

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

1. Meeting called to order

The meeting was called to order at 3:30 p.m.

2. Confirmation of previous minutes

The minutes of 5 October, 2011 were confirmed.

3. Matters Arising from the Previous Minutes

a. Commonwealth Foundation's Request for Information

Comments were provided to the Commonwealth Foundation via e-mail by three different HRC members. Regrettably, the Commission was unable to meet with the Commonwealth Foundation's representatives during its most recent visit to Cayman as the HRC only became aware of the representative's presence in Cayman after having arrived on-island, which presented scheduling conflicts. The Commission will prepare a letter to the Commonwealth Foundation conveying its disappointment to have not received advance notice of the representative's visit to Cayman. The letter will also request site of the draft report written detailing the information gleaned during this visit.

b. Radio Cayman's Talk Today Programme

The Chairman and Secretariat Manager appeared on Radio Cayman's Talk Today programme being the year-long scheduled monthly talk-shows hosted by the Commission to discuss the Bill of Rights, Freedoms and Responsibilities. At the meeting, members tentatively confirmed the attendance schedule with the Secretariat Manager for the upcoming Talk Today shows.

c. Meeting with National Gallery Director

The Commission's Chairman and the Secretariat Manager met with National Gallery Director, Natalie Urquhart to discuss a partnership between the Gallery and the HRC regarding the development of a book aimed at illustrating the Bill of Rights, Freedoms, and Responsibilities. The final product will not be sold; rather, the book is intended as an educational initiative that will be donated, particularly to local libraries and schools. Artists will contribute to the partnership on a voluntary basis. Artists coordinated through the National Gallery will work to illustrate the rights contained in Part 1 of the Constitution, while Government Information

Services will work to design the front cover of the book and provide additional support services.

d. Freedom of Expression versus Parliamentary Privilege

The HRC has finalised all research into this matter which will now be sent to each party in order to allow them to comment on the factual accuracy of the report.

e. Convention on the Elimination of Discrimination Against Women (CEDAW)

The HRC has concluded its research on CEDAW. At this stage the HRC will compile the information and present a consolidated document to the Governor, Deputy Governor and the Minister with responsibility for Gender Affairs. The research conducted by the HRC is intended to assist the Government in its research and analysis of the impact of CEDAW on the Cayman Islands - a process the Commission expects Government to follow for the purpose of arriving at an informed decision on the matter. The HRC will query the Governor on the current status regarding the extension of CEDAW to the Cayman Islands, and the reservations anticipated by the Government, if, the Convention was to be extended. The Commission will request further dialogue between the Government, the HRC, and the public on the adoption of CEDAW.

f. ICTA Communication and Message Interception Regulations

Members of the Commission have reviewed portions of the ICTA and Regulations as well as portions of other relevant laws regarding communication interception. The Commission will write to the Governor on the matter to enquire as to the reasons for the Governor's Office not having such applications presented before a Grand Court Judge. Following a review of Hansard, the Commission could not find any contribution to the debate on behalf of the Governor by either the Deputy Governor or the Attorney General to explain the reasons or justification for such a policy. The Commission, in its correspondence, will also address any conflicts between the ICTA regulations and other laws that address communication interception. The HRC has requested the Secretariat to review other British Overseas Territories' procedures for message interception warrants by way of further research on this subject matter.

4. New Business

a. Process for Allocating Work / Engaging Support Services of the Secretariat

The Commission may generally receive and discuss matters either at monthly meetings or via 'round robin' email, depending on the nature of the matter or complaint. The Secretariat will continue to provide research and analytical support however, conclusions, with respect to complaints or general research topics, must be reserved to the Commission

b. Legal Advice

The Commission will review its options (and feasibility) for retaining Professor Sir Jeffery Jowell QC, KCMG, for providing legal advice pertaining to HRC business. To avoid any conflict of interest, the HRC will not user the CIG Legal Department for legal advice.

c. Letters / Requests from the Constitutional Commission

The Commission received a letter from the Constitutional Commission in which the HRC was asked to consider preparing a booklet on human rights as part of the Constitutional Commission's series of educational booklets. The HRC is currently in discussions with the National Gallery and Government Information Services to embark on an illustrated book on the Bill of Rights, Freedoms, and Responsibilities (See 2c above). As such, the HRC is grateful for the Constitutional Commission's consideration but will decline the offer.

The Constitutional Commission also requested an outline of HRC activities over the course of the Constitutional Commission's reporting period for purposes of including information on the HRC in its annual report. The HRC is obligated to publish an annual report to the Legislative

Assembly and its 2011 Annual Report will be completed shortly after the year end. Accordingly the Constitutional Commission's request would be declined.

d. Philippine Government Ban on Migrant Worker Deployment to Cayman Islands

The HRC was made aware that the Philippine Government has imposed a ban on the deployment of its nationals to a specific list of countries, inclusive of the Cayman Islands on the ground of a lack of legislative protection for migrant workers. The HRC has not received any complaints on the subject matter. The Commission will write to the Governor in an attempt to gain a deeper appreciation for reasons underpinning the ban.

5. Human Rights Complaints

a. Update on Human Rights Complaint 005/2011

The Commission received an update on this case. Correspondence will be sent to the complainant accordingly.

b. HRC Complaint 010/2011

The Commission received further correspondence from the complainant which was considered. A follow-up letter will be sent to the complainant accordingly.

6. Strategic Implementation Group Update

The Secretariat's Manager updated the Commission on the progress of conducting human rights sensitisation courses for all Civil Servants. To-date approximately 1000 civil servants have completed the sensitisation course on human rights. The Secretariat's Manager was pleased to inform the HRC that it is apparent that a significant amount of Government entities are taking an active approach to ensuring that staff complete the sensitisation course in preparation for the implementation of the Bill of Rights.

7. Any Other Business

a. Penal Code (Amendment) and Criminal Procedure Code (Amendment)

The Commission received the Penal Code (Amendment) and Criminal Procedure Code (Amendment) from the Honourable Attorney General's Chambers. The Commission will review the legislation and provide commentary relating to human rights compliance. The HRC has been asked by the Attorney General's Chambers to complete the feedback process within two weeks.

b. Department of Immigration Request for HRC training of new officers

The HRC and Commissions Secretariat Manager have agreed that the sensitisation courses being conducted by the Strategic Implementation Group (SIG) is essentially the same material that would be covered by the HRC. In light of this, the Secretariat's Manager will correspond with the Immigration Department to arrange for new Immigration Officers to complete the SIG sensitisation course.

c. International Human Rights Day Update

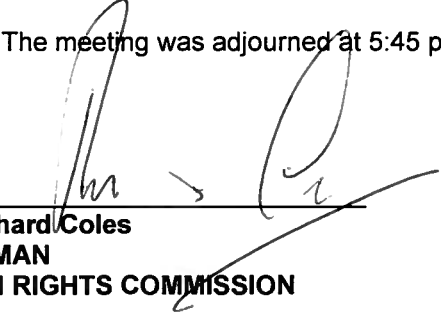
Eden Hurlstone of One World Entertainment is continuing to coordinate logistical and talent aspects of the event in conjunction with Camana Bay representatives. The event is scheduled for Saturday 10 December, 2011 at Camana Bay between 3 pm and 5 pm. The Secretariat will coordinate media engagements prior to the event to increase public awareness of the International Human Rights Day and the local celebration taking place. The event will be free to the public and will showcase local artists' work on display, "Youth Jammers"- local youth musicians, and activities for children and families.

8. Next Meeting

The next meeting will be held on Wednesday, 7 December, 2011 @ 3:30pm in the Government Administration Building.

9. Adjournment

The meeting was adjourned at 5:45 pm.



Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION