

**5th MEETING OF 2011
HUMAN RIGHTS COMMISSION
MINUTES
11 MAY, 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
Josephine Hislop	Analyst, Commissions Secretariat

1. Meeting called to order

The meeting was called to order at 3:35 p.m.

2. Confirmation of previous minutes

The minutes of 6 April, 2011 were confirmed.

3. Matters Arising from the Previous Minutes

a. Draft Report on Freedom of Expression vs Parliamentary Privilege

Members reviewed a draft report on the subject matter. The report was prepared in response to the Speaker of the House's ruling in the Legislative Assembly to ban a newspaper journalist from the LA for a fixed period of time following his publication of an article in a local newspaper. A draft copy of the report will be sent to the Speaker of the House for her comments before it is released to the public.

b. CBA Offer of Assistance

The Cayman Bar Association's student branch has expressed a desire to assist the HRC but has indicated that due to examinations, the students could not assist until June, 2011 at which time they have requested a meeting with the Secretariat to discuss the project.

4. New Business

a. Professor Jowell's Visit to Cayman Islands

The Commissions Secretariat has coordinated the visit of Professor Jeffery Jowell from 20-25 June to the Cayman Islands. Professor Jowell is an internationally renowned expert on human rights, with previous experience of working with the Cayman Islands on the development of the Cayman Islands Constitution Order 2009. The HRC has prepared a list of questions that have been sent in advance to Professor Jowell aimed at seeking clarity on complex matters critical to the remit of the HRC. The HRC will meet with Professor Jowell on Tuesday 21 June 2011 at 9am in the Commissions Secretariat's conference room to discuss these matters. The aim of the meetings is to assist in clearing any ambiguities that commissioners may have in relation to their mandate or to explore any area of interest as the Commission sees fit.

b. Constitutional Commission's Opinion on Civil Servant Rights to Participate in Political Activity

The Constitutional Commission forwarded their opinion of the subject matter in relation to the recent public interest of civil servants signing petitions. To date a formal complaint has not been brought to the HRC in relation to civil servants' participation or restriction from signing petitions and as such the Commission notes the opinion but does not have any involvement in the subject matter at this time. However the HRC is not aware of any existing Civil Service written policy aimed at guiding civil servants on the matter of petition signing and would welcome such a policy being formulated.

c. Invitation to Join Advisory Council

The Cayman Islands Association of Mediators and Arbitrators extended an invitation to the HRC Chairman to join an advisory council on mediation. The council has been developed as a mechanism to raise awareness of mediation and promote the benefits of mediation. The invitation was accepted by Mr. Richard Coles.

d. Talk Today Show, Radio Cayman

The Commission members discussed utilizing the Talk Today show as a tool to further achieve their constitutional mandate of public education. Once the Secretariat commences this 'go around' of shows in June, it was agreed that the HRC will begin attending the show on first Monday of every month with the goal of discussing the Bill of Rights and more specifically two rights each month.

e. Literacy Month, September 2011

As an additional tool for public education, the HRC looked ahead to September, 2011- Literacy Month, and discussed the viability of coordinating a community engagement wherein commission members would read to children. Camana Bay's story time on Saturday mornings was mentioned as possible venue for such engagement; however, discussions with Camana Bay have not yet been initiated.

f. Constitution Week 2011

The Commissions Secretariat is currently coordinating various events to highlight Constitution Week 2011, 4 – 9 July. The HRC was briefed on the coordination efforts underway by the Secretariat, which includes seeking sponsorship for various aspects of the event. Ultimately, the week will showcase appearances by all commissions and their respective members, including the HRC, on radio, television, and in newspaper articles. It is hoped that the week will conclude with a 2mile walk/run and a family fair to be held on Saturday, 9 July, 2011 at Dart Family Park, South Church Street. The family fair will be free of charge to the public, and will showcase various activities, food, and refreshments.

5. Enquiries Received

HRC member- Concerns regarding Legislative Assembly ruling (CNS Article)

One member queried the ruling by the Speaker of the House in the Legislative Assembly regarding the use of certain types of information. Previously, members of the LA were permitted to discuss confidential information on the floor of the LA with immunity for such disclosure by virtue of Parliamentary Privilege. Following the ruling, it is understood from an article printed in Cayman News Service (CNS) that correspondence between two parties cannot be introduced into a debate in the LA unless clearance has been received from the parties concerned. The article quotes the Speaker of the House as saying "The use of confidential documents; papers either from cabinet, government, private sector, business, banks etc. will not be allowed on the floor of this House while I sit in this chair."

The HRC member referred to section 82 of the Cayman Islands Constitution- "A law made under this Constitution may determine and regulate the privileges, immunities and powers of the Legislative Assembly and its members, but no such privileges, immunities

or powers shall exceed those of the House of Commons of the United Kingdom or of its members." The HRC will raise this with Professor Jowell during his visit.

6. Human Rights Complaints

a. Update on Human Rights Complaint 004/2011

Members were updated on this case which is on hold while an outside entity conducts their investigation.

b. FOI Request re: Human Rights Complaint 003/2011

The HRC received an FOI request through the Commissions Secretariat for details relating to this complaint. Correspondence will be sent to the complainant conveying that the FOI law does not apply to the Human Rights Commission (as indicated on the HRC website); however the administrative documents requested are held by the Secretariat and as such are accessible to the public through the HRC website.

7. Any Other Business

a. Educational Workshop

Whilst discussing Literacy Month (see New Business [e]), the Commission also considered the development of an educational program modelled as a 6-week workshop that could be introduced to middle and high schools to advance the knowledge of students as it relates to the Bill of Rights. The Commissions Secretariat in conjunction with the HRC plans to begin development of the content in the near future. The program would not be a standalone class per se, but rather a sequence of activities that strengthen students' knowledge-base through critical thinking and real-world application of concepts.

b. Educational Pamphlet

The Secretariat has developed a second pamphlet for the HRC entitled "Implementation and effect on our daily lives in the Cayman Islands." All members are asked to review the pamphlet prior to it being printed.

8. Items to be Discussed at the Next Meeting

- a. Draft Report on Freedom of Expression vs Parliamentary Privilege
- b. Constitution Week Schedule
- c. Talk Today Schedule

9. Next Meeting

The next meeting will be held on Wednesday, 1 June, 2011 @ 3:30pm in the Commissions Secretariat Boardroom.

10. Adjournment

The meeting was adjourned at 5:35 pm.


Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION