

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

<b>PRESENT:</b>	Richard Coles	Chairman
	Rev. Nicholas Sykes	Member
	Alistair Walters	Member
	Sara Collins	Member

<b>APOLOGIES:</b>	Cathy Frazier	Member
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**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



to maintain its page primarily for informative purposes only rather than discussion HRC encourages anyone with questions or concerns to contact the Commission through e-mail.

**5. Human Rights Complaints**

**a. Update on Human Rights Complaint 001/2011**

The Commission received an update on this case. No further action is required at this time.

**b. HRC Complaint 005/2011**

The Commission reviewed a draft response prepared in relation to the case. Members requested additional time to review the matter. The item was deferred to the next meeting.

**6. Strategic Implementation Group Update**

The Secretariat's Manager updated the Commission on the progress of conducting human rights sensitization courses for all Civil Servants. The Manager conveyed that attendance to the courses have generally been positive, with a consistently high turnout notably by Immigration and Police staff. Based on feedback, the Manager was impressed that many attendees requested further human rights training/information. The Manager and Commission were encouraged that civil servants are interested in learning about human rights and the impact of the Bill of Rights on the roles of public authorities and public officials. The Strategic Implementation Group will be holding evening courses in the near future to facilitate sensitization courses for members of public boards and committees who have full-time responsibilities during normal work hours.

The Secretariat also reported that the Portfolio of Internal and External Affairs had requested assistance from the Attorney General's Chambers to review their legislation. However the AG's Chambers have indicated they are not able to assist with this review. HRC has repeatedly voiced its concern that Cayman Islands primary and subordinate legislation should be reviewed by Government for compliance with the Bill of Rights Freedoms and Responsibilities. It was suggested by the legally qualified persons on the Commission that the Portfolio of Internal and External Affairs should consider setting up a local qualified team to do the work. There are a number of lawyers in the Cayman Islands who have direct human rights experience and who may be willing to assist. Creating a local (as opposed to an overseas) team could significantly reduce the Portfolio's costs. These concerns will be passed on to the Portfolio by the Manager.

**7. Any Other Business**

**Presentation to UCCI**

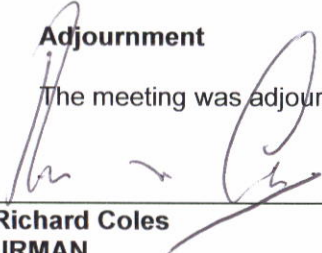
The Commission received a letter from the President of UCCI, Mr. Roy Bodden, inviting the HRC to conduct a presentation to faculty and staff on the impact and implications of the Bill of Rights. Member Sara Collins volunteered to conduct the presentation on 21 September, 2011. The Secretariat will forward a power point presentation to her for her use during the presentation.

**8. Next Meeting**

The next meeting will be held on Wednesday, 5 October, 2011 @ 3:30pm in the Commissions Secretariat Boardroom.

**9. Adjournment**

The meeting was adjourned at 5:15 pm.

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**Mr. Richard Coles**  
**CHAIRMAN**  
**HUMAN RIGHTS COMMISSION**