3rd MEETING OF 2013 HUMAN RIGHTS COMMISSION MINUTES 1 MAY, 2013 CONFERENCE ROOM COMMISSIONS SECRETARIAT

PRESENT: Richard Coles Chairman

Sara Collins Member Bishop Nicholas Sykes Member Alistair Walters Member

APOLOGIES: N/A

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 3:30p.m.

2. Confirmation of previous minutes

The minutes of 6 February, 2013 were approved.

3. Matters Arising from Previous Minutes

a. Report on Meetings on Migrant Policies

Members were provided with an initial Draft Report on Migrant Policies which was discussed. Once the Report is finalised and agreed as accurate with the relevant agencies it will be uploaded to the HRC Website.

b. The Adoption of Children's Bill, 2012

The Commission has received two responses to the comments it made in regards to this Bill. It is noted that with the LA not sitting until a new government is elected there will be a delay in passing this legislation. The Commission has requested a copy of the revised draft legislation (based on comments made in the last sitting of the House by the Minister that changes would be made) and will make enquires once the new Government is elected regarding its status.

c. HRC Mediators

The Commission has had two submissions from persons who are interested in being appointed by the Commission to assist when needed to facilitate mediation in alleged breaches of human rights cases which the Commission has accepted. Only one of the two applicants met the criteria established by the Commission. As such, the Chairman will write to that individual to indicate acceptance and their place on a panel that will be available to complainants where mediation is appropriate.

4. New Business

a. HR Compliant Legislation Assessment

The Commission approved a Human Rights Impact Assessment tool to make available to public officials for their reference when developing legislation to ensure it is human rights compliant. As with the previous assessment tool created to assist public officials in developing human rights compliant policies, this assessment tool will be forwarded to the Honourable Deputy Governor and all Chief Officers for onward transmission to their staff. It will also be posted on the Commission's website.

b. Educational Pamphlets

The Commission is cognisant of the need to continue to educate the public on human rights and have therefore created individual pamphlets on each of the rights. Copies have been provided to each member for review and approval before they are distributed generally and uploaded to the website.

c. Organ Transplant Bill

The Human Rights Commission has reviewed this Bill and has found no areas in which human rights issues are a concern.

d. Environmental Governance Review

The Commission discussed the Review that was recently created and distributed by the Foundation for International Environmental Law and Development (FIELD) and The Royal Society for the Protection of Birds (RSPB). The contents of the review regarding the Cayman Islands are concerning to the Commission. The HRC will make enquiries with the Ministry relevant for this subject area as to the steps it proposes to be taken to address the findings. The Commission will also make the point that it must be far more preferable for the Cayman Islands Government to deal with the relevant legislation rather than risk having it imposed by the UK. This is especially important due to s.18 of the BoRFR which affords a right to Protection of the Environment for the people of the Cayman Islands.

5. Human Rights Complaints

a. Update on Human Rights Complaint 004/2012

The Commission was updated on this complaint which has now been concluded and correspondence will be drafted accordingly.

b. Update on Human Rights Complaints 014/2012 and 018/212

The Commission discussed these complaints and the matter is ongoing.

c. Human Rights Enquiry

The Commission discussed an enquiry that was made as it relates to a potential allegation of a breach of human rights. The enquiry is ongoing.

6. Any Other Business

a. Monitoring of Remedies following Declarations of Incompatibility

Following the recent judgment by Justice Henderson regarding the incompatibility of the Police Law (2010 Revision) as it relates to the length of time in which a person may be detained without being brought to Court the Commission will follow up with the Honourable Attorney General's Chambers regarding the proposed steps to amend the legislation and bring it into compliance.

b. Election Observers

The Supervisor of Elections has requested that the HRC nominate two members to serve as local election observers for the General Election on May 22, 2013. The Commission will correspond with the Supervisor of Elections to understand the full remit of an observer and ensure no conflicts of interest may arise should members participate in such a function.

7. Action Items

The Secretariat will:

- Arrange a follow-up meeting with the relevant agencies regarding the Draft Report on Migrant Policies;
- **b.** Draft correspondence to the two applicants regarding their application to assume the role of an HRC Mediator;
- c. Draft correspondence to the Deputy Governor regarding the Human Rights Impact Assessment tool distribution to Chief Officers and public officers;

- **d.** Draft correspondence to the Chief Officer (Ministry Health, Environment, Youth, Sports, and Culture) regarding the Assessment of Environmental Governance Frameworks in the UK Overseas Territories;
- e. Draft correspondence regarding HRC Complaints and Enquiries as required; and
- f. Draft correspondence to the Supervisor of Elections enquiring as to the remit of the HRC members in the role of local election observations.

Members will:

- a. Review each of the draft educational pamphlets; and
- b. Consider their availability to act as an Elections Observer.

Items to be Discussed at the Next Meeting

- a. Educational Pamphlets
- b. 2013/2014 Budget
- c. Potential Conflicts of Interests

9. Next Meeting

The next meeting will be held on 5 June, 2013 @ 3:30p.m.

10. Adjournment

The meeting was adjourned at 4:50p.m.

Mr. Richard Coles CHAIRMAN

CHAIRWAN

HUMAN RIGHTS COMMISSION