

**4TH MEETING OF 2013
HUMAN RIGHTS COMMISSION
MINUTES
5 JUNE, 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 1 May, 2013 were approved.
3. **Matters Arising from Previous Minutes**
 - a. **Report on Meetings on Migrant Policies**
The Draft Report is currently being shared with stakeholders for review to ensure its content is accurate. Once this process has been completed the Commission will publish the report on its website.
 - b. **The Adoption of Children's Bill, 2012**
The Commission received a response to its letter to the Honourable Attorney General (copied the correspondence to the Chief Officer for the Ministry of Community Affairs, Gender and Housing) which sought clarification on the status of this Bill. The MoCAG&H indicated that the Bill has been passed in the House and is in waiting for the Governor to assent to it. Subsequently the Commission has requested a copy of the changes made at the committee stage.
 - c. **Educational Pamphlets**
The Commission made minor corrections to the educational pamphlets which will now be uploaded to the website and distributed generally.
 - d. **Environmental Governance Review**
The Commission received a response from its letter to the Ministry of Health, Youth, Sports and Culture regarding this matter and the National Conservation Bill (2013). The Commission will now correspond with the new Minister assigned responsibility for Environment outlining the Commission's concerns and will review the matter in three months.
 - e. **Monitoring of Remedies following Declarations of Incompatibility**
The Commission noted the order issued by Justice Henderson declaring that section 65(4) of the Police Law (2010) is incompatible with section 5(5) of the Bill of Rights and, as a consequence, it was a violation of a local man's rights to detain him under section 65(4).

The Commission is awaiting a response to its letter written to the Honourable Attorney General seeking clarification on the proposed steps to amend the Police Law (2010) to bring it into compliance with the Bill of Rights, Freedoms and Responsibilities in light of the declaration made in the Courts by Justice Henderson recently.

f. Election Observers

While the Commission did not participate in the 2013 General Elections as Local Observers the Chairman did meet with the International Observers, at their request, along with the other Chairman of the Commissions the Secretariat supports on 18 May, 2013. The Chairman was given the opportunity to share any concerns of the Commissions with regards to human rights breaches in the elections process.

g. CBA Student Chapter Research Project

The Commission agreed to accept a proposed research project topic that will be undertaken by the CBA Student Chapter during the summer months.

h. Lawful Administrative Action Research

The Commission was provided with research on the subject matter compiled by the Secretariat for their review.

4. New Business

a. Court Ruling Re: RCIPS and JP'S

The Commission noted the legal judgment made by Justice Henderson concerning a police search warrant signed by a JP and issued against a local woman, which was judged to be unlawful in light of the fact that the JP did not have a clear understanding of the elements of the offence in relation to the search warrant. The Commission will request a courtesy copy of any judgements of the Court which speak to human rights matters/infringements/breaches.

b. List of Commission Priorities

The Commission discussed a list of priorities related to its remit and effective functioning which the Chairman will share with the new Honourable Ministers and Members of Cabinet when he makes a presentation to them later this month.

5. Human Rights Complaints

a. Human Rights Complaint 006/2013

The Commission reviewed the complaint and correspondence will be drafted accordingly.

b. Update on Human Rights Complaints 007/2013

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

c. Update on Human Rights Complaint 008/2013

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

d. Update on Human Rights Complaints 014/2012 and 018/2012

The Commission discussed these complaints and the matter is on-going.

e. Human Rights Enquiry

The Commission discussed this enquiry and correspondence will be drafted accordingly.

6. Any Other Business

a. Members Interests

Members reiterated the agreement that wherever personal views were expressed or members participated in advocacy groups they must ensure they specifically state that the views expressed are of a personal nature and not those of the Commission and should

always behave reasonably and not bring embarrassment upon the Commission or His Excellency the Governor.

b. Visit to H.M. Prisons

Members will endeavour to schedule a visit to H.M. Northward and H.M. Fairbanks following the arrival of the new prison director, Neil Lavis.

c. Timely Responses from Cayman Islands Government

It is noted that public officials are required to respond to the Commission in a reasonable timeframe. As such public officials will be reminded of this requirement in all future correspondence.

7. Action Items

The Secretariat will:

- a. forward the Draft Cuban Migrant Report to the remaining stakeholders for review;
- b. amend the educational pamphlets and upload them to the website;
- c. draft correspondence to the new Minister assigned responsibility for Environment;
- d. draft correspondence to the Court Administrator regarding human rights related judgements;
- e. draft correspondence and conduct necessary research in relation to human rights complaints; and
- f. arrange a visit to the prisons.

Members will:

- a. review the Lawful Administrative Action research compiled by Secretariat ;
- b. forward any other priorities members wish to add to the list no later than 12 June, 2013; and
- c. review the research compiled by Secretariat in relation to the outstanding cases.

8. Items to be Discussed at the Next Meeting

- a. Cuban Migrants Report
- b. Lawful Administrative Action Research
- c. Responses to any Correspondence
- d. Human rights complaints

9. Next Meeting

The next meeting will be held on 23 July, 2013 @ 3:30p.m.

10. Adjournment

The meeting was adjourned at 5:30p.m.



Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION