

**6TH MEETING OF 2013
HUMAN RIGHTS COMMISSION
MINUTES
11 SEPTEMBER, 2013
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

PRESENT:	Richard Coles	Chairman
	Sara Collins	Member
	Bishop Nicholas Sykes	Member
	Alistair Walters	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 3:30p.m.
2. **Confirmation of previous minutes**
The minutes of 23 July, 2013 were approved.
3. **Matters Arising from Previous Minutes**
 - a. **Follow-Up of Cuban Migrant Report**
 - i. During the information gathering phase of the review on the policies of Cuban Migrants there was discussion as to whether the HRC would be in a position to audit the actual process as it relates to Cuban Migrants. The Commission is currently considering this and the way in which it would go about conducting such an audit. In the interim the Secretariat will ascertain what the Government would see as its parameters for the audit.
 - ii. The HRC has received feedback on the report from the member of the community which made the initial enquiry. The HRC discussed and noted the contents of the feedback; the Secretariat will respond accordingly.
 - b. **Environment**
 - i. **Governance Review**
The HRC understands that the Government intends to submit to the House the National Conservation Bill prior to the end of the calendar year however it still has not yet received a formal reply to enquiries made and as such the Secretariat will follow up on this matter.
 - ii. **Flow Chart**
As previously discussed the Secretariat created a flow chart similar to the one previously developed for public officials in an effort to assist with compliance with the BoRFR. This flow chart now focuses on ensuring legislation and policies are compliant with the specific constitutional obligation to protect the environment (s.18). This flow chart will be shared with the Minister responsible for environmental issues as well as the Deputy Governor in order that it can be shared with all Chief Officers and distributed to HOD's and policy makers.
 - c. **Monitoring of Remedies following Declarations of Incompatibility**
The HRC understands that the Government intends to submit to the House various changes which would ensure legislation relating to policing would be in compliance with the BoRFR, following a recent Court ruling, prior to the end of the calendar year however it still has not yet received a formal reply to enquiries made and as such the Secretariat will follow up on this matter.

d. Review of Adoption of Children's Law

The Commission noted that while it initially submitted concerns during the Bill stage, it was not given any further opportunity to review the changes the Government made to the Bill in light of those expressed concerns prior to it being assented to. While the Commission continues to have a keen interest in working with the Government to ensure all legislation is compliant with the Bill of Rights; if feels more of an opportunity to scrutinize such sensitive legislation must be given.

e. Neonatal Research

The Manager of the Secretariat recently presented the initial research on this topic to the Chief Officer and team developing the said policy. At the end of the presentation the Manager indicated the HRC's willingness to review the policy once it had been completed and vetted by the necessary entities such as the Legal Department.

f. Performance Audit Consultation

In response to solicitation for information by the Auditor General, the HRC provided the Auditor General with comments in relation to areas in which the Commission would be interested in having the Auditor General conduct an audit.

g. Request for human rights related judgments

The HRC has still has not yet received a formal reply to enquiries made and as such the Secretariat will follow up on this matter.

4. New Business

a. Review of Legislation

Members have been provided with the Matrimonial Causes Bill, a Family Property Rights Bill and the Maintenance Bill which make up the Family Law Reform legislative package. Currently this legislation is in the public consultation phase and as such members have agreed to review the legislation for compliance with the BoRFR prior to 11 November.

b. Educational Initiatives

i. Schools

As previously agreed the Secretariat prepared an education guide detailing the BoRFR aimed at youth. Members will review the guide and provide comments to the Secretariat in order to move the project forward.

ii. Public Officials

As previously agreed the Secretariat prepared a guide for public officials to increase their understanding and awareness of their responsibilities in accordance with the BoRFR. Members will review the guide and provide comments to the Secretariat in order to move the project forward.

iii. Displays for Informational Pamphlets

As previously discussed the Secretariat has been able to purchase informational pamphlet display cases in order to create more of an awareness of the HRC's educational pamphlets available to the public. Members will collectively decide where each of the display cases should be displayed.

5. Human Rights Complaints

a. Update on Human Rights Complaint 006/2013

The HRC has still has not yet received a formal reply to enquiries made as a general follow-up to this case (which is now closed) and as such the Secretariat will follow up on this matter.

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

The Commission was updated on these complaints and correspondence will be drafted accordingly.

c. Human Rights Enquiry 002/2013

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

d. Human Rights Complaint 014/2013

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

e. Human Rights Complaint 015/2013

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

6. Introduction of Crown Counsel

The HRC was introduced to a new Crown Counsel within the Attorney General Chambers who has been tasked with assisting with human rights related matters. A brief discussion on the HRC's role as well as the existing concerns of the HRC was shared.

7. Any Other Business

a. Prison Visit

Unfortunately due to scheduling conflicts a previously scheduled meeting with the Prisons Director and visit to the prison had to be postponed. As an alternative the Commission indicated its desire to invite the Director to the next HRC meeting in order to discuss its concerns as they relate to Cayman's prisons and human rights issues, given the Director is new to his post.

b. Follow-Up on Previous HRC Initiatives/Lines of Enquires

As the HRC prepares to begin writing its 2013 Annual Report the Secretariat has been tasked with following-up on all initiatives and lines of enquiries to which the Commission has not received a response or has not yet been able to conclude.

8. Action Items

The Secretariat will:

- a. Draft correspondence to ascertain what the Government would see as its parameters for the audit relating to Cuban Migrants;
- b. Respond to the feedback received in relation to the report on Cuban Migrants;
- c. Follow-up on the previous enquiries made in relation to 3(b)(i), 3(c), and 3(g) above;
- d. Forward the environmental flow chart as detailed in 3(b)(ii) above;
- e. Draft correspondence as appropriate in relation to the human rights enquiries and complaints discussed;
- f. Invite the Director of Prisons to the next meeting; and
- g. Follow-up on all items as mentioned in 7(b) above.

Members will:

- a. Review the legislation as detailed in 4(a) above; and
- b. Provide feedback on the educational related items detailed in 4(b) above;

9. Items to be Discussed at the Next Meeting

- a. Cuban Migrants Report
- b. Audit of Asylum Process
- c. Environmental Governance Review
- d. Monitoring of Remedies following Declarations of Incompatibility
- e. Lawful Administrative Action Research
- f. Performance Audit Consultation
- g. Request for assistance re: Neonatal Care
- h. Request for Educational Session at HMP Northward
- i. Review of Legislation
- j. Human rights complaints

10. Next Meeting

The next meeting will be held on 23 October, 2013 at 3:00p.m.

Adjournment

The meeting was adjourned at 5:20 p.m.



Mr. Richard Coles

CHAIRMAN

HUMAN RIGHTS COMMISSION