

**3rd MEETING OF 2011
HUMAN RIGHTS COMMISSION
MINUTES
2 MARCH, 2011
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

PRESENT: Richard Coles Chairman
Rev. Nicholas Sykes Member
Alistair Walters Member

APOLOGIES: 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 p.m.

2. Confirmation of previous minutes

The minutes of 2 February, 2010 were confirmed.

3. Matters Arising from the Previous Minutes

- a. Legal Aid in the Cayman Islands
There are no official updates as to the status of legal aid in the Cayman Islands.
- b. Hansard Report of the Legislative Assembly for 9 December, 2010
The Secretariat has now been informed by the Legislative Assembly that this report is not available for public viewing and that to request a copy the HRC must contact the Speaker of the House which it was agreed by all members we should now do.

4. New Business

- a. **HRC Facebook Page**
The Facebook page is now ready to be published, once the approval for the content is given by the Chairman. The page contains a large amount of information but does not currently allow other persons to post comments. Thought needs to be given by the Commission as to whether or not they would like members of the public to post comments and if so how is the Commission going to respond to blogs (i.e. in what timeframe, by whom, etc.).
- b. **CBA's Offer of Assistance**
The CBA's student division has offered to assist the HRC in reviewing legislation and/or working on any special projects. The Commission has to keep in mind the confidential aspect of most of the information it deals with and felt it needed some more information from the CBA in terms of their availability and if they had a specific project in mind. The Secretariat

will contact them to garner this information. All members are asked to reflect on the offer to come up with ideas for the CBA to assist with.

c. Youth Detention Facility Discussion

The Chairman and the Manager will be attending a Missouri Youth Services Institute (MYSI) Overview Session hosted by the Ministry of Community Affairs, Gender & Housing on 15 March, 2011. The session is meant to cover aspects of the proposed Youth Detention Centre and is being aimed at all stakeholders of the project. The Secretariat will enquire as to whether there are additional vacancies for attendance at one of the sessions if other Commission members express an interest.

d. Marital Law Reform

The Law Reform Commission has sent out a Consultation Paper on the Marital Law Reform which was forwarded to all members. There do not appear to be any human rights compliancy issues and thus a response from the Commission is not needed. Persons who wish to submit feedback on an independent nature may do so as the website details.

5. Enquiries Received

a. Capital Punishment – Cayman 27

The HRC was contacted by Kevin Morales of Cayman 27 on 11 February, 2011 informing the HRC that the television centre was running a story on that night's news about a statement made by the Premier at a 2009 meeting of the Overseas Territories Consultative Council about his willingness to support capital punishment as a form of crime deterrent here in Cayman. Cayman 27 wanted the Commission's stance on using capital punishment and how the HRC feels about the Premier's remarks.

The following reply was sent to Cayman 27: "The Human Rights Commission does not support the use of capital punishment in any capacity in the Cayman Islands and this stance is supported by the Bill of Rights, Freedoms and Responsibilities which makes the use of capital punishment inhumane and unconstitutional. Further, the Cayman Islands Legislation (Penal Code 2007 Revision) does not identify capital punishment as a form of legal punishment that the Court may impose as a result of being convicted of a crime. The Commission does not wish to comment on the Premier's remarks on this subject."

b. CCTV – Cayman 27 and Caymanian Compass

The HRC was contacted by Kevin Morales of Cayman 27 on 14 February, 2011 informing the HRC that the television centre was running a story on that night's news on CCTV cameras being installed around island. Cayman 27 wanted to know whether the Commission sees any human rights violations with these cameras being installed and if the Commission had heard opinions from people in the public about how they feel about CCTV."

The following reply was sent to Cayman 27: "The HRC has not heard opinions from members of the public regarding this topic but we had approached the Government in June 2010. All correspondence including the HRC's stance on the subject can be found on our website www.humanrightscommission.ky under the Topics of Interest to the HRC/CCTV."

6. Human Rights Complaints

a. Update on Human Rights Complaint 002/2011

Members were updated on the status of this case.

b. Update on Human Rights Complaint 003/2011

Members were updated on the status of this case.

c. Human Rights Complaint 004/2011

The Commission reviewed this case and correspondence will be sent from the HRC to the respective complainant in accordance with HRC procedures.

d. Human Rights Complaint 005/2011

The Commission reviewed this case and correspondence will be sent from the HRC to the respective complainant in accordance with HRC procedures.

7. Update - Strategic Implementation Advisory Group (SIAG)

The SIAG has now been officially formed in answer to a Parliamentary Question given by the Deputy Governor. The Group is chaired by Peter Gough, Strategic Advisor to the Deputy Governor and consists of Reshma Sharma, Senior Crown Counsel (AG's Chambers), Ian Fenton, Public Sector Management Advisor (Portfolio of the Civil Service), Steve Moore, Head of Governor's Office, and the Manager of the Commissions Secretariat.

The group has met twice and has begun developing terms of reference and identifying training needs and trainers to meet the requirement of training all public officers. The Manager is currently creating the basic training to be delivered to all public officers and the group is working with the Civil Service College to upload the information to their website once the trainings are completed so that it may be used as a refresher course. The in person course will become a mandatory part of the orientation for all new civil servants.

The Manager, as part of the SIAG, will be giving the HRC monthly updates on the progress of the group.

8. Any Other Business

a. Update on Human Rights Complaint 002/2010 and 015/2010

The Secretariat has followed up with the Immigration Department once a month over the past three months and has still not received the requested information. If no response is received in the next two weeks the Commission will write to the Chief Officer, Portfolio of Internal and External Affairs.

b. Terrorism (Amendment) Bill 2011

An e-mail was received by the Secretariat on the Terrorism (Amendment) Bill 2011 from the Attorney General's Chambers but no instructions were given except to forward the Bill to Mr. Coles. The Secretariat is awaiting clarification on the e-mail.

c. Newspaper Columnist Gordon Barlow

Member Nicholas Sykes wanted to inform members that Gordon Barlow continues to criticize the Human Rights Commission in his weekly newspaper column.

d. Update on Human Rights Cases 021/2010 and 022/2010

Member Nicholas Sykes informed the Commission that after the applicants in the above cases had been successful at the Central Planning Authority hearing of the 2 February, 2011 they are now looking for ways to prevent repeated applications to quarry in the future.

e. CEDAW Report by Julene Banks

Mrs. Banks would like to place this report on the new website of the Constitutional Commission. The Chairman has asked the members to take another look at the report written by Constitutional Commission member Julene Banks when she attended the CEDAW Conference in Anquilla on behalf of the Human Rights Commission in October 2010. The Report is a personal account by Mrs Banks but refers to HRC and as such the Commission needs to carefully review the report to ensure it reflects the views of the Commission.

f. Public Relations

The Chairman raised the issue that he continues to receive calls related to the Commission on his personal numbers and had asked the Manager to give thought to ways to promote the Secretariat. The Manager discussed a newspaper article that is currently being worked on as well as the option of using CS Messages (to all Civil Servants), fillers in the newspaper with contact information and GIS Spotlight. The idea is to make the public more aware of the role of the Secretariat and that they are to be used to contact the Commissions in all instances.

g. Official Government Policy on Cuban Migrants

All members will be provided with copies of this and other related documents for their consideration.

9. Items to be Discussed at the Next Meeting

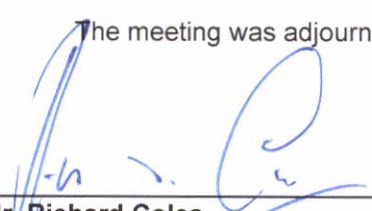
- a. CBA's Offer of Assistance
- b. Follow up on Government's stance on CEDAW

10. Next Meeting

The next meeting will be held on Wednesday, 6 April, 2011 @ 3:30pm in the Commissions Secretariat Boardroom.

11. Adjournment

The meeting was adjourned at 5:05pm.



Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION