



**4TH MEETING OF 2020
THE CONSTITUTIONAL COMMISSION
12 NOVEMBER 2020
COMMISSIONS SECRETARIAT**

PRESENT:

Vaughan Carter	Chairman
Sophia Harris	Member
Dr. Christopher Williams	Member

SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager, Commissions Secretariat
Shari Welcome	Public Relations and Education Coordinator
Lise Hurlstone	Administrator/Analyst (for part)

1. Call to order

The meeting was called to order at 9:15am. The Chairman thanked all for attending.

2. Confirmation of Previous Minutes

The minutes of the 12 March 2020 and 11 May 2020 were approved by the members in attendance.

3. Matters Arising / Updates**a. Update on the work of the Commission**

The Chairman wished to record the thanks of the Commission to Shari Welcome as the Public Relations and Education Coordinator for her work on the graphics for the Update which was released for Constitution Day 2020. Subsequent to the release of the document, the Chairman attended Radio Cayman to appear on the programme For the Record. The Chairman also drafted a statement on behalf of His Excellency the Governor which was shared with the public via social media and made reference to the Commission Update document. A release was also prepared for the International Day of Democracy, which was posted to the Commission website and the Chairman also delivered lectures to the new Professional Practice Students at the Truman Bodden Law School on the history and development of the Cayman Islands Constitution.

b. Curriculum changes in schools

The Chairman had a productive meeting with the Ministry of Education’s representative for curriculum development and requested that the proposed curriculum documents be sent to the Commission in order for Members to review. Subject to this review, the Commission expressed its in principle support for this initiative and in the development of sustainable resources to support its implementation. The Chairman also reported that the Chairs of other Commissions had also indicated their interest and general support for this initiative.

c. Correspondence with Celebrate Cayman

The Chairman followed up with the Chairman of Celebrate Cayman; however a response has not yet been received. The Chairman will follow up once again if no response is received.

d. Children’s book educational project

The Public Relations and Education Coordinator has created an initial draft comic book using the agreed final text. Members approved the concept and a more developed draft will be created. Member Chris Williams will assist with the wording for the end of section quizzes following which the draft comic will be sent to all Members for feedback and approval for release. As the content includes Part 1 of the Constitution (the Bill of Rights, Freedoms and Responsibilities) the Commission will share the final draft with Human Rights Commission.

e. History of the Cayman Islands Constitution

Members have agreed the final wording of the updated timeline originally created by the Constitutional Review Secretariat. The Public Relations and Education Coordinator proposed that a pdf of the document should be uploaded to the website and an interactive timeline created as a way in which the information can be accessed. Members agreed with these proposals and approved their implementation.

f. The CC’s Agenda for 2021

The Public Relations and Education Coordinator presented the proposed draft communications strategy for 2021. The strategy is broken down into three broad areas – Facebook/other social media posts, press releases, and projects. Members are to review the calendar to confirm approval of the proposed dates to be recognised. It was agreed that the Public Relations and Education Coordinator will release the social media posts once the days are agreed, press releases will be approved by the Commission as a whole, and each of the Members will oversee the development of one of the projects before the Commission as a whole confirms the final product.

g. Research on Overseas Territories’ Provisions for Speakers

It was agreed that the process of researching both Cayman’s and other OT’s constitutional/legislative provisions for Speaker of the House (the appointment and vacating of office and any policies regarding “leave of absence”), which was developed and presented by the Administrator/Analyst (Lise Hurlstone), was in itself a useful tool. As a result the

Members agreed that whilst the Commission felt there was no need to release a statement on the matter, it would be useful to publish the research. An introduction will be drafted for approval to be added to the research to provide background on the matter before it is uploaded the website. Members also agreed that it may be useful for the research to also contain information related to the role of the Speaker and any constitutional issues which arose as a result of the situation and subsequent research. The Chairman will assist with this work.

h. Constitutional Provisions Requiring Legislation

A review of the research compiled by the Administrator/Analyst detailing the compilation of provisions requiring legislation had been undertaken and it was identified that the implementation of legislation to support the Advisory District Councils in the Constitution is the most significant omission. The Commission resolved to raise this issue once again and to ascertain whether any of the other institutions supporting democracy that are referenced in the Constitution would benefit from any improvements to their existing legislative arrangements. To this end, the Commission will make enquiries of the other institutions and once responses are received, the Commission will review and decide how best to report on the findings. Separately the Chairman asked that Members consider whether the Commission itself requires legislation to govern the work of the Commission in accordance with the constitutional provisions providing for that option.

i. HRC's Statement in Same-Sex Marriage / Civil Unions

Following on from previous discussions Members revisited this issue in the context of the recent use of section 81 of the Constitution. It was noted that this provision had been slated for removal by way of constitutional amendment, but that this had now been reconsidered and, accordingly, section 81 was to be retained in the Constitution. It was agreed that an explanatory note, illustrating how section 81 had been utilised to pass legislation on civil unions (following the failure of Parliament to pass such necessary legislation to comply with the relevant decision of the Cayman Islands Court of Appeal) would be beneficial and the Chairman undertook to produce a draft note.

j. CC Tracking Spreadsheet

It was agreed that the tracking spreadsheet of the Commission's work compiled by the Secretariat as a way in which action items could be monitored was useful during the COVID pandemic. Moving forward it was agreed that action items would continue to be monitored by the Secretariat and detailed in the minutes of each meeting.

k. Proposed Constitutional Amendments

In addition to the explanatory note on the use of section 81, it was agreed that a separate educational paper dealing with the Cayman Islands Constitution (Amendment) Order, 2020 (when the proposals are made public and/or passed) would also be beneficial, as would the inclusion therein of a reference to when constitutional amendments are/can be made.

1. Constitutional Resources

The Chairman has followed up with a number of individuals in order to gather and organise, from as wide a variety of persons as possible, a central repository of constitutional resources on the Commission's website. The Chairman will continue to work with the Public Relations and Education Coordinator on this project including the strategy to collect these resources and ultimately the indexing and storing of the resources once obtained.

4. Any Other Business

There were no other matters arising.

5. Action List

Members were asked to:

- a. follow up re: the proposed curriculum documents (if not received) (Chairman);
- b. follow up with the Chairman of Celebrate Cayman in due course (if no response is received) (Chairman);
- c. assist with the wording for the end of section quizzes in the Children's book educational project (Member Chris Williams);
- d. review the calendar to confirm approval of the proposed dates to be recognised in 2021 (All Members);
- e. review draft radio scripts for the election / constitutional educational series once provided by the public relations and education coordinator (Member Sophia Harris);
- f. draft introductory wording on the role of the Speaker and any constitutional issues which have arisen in connection with this position to provide further context for the publication of the research undertaken on Overseas Territories' Provisions for Speakers (Chairman);
- g. consider the material/information gathered in the exercise related to Constitutional Provisions Requiring Legislation once received (Chairman);
- h. draft an explanatory note related to the use of s.81 of the Constitution as detailed above (Chairman);
- i. draft an educational paper responding to the Draft Cayman Islands Constitution (Amendment) Order, 2020 including a reference to when constitutional amendments are/can be made (Chairman);
- j. assist to create a strategy to collect various constitutional resources from members of the public (Chairman); and
- k. assist to identify how to index and store/upload those constitutional resources collected (Chairman).

The Secretariat was asked to:

- a. finalise the draft comic book using the words from the Children's book educational project (with Member Chris Williams) (PR&EDU);
- b. upload a PDF of the History of the Cayman Islands Constitution to the website (PR&EDU);
- c. research an interactive timeline to also display the content of the History of the Cayman Islands Constitution (PR&EDU);
- d. begin working on the agenda items for 2021 once approved by Members (PR&EDU);

- e. incorporate an introduction to be added to the research on Overseas Territories' Provisions for Speakers to provide background on the matter (Administrator/Analyst);
- f. upload to the website the research as detailed in e. above once approved by the Commission (PR&EDU);
- g. collate the material/information gathered in the exercise related to Constitutional Provisions Requiring Legislation once received (Administrator/Analyst);
- h. upload the educational piece on s.81 as detailed above once approved by the Commission (PR&EDU);
- i. upload the educational piece on the Amendment Order, 2020 above once approved by the Commission (PR&EDU);
- j. create a strategy (with the Chairman) to collect various constitutional resources from members of the public (PR&EDU); and
- k. index and store/upload (with the Chairman) those constitutional resources collected (PR&EDU).

6. Items to be Discussed at the Next Meeting

- a. Curriculum changes in schools
- b. Correspondence with Celebrate Cayman
- c. Children's book educational project
- d. History of the Cayman Islands Constitution
- e. Any relevant 2021 Agenda Items
- f. Research on Overseas Territories' Provisions for Speaker
- g. Constitutional Provisions Requiring Legislation
- h. Proposed Constitutional Amendments
- i. Constitutional Resources

7. Next Meeting

The next meeting will be agreed via round robin.

8. Termination

The meeting was closed at 11:20am.



Vaughan Carter
CHAIRMAN
CONSTITUTIONAL COMMISSION