



Commonwealth Human Rights Initiative

NGO in Special consultative Status with the Economic and Social Council of the United Nations

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CAYMAN ISLANDS

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16 January 2006

Maja Daruwala
Director

Dear Sir

Members

R. V Pillai
Anu Aga
K. S Dhillon
B. K Chandrashekar
Mool Chand Sharma
Harivansh
Bhagwan Das
Poonam Muttreja
Sanjoy Hazarika

Re: Submission of the Commonwealth Human Rights Initiative's critique of the Freedom of Information Bill, 2005.

I am writing from the Commonwealth Human Rights Initiative (CHRI). I refer to my previous letter sent to your office dated 25 October 2006 (see Attachment 1), offering the expertise and assistance of CHRI's Right to Information team to review the draft Cayman Islands Right to Information Bill 2005 produced by the Government, in order to ensure that the Bill accords with best practice openness principles.

We have not heard from your office in response to that initial correspondence, but subsequently, CHRI's Right to Information (RTI) team downloaded a copy of the draft Bill from the Cayman Islands Government Portal, along with a press release dated 4 November 2005, stating that the Government would set out a timetable for a consultative process that would be completed in 90 days.

Although we have not located any further information concerning the consultative process, CHRI's legal team have now reviewed and critiqued the draft Bill, comparing its provisions to good practice in other jurisdictions and against the best practice principles referred to in our previous letter (see Attachment 2). I would request that you forward the critique to any other policy-makers who will be involved in the consultation or drafting process. I sincerely hope that you will take CHRI's legal analysis into account, even if it reaches you after any deadline that may have been set out for consultations and comments on the Bill.

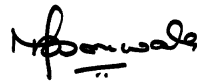
I would note at this point that, as mentioned in our previous letter, CHRI has considerable experience in critiquing and drafting national freedom of information bills. Our RTI team has reviewed a number of draft laws throughout the Commonwealth, including most recently, Kenya, India, Guyana, Sierra Leone and Malawi (please view our website at

http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm for more).

Once more, I would like to commend the Cayman Islands Government for committing to a new era of government openness and transparency by taking the first step towards meeting the fundamental right of citizens in the Cayman Islands to access information concerning their governance. A strong, well-drafted right to information law will be a vital tool in promoting government accountability and effectively facilitating public participation in national decision-making.

If we can be of any further assistance, please do not hesitate to contact me on (0)9810 199 745 or (011) 2685 0523 or via email at majadhun@vsnl.com. Alternatively, please contact Ms Charmaine Rodrigues, Co-Coordinator, Right to Information Programme at charmaine@humanrightsinitiative.org.

Yours sincerely



Maja Daruwala
Director

- Cc
- His Excellency The Governor, 4th Floor Government Administration Building, George Town, Grand Cayman, Cayman Islands
 - Hon Samuel Bulgin JP, Attorney General, 4th Floor Government Administration Building, George Town, Grand Cayman, Cayman Islands
 - Hon Arden McLean, Communications, Works & Infrastructure, 4th Floor, Government Administration Building, George Town, Grand Cayman, Cayman Islands
 - Hon George A. McCarthy OBE, JP, CPA, Chief Secretary, Government Administration Building, George Town, Grand Cayman, Cayman Islands
 - Roy Bodden JP, The United Democratic Party, Post: PO Box 11734 APO, Cayman Islands