

**3rd MEETING OF 2012
HUMAN RIGHTS COMMISSION
MINUTES
2 MAY, 2012
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

PRESENT: Alistair Walters (Acting Chairman)
Cathy Frazier Member
Sara Collins Member
Rev. Nicholas Sykes Member

APOLOGIES: Richard Coles Chairman

SECRETARIAT MEMBERS PRESENT:

Deborah Bodden Manager, Commissions Secretariat
Michael Ebanks Analyst, Commissions Secretariat
Josephine Hislop (part) Analyst, Commissions Secretariat

1. Meeting called to order

The meeting was called to order at 3:35 p.m. It was noted that the Chairman is off island and asked member Alistair Walters to act as Chairman for this meeting.

2. Confirmation of previous minutes

The minutes of 7 March, 2012 were confirmed.

3. Matters Arising from Previous Minutes

a. Mediation

Representatives from the London School of Mediation held a human rights mediation training session at Camana Bay for an audience of local mediators to which the HRC members and Commissions Secretariat staff were extended an invitation to attend. As a result of the session it was concluded that the HRC will draft a form of engagement letter to be used when referring matters to mediation. A draft report form will also be drafted to be complete by the mediator after the mediation has taken place indicating whether it was successful or not. If the parties agree then more information might be provided to the HRC about the terms upon which the parties reached a compromise. Mediators will be expected by the HRC to conduct mediations on a pro bono basis unless the parties agree to pay a fee.

b. ICTA

The HRC received a letter from the Honourable Deputy Governor stating that the formation of the Interpretation of Communication Audit Committee, as prescribed in Section 17 of the ICTA Regulations (2011), was in process. The Commission is now satisfied that there is no reason to pursue this issue any further.

c. Immigration Policies Surrounding Illegal Migrants

A sub-committee of the HRC met with Linda Evans, Chief Immigration Officer, and Garfield Wong, Deputy Chief Immigration Officer (Enforcement and Intelligence). The meeting was productive in highlighting that the Immigration Department is keenly aware of the obligation to be

human-rights-compliant in its policies, procedures, and practices. Initially, it appears to the HRC that current practices are generally compliant with international human rights treaties, especially concerning rescue at sea; however, policies in this area do not appear to be appropriately in-depth or documented to fully ensure human rights compliance and provide officers with a necessary guideline for procedures. The HRC is awaiting further information from the Department in relation to this matter, which is expected to be received in the coming weeks.

It was also noted during the meeting by the Immigration Department that the RCIPS Marine Unit is the decision-making entity in relation to whether or not migrants are brought ashore when intercepted or rescued in our jurisdictional waters. The Commission will contact the RCIPS to engage them in these discussions in the near future.

d. Implications of Bill of Rights Table

The HRC is working to prepare an informational document to highlight the implications of the Bill of Rights in relation to a broad range of public functions, duties, services, etc. The document intends to highlight the affected departments, sections, agencies, authorities, etc. while also providing public officials with information relating to the individual sections of the Bill of Rights. The document is currently in the initial drafting phase.

4. New Business

a. Specialist Training Workbook

The HRC was requested by the Constitutional Implementation Advisory Group for Part I of the 2009 Constitution Order to review a specialist human rights training workbook intended for use by law enforcement officers. The training would be concerned with areas such as arrest, detention, searches, and general enforcement-related conduct as opposed to administration duties. The HRC has provided initial feedback and will review the document again prior to production.

b. HRC Commemorative Publication Pictures/Wording Options

The Secretariat presented the Commission with the submissions received so far for this book. The Commission will now meet with GIS and plan the next steps.

5. Human Rights Complaints

a. Update on Human Rights Complaint 002/2012

The Commission has closed this complaint following a review of the supporting documentation provided. Final correspondence will be sent to the complainant.

b. Human Rights Complaint 003/2012

The Commission reviewed this complaint and the supporting documentation did not indicate that this was a complaint related to human rights. Correspondence will be sent to the complainant detailing as such.

c. Human Rights Complaint 004/2012

The Commission reviewed and accepted this complaint as a legitimate one which requires further investigations into this complaint.

d. Human Rights Complaint 005/2012

The Commission reviewed this complaint and the supporting documentation did not indicate that this was a complaint related to human rights. Correspondence will be sent to the complainant detailing as such.

6. Any other Business

a. Children's Rights

Member Sara Collins raised the issue of whether the Commission could offer presentations in the schools specifically on Children's Rights. The presentations would be offered starting in November, 2012 and would be facilitated by Commission members.

b. Public Enquiry on Government High School Graduation Policy

The Commission received a query from a member of the public regarding the Government high school graduation policy. The HRC has asked that the individual submit a formal complaint so that they may review the matter more in depth.

c. Mahogany Estates Appeal Hearing

HRC member Nicholas Sykes informed the Commission that the matter of the Mahogany Estates appeal hearing was completed and parties are awaiting a full report on the matter.

7. Items to be discussed at the next meeting

- a. Information concerning Illegal Migrants from the Immigration Department;
- b. Implications of BOR research document;
- c. Update on BOR Commemorative Book; and
- d. Possible presentations to schools on children's rights.

8. Next Meeting

The next meeting will be held on 6 June, 2012 @ 3:30pm.

9. Adjournment

The meeting was adjourned at 5:30 pm.



Mr. Alistair Walters
ACTING CHAIRMAN
HUMAN RIGHTS COMMISSION