

**7<sup>TH</sup> MEETING OF 2013  
HUMAN RIGHTS COMMISSION  
MINUTES  
23 OCTOBER, 2013  
CONFERENCE ROOM  
COMMISSIONS SECRETARIAT**

<b>PRESENT:</b>	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 3:10p.m.

**2. Confirmation of previous minutes**

The minutes of 11 September, 2013 were approved.

**3. Matters Arising from Previous Minutes****a. Request for Audit****i. Clarification of Parameters**

The HRC continues to await a response from the Deputy Governor on clarification as to the proposed parameters regarding the request for the HRC to conduct an audit of the Immigration Department's approach to handling migrants encountered at sea.

**ii. IOM**

Prior to the meeting members received information relating to the International Organisation for Migration (IOM) as it relates to such an audit of public policy and procedure. Once the Commission is in receipt of an answer to (i) above it will consider whether to approach IOM for assistance in this regard.

**b. Environment**

Correspondence highlighting the Commission's strong desire to see legislation enacted to protect the environment, as well as the newly developed flow chart for ensuring compliance with the protection of environment clause in the Bill of Rights was forwarded to the Honourable Minister for Finance and Environment. The flow chart was copied to the Deputy Governor with a request that it be forwarded to all Chief Officers for dissemination to relevant civil servants. It will also be added to the Commission's website. The HRC has been made aware that the National Conservation Bill is intended, by the Government, to be laid in the Legislative Assembly prior to the end of this year. The HRC fully supports such urgency as it relates to enacting legislation to give effect to Protection of Environment under the Bill of Rights, Freedoms, and Responsibilities.

**c. Monitoring of Remedies following Declarations of Incompatibility**

The Commission is grateful for the response to its correspondence on this matter from the Attorney General who noted that various amendments are being made to the Police Law, 2010. It is the Government's intention to have the amended legislation laid in the House as a matter of priority.

**d. Request for Human Rights Related Judgments**

The Court Administrator indicated a willingness to provide the HRC with a copy of any judgment which related to human rights cases. He further informed that the Judicial Administration website is in the process of being revamped and thus the Commission, as well as the broader community will be able to more easily access court judgments and other documents.

**e. Review of Legislation**

Members continue to review the Matrimonial Causes Bill, a Family Property Rights Bill and the Maintenance Bill (which make up the Family Law Reform legislative package) for human rights compliance. Deadline for submission of comments is 11 November, 2013. In addition the Commission has agreed to review the proposed changes to the Immigration Law, 2013 for compliance with the Bill of Rights.

**f. Educational Initiatives**

**i. Schools**

The Commission is continuing to finalise an initiative aimed at introducing human rights education into the school curriculum in a format adaptable for content integration by educators to meet the needs of students. Members are asked to forward their final comments on the document to the Secretariat for incorporation in the draft. The Secretariat will forward the draft as it stands now to members for a final review.

**ii. Public Officials**

The Commission is continuing to finalise an initiative aimed at providing public officials with an understanding of the implications of the Bill of Rights. Members are asked to forward their final comments on the document to the Secretariat for incorporation in the draft. The Secretariat will forward the draft as it stands now to members for a final review.

**iii. Displays**

The Secretariat purchased six informational displays for use by the HRC to assist with making human rights information available in public places. The first two identified locations are the office of the Commissions Secretariat and the George Town Public Library. Members are asked to identify four further locations they would wish to see the displays placed.

**4. New Business**

**a. Request for Guidance on Religious Accommodations**

The Portfolio of the Civil Service (PoCS) has requested guidance from the Commission as it relates to developing a policy on religious accommodations. Prior to the meeting the Chairman agreed that the Commission would assist and as such members were provided with a draft guidance document on which to provide feedback.



**b. Amendments to the FOI Law / Regulations**

The HRC has been made aware that proposed changes to the FOI Law and Regulations, as suggested by the FOI Review Subcommittee, are being forwarded to Cabinet for their acceptance. If accepted the changes will make the FOI Law applicable to the Commission. The HRC was not invited by the Subcommittee to provide input or discuss the potential impacts of such amendments and the Commission has concerns especially as it relates to the confidentiality of complainants. The HRC will review the current exemptions as provided under the FOI Law 2007 and correspond with the Deputy Governor accordingly.

**5. Human Rights Complaints**

**a. Update on Enquiry made by Commission**

The Commission has now received a response from an enquiry which originally stemmed from a complaint. The complaint was subsequently closed and the response closes the enquiry the Commission had on this matter.

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

The Commission was provided with the necessary information in order to finalise a response in both of these complaints.

**c. Update on Human Rights Complaint 013/2013**

Correspondence has been sent to the relevant party who has acknowledged the correspondence but has yet to reply.

**d. Update on Human Rights Complaint 014/2013**

A formal response has not been received from the relevant public authorities. The HRC will follow-up and request a formal response within 7 days in hopes of moving the investigation forward to a conclusion.

**e. Update on Human Rights Complaint 015/2013**

While the complaint has been closed the Commission requested policy information on an area related to the subject of the complaint but has yet to receive the requested information. The Secretariat has been asked to follow up with the public entity.

**f. Update on Human Rights Complaint 016/2013**

The Manager indicated that Deputy Chief Immigration Officer Bruce Smith continues to review this matter. The HRC wishes to make a special mention of Mr. Smith's efforts to assist with this case. The HRC would like to thank Mr. Smith for his exceptional professionalism as it relates to conducting various enquiries at the request of the Commission following reports of alleged human rights infringements or breaches by members of the public in regards to immigration related matters. The Commission will also highlight Mr. Smith's effective and efficient approach to working with the Human Rights Commission in its Annual Report. The Commission looks forward to similar interactions with Mr. Smith in the future.

**g. Human Rights Complaint 019/2013**

Due to the extensive nature of this complaint the HRC was not able to fully consider the matter and as such it has been deferred until the next meeting. The Secretariat has been asked to conduct initial research into the complaint.

**h. Human Rights Complaint 020/2013**

The complaint was discussed by the Commission but as the complaint was not clear the Commission deferred this matter until the next meeting and requested the Secretariat clarify the nature of the complaint.

**i. Human Rights Complaint 021/2013**

Due to the extensive nature of this complaint the HRC was not able to fully consider the matter and as such it has been deferred until the next meeting.

**6. Introduction of Prison Director**

The new Director of Prisons, Mr. Neil Lavis attended the meeting at the request of the Commission. The meeting entailed a brief introduction and a discussion of the concerns of the HRC over the past three and a half years on matters relating to human rights and the prison. The Director was able to provide the HRC with insight as it relates to strategic planning and policy development opportunities aimed to addressing those issues and others.

**7. Any Other Business**

**a. Human Rights Complaints**

The Commission was informed that the Manager had received additional human rights complaints but due to the size of the agenda had been unable to place them on the agenda for today and had subsequently rolled them over to the next agenda.

**b. ICTA Audit Committee**

While the matter was raised at the Quarterly Chairperson's Meeting on 26 September, 2013 the Commission has still not had a formal response on the matter. The Commission notes that the issue of the lack of the appointment of an Audit Committee was raised in the media again this week and the matter continues to concern the Commission. The Secretariat will draft correspondence to the Governor to again enquire as to the status of the appointments.

**c. Witness Protection**

The Commission had written the former Governor Taylor expressing its concerns regarding this matter just prior to his departure but did not receive a response. The Commission will now follow up by expressing its concerns to Governor Kilpatrick.

**d. Presentation to Cabinet**

The Secretariat was asked to follow up with the Cabinet Secretary regarding the previous invitation to present to the Members of Cabinet and the Legislative Assembly on the Commission's remit as it has yet to receive a date in which to do so.

**8. Action Items**

Members were asked to:

- (a) Submit any further comments on the document on human rights education in the schools;
- (b) Submit any further comments on the document on human rights implications for public officials;
- (c) Consider further locations for the pamphlet displays;
- (d) Provide feedback on the draft guidance on religious accommodations;
- (e) Consider whether the HRC requires any further exemptions in order to properly function under the revised FOI Law;



- (f) Review the relevant documentation as it relates to Cases 014/2012 and 018/2012;

The Secretariat was asked to:

- (a) Follow-up with the Deputy Governor on parameters of the migrant processing audit;
- (b) Upload the Environmental Flow Chart to the website Conduct a review of the recent amendments to the Immigration law;
- (c) Forward the draft document on human rights education in the schools as it stands now to members for a final review;
- (d) Forward the draft document on human rights implications for public officials as it stands now to members for a final review;
- (e) Seek to place an HRC informational display inside the GT Public Library;
- (f) Forward a copy of the current exemptions as provided under the FOI Law 2007 to all members;
- (g) Conduct research and draft correspondence in relation to human rights complaints;
- (h) Draft correspondence as it relates to the ICTA Audit Committee;
- (i) Draft correspondence as it relates to witness protection and
- (j) Follow up with the Cabinet Secretary regarding the Chairman's opportunity to present to the Members of the Cabinet and Legislative Assembly.

#### **9. Items to be Discussed at the Next Meeting**

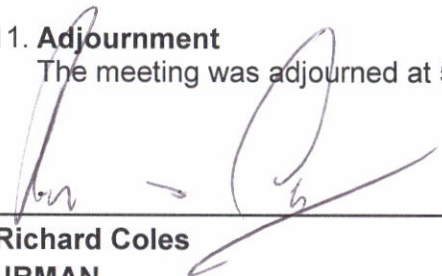
- a. Request for Audit
- b. Review of Legislation
- c. Educational Initiatives
  - i. Schools
  - ii. Public Officials
  - iii. Displays
- d. Request for Guidance on Religious Accommodations
- e. Amendments to the FOI Law / Regulations
- f. Human Rights Complaints
  - i. Update on Human Rights Complaints 014/2012 and 018/2012
  - ii. Update on Human Rights Complaint 013/2013
  - iii. Update on Human Rights Complaint 014/2013
  - iv. Update on Human Rights Complaint 015/2013
  - v. Update on Human Rights Complaint 016/2013
  - vi. Human Rights Complaint 019/2013
  - vii. Human Rights Complaint 020/2013
  - viii. Human Rights Complaint 021/2013
  - ix. Human Rights Complaint 022/2013
  - x. Human Rights Complaint 023/2013
- g. ICTA Audit Committee
- h. Witness Protection
- i. Presentation to Cabinet

#### **10. Next Meeting**

The next meeting of the HRC is scheduled for 6 November, 2013 at 3:30pm at the offices of the Commissions Secretariat.

**11. Adjournment**

The meeting was adjourned at 5:10pm.



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**Mr. Richard Coles**  
**CHAIRMAN**  
**HUMAN RIGHTS COMMISSION**