

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
5 MAY 2016
CONFERENCE ROOM
ARTEMIS HOUSE

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|-----------------|------------------------|----------|
| PRESENT: | James Austin-Smith | Chairman |
| | Ben Tonner | Member |
| | Reverend Donovan Myers | Member |

APOLOGIES:

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| Lisa-Ann Hurlston-McKenzie | Member |
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COMMISSIONS SECRETARIAT MEMBERS PRESENT:

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| Deborah Bodden | Manager |
| Sheila Alvarez | Administrator/Analyst |
| Lise Hurlstone | Administrator/Analyst |

1. Meeting called to order

The meeting was called to order at 2:45pm.

2. Confirmation of Previous Minutes

The 4 February 2016 minutes were approved.

3. Outstanding Business

a. Human Rights Commission Annual Report

The 2015 Annual Report was recently tabled in the Legislative Assembly at which time media outlets also received hardcopies. The Report has been added to the Commission's website.

b. Response to Labour Relations Bill

The Commission will finalise their comments on the draft bill in order to submit final comments to the Government.

c. Mental Health Educational Pamphlets

Minor amendments will be made to the pamphlets in order to finalise them for submission to the Mental Health Commission.

d. Response to Discussion Paper on Bullying

The contents of this paper were discussed and the members considered the questions posed at the conclusion of the paper. The Commission will submit its review of the same to the Government.

4. **New Business**

a. **Operation of the Human Rights Commission**

This matter was deferred as the entire membership was not in attendance.

b. **Response to HMPS Northward re new prisoner phone system**

The Director of Prisons proactively sought the advice of the Commission with respect to implementing a new prisoners' telephone system. Feedback was given to the Director which included the recommendation that a brief, but succinct, written policy be introduced. The Director has confirmed his willingness to accept such a recommendation and will circulate a copy of the policy to the Commission as soon as it is available.

5. **Human Rights Complaints**

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

The Commission was updated on this complaint, however, it agreed again that the matter should be deferred pending an imminent final resolution between the parties. It is noted that member Ben Tonner continues to recuse himself from this complaint.

b. **Update on Human Rights Complaints 006/2014, 014/2014, 003/2015**

It was noted that these matters have been outstanding for some time as the Commission has been awaiting the publication of legislation to resolve the complaints. As such the Commission agreed that the Secretariat should ensure its draft report remains accurate and forward it to the Commission for review prior to being published.

c. **Update on Human Rights Complaint 002/2015**

Commission members discussed the report on this complaint and agreed to submit final comments and questions in order to finalise and publish the same.

d. **Update on Human Rights Complaint 004/2015**

The Commission considered this complaint and agreed that the Secretariat had exhausted the research and evidence collecting options in this matter. The Commission requested that the information should be drafted in chronological order so that a determination can be made on the merits of the allegations. It is noted that Chairman James Austin-Smith continues to recuse himself from this complaint.

e. **Update on Human Rights Complaint 008/2015**

This complaint was deferred as the Commission is awaiting further information from the complainant's legal representative. It is noted that member Ben Tonner continues to recuse himself from this complaint.

f. **Update on Human Rights Complaint 009/2015**

The Commission considered this complaint and agreed that further information is needed from the complainant before the file can be closed. The complainant will be contacted accordingly.

g. Update on Human Rights Complaint 010/2015

The Commission discussed this complaint and it was agreed that, if it did not hear from the complainant in thirty days from the date of the last letter that was sent to the complainant, the Commission will close the case. The complainant will be informed accordingly.

h. Update on Human Rights Complaint 013/2015

This complaint was deferred as the Commission is awaiting further information from the complainant's legal representative. It is noted that member Ben Tonner continues to recuse himself from this complaint.

i. Update on Human Rights Complaint 017/2015

The Commission discussed this complaint and it was agreed that no further action is required by the Commission and the file can be closed. The complainant will be informed accordingly.

j. Update on Human Rights Complaint 020, 021, 022/2015

The Chairman is currently considering the complainant's letter in this matter as well as the additional information which was submitted.

k. Update on Human Rights Complaint 024/2015

The Commission considered this complaint and it was agreed that the Commission will prepare a letter to the public authority involved. The Commission will also prepare a response to the complainant detailing its findings and close the file.

l. Update on Human Rights Complaint 026/2015

The Commission is currently considering the response in this matter.

m. Update on Human Rights Complaint 029/2015

The Commission has received a detailed response from the public authority which it is currently considering. It was agreed that this matter should be deferred until the next meeting in order to allow members additional time to consider the new information.

n. Update on Human Rights Complaint 001/2016

The Commission is currently considering the response in this matter.

o. Update on Human Rights Complaint 003 and 004/2016

The Commission is currently considering the response in this matter.

p. Human Rights Complaint 005/2016

The Commission reviewed this complaint and agreed to send its recommendations to the public authority involved in this matter. The file will then be closed.

q. Human Rights Complaint 006/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

r. Human Rights Complaint 007/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

s. Human Rights Complaint 008/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

t. Human Rights Complaint 009/2016

The Commission considered this complaint. It was agreed that there was no evidence of a breach of human rights as alleged. The complainant will be informed accordingly and the file closed.

u. Human Rights Complaint 010/2016

The Commission deferred this complaint as there was not quorum to consider it. It is noted that Chairman James Austin-Smith and member Ben Tonner recused themselves from this complaint.

v. Human Rights Complaint 011/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

w. Human Rights Complaint 012/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

x. Human Rights Complaint 013/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

y. Human Rights Complaint 014/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

z. Human Rights Complaint 015/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

aa. Human Rights Complaint 016/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

bb. Human Rights Complaint 017/2016

The Commission discussed this complaint. It was agreed that no further action was required by the Commission and the file can be closed. The complainant will be informed accordingly.

cc. Human Rights Complaint 018/2016

The Commission considered this complaint and additional information that was requested by the relevant public authority. The Commission can find no evidence of a breach of human rights in accordance with the Bill of Rights, Freedoms and Responsibilities. Additionally, the public authority involved has taken measures to deal with the complainant's concerns internally. Therefore the file can be closed. The complainant will be informed accordingly.

6. Any Other Business

There was no other business to discuss.

7. Action Items

The members were asked to:

- a. Submit final comments on the Labour Relations Bill;
- b. Submit final comments on the Discussion Paper on Bullying; and
- c. Consider the relevant human rights complaints.

The Secretariat was asked to:

- a. Submit the final response on the Labour Relations Bill following the submission of comments by Members;
- b. Submit the finalised version of the Mental Health Educational Pamphlets;
- c. Submit the final response on the Discussion Paper on Bullying following the submission of comments by Members;
- d. Conduct any research and/or draft any summaries as detailed above; and
- e. Draft correspondence in all new and outstanding human rights complaints including the finalisation of reports.

8. Items to be Discussed at the Next Meeting

- a. Labour Relations Bill
- b. Discussion Paper on Bullying
- c. Mental Health Educational Pamphlets
- d. New and Outstanding Human Rights Complaints

9. Next Meeting

The next meeting of the HRC is scheduled for 2 June 2016 at 2:30pm at the offices of the Commissions Secretariat.

10. **Adjournment**

The meeting was adjourned at 4:55pm.

A handwritten signature in blue ink, appearing to read 'J. Austin-Smith', written over a horizontal line.

James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION