

**MINUTES  
MEETING OF THE HUMAN RIGHTS COMMISSION  
10 NOVEMBER 2016  
CONFERENCE ROOM  
ARTEMIS HOUSE**

<b>PRESENT:</b> James Austin-Smith	Chairman
Ben Tonner	Member
Danielle Coleman	Member
Reverend Donovan Myers	Member

**COMMISSIONS SECRETARIAT MEMBERS PRESENT:**

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

**APOLOGIES:**

Lisa-Ann Hurlston-McKenzie	Member
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**1. Meeting called to order**

The meeting was called to order at 2:40pm.

**2. Confirmation of Previous Minutes**

The 13 October 2016 minutes were approved.

**3. Outstanding Business**

**a. General Election 2017**

The Commission discussed the response that was received from the Constitutional Commission concerning whether provisions contained in both the Constitution and the Elections Law, which disqualify prisoners who are serving a sentence of 12 months or more from voting, are a breach of human rights and incompatible with the European Convention of Human Rights ("ECHR"). The Commission recommended that the Elections Office seek legal advice on the matter and it indicated that it would do so following its receipt of advice from the Constitutional Commission. The Commission will await further correspondence/advice from the Constitutional Commission.

**4. New Business**

**a. Marriage (Amendment) Bill 2016**

The Commission had initial discussions regarding the draft Bill which has been submitted for review by the Office of the Deputy Governor. Members agreed that there are areas of the Bill which require further review and undertook to complete such a review for discussion at the next meeting.

**b. International Human Rights Day 2016**

This year's theme is "Stand Up for Someone's Rights Today" and the Commission will issue a press release to commemorate the day.

**5. Human Rights Complaints & Enquiries**

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

The Commission was advised that the Secretariat is currently awaiting an update from the public authority involved.

**b. Update on Human Rights Complaint 029/2015**

The Commission was updated on this complaint and advised that the issue has been resolved and that the complainant requested that the complaint be closed. Members agreed.

**c. Update on Human Rights Complaint 004/2016**

The Commission was advised that the Secretariat is currently awaiting an update from the public authority involved.

**d. Update on Human Rights Complaint 005/2016**

The Commission discussed the follow-up response that was received from the legal representative. The public authority involved has requested the assistance of the Commission and the Secretariat to address the general concerns which this complaint identified. The Secretariat will offer any assistance it can to review draft policies and procedures produced by the public authority. Members agreed the file would be closed.

**e. Update on Human Rights Complaint 027/2016**

The Commission discussed the thorough and prompt response received from the public authority. It was agreed that a follow-up letter would be drafted to the public authority requesting confirmation of the specifics made by the complainant before the Commission makes a decision as to future actions.

**f. Update on Human Rights Complaint 028/2016**

The Commission was advised that no response has been received from the complainant since the Secretariat sent their last correspondence on 18 October seeking further information on this complaint. The Commission agreed to wait 30 days and close the file if the complainant has not responded by that time. It is noted that Chairman James Austin-Smith continues to recuse himself from this complaint.

**g. Update on Human Rights Complaint 029/2016**

The Commission considered the thorough response received from the public authority in this matter and agreed it was necessary to contact the complainant's legal representative to seek further background information on this case before agreeing the next action to be taken.

**h. Update on Human Rights Complaint 031/2016**

The Secretariat finalised research on this matter shortly before the meeting. The research was discussed and will be forwarded to members for consideration. It is noted that Member Danielle Coleman recused herself from this complaint.

**i. Update on Human Rights Complaint 032/2016**

A response has not been received from the complainant's legal representative for additional information. The Secretariat will contact the public authority to attempt to ascertain the necessary information.

**j. Update on Human Rights Complaint 033/2016**

The Secretariat has finalised the research in this matter and the Commission agreed that the case law is suggestive of a possible breach. The Commission agreed to refer the matter to the Constitutional Commission for advice.

**k. Human Rights Complaint 034/2016**

The Commission discussed this complaint and determined that the most appropriate course of action is to advise the complainant to re-apply to the public authority due to a recent change in legislation. The file will then be closed. It is noted that Member Ben Tonner recused himself from this complaint.

**l. Human Rights Complaint 036/2016**

Per the Commission's decision at the last meeting the Commission has no jurisdiction over this complaint and the Chairman signed the letter advising the complainant and closing the file.

**m. Human Rights Complaint 037/2016**

The Commission reviewed this complaint and agreed to correspond with the public authority to ascertain the background and reasons involved in this matter.

**n. Human Rights Complaint 038/2016**

The Commission discussed this complaint and agreed that further research is needed before it can be considered by the Commission.

**o. Human Rights Complaint 039/2016**

The Commission discussed this complaint and agreed to correspond with the public authority to ascertain the background and reasons involved in this matter.

**p. Human Rights Complaint 040/2016**

The Commission discussed this complaint and agreed that further research is needed before it can be considered by the Commission. It is noted that Member Ben Tonner recused himself from this complaint.

**6. Any Other Business**

**a. Human Rights Complaint 041-2016**

The Commission was provided with a summary about this complaint, which was received after the deadline for it to be added to this meeting's agenda. However the complaint sets out a situation in which the Commission has no jurisdiction and therefore

was raised at this meeting. Members agreed and as such the complainant will be advised accordingly and the file will be closed.

**b. Request for Copy of the 2009 Constitution in Braille or Audio**

The Secretariat informed the Commission that it recently received a request for a copy of the 2009 Constitution in braille or audio for persons with visual impairments. The Secretariat explored both options and has proposed that the Human Rights Commission partner with the Constitutional Commission, assisted by the Government Information Services, to create an audio recording of the Constitution using prominent Caymanian voices.

**c. Overseas Territories Joint Ministerial Council**

The Commission was informed about the annual Overseas Territories Joint Ministerial Council that was hosted last week, by the UK Government, on good governance, human rights and child safeguarding, which was co-chaired by the UK Solicitor General. The Council agreed to continue to work together on various human rights commitments over the next year. This includes reviewing the Paris Principles in order to consider the Commission's future standing as an NHRI.

The Paris Principles are a set of international standards which frame and guide the work of National Human Rights Institutions (NHRIs). They were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris in 1991 and adopted by the United Nations General Assembly in 1993. The guidelines address four aspects of (NHRI's) - (1) competence and responsibilities, (2) composition and guarantee of independence, (3) methods of operations, and (4) principles relating to the status of commissions as quasi-judicial bodies.

**7. Action Items**

The members were asked to:

- a. Review and provide comments on the Marriage (Amendment) Bill 2016;
- b. Review various case law concerning any outstanding or new complaints or enquiries; and
- c. Review any outstanding or new complaints or enquiries.

The Secretariat was asked to:

- a. Prepare a draft press release on International Human Rights Day 2016;
- b. Partner with the Constitutional Commission and GIS to record an audio of the 2009 Constitution; and
- c. Draft correspondence or conduct research in all outstanding and new human rights complaints and enquiries.

**8. Items to be Discussed at the Next Meeting**

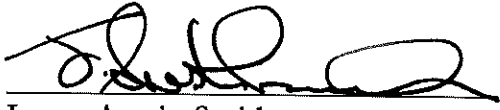
- a. General Elections 2017
- b. Marriage (Amendment) Bill 2016
- c. International Human Rights Day 2016
- d. New and outstanding human rights complaints

9. **Next Meeting**

The next meeting of the HRC has been scheduled for 5 December at 2:30pm at the offices of the Commissions Secretariat.

10. **Adjournment**

The meeting was adjourned at 4:44pm.



James Austin-Smith  
CHAIRMAN  
HUMAN RIGHTS COMMISSION