

<p><b>MINUTES</b>  <b>MEETING OF THE HUMAN RIGHTS COMMISSION</b>  <b>12 JANUARY 2017</b>  <b>CONFERENCE ROOM</b>  <b>ARTEMIS HOUSE</b></p>
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<b>PRESENT:</b> James Austin-Smith	Chairman
Reverend Donovan Myers	Member
Lisa-Ann Hurlston-McKenzie	Member
Danielle Coleman	Member

**COMMISSIONS SECRETARIAT MEMBERS PRESENT:**

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

**APOLOGIES:**

Ben Tonner	Member
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**1. Meeting called to order**

The meeting was called to order at 2:42pm.

**2. Confirmation of Previous Minutes**

The 5 December 2016 minutes were approved.

**3. Outstanding Business****a. General Election 2017**

The Commission discussed the findings of the Constitutional Commission on the two issues related to voting which were referred to their attention from the Human Rights Commission (raised initially in separate complaints).

The first relates to s.91(1)(a) of the Constitution which places a blanket ban on voting for prisoners serving sentences exceeding 12 months' imprisonment. The Constitutional Commission concluded "that there are issues arising from the blanket ban on voting for prisoners serving sentences exceeding 12 months' imprisonment in section 91(1)(a) of the Constitution that do merit a review of the Constitution with a view to better reflecting the right to free elections and the associated rights of convicted prisoners to vote in such elections."

The second relates to s..90 of the Constitution, which requires citizens over the age of 18 years to be resident in the islands no less than two years out of the four years immediately preceding the date of registration. The Constitutional Commission concluded that "while it is not clear that section 90 of the Constitution would be found to be in breach of Article 3 of Protocol No. 1 to the ECHR...it may nevertheless be prudent for the Government to undertake a review section 90 of the Constitution with a view to evaluating whether some revision of this section would also be beneficial."

The Commission correspond with the Constitutional Commission thanking them for their response on the issues and await a formal response from the Elections Office.

**4. New Business**

**a. 2017 Work Plan**

The Commission discussed the priority areas for the 2017 Work Plan and agreed the topics of interest should include immigration issues, disabilities, elections, child abuse and bullying (adults and children included).

**b. Shadow Report**

The Commission has completed its first Shadow Report, as requested by the Foreign and Commonwealth Office (“the FCO”). The FCO asked each of the Overseas Territories (“OT’s”) to conduct a formal review of each outstanding reservations/declarations against the core six United Nations (“UN”) human rights conventions that the UK Government has progressively extended to most OTs. Following extensive research a draft was prepared and finalised by the Chairman. The Chairman thanked the Administrator/Analysts for their work on this assignment.

The Secretariat received a further opportunity to complete a second Shadow Report – this one regarding CEDAW. The will conduct research and draft a response for the Commission’s approval.

**5. Human Rights Complaints & Enquiries**

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

The Commission was updated on this complaint. The Commission agreed that a letter would be written to the public authority expressing concerns about the way in which the complainant’s matter was processed.

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

The Commission was updated on this complaint. The Commission stands by its original response that the complainant requires legal advice in order to obtain the remedy she desires. The complainant will be updated and the file closed.

**c. Update on Human Rights Complaint 039/2016**

The Commission received a copy of the response from the public authority to the complainant and agreed the specific matter had been resolved. The file was closed and the complainant informed.

**d. Update on Human Rights Complaint 042/2016**

The Commission received a thorough and detailed response from the public authority and agreed that the complainant had no standing or grounds to make the allegations. In addition, there was no evidence of a breach of human rights and thus the file was closed and the complainant informed.

**e. Update on Human Rights Complaint 044/2016**

The Commission received a timely response to their queries which make it necessary for the Commission to liaise with a separate section of the same public authority regarding additional queries.

**f. Human Rights Complaint 046/2016**

The Commission reviewed this complaint and it was agreed that a letter would be drafted to the public authority to seek clarity as to how they arrived at some of the decisions that they made concerning this matter.

**g. Human Rights Complaint 047/2016**

The Commission reviewed this complaint and it was agreed that a letter would be issued to the complainant to advise that as the matter is before the Courts, the Commission cannot consider it. The file will then be closed.

**h. Human Rights Complaint 001/2017**

The Commission reviewed this complaint and it was agreed that the Secretariat would correspond with the public authority thanking them for their response thus far but will also seek to clarify one point which the Commission raised which the public authority did not address in their response.

**6. Any Other Business**

**a. Human Rights Complaint 030/2016**

This complaint was closed on 12 October 2016 however the complainant indicated that he had not yet received a response from the public authority. The Commission undertook to assist the complainant further (regardless of the fact that there was no evidence of a breach of his rights) however the file remains closed.

**b. Managing Complaints Going Forward**

The Commission discussed several ways in which complaints can be better handled so the Commission can dedicate time to other initiatives such as education. It was agreed that public authorities will be asked to correspond directly with the complainants within a specified time frame; failing which the complainant will be asked to revert back to the Commission should the complaint not be resolved.

**c. Cancer Registry**

The Chairman advised that he accepted an invitation to present the Commission's concerns to the Board of the Cayman Cancer Society as they relate to the Cancer Registry Bill, 2015. The Board has indicated that they will review the initial response of the Commission, available on the website and undertook to address the concerns in any redrafted Bill.

**d. Human Rights Complaints 020-022/2015**

The Manager advised the Commission that the complainant recently contacted the Secretariat to request a meeting with the Chairman or the Commission to discuss the Commission's latest response. The Chairman noted that as the matter is still ongoing, a meeting with the complainant would not be productive.

**7. Action Items**

The Secretariat was asked to:

- a. Research and Prepare the second Shadow Report; and
- b. 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. New and outstanding human rights complaints

**9. Next Meeting**

The next meeting of the HRC has been scheduled for 2 February 2017 at 2:30pm at the offices of the Commissions Secretariat.

**10. Adjournment**

The meeting was adjourned at 5:01pm.



James Austin-Smith

**CHAIRMAN**

**HUMAN RIGHTS COMMISSION**