

**5TH MEETING OF 2013
HUMAN RIGHTS COMMISSION
MINUTES
23 JULY, 2013
CONFERENCE ROOM
COMMISSIONS SECRETARIAT**

PRESENT: Richard Coles Chairman
Bishop Nicholas Sykes Member
Alistair Walters Member

APOLOGIES: Sara Collins 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 3:35p.m.
2. **Confirmation of previous minutes**
The minutes of 5 June, 2013 were approved.
3. **Matters Arising from Previous Minutes**
 - a. **Draft Cuban Migrant Report**
The Draft Report has been shared with stakeholders to ensure its content is accurate and will be released to the original complainant and onto the Commission's website on 5 August, 2013. The Commission will consider the request to audit the asylum process at the next meeting.
 - b. **The Adoption of Children's Bill, 2012**
The Secretariat received a copy of the legislation as it was passed in the House and provided members with information related to the comments previously made by the Commission and the changes which were (or were not) made as a result. There is no further action on this item at this time.
 - c. **Environmental Governance Review**
Prior to corresponding with the Minister assigned responsibility for Environment regarding the Commission's concerns, the HRC will create a policy assessment tool geared toward assisting public officials to develop human rights compliant environmental policy and to take decisions in accordance with section 18 of the BoRFR on matters relating to the environment.
 - d. **Monitoring of Remedies following Declarations of Incompatibility**
The Commission continues to await a response to its letter written to the Honourable Attorney General seeking clarification on the proposed steps to amend the Police Law (2010) to bring it into compliance with the Bill of Rights, Freedoms and Responsibilities in light of the declaration made in the Courts by Justice Henderson. The Secretariat will follow up with the Attorney General on this request for information.
 - e. **Lawful Administrative Action Research**
This matter was deferred until all members of the Commission are in attendance.

- f. Human Rights Related Court Rulings**
The Commission has not had a formal response regarding these matters but understands that the RCIPS has made significant changes to its process in requesting search warrants and the use of JP's.
- 4. New Business**
- a. Definition of public official**
The Commission notes that there is a definition of a "public official" in Part One of the Constitution – the BoRFR but in Part Two, there is a definition for a "public office" The phrases are very similar but the definitions contained in Parts One and Two differ substantially. This has created some confusion and as a result the Commission agreed the matter should be raised with the Constitutional Commission as it completes a review of the Constitution.
- b. Performance Audit Consultation**
The Commission has received a request as a stakeholder from the Office of the Auditor General (OAG) to review the performance audits the OAG proposes to complete over the next year. The OAG has asked the Commission to identify any other areas related to its remit which it feels would be beneficial for the OAG to add to its list of proposed audits. The Commission will consider the request and provide feedback by 31 August, 2013.
- c. Request for assistance re: Neonatal Care**
The Commission has received a request from the Ministry of Health regarding research on this subject matter. The Commission is happy to assist in this regard and the Secretariat is currently working on completing the said research for the Commission's review.
- d. Request for Educational Session at HMP Northward**
The Commission has received a request to facilitate an educational session on the BoRFR at HMP Northward to members of the Inmate Council. The Commission is considering how best to facilitate this request but will also discuss the matter with the Director.
- e. Review of Legislation**
The Commission agreed that research should be conducted to ensure the Matrimonial Clauses Bill, 2013, a Maintenance Bill, 2013, and the Family Property (Rights of Spouses) Bill, 2013 are compliant with the BoRFR.
- 5. Human Rights Complaints**
- a. Human Rights Complaint 006/2013**
While the Commission awaits further information on the subject matter which was raised in this complaint in a general nature; this specific complaint has been handled and therefore the case has been closed.
- b. Update on Human Rights Complaints 014/2012 and 018/2012**
The Commission was updated on these complaints and correspondence will be drafted accordingly.
- c. Human Rights Enquiry**
The Commission received a request for assistance which was discussed and will be considered.
- 6. Any Other Business**
There was no other business.
- 7. Action Items**
The Secretariat will:
- a. distribute the Draft Cuban Migrants Report as agreed on 5 August, 2013;**

- b. follow-up on the correspondence to the Minister regarding 3c above;
- c. follow-up on the correspondence to the Honourable Attorney General regarding 3d above;
- d. follow-up on the correspondence to the Court Administrator regarding 3f above;
- e. conduct research in relation to 4b above;
- f. continue to conduct research in relation to 4c above;
- g. conduct research in relation to 4e above; and
- h. draft correspondence and conduct necessary research in relation to human rights complaints.

8. Items to be Discussed at the Next Meeting

- a. Cuban Migrants Report
- b. Audit of Asylum Process
- c. Environmental Governance Review
- d. Monitoring of Remedies following Declarations of Incompatibility
- e. Lawful Administrative Action Research
- f. Performance Audit Consultation
- g. Request for assistance re: Neonatal Care
- h. Request for Educational Session at HMP Northward
- i. Review of Legislation
- j. Human rights complaints

9. Next Meeting

The next meeting will be held on 11 September, 2013 @ 3:30p.m.

10. Adjournment

The meeting was adjourned at 4:55p.m.



Mr. Richard Coles
CHAIRMAN
HUMAN RIGHTS COMMISSION