

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
8 SEPTEMBER 2016
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT: James Austin-Smith	Chairman
Ben Tonner	Member
Lisa-Ann Hurlston-McKenzie	Member
Danielle Coleman	Member

APOLOGIES: Reverend Donovan Myers Member

COMMISSIONS SECRETARIAT MEMBERS PRESENT:

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

1. **Meeting called to order**
The meeting was called to order at 2:43pm.

2. **Confirmation of Previous Minutes**
The 4 August 2016 minutes were approved.

3. **Outstanding Business**
 - a. **Prohibited Immigrants Report**
The Commission discussed the Report and agreed that members would continue to review the latest draft for finalisation.

 - b. **CCTV Report**
The Commission discussed the Report and agreed that members would continue to review the latest draft for finalisation.

 - c. **General Election 2017**
The Commission discussed the formal response that was received from the Supervisor of Elections, based on the enquiry that had been made by a prisoner at HMP Northward regarding his concerns about several issues related to prisoners and their right to vote in the 2017 general election. Members noted that s.91 of the Cayman Islands Constitution 2009 (“the Constitution”), which speaks to the disenfranchisement of Electors based on a sentence greater than 12 months, may be incompatible with the requirements of Article 3 of Protocol 1 of the European Court of Human Rights (“the ECHR”) after a review of case law. Accordingly, it was agreed that a subsequent letter should be issued to the Supervisor of Elections, and copied to the Chairman of the Constitutional Commission to advise of this anomaly and recommend legal advice on the issue.

d. The Disabilities (Solomon Webster) Bill, 2016

The Commission discussed the draft Bill and agreed that members would continue to review the draft response with a view to finalising their comments at the next meeting.

e. Draft RCIPS Appeals Policy

The Commission discussed in more detail the draft and noted several queries which require research prior to drafting a response.

f. Website

The Secretariat advised that additional amendments were made to the Commission's website and a press release will be drafted regarding the redeveloped website. In the interim, members agreed that the website link should be circulated to limited parties as a soft test. The Commission thanked the Secretariat for their hard work and assistance with designing the website and noted that they are very pleased with the outcome.

4. New Business

a. Human Rights in Places of Detention Booklet

The Secretariat prepared a booklet titled 'Human Rights in Places of Detention' in preparation for an upcoming human rights training with prison officers (date to be determined). Members agreed to review it for final comments, prior to the Secretariat printing copies for the training.

5. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 014/2013

The Commission continued to discuss this complaint. It was agreed that the Commission will revise and update the draft case report, including the draft response to the public authority involved, so that the report can be reviewed by the Commission in totality so a decision can be made regarding the possible release of the report and closure of the file. It is noted that member Ben Tonner continues to recuse himself from this complaint.

b. Update on Human Rights Complaint 006/2014

This complaint was deferred until the next meeting as it was agreed that the report on this matter requires further points to be explored and clarifications offered.

c. Update on Human Rights Complaint 014/2014

This complaint was deferred until the next meeting as it was agreed that the report on this matter requires further points to be explored and clarifications offered.

d. Update on Human Rights Complaint 002/2015

The Commission was informed that the complainant has agreed to submit the final documents that were requested several months previous. Members agreed to await the final documents in order to finalise a decision.

e. Update on Human Rights Complaint 003/2015

This complaint was deferred until the next meeting as it was agreed that the report on this matter requires further points to be explored and clarifications offered.

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

The Chairman continues to consider and conduct research on the additional requests made by the complainant in this matter. It is noted that due to the additional information and questions, a wholesale review of the entire complaint is being undertaken.

g. Update on Human Rights Complaint 029/2015

Members discussed the updated report on this case and agreed that a letter should be issued to the public authority involved to address the broader issues that this complaint raises. Once the feedback is received from the respective public authority, the Commission will finalise their conclusions.

h. Update on Human Rights Complaint 004/2016

This complaint was deferred again as the Commission continues to wait for an update from the public authority. The public authority has acknowledged and is working on preparing such an update.

i. Update on Human Rights Complaint 005/2016

The Commission discussed the response received in this matter but agreed that the complainant's legal representative should again be contacted for further clarification.

j. Human Rights Complaint 027/2016

The Commission discussed this complaint and agreed that a letter will be issued to the public authority involved to advise of the complainant's concerns and to enquire how the authority plans to address the issues, if no action has yet been taken. A subsequent letter will be issued to the complainant to advise him of the actions the Commission has taken and that in order to remedy the situation he requires legal representation that the Commission is unable to provide.

k. Human Rights Complaint 028/2016

The Commission began initial discussions on this complaint and decided further information is required from the complainant in order to agree a way forward. It is noted that Chairman James Austin-Smith recused himself from this complaint.

l. Human Rights Complaint 029/2016

The Commission discussed this complaint and agreed that the complainant's legal representative should be contacted for further information.

m. Human Rights Complaint 030/2016

The Commission was given an overview of this complaint which was received after the deadline for consideration at this meeting. It was agreed that an enquiry should be sent to the relevant public authority, to gather the necessary information to fully consider the matter at the next meeting.

6. Any Other Business

It was noted that due to conflicting schedules, no members are able to attend the upcoming Caribbean Regional Workshop on Alternatives to Immigration Detention which will be held in Port of Spain, Trinidad and Tobago on 27 – 29 September 2016. The Commission will

issue an apology to the facilitators and request information on any future sessions on this topic.

7. Action Items

The members were asked to:

- a. Review a further draft of the Prohibited Immigrants Report and provide their final comments;
- b. Review a further draft of the CCTV Report and provide their final comments;
- c. Review the draft Disabilities (Solomon Webster) Bill 2016 to provide feedback for the public consultation;
- d. Review the draft RCIPS Appeals Policy to provide feedback to the public authority;
- e. Review the draft Human Rights in Places of Detention booklet and provide their final comments; and
- f. Review any outstanding or new complaints or enquiries.

The Secretariat was asked to:

- a. Draft follow-up correspondence to the Elections Office regarding prisoners' rights to vote;
- b. Forward the draft HRC website link to select parties for comments;
- c. Draft correspondence in all outstanding and new human rights complaints and enquiries; and
- d. Send an apology to the organisers of the upcoming Caribbean Regional Workshop on Alternatives to Immigration Detention.

8. Items to be Discussed at the Next Meeting

- a. Prohibited Immigrants Report
- b. CCTV Report
- c. General Elections 2017
- d. The Disabilities (Solomon Webster) Bill, 2016
- e. Draft RCIPS Appeals Policy
- f. New HRC Website
- g. The Human Rights in Places of Detention Booklet
- h. New and outstanding human rights complaints

9. Next Meeting

The next meeting of the HRC has been scheduled for 13 October at 2:30pm at the offices of the Commissions Secretariat.

10. Adjournment

The meeting was adjourned at 4:37pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION