

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
13 OCTOBER 2016
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT: James Austin-Smith	Chairman
Ben Tonner	Member
Lisa-Ann Hurlston-McKenzie	Member
Danielle Coleman	Member
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 2:47pm.

2. Confirmation of Previous Minutes

The 8 September 2016 minutes were approved.

3. Outstanding Business

a. General Election 2017

The Commission was updated that a letter was issued to the Supervisor of Elections, and copied to the Chairman of the Constitutional Commission, regarding s.91 of the Constitution (the disenfranchisement of prisoners sentenced to over 12 months) and its possible incompatibility with the requirements of Article 3 of Protocol 1 of the European Court of Human Rights (“the ECHR”). A response was received from the Supervisor of Elections stating that legal advice was being sought from the Solicitor General on the matter, and the Commission is currently awaiting a response from the Constitutional Commission.

b. Prohibited Immigrants Report

Members submitted further comments on the Prohibited Immigrants report. It is anticipated that these are the final comments, and once the suggested changes are made the report is expected to be ready for release by the end of the year.

c. The Disabilities (Solomon Webster) Bill, 2016

Members’ final comments were received and a draft response to the Disabilities Bill was compiled. This draft is expected to be finalised and released by the Commission’s next meeting. The Secretariat was requested to determine when the Bill would be listed for debate in the Legislative Assembly.

d. Draft RCIPS Appeals Policy

A draft response to the RCIPS Appeals Policy was prepared based on further investigation into the policy. It is expected that this draft will be finalised and released by the Commission's next meeting.

e. Website

The Commission's new website went live on 30 September 2016 and is now accessible to the general public. The website features several improvements including better organisation for its publications, and extensive links to local, region and international resources. Members agreed the website suited the current needs of the Commission.

4. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 014/2013

The Chairman is in the process of drafting a final response on this case. 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 some revision before it can be finalised.

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 some revision before it can be finalised.

d. Update on Human Rights Complaint 002/2015

This complaint was deferred. The complainant in this case has submitted several hundred pages of additional documents and the Secretariat is in the process of going through them.

e. Update on Human Rights Complaint 003/0215

This complaint was deferred until the next meeting as it was agreed that the report on this matter requires some revision before it can be finalised.

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

The complainant submitted an FOI request for records relating to the case, and the Secretariat has prepared the documents in full to be released. The Chairman is also in the process of drafting a final response on this case.

g. Update on Human Rights Complaint 005/2016

No further contact was received from the complainant's legal representative and the Commission determined that it was unlikely to receive a response in a timely manner. Based on the information it currently possesses the Commission agreed to issue a recommendation to the public authority in this case. The file will then be closed.

h. Update on Human Rights Complaint 028/2016

The Commission agreed that in order to adequately investigate this complaint they would need the complaint form to identify a particular individual as the complainant as opposed to a third party entity. The Commission requested the Secretariat contact the

complainant in order to obtain the required section. It is noted that Chairman James Austin-Smith continues to recuse himself from this complaint.

i. Human Rights Complaint 031/2016

The Commission reviewed this complaint and determined that further research would be required in order to be in a position to consider this complaint fully, and requested several areas of research to be completed by the Secretariat for the Commission's consideration. A letter would be drafted to the complainant informing them as such.

j. Human Rights Complaint 032/2016

The Commission reviewed this complaint and determined that the most appropriate course of action was to contact the complainant's legal representative to obtain further details for clarification.

k. Human Rights Complaint 033/2016

The Commission reviewed this complaint and determined that extensive research would be required in order to provide a substantive response. However, members agreed that due to issues of time sensitivity the Commission should respond to the complainant to recommend they seek legal advice in the interim while awaiting the outcome of the Commission's consideration.

5. Any Other Business

The Commission was informed that a complaint (036/2016) was received, but after the deadline to be considered for this meeting. Notwithstanding this a summary was provided and it was determined that the complaint made was against a private entity and could not be considered by the Commission. A letter would be prepared for the complainant and the file closed.

6. Action Items

The members were asked to:

- a. Finalise the letter commenting on the draft Disabilities (Solomon Webster) Bill 2016 for the public consultation;
- b. Finalise comments on the draft RCIPS Appeals Policy to the public authority; and
- c. Review any outstanding or new complaints or enquiries.

The Secretariat was asked to:

- a. Compile members' amendments to the Prohibited Immigrants Bill;
- b. Determine the date for the debate of the draft Disabilities (Solomon Webster) Bill, 2016 in the Legislative Assembly;
- c. Initiate research in outstanding and new human rights complaints and enquiries as indicated above; and
- d. Draft correspondence in all outstanding and new human rights complaints and enquiries.

7. Items to be Discussed at the Next Meeting

- a. Prohibited Immigrants Report
- b. General Elections 2017
- c. New and outstanding human rights complaints

8. **Next Meeting**

The next meeting of the HRC has been scheduled for 10 November at 2:30pm at the offices of the Commissions Secretariat.

9. **Adjournment**

The meeting was adjourned at 4:30pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION