

MINUTES
MEETING OF THE HUMAN RIGHTS COMMISSION
9 MARCH 2017
CONFERENCE ROOM
ARTEMIS HOUSE

PRESENT:	James Austin-Smith	Chairman
	Ben Tonner	Member
	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

1. **Meeting called to order**
The meeting was called to order at 2:39pm.
2. **Confirmation of Previous Minutes**
The 2 February 2017 minutes were approved.
3. **Outstanding Business**
 - a. **Annual Report**
The draft Annual Report is in the final stages and upon completion will subsequently be submitted to the Legislative Assembly for tabling.
4. **New Business**
 - a. **CEDAW Report**
The Commission's contribution to the UK's 8th Periodic Report to the UN Convention on the Elimination of all Forms of Discrimination against Women was prepared as requested by the Foreign and Commonwealth Office and is currently being reviewed.
 - b. **UN CAT Committee Report**
Members were informed that on 22 February 2017 the Foreign and Commonwealth Office requested British Overseas Territories contribution to the UK's 6th Periodic Report to the UN Convention Against Torture ("CAT") Committee. Specifically, British Overseas Territories were asked to identify key contributions to UN CAT since 2012 with particular focus on legislative, policy and procedural changes. The Commission's contributions are currently being reviewed.
 - c. **Draft Mental Health Policy**
The Commission received an updated draft of the Mental Health Policy ("the draft Policy") titled "Improving Mental Health and Wellbeing Cayman Islands Mental Health

Policy 2017 – 2022”. Members agreed that the sections related to human rights required amendments. In addition, the Commission felt that the content of the policy was ambiguous in areas. Feedback will be submitted outlining these concerns.

5. Human Rights Complaints & Enquiries

a. Update on Human Rights Complaint 004/2015

Having made its final enquiries the Commission agreed there was no evidence of a breach of the complainant’s human rights. The complainant will be notified and the file closed. It is noted that Chairman James Austin-Smith continues to recuse himself from this complaint.

b. Update on Human Rights Complaint 029/2016

The Commission discussed the public authority’s response regarding its decision relating to this complaint and agreed that further clarification is needed on the said response before a response can be formulated to the complainant. The Secretariat is to make the necessary enquiries and revert with the findings for the Commission’s consideration.

c. Update on Human Rights Complaint 037/2016

The Commission was updated on this complaint as a response was received from the public authority involved. The Commission agreed a response would be prepared to the public authority to seek clarification on the reasons for the delay in response.

d. Update on Human Rights Complaint 044/2016

The Commission discussed this complaint and agreed that as the matter is being considered by the Courts, the Commission will not become involved at this time. The complainant will be notified and the file will be closed.

e. Update on Human Rights Complaint 046/2016

The Commission was updated on this complaint as a response was received from the public authority involved. Members agreed that an effective remedy exists for the complainant and that the complainant ought to seek legal advice at this juncture. The complainant will be notified and the file closed.

f. Update on Human Rights Complaint 047/2016

The Commission agreed that the complainant has received a satisfactory response in this matter from the public authority involved. There is no evidence of a breach of the complainant’s human rights. The complainant will be notified and the file closed.

g. Update on Human Rights Complaint 001/2017

The Commission discussed this complaint and agreed to follow-up with the public authority involved for an update. It is noted that the Commission does not have any immediate concerns in this matter but is monitoring the situation.

h. Update on Human Rights Complaint 002/2017

The Commission was advised that this complaint was mistakenly placed on the agenda as it was dealt with and closed following the last Commission meeting.

i. Update on Human Rights Complaint 003/2017

The Commission was updated on this complaint and agreed that an effective remedy had been reached. A letter acknowledging this will be prepared to the Complainant and the file then will be closed.

j. Human Rights Complaint 004/2017

This complaint has two components. Due to the actions of the complainant since the submission of the complaint the first component is no longer of concern to the Commission and does not require any further action. The second component is in front of the Courts and thus cannot be considered by the Commission. The complainant will be notified and the file closed. It is noted that members Ben Tonner, and Danielle Coleman recused themselves from this complaint.

k. Human Rights Complaint 005/2017

The Commission reviewed this complaint and agreed a letter to the public authority should be prepared to seek clarification on this matter. It is noted that Member Danielle Coleman recused herself from this complaint.

l. Human Rights Complaint 007/2017

The Commission reviewed this complaint and agreed there is no evidence of a breach of the complainant's human rights. The complainant will be notified and the file closed.

6. Any Other Business

a. Media Request – illegal migrants and asylum seekers

The Commission was informed that a request from local media had been received requesting information on matters related to asylum seekers' rights and ability to make complaints. The information was provided and utilised in a subsequent newspaper article.

b. Email Inquiry – Denial of Right to Fair Trial

An enquiry was received on behalf of a defendant with regard to the right to fair trial provision. The matter is currently before the courts, the defendant is legally represented, and there are avenues for appeal. The Commission therefore cannot become involved.

c. Commission Members

The Chairman advised that Member Rev. Donovan Myers' tenure expires at the end of March, and as Member Danielle Coleman will shortly take up a post within the civil service she has tendered her resignation to the Commission effective 24 March. The Chair thanked both members for their hard work and dedication during their tenure on the Commission and wished them well in their future endeavours.

7. Action Items

The Secretariat was asked to:

- a.** Submit the finalised Annual Report to the Legislative Assembly;
- b.** Submit the finalised CEDAW Convention Report when finalised;
- c.** Submit the finalised UN CAT Committee Report when finalised;
- d.** Draft a response to the draft Mental Health Policy; and

e. 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 3 April 2017 at 2:30pm at the offices of the Commissions Secretariat.

10. **Adjournment**

The meeting was adjourned at 4:24pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION