

<p>MINUTES MEETING OF THE HUMAN RIGHTS COMMISSION 19 JANUARY 2016 CONFERENCE ROOM ARTEMIS HOUSE</p>
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PRESENT: James Austin-Smith	Chairman
Lisa-Ann Hurlston-McKenzie	Member
Reverend Donovan Myers	Member

APOLOGIES: Chelsea Frazier-Rivers	Member
Ben Tonner	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 2:08pm.

2. Confirmation of Previous Minutes

The 22 December 2015 minutes were approved.

3. Outstanding Business**a. Opening of Police Custody Suites**

The Acting Police Commissioner has indicated that whilst the Certificate of occupancy has been granted, there are some minor matters which still need taking care of. Members of staff have however undertaken the necessary initial steps to move in to the facility and it is expected that within two weeks the suites will be fully utilised and all other custody areas closed down.

b. Policies Surrounding the Handling of Cuban Migrants

The Commission received a response from the Department of Immigration in its attempt to gain an understanding of what policies are in effect at this time governing the handling of Cuban, any other, migrants and whether all staff has been trained in such policies. The Department indicated that the policy which the Commission had reviewed takes effect only once the Cuban migrants have been brought to shore. The Department indicated that to ensure a process which was compliant with best human rights practices a collaborative effort for the development of a policy would need to be undertaken. This is due to the fact that there are a number of agencies such as the RCIPS who generally first encounter any migrants at sea. The Department indicated that they have begun these discussions and will revert to the Commission once a policy has been established and agreed by the respective parties.

c. Issues at Lighthouse School

The submission of the Commission's concerns regarding the use of CCTV in schools without the proper legislation is in the final stages of review.

d. Education Bill 2015

The Chairman indicated he is in the final stages of reviewing the submission in this matter.

e. Conditional Release Law

The Commission had further discussions on this Law and subsequently agreed additional comments for submission to the Government.

f. Labor Relations Bill (2015)

The Commission reviewed this Bill and agreed comments for submission to the Government.

4. New Business

a. Use of Drones

The Commission considered the research provided on the use of drones and agreed that the matter should be highlighted, along with that of the use of CCTV in schools and possibly the police helicopter, as another matter in which the Government needs to ensure relevant legislation is enacted which would ultimately mitigate any breaches of human rights through their use.

b. Rehabilitation of Offenders Bill, 2015

The Commission reviewed this Bill and agreed comments for submission to the Ministry of Home Affairs.

5. Human Rights Complaints

a. Update on Human Rights Complaint 014/2013

This complaint was deferred as the Commission is awaiting an update from the public authority in this matter.

b. Update on Human Rights Complaint 006/2014

This complaint was deferred as the Commission is awaiting a copy of the draft legislation which would potentially remedy this situation.

c. Update on Human Rights Complaint 014/2014

This complaint was deferred as the Commission is awaiting a copy of the draft legislation which would potentially remedy this situation.

d. Update on Human Rights Complaint 002/2015

This complaint was deferred as the Commission is awaiting the submission of further information from the complainant in this matter.

e. Update on Human Rights Complaint 003/2015

This complaint was deferred as the Commission is awaiting a copy of the draft legislation which would potentially remedy this situation.

- f. Update on Human Rights Complaint 004/2015**
This complaint was deferred due to the absence of the Acting Chairman in this matter. It is noted however that the Secretariat is currently undertaking research as requested by the Acting Chairman. It is further noted that Chairman James Austin-Smith continues to recuse himself from this matter.
- g. Update on Human Rights Complaint 008/2015**
This complaint was deferred as the Commission is awaiting further information from the public complainant's legal representative (who is off island until early February).
- h. Update on Human Rights Complaint 009/2015**
This complaint was deferred as the Commission is awaiting further information from the public authority in this matter.
- i. Update on Human Rights Complaint 010/2015**
This complaint was deferred as the Commission is awaiting further information from the public authority in this matter.
- j. Update on Human Rights Complaint 011/2015**
This complaint was deferred as the Commission is awaiting further information from the public authority in this matter.
- k. Update on Human Rights Complaint 013/2015**
This complaint was deferred as the Commission is awaiting further information from the public complainant's legal representative.
- l. Update on Human Rights Complaint 017/2015**
This complaint was deferred as the Commission is awaiting further information from the public authority in this matter.
- m. Update on Human Rights Complaint 020/2015**
The Chairman indicated he is in the final stages of reviewing the response to the Complainant.
- n. Update on Human Rights Complaint 021/2015**
The Chairman indicated he is in the final stages of reviewing the response to the Complainant.
- o. Update on Human Rights Complaint 022/2015**
The Chairman indicated he is in the final stages of reviewing the response to the Complainant.
- p. Update on Human Rights Complaint 024/2015**
This complaint was deferred as the Commission is awaiting further information from the public authority in this matter.

q. Human Rights Complaint 026/2015

The Chairman indicated he is in the final stages of reviewing the response to the Complainant.

r. Human Rights Complaint 029/2015

This complaint was deferred as the Commission is awaiting further information from both the complainant and the public authority in this matter.

6. Any Other Business

a. Annual Report

The Annual Report was not disseminated for discussion at this meeting as all members were not able to be in attendance.

b. Policies and Procedures Manual

The Chairman indicated that he wished to have the P&P Manual updated to reflect the Commission's decision that no Member of the Commission would accept or facilitate the submission of a complaint from a member of the public, and to clarify that all enquiries are to be directed to the Secretariat.

c. Presentation by the Disabilities Committee

This presentation was deferred due to the inability of all members to be present at this meeting. The presentation will be rearranged for the next meeting.

7. Action Items

The members were asked to:

- a. Submit final comments on the relevant legislation discussed at today's meeting by the end of the day; and
- b. Consider the Annual Report when disseminated.

The Secretariat was asked to:

- a. Follow-up in two weeks with the Acting Commissioner of Police regarding the opening of the custody suites;
- b. Finalise the draft correspondence to the Government regarding the need for legislation to govern the use of CCTV, drones and similar by CIG;
- c. Finalise the draft response detailing the concerns of the Commission of the Conditional Release Law;
- d. Draft a response detailing the submission of the Commission on the Labour Relations Bill (2015);
- e. Draft a response detailing the submission of the Commission on the Rehabilitation of Offenders Bill (2015);
- f. Rearrange the presentation by the Disability Committee for the next meeting;
- g. Disseminate the Annual Report;
- h. Update the Policies and Procedures Manual; and
- i. Disseminate the responses in outstanding human rights complaints when agreed by the Chairman.

8. Items to be Discussed at the Next Meeting

- a. Opening of Police Custody Suites

- b. Issues Related to the Use of CCTV by CIG
- c. Annual Report
- d. New and Outstanding Human Rights Complaints and Enquiries
- e. Presentation by the Disability Committee

9. **Next Meeting**

The next meeting of the HRC is scheduled for 4 February 2016 at 2:00pm at the offices of the Commissions Secretariat.

10. **Adjournment**

The meeting was adjourned at 2:40pm.



James Austin-Smith
CHAIRMAN
HUMAN RIGHTS COMMISSION