



# Equality & Human Rights Commission

ANNUAL REPORT TO 31ST MARCH 2017

## In Memory of the Commission's first Chairperson and Greatest Supporter



### CATHY HOPKINS

In April this year, the Commission was devastated by the loss of our friend and Chairperson Cathy Hopkins.

Cathy had a long history of fighting for the human rights of Saints.

Cathy believed with every fibre of her being that all people should be treated equally and that the people of St Helena deserve the same rights as people in the UK.

She was a key voice during the struggle to restore citizenship and a unanimous choice to head the Human Rights Capacity Building Committee when it was formed in 2008.

Cathy was a consummate professional, her advice was always good and lovingly given, and she was a real friend who is sadly missed.

## ORGANISATION OVERVIEW & PERFORMANCE

### INTRODUCTION

This first report comes at the end of the first full financial year of operation for the Commission. During this year we have lost three of our Commissioners and have appointed three new ones. We have appointed our first Apprentice Human Rights Officer. The office is now fully up and running and the work of the Commission has grown.

### ROLES & FUNCTIONS OF THE COMMISSION

#### Staffing

The Commissioners were, until August 2016 chaired by Mrs Cathy Hopkins MBE who unfortunately had to resign due to ill health. The Deputy Chair Ms' Janine Egan returned to South Africa in September 2016 on completion of her partner's contract. She has however continued in her role, advising remotely and joining us on Skype. Mrs Tammy Williams and Miss Cherie Dillon also resigned during the year due to pressure of work in their full time jobs. They were replaced by Mrs Cathy Cranfield and Miss Danielle Anthony and they are very welcome members of the team. Mrs Catherine Turner, Chief Executive Officer/Commissioner (Ex-Officio) and Mrs Carol Thompson, Administrative Assistant remain in post. Lucia Plato has been recruited as an apprentice human rights officer.

**There is currently a gender imbalance and a male Commissioner is being sought.**

Commissioners and staff are constantly undergoing training and development which, this year has been extended to include an MOOC Diploma in Human Rights via distance learning.

The CEO has completed her Master's Degree in Human Rights Law and has achieved a pass with merit.

The Commission is also working hard to develop a robust set of policies to underpin our work. These are available to the public and will be published on our website along with the register of Commissioners Interests and all other public documents.

We aim to achieve full confidentiality for our clients while being open and transparent about the Commission itself.

### Economic Aims

#### Our guiding purpose is to:

Build on Saint Helena's progress towards becoming a fairer society

Focus on immediate issues as they arrive

Ensure the positive progress already achieved doesn't stall

Challenge regression from human rights standards

Seek sustainable improvements to economic social cultural rights as the island's economy grows.

Work for inclusion and equal opportunity for all

## PERFORMANCE ANALYSIS

### HIGHLIGHTS

At the end of last financial year, we had 22 clients with on-going issues. This year we have had 195 new contacts. Of these we have answered and closed 112 within the year.

We currently have 8 long term clients that we advocate for because they have not the capacity to do it themselves. We act as litigation friend to 4 people who require assistance with judicial proceedings. This is reflected in the high number of “independent adult” cases in fig 2.

Many of our clients need help at least in part from other services this year or clients were referred as in fig. 1 below.

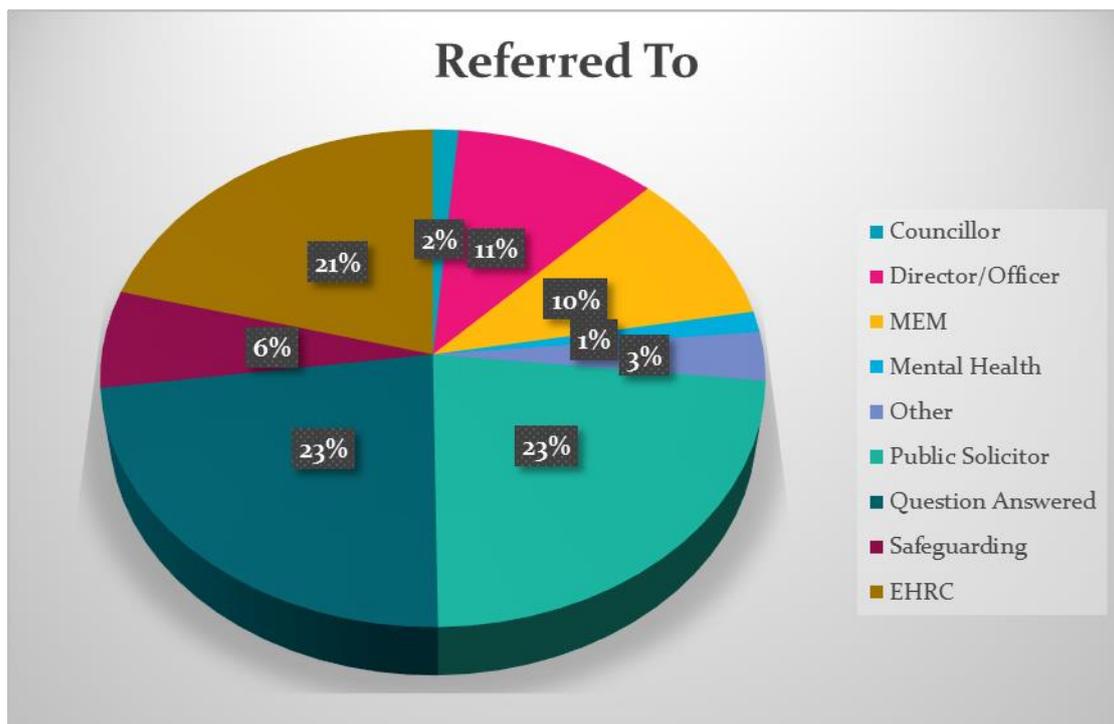


Fig 1.

The EHRC would like to thank all those that we work with for their help and support throughout the year and in particular the unfaltering assistance from Making Ends Meet (MEM) and the Public Solicitors office.

The majority of those contacting us are St Helenian either by birth or status. The issues raised have ranged from who should/should not manage the finances of someone with cognitive difficulties, to homelessness and prison conditions. As is

demonstrated in the chart below, there are some key issues that come up time and time again.

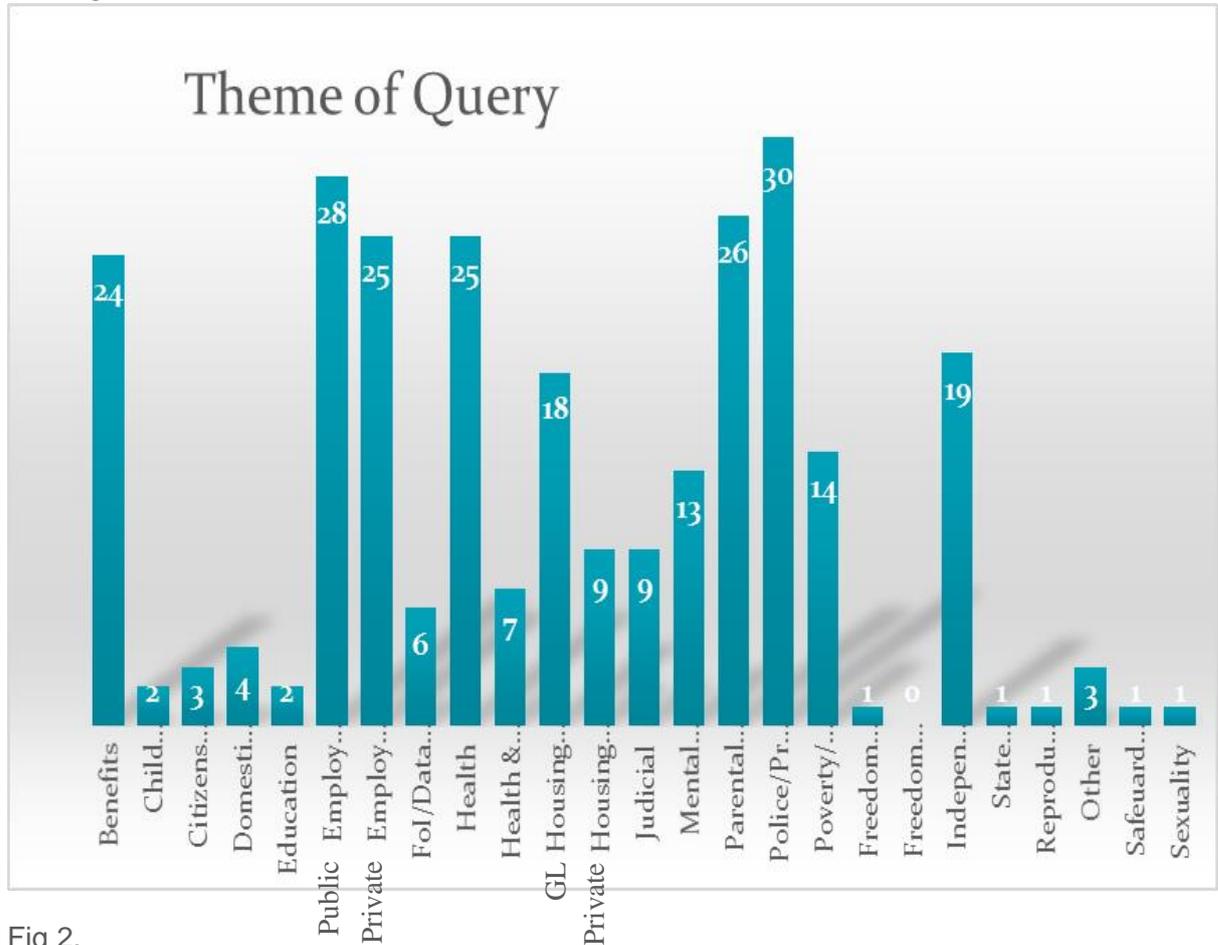


Fig 2.

## Areas of Concern

### THE PRISON

This year we have had a sharp rise in issues involving the police and prison. Any human rights commission would expect this to be a major source of complaints because the police have the power to limit our behaviour and freedom. That said the vast majority of complaints are actually around the prison building.

The prison is the biggest human rights concern for the EHRC. It was built in 1827 and is still in use today, the building largely unaltered. It was declared unsuitable for further use in the 1850s and Governor Gore Brown built a replacement at Rupert's in 1853 which was burned down and the prisoners had to be moved back to the old prison. Governor Charles Ellis reported this in the 1867 'Blue Book with the comment:

"... I see but little hope of commencing a new jail for the next two or three years."

150 years later little has changed. There is no denying that the building is unfit for purpose, it is a fire trap and the cells are dark and lack ventilation. There are few

work activities, little opportunity for exercise. The decision in January to turn off all the fans during the day has exacerbated the situation as it is unbearably hot.

While the EHRC understands that money is tight and yet another plan is underway to build a new facility, some work must be carried out to protect the lives and other rights of those currently housed there. As a minimum we request the following action

1. That during the hotter months of the year ventilation is improved/fans are left on all day to reduce heat.
2. Padlocks to be replaced with mortise locks to allow for rapid evacuation of the cells in in case of fire.
3. Fire drills to take place regularly
4. The practice of locking sick prisoners in hot dark cells with no ventilation to cease.

The EHRC will of course, support SHG and the Elected Members in any way possible to secure the funds for the new prison. A detailed report will be discussed with the new Chief of Police and circulated to the new Council.

## HOUSING & HOMELESSNESS

We have a shortage of Government Landlord Housing and much of what we have, has not been adequately maintained over the years so it falls a long way below an acceptable standard. In one weekend in February we assisted

- One person released on bail with the condition not to go home, he slept rough in Castle Gardens for 4 nights
- A teenage girl alleging abuse who was homeless and sofa-surfing. She stayed with the CEO for a week.
- A family of 3 evicted from a relative's home
- A teenage boy thrown out by his mother with nowhere to go.
- A young lady who lives alone had to leave her home and walk down the street to the toilet which makes her feel very vulnerable especially at night..

There is a gap in the accommodation provided by Safeguarding in that you can only be accommodated in the Children's Centre up to age 16 and the domestic abuse safe haven is the only other accommodation which is for domestic abuse victims over 18.

In addition, we have multi-story flats in Jamestown with a single point of entry and no fire escape. This clearly has implications for the tenant's right to life.

The Commission is working with the Housing Department, Safeguarding Directorate and the Social & Community Development Committee to find ways of addressing the above issues.

## POVERTY

The EHRC is concerned about the ability of families on low incomes to afford their utility bills and pay their rent, child care and other bills. Requests are regularly being made to Making Ends Meet, The Salvation Army and others for assistance. It is our belief that the Household Income restriction on benefits is having an adverse effect on the lives of many; children are leaving school or quitting apprenticeships because the money they receive is taken off their parents' benefits. The EHRC has compiled a report on this which was passed to the Social and Community Development Committee.

## EMPLOYMENT

Almost a quarter of all people contacting the Commission do so because of employment issues. These are evenly split between public and private sector.

## SHG

28 complaints/questions arose from SHG employees, mainly about lengthy suspension periods, the lack of ability to access competent representation for hearings and changes to shift patterns.

### Private Sector

There were 25 contacts about private sector employment, given that far fewer people are employed in the private sector than with SHG, this is a disproportionately high number. The issues all stem from a lack of compliance with the Employment Rights Ordinance. Many do not have a contract or receive pay slips; there are dismissals without due process and no appeals procedure. The individuals affected are unwilling to take action through the Labour Regulating Authority (LRA) as they fear difficulties getting another job. A change in the ordinance has been recommended to the Social and Community Development Committee which would allow the LRA to carry out spot checks on employers.

## INTERACTION WITH STAKEHOLDERS/COMMUNITY ENGAGEMENT

### Free to be me

Last October we had a month of action where we ran a petition in favour of same sex marriage, launched a stall in the market, produced leaflets on equality in marriage and visited the primary schools to run assemblies about bullying and diversity. Bookmarkers were given to all Primary aged children and posters issued to the three Primary Schools.

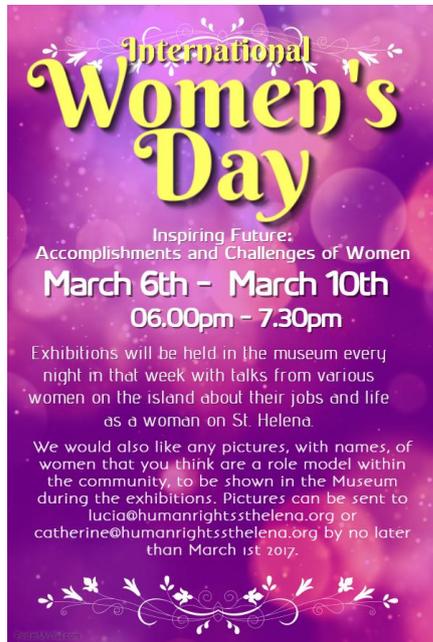
### Media & Information

The CEO has been interviewed on both Radio Stations and articles have appeared in both newspapers.

In addition, an easy read handbook to the Constitution of St Helena has been updated and re-issued, along with a booklet outlining the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which was extended to St Helena at the end of the financial year.

The EHRC has a vast array of books, DVDs and leaflets available for lending and/or taking.

### Human Rights Days



December 10<sup>th</sup> is International Human Rights Day and we celebrated with a party at the Mule Yard

International Women's Day 8<sup>th</sup> March was celebrated by hosting an exhibition and a series of talks at the Museum.

This was a very successful series of events and thanks are due to Lydia Buchannan and Lucia Plato who did all the hard work.



### International Conference

The CEO, Catherine Turner, attended the first Overseas Territories (OTs) Human Rights Conference for OT Human Rights Commissions and practitioners.

The conference was held in Lancaster House, London, from 12 -14 September 2016, and attendance at the conference was funded by the Foreign & Commonwealth Office (FCO).

Facilitated by Human Rights & Child Safeguarding Policy Officer OTD, Camisha Bridgeman (FCO), and Deputy Director of the Northern Ireland Human Rights Commission, Dr David Russell, the conference included sessions aimed at identifying the status of human rights in the OTs and considering what measures can be taken to develop and strengthen access to those rights. Other sessions included developing human rights education, the rights of women and girls, prisoner rights, disability concerns, and extending further rights to the territories, among numerous other topics.

The conference closed with an agreement to establish a support network to enable Human Rights Officers to work together and share knowledge, which will assist in providing better quality advice and information. This communication has been really helpful and we are currently working with Anguilla to develop their Commission and they in return are assisting us with our Gender Unit.

One of the most positive things about the conference was discovering how far ahead of the other territories we are in many aspects of human rights, including being one of the few to have an established and independent Equality & Human Rights Commission.

## Financial Position

The table below shows the receipts and payments of the Equality and Human Rights Commission from its inception on 1<sup>st</sup> April 2016 to the end of the financial year March 31<sup>st</sup> 2017.

## Performance against Ordinance Requirements

See table 2 below

## And Finally

Thanks are extended to all our Commissioners, past and present for their help and support and to everyone who has assisted the EHRC over this last year. We look forward to welcoming new Commissioners to the team and to continuing to build on our successes over the coming year.

**Equality & Human Rights Commission****Jamestown**

## Receipts &amp; Payments Account for the Period

01 April 2016

to

31 March 2017

|                            | <b>£</b>         |
|----------------------------|------------------|
| Opening Bank Balance       | 3,662.87         |
| <b><u>RECEIPTS</u></b>     |                  |
| SHG Contribution           | 51,000.00        |
| Community Development Fund | 3,010.00         |
| Donations/Fundraising      | 0.00             |
| Other Income               | 1,345.00         |
| Interest                   | 15.60            |
| <b>TOTAL RECEIPTS</b>      | <b>55,370.60</b> |
| <b><u>PAYMENTS</u></b>     |                  |
| CEO Salary                 | 18,000.00        |
| Commissioners Retainer     | 1,913.00         |
| Commissioners Per diem     | 684.10           |
| Telecoms                   | 4,316.69         |
| Other Expenditure          | 3,221.76         |
| Office Equipment           | 4,388.83         |
| Stationery                 | 1,406.46         |
| Training                   | 44.26            |
| Advertising                | 584.00           |
| Income Tax                 | 967.20           |
| West Law                   | 3,173.64         |
| Rent                       | 3,000.00         |
| Cleaner                    | 584.79           |
| Admin Salary               | 7,092.56         |
| <b>TOTAL PAYMENTS</b>      | <b>49,377.29</b> |
| <b>TOTAL NET</b>           | <b>5,993.31</b>  |
| Closing Bank Balance       | 9,656.18         |

PERFORMANCE AGAINST ORDINANCE REQUIREMENTS (TABLE 2)

| Requirement  | Action  |
|--|---|
| <p><b>Strategic plan:</b></p>  | <ul style="list-style-type: none"> <li>• Consultation was carried out throughout April and May 2016.</li> <li>• The Plan was completed and published</li> </ul>   |
| <p><b>Equality and diversity</b></p> <ul style="list-style-type: none"> <li>• Promoting understanding of the importance of equality and diversity.</li> <li>• Encourage good practice.</li> <li>• Promoting equality of opportunity.</li> <li>• Promoting awareness and understanding of rights on St Helena.</li> <li>• Work towards the elimination of unlawful discrimination.</li> <li>• Work towards the elimination of unlawful harassment.</li> </ul> | <ul style="list-style-type: none"> <li>• Funding and materials acquired for the Starting the Conversation project to reduce bullying of gay students. This has been blocked by schools.</li> <li>• Working with SHG on the employment of disabled persons the scheme is now ready to go live.</li> <li>• CEDAW has been extended to St Helena</li> <li>• Produced the Easy Read Rights Booklet</li> <li>• Human Rights Month in October</li> <li>• Lobbying for same-sex partnerships to be recognized.</li> <li>• CEDAW booklet produced.</li> </ul> |
| <p><b>Human rights</b></p> <ul style="list-style-type: none"> <li>• Promoting understanding of the importance of human rights.</li> <li>• Encouraging good practice.</li> <li>• Promote awareness, understanding and protection of human rights.</li> <li>• Encouraging public authorities to comply with Part 2 of the Constitution.</li> </ul>   | <ul style="list-style-type: none"> <li>• Produced the Easy Read Rights Booklet and leaflets on the individual human rights instruments.</li> <li>• Lobbying for same-sex partnerships to be recognized.</li> <li>• Legislation on minimum working age passed</li> <li>• Working with SHG on the employment of disabled persons the scheme is now ready to go live.</li> <li>• CEDAW booklet issued</li> </ul>   |
| <p><b>Groups</b></p> <ul style="list-style-type: none"> <li>• Promoting the understanding of the importance of good relations between members of different groups, and encouraging good practice.</li> <li>• Working towards the elimination of prejudice against, hatred of and hostility towards members of groups,</li> <li>• Working towards enabling members of groups to participate in society.</li> </ul>  | <ul style="list-style-type: none"> <li>• Input into policies being developed by Paul Bridgewater for Adult Social Care.</li> <li>• Input into Policies for Mental health Ordinance</li> <li>• Working with S&amp;CDC &amp; SHG on access for disabled into work.</li> <li>• Funding and materials acquired for the Starting the Conversation project to reduce bullying of gay students.</li> <li>• Human Rights Week in October 2016</li> </ul>  |

| Requirement  | Action  |
|--|---|
| <p><b>Information, advice</b></p> <ul style="list-style-type: none"> <li>• Publishing /sharing information</li> <li>• Researching issues;</li> <li>• Education or training;</li> <li>• Advice or guidance</li> </ul> | <ul style="list-style-type: none"> <li>• Input into policies being developed by Paul Bridgewater for Adult Social Care.</li> <li>• Input into Policies for Mental health Ordinance</li> <li>• Working with S&amp;CDC &amp; SHG on access for disabled into work.</li> <li>• CEDAW booklet issued</li> </ul> |
| <p><b>Inquiries</b></p> <p>The Commission may conduct an inquiry into a matter relating to any of the Commission's duties.</p>   | <p>None at this time</p>  |
| <p><b>Human rights</b></p> <p>In pursuance of its duties the Commission may co-operate with persons interested in human rights within St Helena or elsewhere.</p>  | <ul style="list-style-type: none"> <li>• Attended the FCO Conference on Human Rights in the Overseas Territories in Sept 2016</li> <li>• Developing links with other Human Rights Commissions and groups</li> <li>• Working with other NGOs</li> </ul>  |
| <p><b>Investigations</b></p> <p>The Commission may investigate human rights issue brought to its attention or that it suspects may be happening.</p>   | <p>underway</p>   |
| <p><b>Unlawful act notice</b></p> <p>If in the course of an investigation the Commission finds an infringement of the Constitution rights it may issue a notice to the perpetrator.</p>                              | <p>None at this time</p>  |
| <p><b>Action plans</b></p> <p>Are agreed with the above perpetrator to address the situation.</p>  | <p>None at this time</p>  |
| <p><b>Legal assistance</b></p> <p>The Commission may assist an individual who is or may become party to legal proceedings</p>  | <p>None at this time</p>  |

## WEBSITE

[WWW.HUMANRIGHTSSTHELENA.ORG](http://WWW.HUMANRIGHTSSTHELENA.ORG)

DOCUMENTS AVAILABLE

ALL POLICIES

REGISTER OF COMMISSIONER'S INTERESTS

## Contact

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