


**2012-
2015**

The St Helena Human Rights Action Plan

The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights*



Human Rights Capacity Building
Committee

Building Human Rights Capacity in the
Overseas Territories, St Helena Project
2012-2015

Foreword

By The Honourable Derek Thomas, Chair of the Home and International Committee.

As Chair of the Home and International Committee I am proud to present the first ever Human Rights Action Plan for St Helena.

Our new Constitution in 2009 enshrined a range of fundamental rights and freedoms for everyone on the island and most of the leading international human rights treaties have now been extended to St Helena. Promoting and protecting human rights is a key element of the third goal of the St Helena Government's Strategic Plan for 2012-2015. So this human rights plan will play an important part in achieving that goal. It identifies what must be done over the next 3 years to implement the rights in the Constitution and to make sure that everyone on St Helena knows what their rights are and how to claim them. The Home and International Committee will be monitoring progress as we go along.

The plan recognises that the St Helena Government has primary responsibility for promoting and protecting human rights, but also acknowledges that we all have a responsibility to respect and promote the rights of others in our daily lives. Employers have a responsibility to treat their staff well. Teachers have a responsibility to challenge bullying and protect children who are in their care. Parents and guardians have a responsibility to listen to their children and treat them well. We are all responsible for supporting each other.

This Action Plan is the result of the extensive consultations with individuals, groups and organisations which took place in June and July 2011 as part of the Challenge Fund project for building human rights capacity in the Overseas Territories. Many people gave us their views and ideas, including LegCo, the public sector, the private sector, civil society and individuals. We are grateful to everyone who took part.

This is your Plan. Read it and use it and tell your friends and family about it.

Derek Thomas
Chair of Home and International Committee

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1. Introduction

Ensuring that human rights are protected on St Helena is essential to achieving the type of society that we all envision for its future.

Human rights are vital to peace, security and sustainable development worldwide. In St Helena, as in the rest of the world, human rights should underlie our expectations about life, education, health and work, about our personal security, equal opportunity and fair treatment, about our ability to have a say and our system of government.

The St Helena Human Rights Action Plan builds on the substantial body of work and successes that have already been achieved over the last 3 years through the 'Building Human Rights Capacity in the British Overseas Territories of the Caribbean, Pacific and South Atlantic' the 'Safeguarding Children' initiatives and the Vulnerable Adults Policy recently introduced by the Health & Social Welfare. In addition, its aim is to complement and strengthen key Saint Helena Government (SHG) objectives:

- Placing children and families at the heart of Government planning
- The Strategic Plan Objective of promoting strong institutions of governance, as well as underpinning goals 1 and 2 on the economy and social development
- Encouraging Saints living abroad to return and help with the construction of the airport.

The evidence and analysis presented in this report shows where St Helena is succeeding and identifies the areas in which we could do better, compared against the articles set out in the 6 human rights treaties which are already extended to St Helena. These are:

- UN International Covenant on Civil and Political Rights (ICCPR)
- UN International Covenant on Economic, Social and Cultural Rights (ICESCR)
- UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- UN Convention on the Rights of the Child (CRC)
- European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR)

These international human rights treaties apply to everyone within the territory.

In addition the standards set out in 'The Convention on the Elimination of All Forms of Discrimination Against Women' were also considered, as St Helena is currently working towards its extension here.

By acting now, the human rights of all St Helena's people can be strengthened over the next three years. This Action Plan for Human Rights sets out what is required to achieve measurable, sustainable improvements between 2012 and 2015.

1.1 What are Human Rights

Human Rights are about ensuring that everyone has the opportunity to be treated fairly and not discriminated against

Amnesty International defines human rights as:

"basic rights and freedoms that all people are entitled to regardless of nationality, sex, age, national or ethnic origin, race, religion, language, or other status."

Many of the basic ideas that lead to the Human rights movement developed in the aftermath of the Second World War and the atrocities of the Holocaust. This brought about the founding of the United Nations and the adoption of the *Universal Declaration of Human Rights* in Paris by the United Nations General Assembly in 1948.

The first two articles of the Declaration of Human Rights state:

Article 1.

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

These rights and others are protected under our Constitution and underpin all three key strands of the Sustainable Development Plan

- A vibrant economy providing opportunities to benefit from growth
- Strong community and family life
- Efficient and effective government and law

1.2 What is a Vulnerable Group

People whose rights may be less likely, than other peoples, to be respected are often referred to as vulnerable; they may be more likely to be discriminated against than others in the society in which they live. It should be understood as a comparative term, not a pejorative one term. For example women in Afghanistan are denied the right to education, in parts of China and India girl babies are aborted or killed at birth, in the UK women regularly apply to the courts on the grounds that they are selected against for jobs and promotion. All face discrimination; all are vulnerable to it, to a greater or lesser extent.

Often this discrimination occurs because the people who make up the vulnerable groups are less well represented in Government, on committees or other decision making bodies. This means that the needs of or the impact of a decision on the vulnerable may not be fully understood.

The United Nations defines vulnerable groups as follows

“In the field of human rights, growing attention has been devoted to the rights of persons belonging to specific groups, often called "vulnerable groups". People belonging to these groups have certain common characteristics or are in a situation that have been shown to make these people more vulnerable to discrimination. They are especially "vulnerable", because these grounds for discrimination have been overlooked or insufficiently addressed in general human rights instruments. New instruments are therefore needed to protect and promote the rights of these people, focussing on specific characteristics and situations, such as age, gender, social situation etc. These groups include indigenous peoples, ethnic minorities, refugees, migrant workers, women, children, people with HIV/AIDS, persons with disabilities and older persons”

United Nations Norms & Standards

For the purposes of this report the term vulnerable groups will be used to define those groups in our society who are more likely to be discriminated against and/or are less able, for a variety of reasons (which will be detailed in the relevant sections) to be able to seek their rights themselves. These groups include; women, children, persons with disabilities and older persons and those detained in prison, people who are, or believe they are less well educated than others.

Human Rights apply to everyone and this report seeks to highlight where vulnerable groups may be affected by discrimination and assist in protecting the rights of all the people of St Helena

1.3 Background Demographics

During the ten years between the 1998 census and the one taken in 2008, the island's population declined from 5,644 to 4,255. This decline is due to economic migration, with many people of working age leaving to go to The Falkland Islands, Ascension and the UK. Often one or both parents of children will go overseas leaving their children with relatives or friends. This has led to a resident population which has an unusually high proportion of potentially vulnerable people:

Under 18	885	21% of the total population
Over 65	703	16.5 of the total population
Disabled	104	2.5% of the total population
Children with at least 1 parent overseas ¹	185	20% of the population under 18 ²

St Helena Census 2008 (source SHG web-site)

1.2 The Priorities

The assessment has been carried out by examining existing statistics and gathering data through a series of consultation meetings. These were with elected and appointed officials, public & private sector employees, civil society representatives and the general public (see appendix 1).

This information was then compared against the standards laid down in the United Nations human rights treaties listed in the introduction and the recommendations made by the Treaty Monitoring Bodies. Account was taken of the United Kingdom's reservations to those treaties which affect St Helena. From this information, gaps were identified in legislation, procedures and implementation. These form the baseline of the National Action Plan.

The National Action Plan also includes the priorities and steps for addressing issues/gaps based on what, in the light of the research, the Human Rights Capacity Building Committee (HRCBC) judged to be urgent, and on the availability of resources to tackle them.

Each priority has been designated high, medium or low risk based on the number of people affected and the severity of the outcome:

¹ Latest figure from Social Services.

² It is the belief of many on the island that children with who experience separation from a parent, who leaves to go overseas, have behavioural problems, although this has not been the subject of any research. This group are also highlighted in the current draft Sustainable Development Plan.

Number of people affected	Outcome	
	Severe	Minimal
Many	High	Med
Few	Med	low

1.3 Identifying the Priorities

Before choosing each specific action we considered the following questions:

- How many people are affected?
- How serious will the consequences be if nothing is done?
- Is the action realistic, achievable and sustainable?
- Will the activity develop the quality of the Treaty Body Reports?
- Can the action be implemented or can implementation begin in the next three years?

The most pressing issues to emerge were those relating to:

1. Children & Young people

- Promote the rights of children.
 - i. Safeguard children from physical & sexual abuse.
 - ii. Ensure that a child who is capable of forming their own views has the right to express those views freely in all matters affecting them.

This issue is explained further in Section 2

2. The Disabled

- To integrate disabled people more fully into daily life on St Helena.
 - i. Improve integration of disabled people into work.
 - ii. Increase awareness of disabled-friendly practices.
 - iii. Progress towards the ratification of the Convention on the Rights of People with Disabilities (CRPD).

This issue is explained further in Section 3

3. Domestic violence

- To raise awareness of the unacceptability of domestic violence.
 - i. Reduce the incidence of domestic violence.
 - ii. Increase public awareness of the unacceptability of domestic violence.
 - iii. Increase support for survivors.

This issue is explained further in Section 4

4. Prison and justice

- To improve the care and rehabilitation of offenders.
 - i. A better prison building which meets minimum human rights requirements.
 - ii. Increase the range of viable sentencing alternatives for magistrates.
 - iii. Reduce recidivism rates.

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- iv. Increase the public awareness of rights and responsibilities of the police in their work with the general public and children in particular.

This issue is explained further in Section 5

5. Employment law

- Improve employment rights on St Helena.
 - i. Increase awareness of the rights and responsibilities of both employees and employers.
 - ii. Implement the Employment Ordinance 2010.

This issue is explained further in Section 6

6. Civil Society

- To strengthen and develop Civil Society on St Helena.
 - i. Assist Civil Society to become more effective in promoting the interests of their groups and in working together to challenge discrimination and injustice.

This issue is explained further in Section 7

7. Promotion of and education on human rights

- Island wide understanding of our rights and responsibilities under our Constitution and the international treaties which have been extended to St Helena.
 - i. Increase public understanding and awareness of human rights.
 - ii. Keep the action plan in the public domain.

This issue is explained further in Section 8

8. A National Human Rights Institution (NHRI)

- Set up an NHRI.
 - i. To protect and promote human rights on St Helena.

This issue is explained further in Section 9

Government strategies and policies are already acknowledging and addressing many of these areas. But the evidence is that in some crucial areas St Helena falls short of fully recognising and actively respecting the human rights of all of its people, will be demonstrated in this report.

1.4 Implementation of the Action Plan

This Action Plan proposes specific activities as steps to achieving the goals and objectives listed above. This report covers the research and background to the issues raised and the activities that will address the issues. The report is accompanied by a summary table (Appendix 2) which can be used to control and monitor the action plan. Under each priority heading are

- The goals and objectives to be achieved during the life of the plan.
- The activities which will help achieve the goals.
- The relevant agency responsible.
- A guide to the resources/costs involved.
- Completion target date.
- Performance indicators.

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This is an Action Plan for the next three years. It acknowledges that improving human rights can be implemented through the normal planning and resource allocation of SHG. The plan seeks to integrate human rights objectives into the general objectives for St Helena. While most actions can be implemented immediately, with little cost, others will require detailed development and timelines and there will be budget implications. The responsibility for that work rests with the Government agencies and organisations that have the relevant statutory mandate. In some cases, the NHRI, once commissioned could take the lead role. Crucial steps towards implementing the suggested actions can also be taken by individuals or families, in their homes, by employers and employees at work, by parents, teachers and students in the schools and by Civil Society Organisations. We are all responsible for respecting the rights of others but it is Government that is held responsible, in international law for ensuring that all rights are protected.

Over the period of the plan, the Human Rights Capacity Building Committee, or later the NHRI, will work to support and assist the directorates and organisations responsible for priority actions. They will report annually to the Home and International Committee on progress in implementing the Action Plan and its impact on promoting respect for human rights.

1.5 Costs

It has already been stated that many of the activities listed below will have little or no cost associated with them, while others will require a budget commitment. This budget cost needs to be considered against the costs of not taking action which are:

- Where a government is found not to have protected the rights of one of its people it may have to
 - Make financial restitution to the plaintiff.
 - Cover the costs of the legal proceedings.
 - Take action to ensure that the same circumstances will not happen again.
- The reputation of the country/ territory concerned is tarnished, which may affect tourism and investment.

In addition in St Helena's case there is a need to attract back to the island Saints who are living overseas. They will be better informed of their rights and more used to being able to exercise them fully. They may be less keen to return if they feel their rights will not be respected.

These costs will potentially exist whenever rights are found to have been violated. There will also be other costs e.g. the costs to society of people not contributing to the economy who otherwise could, sickness and depression caused by unemployment or stress due to lack of empowerment. This report will highlight specific areas where there is a cost of not taking action

2. Children & Young People

Goal – To promote the rights of Children

2.1 Introduction

The Human Rights Capacity Building Committee identified human rights abuses against children and young people³ as one of the greatest challenges facing St Helena, as it is the world over. The most serious human rights abuses experienced by children and young people relate to physical and sexual abuse but abuse also exists in the form bullying and emotional abuse. Better protection of children and young people is a major human rights challenge for everyone. Children and young people live, learn and grow as part of families and communities. A society that meets the basic rights of its children and young people (to freedom from discrimination, education, health, an adequate standard of living and safety from violence) is building a future in which all its members are more likely to enjoy their human rights.

Outside the home, the most important places for realising the rights of children and young people are schools. Schools should be seen as human rights communities, involving students, their families and/or guardians, teachers, the Directorate and Committee of Education and Employment, and the wider community. These communities should promote learning about rights and responsibilities, and create an environment where there is freedom from violence, bullying and harassment, where individuality and diversity are respected, and where everyone is able to participate fully.

2.1.1 Relevant Treaty Reservations

St Helena has one formal reservation to the United Nations Convention on the Rights of the Child (CRC): the child's right to nationality (Art 24(3)). However the Welfare of Children Ordinance 2008 protects the child's right to nationality so this reservation can now be removed.

Under the European Convention on Human Rights (ECHR) there is a reservation on corporal punishment in schools. This is now forbidden under the Education Ordinance 2008, therefore this reservation can now be removed.

³ The phrase "children and young people" is used in this document to refer to people under the age of 18 years, in line with the definition of "children" in the United Nations Convention on the Rights of the Child

2.2. Objective1: Safeguard children from physical & sexual abuse

According to the 2008 census 21% of our population are under 18 years old and 20% of them (approximately 185 children) have at least one parent living overseas. It is believed by many on the island, teachers, youth workers and the children themselves that this separation can cause emotional problems. Indeed the increased protection of the vulnerable, particularly the youth with parents off island is listed as a short-term goal in the draft Sustainable Development Plan (31st October 2011). Social Services believe that their statistics do not bear this out and it is their opinion that it is poor parenting in general that makes children vulnerable therefore children with parents overseas are no more vulnerable than those with parents on island. Further research should be carried out to assess the actual effects of poor parenting and absent parents. If this is done the real problem can be addressed and children who are not “vulnerable” can cease to be labelled as such.

Vulnerable children are particularly at risk of being targeted by predatory adults. At the time of writing Social Services have 11 children listed on the Child Protection Register and 3 are in care.

Our research showed that children and young people find it difficult to discuss their problems and be open about the issues that affect them, due to St Helena being a small community, where almost everyone is a friend or family member. This makes access to medical advice, emergency contraception, and the police difficult. The children that were consulted were united in their concern about their lack of privacy, for example they felt they would be seen going into the hospital by someone who would tell their parents or into the police station, possibly by their abuser. There is also a clear perception that matters will not always be treated in confidence.

Too many children and young people in St Helena suffer from abuse which is able to continue only because, until recently, it has been ignored throughout society. There is a need to bring this aspect of life on St Helena further out into the open and provide a safe and protective environment where children and young people can report the abuse and know that it will be dealt with in a caring, supportive and confidential way.

The prison population at the time of writing is 5; of which 4 are convicted of sexual offences against vulnerable people; 3 of those with children. One has committed his third offence. In recent years the length of the sentences for such offences has increased, it is too early to say if the number of people convicted has increased or whether the longer sentences are having a deterrent effect.

A review of the Criminal Code is currently underway which is considering the introduction of a formal “Sex Offenders Register”. There is also work happening through the Multi-Agency Public Protection Arrangements Group (MAPP) which has improved the gathering and sharing of information on offenders. It is felt that a part-time post Co-ordinator post (at grade C) would be necessary to adequately manage the intelligence gathered.

The priorities chosen for this section are focused on prevention of child abuse and injury. Families and schools all have a crucial role to play in preventing violence against children and young people.

Government directorates and community projects like New Horizons are already working to improve child and youth safety through strategies such as the 'No Means No' campaign and general human rights awareness initiatives. The Safeguarding Children in Overseas Territories (SCOT) project has had positive effects and the schools all have policies and programmes to reduce violence which are a good foundation on which to build. Developing schools as human rights communities can strengthen these programmes by providing a comprehensive approach to the rights and responsibilities of the child or young person.

2.2.1 Cost of not taking action

Children who are sexually abused or bullied are more likely than others to become abusers or bullies themselves as adults. In addition research published in the American Journal of Psychiatry says that "childhood abuse doubles the risk of developing multiple and long lasting episodes of depression." These long term problems have long term costs: (Gallagher, 2011)

- Prison costs.
- Counselling costs.
- Medical cost for treating the abused child's injuries and depression.
- Many who are abused or bullied self harm and/or attempt suicide.
- Members of the wider family may suffer stress related illness.
- Those who work for a bully may also sue or suffer stress.
- Abused children may not do well at school and this can affect their earning potential and employment prospects for the rest of their lives.

2.2.2 Priorities for action

1. Rehabilitation and remedial counselling for offenders and in particular how to improve sexual offender management to reduce recidivism.
2. Renewal and extension of the 'No Means No' campaign and awareness raising of the unacceptability and the dangers of underage sex. To give children the ability and confidence to say no.
3. Continue Regular Publicity to create awareness of the Welfare of Children Ordinance and children's rights under it. Promote the leaflets for children and for adults working or caring for them to publicise the safeguards in the Ordinance.
4. Remove the reservation to The Convention on the Rights of the Child article 24(3) on the right to nationality.
5. Remove the European Convention on Human Rights reservation on corporal punishment.
6. Develop a programme of psychological support for the survivors of abuse.

7. Support schools to promote non-violent conflict resolution, combat bullying and harassment, and prevent sexual and other abuse.
8. Continue to train teachers, and youth workers on the legislation and how to recognise signs of abuse and reporting mechanisms.
9. Scope the costs & benefits of employing a co-ordinator to manage intelligence on sex offenders.
10. Investigate the potential for mentoring and support links to UK social work teams.

2.3 Objective2: Ensure that a child who is capable of forming their own views has the right to express those views freely in all matters affecting them.

The HRCBC noted that the importance of participation rights is clearly stated in the CRC, however opportunities for genuine involvement in decision-making processes by children and young people on St Helena are currently limited. There is a need to more actively promote participation rights in government and non-governmental setting and to develop and promote educational resources, guidelines and other tools to involve children and young people in decision-making processes. In order to participate fully in society, children and young people also need to know their democratic rights and responsibilities. They also have an important role to play in the island's future. They need to be encouraged to have a voice that is listened to and respected. Work has started in this area with the Youth Parliament and the introduction of Student Councils in the schools. New Horizons staff and members are often consulted. The Education and Employment Committee also invites the Head Girl and Head Boy from Prince Andrew School to their meetings which is an excellent example that should be encouraged in other relevant Council committees.

2.3.1 Costs of not taking action

The biggest cost to the island would be children and young people feeling disenfranchised and disillusioned with an island that does not listen to them. Young people who feel that they are not being invested in have no reason to stay and invest in the island's future.

2.3.2 Priorities for action

1. Continued support for Youth Parliament: Resources & promotion. SHG Committees to include YP members whenever possible.
2. Ensure that the child's voice is given due weight in court in any proceedings that affect them.
3. Reinvigorate the Student Councils in all schools.
4. Youth Parliament to develop a Children's Charter.
5. Increase consultation with children on matters that affect them. This could include inviting representatives to Directorate meetings.
6. Ensure that government agencies assess the impact of proposed and existing policies and practices on children and young people.

7. Extend human rights education across all ages, starting at Key Stage 2, continuing throughout school and across subjects.
8. Increase the teaching resources and books/leaflets available in schools for teaching about and promoting human rights.
9. SHG to provide more comprehensive supply of human rights resources to school and public libraries.
10. Develop activities/publicity for parents to increase their understanding of both the child's rights and their own. This could be carried out through schools, youth groups or civil society groups.

3. Disabled People

Goal: To integrate disabled people more fully into daily life on St Helena

3.1 Introduction

The research for this report identified the barriers that prevent disabled people from fully participating in society as a key human rights issue. As well as the limitations of their disability, disabled people may also experience additional disadvantages on the grounds of their age, gender or sexual orientation.

One of the biggest issues is establishing an accurate assessment of the scope of the problem. This is because

1. A definition of the term 'disabled' has not been agreed because it has been interlinked to the benefit entitlements.⁴
2. There is no data base of types of disability and how profound the effect of the disability is on the person concerned. (Work on producing this is now underway but being hampered by the lack of definition).
3. The estimates of the number of disabled people vary depending on who is being asked.

The 2008 census gives a figure of 104 people and Social Services have 80 people on their register but know they have more to add; this is the lowest figure we have been given.

There has been, in St Helena, a significant improvement in the access of disabled children to education in recent years and the support given to them has enabled every child to attend school at least part-time. However, when they come to join the workforce there are significant problems. Access to disability friendly transport, buildings, toilets and equipment is limited. Few even have the expectation of work. The SHAPE project should be applauded: this is a positive example of how Government and Civil Society can work together to produce something truly

⁴ This is currently being addressed

worthwhile. The clients at SHAPE are productive and happy. Many have improved their skills and are therefore making a positive contribution to island life. Disabled people may have physical, sensory, neurological, psychiatric, intellectual or other impairments; many of these impairments develop or worsen with age. Due to the economic migration of able bodied Saints of working age, St Helena has a disproportionately high number of disabled and elderly. An aging population means that increasing numbers of people have impairments. The outcomes and priorities for action in this section address issues affecting older people who experience disability as well as disabled people generally. Knowledge of the experience of disabled people is limited and indeed, as already mentioned no accepted definition of what constitutes disability exists on the island. This affects policy design and delivery, reducing the effective management of services.

3.1.1 Treaty reservation

There are no reservations in place for St Helena with regard to the disabled.

3.2 Objective 1: Improve integration of disabled people into work

The Constitution provides protection against discrimination for the disabled, but the infra-structure of the island, however, does not support this aim. There is a conflict of interests which exists, particularly in Jamestown where we have the best preserved Georgian Streets in the world. These are buildings of global significance and need to be protected. However protecting our heritage is making physical access to the island's biggest employers difficult. For example

- The Officer for the Disabled at Social Services is housed on the top floor of a building which itself is only accessible by steps: there is no wheelchair access. The Officer for the Disabled is more than willing to come down to see clients but the building, like many on St Helena is not fit for purpose.
- There is a disabled toilet opposite the museum, which is kept locked. The island residents can obtain their own key but for visitors and those who have not applied for a key, a key is available from the Museum (when it is open). When the Museum is closed a key is available at the Police Station which is only accessible up a flight of steps and is not open 24/7. Most government buildings have steps; few employers would be able to offer their employees disabled access toilets.

The collection and use of data also needs to be improved. It would be easier and more effective to prioritise support and measure progress if there were reliable figures about the numbers and types of disability on the island, how many disabled people are in employment and also whether that disability is physical, mental or sensory.

3.2.1 Costs of not taking action

If the disabled do not work when it is possible for them to do so there is a loss of contribution to the economy and financial support has to be given. The investment in them and the personal progress made at school is lost: often people deteriorate without the routine provided by work or social contact. Disabled people have, like the wider society, a range of skills, talents and creative abilities which can benefit society as a whole. In addition to these costs a carer may have to stay at home to look after the disabled person. The carer is then lost from the economy and may have to claim benefits as well.

3.2.2 Priorities for action:

1. Agree a cross-Directorate definition of disabled in plain English. This should be separate from registered disabled status for benefits.
2. A data base of the disabled including gender, age, level & type of disability, ability to work etc to be established.
3. Support for SHAPE to increase the number of clients that can be accommodated and the range of work to suit those clients.
4. Once a definition has been agreed SHG to set a target for the number of disabled people they employ and implement plan to reach this target.
5. Work with private sector to explore opportunities for increasing the number of disabled people they employ & produce an action plan for progress.
6. Develop an integrated transport policy to improve access to work opportunities and service provision for disabled people.
7. Improve transition from school to work for disabled people, drawing up plan for each person with regular reviews by case worker/manager, where possible including the individual or their representative in the process.
8. Investigate other ways to increase work and learning opportunities for the disabled, e.g. by having a centre of competence/person responsible for keeping up to date with available equipment, grant aid etc on an ongoing basis.
9. Improve direct involvement of disabled people in the monitoring and evaluation of the rights of the disabled.

3.3 Objective 2: Increase awareness of disabled friendly practices

Participation in decision making is not only a right in itself but also leads to better protection and promotion of other rights. Strengthening advocacy by and for disabled people is crucial to increasing participation, monitoring and addressing the full range of human rights. Society as a whole needs to understand more about what it means to be disabled: just because someone is in a wheelchair or has more difficulty than most communicating it does not mean that their opinions are less valid. Through the Disabled Aid Society, disabled people are currently consulted on some of the issues that directly affect them (for example the Clark Report) but are

not systematically consulted on less obvious issues which also impact their lives (design of public buildings, parking etc).

3.3.2 Priorities for action

1. Strengthen advocacy by and for disabled people by providing the necessary knowledge, skills, support and resources to enable more disabled people to become advocates and self-advocates.
2. Review venues and transport to public consultation meetings for disabled access, not just for the disabled but to accommodate the blind, deaf and those with communication difficulties.
3. Public buildings to have clear signage for disabled access where available.
4. Set up consultation process with the disabled to discuss the challenges and barriers they face and how these might be overcome.
5. Increase links between the schools and SHAPE/Barn View to increase understanding from an early age.

3.4 Objective 3: Progress towards the ratification of the UN Convention on the Rights of Persons with Disabilities

The purpose of this convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The principles of the present Convention are:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons.
- (b) Non-discrimination.
- (c) Full and effective participation and inclusion in society.
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
- (e) Equality of opportunity.
- (f) Accessibility.
- (g) Equality between men and women.
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

What this will mean for St Helena if it is to achieve this in full will require research and an action plan all of its own. The difficulties of balancing our cultural heritage with the needs of the disabled for physical access to historic buildings for example will require careful and informed consideration. At this early stage the scope of this part of the report is limited to what can be done easily without major costs.

3.4.1 Priorities for action:

1. Research possibility of financial assistance from overseas for developing a holistic approach to achieving compliance with CRPD.
2. Review the Island's progress towards compliance with CRPD with a view to ratification and develop an action plan.

4 Domestic Violence/Abuse

Goal: To raise awareness of the unacceptability of domestic violence

4.1. Introduction

Domestic violence (sometimes termed domestic abuse) includes violence by a partner or other family member(s) it includes physical assault, threatening behaviour, psychological, sexual, financial or emotional abuse. To avoid confusion the term domestic violence will be used throughout this report.

The presence and tolerance of violence in homes is a key human rights concern for probably every country in the world. All forms of family violence, including partner, child and elder abuse, were identified as happening on the island. This abuse included physical, psychological, sexual, financial and emotional abuse.

The nature of this problem is that it is kept hidden; therefore accurate figures are not easy to establish. The Police Directorate and Social Services keep figures on domestic violence but, as research elsewhere has demonstrated only a small percentage of such crimes are reported, so the scale and scope of the problem on St Helena remains hidden.

Information supplied by the St Helena Police Directorate shows:

- In 2010 St Helena Police recorded 64 occurrences of domestic violence, 15 were physical assaults.
- The reported numbers of occurrences has increased every year since 2007
- A high percentage of reports come from people who have been previously abused.

UK research indicates that

- Victims endure many incidents of domestic violence before they contact the police.
- Around 13% of all emergency phone calls to the police relate to domestic violence incidents.
- 70% of men who assault their partners also assault their children.⁵

⁵ Source Every Child Matters

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- Where children are living in a household where domestic violence is occurring 90% are either in the same room or in an adjacent room.
- One third of women assaulted by their partner reported that the assault was witnessed by their children.

The St Helena Police Directorate is in the process of introducing a detailed and rigorous policy and procedure on domestic abuse which explains

- How they will respond to and investigate incidents.
- How incidents will be managed from initial complaint onwards.
- How the directorate will respond to its own employees who are either victims or perpetrators of domestic abuse.

The Directorate of Health & Social Welfare have recently introduced a Vulnerable Adults Policy which will assist in ensuring that where the elderly or disabled are being abused in their homes, they can take the appropriate action.

Until there are the means to support the survivors of domestic violence and a cultural belief that it is unacceptable the scale and scope of this issue will not be understood.

4.2 Objective 1: Reduce the incidence of domestic violence

The effect of raising the profile of domestic violence and starting to tackle it is that more incidences are reported so initially the expectation would be for the figures to increase sharply before they decrease. Most international reports agree that less than 10% of cases are actually reported to the police and there is no reason to assume it would be any higher here. That would indicate that there are at least 640 domestic assaults on this island each year 150 of which involve assault. The UN and UNICEF report estimates of between 20% and 50% of women (depending on country) suffer some form of domestic violence.⁶

However it is also the case that very often the victim of such a crime will withdraw their complaint, either because of threat or emotional pressure from their partner or family or because of a fear of going to court.

In an effort to overcome this the Police Directorate are recommending the appointment of a Victim Co-ordinator who's role will be to support all victims of crime particularly if they have to attend court and give evidence.

4.2.1 Costs of not taking action

A perpetuation of the cycle of violence will take its toll on the mental health of all those involved. It will have a tangible cost in police time, prison and court costs, and hospital costs. The cost to the island of working days lost and reduced productivity will also be considerable as the table below shows.

⁶ UNICEF Innocenti Digest no.6. June 2000

Table 1. The Social & Economic Costs of Domestic Violence⁷	
Direct Costs: value of goods and services used in treating or preventing violence	<ul style="list-style-type: none"> • Medical • Police • Criminal justice system • Housing • Social services
Non-monetary costs: pain and suffering	<ul style="list-style-type: none"> • Reduced life expectancy • Abuse of alcohol & drugs • Depression
Economic multiplier effects: labour, productivity costs	<ul style="list-style-type: none"> • Absenteeism • Reduced productivity • Lower educational achievement of children • Capital flight (i.e. people important to the economic growth and development of the island leaving)
Social multiplier effects: social relationships, quality of life, interpersonal relationships	<ul style="list-style-type: none"> • Violent behaviour learned and repeated down the generations • Reduced quality of life • Reduced participation in society.

4.2.2 Priorities for action:

1. Police to have a positive arrest policy and investigate all accusations of domestic violence, ensuring that all such cases are reported to the Attorney General.
2. Ensure clear and stringent sentencing policy including, where relevant, alcohol and anger management counselling.
3. Support schools & families to promote non-violent conflict resolution. This will not only stop children growing up to be abusers but will assist in reducing bullying and violence in general.
4. Collect and report statistics on domestic violence; the number and types of incidence, success of prosecution and sentence given.

⁷ Ibid

4.3 Objective 2: Increase public awareness of the unacceptability of domestic violence

To break the cycle of domestic violence it needs to be brought out into the open and discussed. People who have grown up in a household where violence is the norm accept it. Only when they understand that it is wrong will they understand the need to do something about it.

4.3.1 Priorities for Action

1. Introduce annual white ribbon campaigns on the International Day Against Violence against Women (25 November)
2. Increase publicity, newspaper articles and radio discussions.

4.4 Objective 3: Increased support for survivors

For the survivors to feel that they can come forward and ask for help they need to know that support will be available in a confidential and safe environment.

4.4.2 Priorities for action

1. Encourage civil society to form a support group for those affected by domestic violence.
2. Identify a place of safety for survivors.
3. Examine why the help line which used to be operated by social Services failed and how it might be successfully re-introduced.

5. Prison & Justice

Goal: To improve the care and rehabilitation of offenders

5.1 Introduction

The conditions at the prison have been widely reported. The Southern Oceans Prison Advisor, the Superintendent of Goals and the Prison Visiting Committee have all listed the various human rights that are violated by the standard of the accommodation in the island's only prison.

The prison has developed a range of new behaviour management policies which are showing real promise with regard to the rehabilitation of offenders. More prisoners are engaged in literacy and maths courses as well as learning carpentry and developing art skills. In addition the Deputy Superintendent of Goals has been working with magistrates to develop alternatives to custodial sentences and, in particular, properly managed and conditioned probation. The first parole hearing will also be held in August 2011.

Some issues have been raised with regard to the explanation and understanding of the rights of the prisoners, particularly when they are first sentenced, as they get a lot of information in a short space of time and at a time when they may well be shocked or upset.

5.1.1 Treaty Reservations

There is a reservation under the International Covenant on Civil & Political Rights (ICCPR) (Art 37(c)) relating to juvenile detention due to the limited availability of suitable facilities. Until the prison is moved to more suitable premises there is no prospect of lifting this reservation.

5.2 Objective 1: Better prison building which meets minimum human rights requirements

The prison building is not fit for purpose and fails to meet several human rights standards

- The accommodation is well over 100 years old.
- There are no fire exits.
- The toilets for the arrested prisoners are in full view of other prisoners and staff, including the female staff.
- Cells are without natural light and adequate ventilation. They are very hot in summer especially if, as regularly happens, there are 3 or 4 people in the cell.
- Remand prisoners are kept together with convicted prisoners, as to do otherwise results in isolation for the remand prisoner.
- Arrested prisoners are kept separate but space and the layout means that this impacts on the freedom of the convicted prisoners who cannot access the exercise area when the security cells are occupied.
- Prisoners are often woken during the night as noisy, drunken people are transferred to the holding cells.
- Should there be more than one convicted female prisoner or any convicted juvenile the prison would not be able to accommodate them.
- Prisoners receiving sentences in excess of 6 years have to be accommodated in the UK at a heavy financial cost to SHG.

Southern Oceans Prison Adviser has recommended closing the current premises and moving to the existing Challenging Behaviour Unit at Sundale, Half Tree Hollow, which could be adapted. This proposal has political support but needs a commitment to funding in the immediate future.

5.2.1 Cost of not taking Action

The prison population is likely to rise for 2 reasons:

1. The airport construction will mean that 300 workers will come to the island. This will mean an increase in drinking and associated crime, fights with locals etc. The men may also attract female attention and this could lead to prostitution and underage sex.

2. Some of the measures highlighted above, e.g. dealing with child abuse and domestic violence will result in a short term increase in the number of people prosecuted as people come forward and complain.
3. Saints are being encouraged to return from overseas to help with the airport development and their number is likely to include some with criminal records

More people in prison, especially from overseas increases the risk that someone with an understanding of their rights will make a formal complaint or that an incident will occur in the prison which requires an investigation. The consequences would be very expensive, both financially and to our reputation with tourists and potential investors.

5.2.2 Priorities for action

1. Increase interaction between prison authorities and councillors.
2. Engage with public through media interviews and public meetings to increase awareness of the long term benefits of good offender management.
3. Secure the budget for the development of Sundale House into a new prison.
4. Then remove the reservation to ICCPR Art 10 on separation of juvenile prisoners/detainees because of a lack of suitable facilities.

5.3 Objective 2: Increase the range of viable sentencing alternatives for magistrates.

Until recently the magistrates have only felt comfortable to consider two of the courses of action available to them. They have handed down fines someone found guilty or imprisoned them. Due to lack of trained personnel other sentencing options e.g. community service or probation were not handed down as they could not be rigorously managed by the agencies concerned. Fines may not have a deterrent effect as they are not always commensurate with the crime and for the wealthier members of our society they are a “small price to pay”. Custodial sentences however are expensive to administer and if the prison is full there is a reluctance by the courts to add to the burden. Both community service and probation allow a sensible time element and behavioural conditions while allowing perpetrators to contribute positively to society.

5.3.1 Cost of not taking action

The cost of action here will be outweighed by the savings made within the prison. It costs less to manage someone on probation than it does to keep them in prison. In addition, studies in the UK, have demonstrated that sentences like community service and probation do act as a deterrent (more so than fines), therefore crimes are less likely to be committed and recidivism rates will be reduced.

5.3.2 Priorities for action

1. Develop the probation system within the prison as an alternative to custodial sentences.

5.4 Objective 3: Reduce Recidivism Rates

Crime hurts the victims and costs society money, therefore hurting us all. One way of reducing the number of crimes is by dealing with those who do offend in a way that addresses their behaviour. Bringing about a change in criminal behaviour will reduce the costs to society. Helping those convicted to understand the rights of others and to understand the consequences of violating those rights is key to bringing about a change in behaviour. Respecting the rights of prisoners plays an important part in their developing an understanding of respecting the rights of others. Prisoners also need to learn how to take responsibility for themselves and on leaving prison need to be able to play the role in the community they have been rehabilitated for.

5.4.1 Priorities for action

1. Ensure that the PVC mandate is more appropriate in the new Gaols Ordinance
2. Continue to develop a holistic approach to release on licence or parole with effective and managed conditions.
3. Review government policies to identify more opportunities for the employment of prisoners on release
4. Promote private sector employment practices that ensure that spent convictions are understood and not considered in the selection process.

5.5 Objective 4: Increase public awareness of rights and responsibilities of the police and emergency services in their work with the general public and, in particular, children and vulnerable adults.

We all have rights and responsibilities and we all need to be aware of how we deal with situations when we believe our rights have been violated. Clear, well publicised procedures should be in place. Children and adults with learning difficulties often have less confidence than others when dealing with authority. Therefore particular care needs to be taken when dealing with people in this category.

5.5.1 Priorities for action

1. Promote improved information to the public on how to make a complaint against the police.

2. Review training for police, prison and fire services to ensure it is compliant with human rights standards.
3. Ensure that children and young people have access to complaints mechanisms which are available, accessible, confidential and appropriate. This could be done with the aid of simple leaflets or an appointed child advocate.

6. Employment Law

Goal: To improve employment rights on St Helena

6.1 Introduction

There is currently little law in place on St Helena to protect employees in the private sector. Government and some of the larger employers do have employment policies which offer their employees some rights and protection. This situation is in the process of being addressed. The 2010 Employment Ordinance has been passed by LegCo but has yet to be enacted as the statutory body for monitoring compliance has not been set up. A Senior Magistrate is to be appointed who will be responsible for this function. The terms of reference for this post have to be written and approved before the vacancy can be advertised.

The new Employment Ordinance does not address discrimination in the private sector workplace except as possible grounds for unfair dismissal. The Race Relations Ordinance offers protection from discrimination on the grounds of race, but there is no protection for on gender, disability, sexual-orientation, religion etc.

Good employment law has several benefits to the employee, employer and wider society:

- Both parties have a clear understanding of the contract.
- Both parties have a clear and fair procedure for dealing with complaints.
- It prevents discrimination.
- It prevents unfair dismissal.
- These contribute to a vibrant economy

6.2 To Increase awareness of the rights and responsibilities of both employees and employers

As the 2010 Employment Ordinance is due to be enacted both private sector employees and employers need be made aware of their rights and responsibilities under the Ordinance. They need to understand any transition arrangements etc that will be allowed and what to do if the Ordinance is not being adhered to.

In addition the lack of anti-discrimination legislation needs to be addressed in a way that is manageable for our judicial system and for the fledgling private sector on the island. At a time when we will have an increase in the number of migrant workers and Saints returning from overseas due to the airport development the island needs to be in a position to protect both employers and employees from discrimination.

6.2.1 Costs of not taking action

Good employment legislation leads to greater protection for both employees and employers. People feel more secure, if they know their rights and responsibilities and are more confident in decision making at every level. This increases motivation and therefore productivity. This will not happen unless the legislation is implemented.

The SHG objective of encouraging Saints to return home from abroad will be compromised if suitable protection from discrimination is in place. A person with a job in the UK with protected rights, holiday pay, paid sick leave and a pension will not be keen to give it all up and come back to a job without benefits and protection from discrimination.

6.2.2 Priorities for action

1. Councillors, Civil Society Groups to be encouraged to lobby for stronger anti-discrimination legislation, with regard to employment.
2. Establish programme of work for public officials to make legislation and policies CEDAW-compliant.
3. Work with employee groups to support the development and reinvigoration of employee associations.
4. Review SHG employment practices and Code of Management to ensure there are no discriminatory policies.

6.3 Objective 2: To implement the Employment Ordinance 2010

This Ordinance has been passed but it requires a Labour Regulating Authority and an Employments Rights Committee before it can be implemented. However it is expected that all be in place for the start of financial year 2011/12. This legislation will ensure that those employed in the private sector have at least

- Minimum wage.
- Paid sick leave.
- Paid holiday.
- Written statement of employment.
- Appeals/enforcement processes.
- Unfair dismissal remedies.
- Protection for 'Whistle blowers'.

6.3.1 Activities

1. Appoint a Labour Regulatory Authority.
2. Set up an Employment Rights Committee.
3. Publicise the contents of the Ordinance in all workplaces, both SHG and private sector.
4. Set up a training programme on the Ordinance for Magistrates and Lay Advocates.

7. Civil Society

Goal: A stronger more organised Civil Society being an effective voice for their constituents

7.1 Introduction

In an environment where there are no party politics and therefore there is no official opposition, Civil Society groups (Charities, NGOs, interest groups) have a major role to play in maintaining a democracy. Without their role in challenging decisions, creating awareness of need and providing a voice for those that have difficulty being heard, government decisions would not be rigorously challenged. It is therefore necessary for Civil Society groups to be well organised, well informed and mandated by their constituents. They must also be actively engaged with and consulted by government.

Our research has shown that some Civil Society groups felt that they were adequately consulted on issues which obviously affected them. For example during the building of the disabled toilet, the Disabled Aid Society was involved from the planning stage. But on other issues they are not consulted.

The other key area of concern raised is the lack of groups to represent some of the vulnerable members of our society. There are no trade unions or work based associations, no children's charity, no victim support, no women's groups or rape/domestic violence crisis support. This was seen as being due to

- Lack of resources (human & financial).
- Lack of knowledge (how to be an effective group).
- Concern about "sticking your head above the parapet".

7.2 Objective: Assist Civil Society to become more effective in promoting the interests of their groups and in working together to challenge discrimination and injustice

There are currently approximately 80 Civil Society groups, which include charities, faith-based groups, special interest groups and NGOs. These groups all have their

specific mandates and constitutions and work hard to achieve them. However the groups that we spoke to all felt that they could be more effective, if they knew more about

- Their rights under the treaties
- How to lobby on behalf of their members
- What other groups with cross-over interests were doing so that they could work together.

7.2.1 Priorities for Action

1. Strengthen Civil Society individually and as lobbying group through political support and finance for Community Development Officer (CDO) and programme being developed by Civil Society Support Officer.
2. Build links with overseas groups to develop the knowledge base and understand best practice.
3. Training on rights issues and practical application for CDO & Civil Society Organisations.
4. Develop a resources library for CSOs
5. Set up and consolidate joint committees on specific issues, e.g. disability to bring together different CSOs to discuss legal and policy changes and to engage CSOs in SHG reports to Treaty Monitoring Bodies.
6. Encourage CSOs to submit shadow reports to Treaty Monitoring Bodies
7. Maintain an up to date register of CSOs.
8. Training in governance for civil society organisations.

8. Promotion and education on human rights

Goal - Island wide understanding of our rights and responsibilities under our constitution and the international treaties to which St Helena is signatory

8.1 Introduction

During the consultation process (paragraph 1.2) it became clear that many people do not understand what rights they have and what to do if they have a complaint about their rights.

8.2 Objective 1: Increase public understanding and awareness of human rights

The Building Human Rights Capacity in the British Overseas Territories Project has broadened the concept of human rights across St Helena. Most people are aware of human rights, but not everyone understands what they are, and still fewer know how to exercise their rights. Many people said that they were afraid to speak out against things they thought unjust for fear of reprisals. At the heart of all the priorities listed above is creating a greater awareness and understanding of our rights and how we affect the rights of others. With awareness comes an understanding of the issues and the will to do something about them.

8.2.1 Priorities for action

1. All SHG communications with the public to be in plain English and, where possible, large print and audio versions should be available on-line.
2. Increase awareness by public officials on CEDAW requirements
3. Produce or obtain simple leaflets explaining all the relevant treaties.
4. Publicise the aims and working of the Legal Assistance Fund to the general public.
5. Establish programme of celebration of key human rights days to raise awareness.
6. Introduce equality and non-discrimination clauses in corporate procurement tenders.
7. Engage CSOs in formal process to prepare SHG report to ICCPR (2012), CRC (Jan 2013) and ICESCR (June 2013)
8. Publicise Government UN Treaty Body Reports in the media and Public Library, along with recommendations of the Treaty Monitoring Committees & any follow up communication e.g. in newspapers, on radio, SHG website
9. Appoint someone to be responsible for human rights aspects in each directorate and to coordinate with other directorates to build awareness among public sector staff of their responsibilities and duties.

10. Set up procedures to ensure that the correct data and statistics are gathered and analysed for UN Treaty Body reports.
11. Keep UN Common Core Document up to date.
12. Training and support to be provided to government officials involved in drawing up treaty body reports.

8.3 Objective 2: Keep the action plan in the public domain

This action plan is for St Helena: everyone on St Helena. It is therefore important that everyone on St Helena is kept informed of and involved in its progress. It is SHG's responsibility to protect the rights of the people of St Helena and it is the people's right to hold the Government to account. The next Action Plan will need to build on the achievements of this plan and the writing of it should include as broad a range of people as possible.

8.3.1 Priorities for action

1. Review this action plan annually and publish progress reports
2. In year 3 hold a wide public consultation to prepare a new 3 year action plan

9. A National Human Rights Institution

Goal – To set up a National Human Rights Institution for St Helena

9.1 Introduction

The Commonwealth Foundation's Challenge Fund supported the Citizenship Commission in developing a proposal for a National Human Rights Institution for St Helena which would be called the St Helena Human Rights Commission. As part of the project a wide consultation process was carried out with the general public, government officials, politicians, the private sector and civil society organisations. There was overwhelming support for the proposal.

It is recognised that this proposal will require an Enabling Ordinance and funding. A target date for the official launch has therefore been set as May 5th 2014 as this will be the 355th anniversary of the island's settlement and 180 years since the abolition of Slavery.

A full and detailed report of how this institution should be constituted is included as

9.2 Objective 1: To protect and promote human rights on St Helena

The key recommendations for the St Helena Human Rights Commission were that:

- It has a pool of 5 Commissioners and a Director/Office Manager.
- Its mandate covers the promotion of human rights, the investigation of human rights complaints and support for St Helena Government in the preparation of Treaty Monitoring Reports.
- An Appointments Panel is set up to ensure independence and autonomy in the recruitment and performance of the Commissioners.

As a first step it has been proposed that an enquiries office be set up to provide information and advice to members of the public. This would also help to establish the number and type of enquiry a full Human Rights Commission might encounter.

Priorities for action

1. Set up enquiries office for human rights complaints
2. Pass Enabling Ordinance to set up NHRI (St Helena Human Rights Commission) and establish its mandate and powers
3. Allocate adequate human and financial resources for the NHRI
4. Set up Appointments Panel to recruit Commissioners, Director and Office Manager
5. Determine terms of reference for St Helena Human Rights Commission, locate premise
6. SHHRC strategy agreed and working practices established
7. Set up programme to develop staff capacity
8. Develop outreach programme to promote human rights on the island
9. In depth training programme for local Office Manager

10. What will this cost?

Of the 95 activities listed in the action plan:

- | | |
|----|--|
| 57 | Fall into the normal work of the Directorate concerned therefore have no additional budget implication |
| 8 | Are budget requests that will be/have been made which have implications for human rights but would have been made anyway |
| 4 | Are/will be the subjects of bids for funding from overseas sources |
| 20 | Fall under the National Human Rights Facilitator budget |
| 6 | Are associated with the cost of setting up the St Helena Human Rights Commission and will fall within that budget |

Therefore the only commitment required is for the Human Rights Office and Facilitator for the 3 years from April 2012 to March 2015. See Appendix 4.

11. Conclusion

This plan is the first of its kind on St Helena and has been drawn up after extensive consultation. Many of the priorities for action have been kept deliberately simple and low-key in recognition of the need to build up support for the principle of a National Action Plan on Human Rights and to show that small steps can make progress. A large part of the action plan is about education – helping people to understand what human rights are and what issues on St Helena are about human rights.

But it will be important to maintain momentum and progress. Members of the Legislative Council have an important role to play here, both elected and ex-officio. They, and the senior levels of the St Helena Government, should lead by example, demonstrating political will to show the importance that is attached to human rights and by finding the resources to make this a reality.

Appendix 1 Those Who Contributed

We would like to thank the following groups and individuals who provided input and information for this research

HE Governor Gurr
The Chief Secretary
The Elected Members
The Home and International Committee
The Citizenship Commission
The Human Rights Capacity Building Committee
The Education and Employment Committee
The Secretariat
The Education Director
The Director of Health & Social Welfare
The Attorney General
The Assistant Crown Council
Social Services
Fay Howe
Christine Coleman
Sundale House
Elderly Care
Ian Rummery
Hospital Staff
The Chief of Police
The Prisoners and Prison Staff
The Public Solicitor
The Magistrates
A&NRD
Staff and Students from Prince Andrew School
SHAPE
The Disabled Aid Society
Basil George
New Horizons
Liz Johnson-Idan
The respondents to the questionnaire
Members of the public

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Appendix 2 Table of Activities

Goal	Objective	Activity	Relevant Agency	Resources	Completion Target Date	Performance Indicator	Additional Funding Required by HR Project
Children & young people							
To promote the rights of children	To safeguard children from physical & sexual abuse						
Priority	High	Rehabilitation & remedial counselling for offenders and in particular how to improve Sexual Offender management to reduce recidivism	Prison staff	A Budget request for £20,000 has been submitted by the Directorate	Apr-12	Programme for sex offenders in place	No
	Medium	Renewal and extension of 'No Means No' campaign of awareness raising of the unacceptability and dangers of underage sex. To give children the ability & confidence to say NO	Safeguarding Children Board	Normal work of Directorate therefore included in current budget request	Apr-12	Increase in reported incidents, reduction in under 16 pregnancy	No
	Medium	Continue regular publicity to create awareness of the Welfare of Children Ordinance 2008 and children's rights under it. Promote simple leaflets for children and for adults working or caring for them to continue to publicise the safeguards in the Ordinance.	Health & Social Welfare Directorate	£1,000 required to print 1,000 leaflets This will be sufficient for the next 5 years. To be subject of external bid.	Apr-12	Increase in reported incidents and convictions,	No
	Low	Remove the reservation to Convention on the Rights of the Child article 24(3) on the right to nationality	Governor in Council and AG	Normal work of Directorate therefore	Dec-12	Reservation Removed	No

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				included in current budget request			
	Low	Remove the European Convention on Human Rights reservation on corporal punishment	Governor in Council and AG	Normal work of Directorate	Dec-12	Reservation Removed	No
	High	Develop a programme of psychological support for the survivors of abuse	Health & Social Welfare Directorate	This requires research as to the best method of delivery and then a separate budget bid	Mar-13	Programme in place & being delivered	No
	High	Support schools to promote non-violent conflict resolution, combat bullying and harassment, and prevent sexual and other abuse	Education & Employment Directorate	Normal work of Directorate	Apr-13	Programme in place and being delivered	No
	Med	Continue to train teachers and youth workers in recognising the signs of child abuse and what to do.	Education & Employment Directorate,	Normal work of Directorate	Mar-13	Programme in place. Mechanisms in place. No of people trained. Up to date at risk register	No
	High	Scope the costs & benefits of employing a co-ordinator to manage intelligence on sex offenders	Police/Social Services/MAPPA	Subject of separate bid	Mar-13	Coordinator Employed	No
	High	Investigate potential for mentoring and support links to UK social work teams.	Directorate of Health & Social Welfare	Investigation cost neutral separate budget application may be required if charges made in UK. Will be budgeted with	Oct-12	Investigation completed & Decision made	No

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				Action Plan 2 if this is the case			
		To ensure that a child who is capable of forming their own views has the right to express those views freely in all matters affecting them.					
	Medium	Continued support for Youth Parliament: Resources & promotion. SHG Committees to include YP members whenever possible	All Directorates	Cost neutral	Ongoing	Policy in place Regular, well attended YP meetings and YP meetings with LegCo. Committee membership	No
	High	Ensure that the child's voice is given due weight in court in any proceedings that affect them	Judiciary	Normal work of Magistrates	Apr-12	Court reports	No
	High	Reinvigorate the Student Councils in all schools	Education Directorate & School Heads	Normal work of Directorate	Aug-12	Activity levels	No
	Medium	Youth Parliament to develop a Children's Charter	Youth Parliament	Cost neutral	Dec-12	Children's Charter in place and publicised	No
	Medium	Increase consultation with children on matters that affect them. This could include inviting representatives to Directorate meetings.	All Directorates & LegCo & CSOs	Should be normal work of Directorates	Apr-12	Policy in place Children attending consultation meetings. Children's comments included in reports	No

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	Low	Ensure that all Government Policies and those of SHG funded bodies assess the impact of their proposed & existing policies and practices on children & young people	SHG & All Government funded bodies	Include with normal policy checks & updates	April- 13	Policy in place Monitoring procedure in place	No
	High	Extend human rights education across all ages, starting at Key Stage 2, continuing throughout school and across subjects.	Education Directorate, NHRI	Normal work of Directorate	Sep-13	HR included in National Curriculum for ages 7+ and up	No
	Medium	Increase the teaching resources and books/leaflets available in schools for teaching about and promoting human rights	Education Directorate, NHRI	Books and materials being supplied by Challenge Fund	Aug-12	Quality & quantity of materials available	No
	Medium	SHG to provide more comprehensive supply of human rights resources to school and public libraries	Education & Employment Directorate	Books and materials being supplied by Challenge Fund	Dec-12	New books, leaflets & other resources in libraries	No
	Medium	Develop activities/publicity for parents to increase their understanding of both the child's rights and their own. This could be carried out through schools, youth groups or civil society groups	NHRI	Included in budget request for next 3 years	Dec-12	Activity levels	Yes
The Disabled							
To integrate disabled people more fully into daily life on St Helena	To improve integration of disabled people into work						
	High	Agree a cross-Directorate definition of disabled. This should be separate from registered disabled status for benefits.	All Directorates & LegCo	Normal work of Directorates	Apr-12	Definition agreed and publicised	No
	High	A data base of the disabled including gender, age, level & type of disability, ability to work etc to be established	Health And Social Welfare Directorate	Normal work of Directorate	Dec-12	Data base established, policy for keeping it up to date in place.	No

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	High	Support for SHAPE to increase the number of clients that can be accommodated and the range of work to suit those clients	Education & Employment Directorate	Normal work of Directorate	Ongoing but in place by Dec-12	Increase in the number of SHAPE clients, and range of suitable work available	No
	High	Once a definition of disabled has been agreed and data collected SHG to set a target for the number of disabled people they employ and implement plan to reach this target	Human Resources Directorate	Normal work of Directorate	Target set by July 2012 Target achieved March 2015	Target set & publicised. Target Achieved	No
	Medium	Work with private sector to explore opportunities for increasing the number of disabled people they employ & produce an action plan for progress	Social Services&	Normal work of Directorate	Action plan to commence 2013	Action plan agreed and work underway	NO
	High	Improve transition from school to work for disabled people, drawing up a plan for each person with regular reviews by case worker/manager, where possible including the individual or their representative in the process.	Education & Employment Directorate	Normal work of the Directorate	Jan-13	Procedure in place. Increase in number of people moving from school to employment.	No
	Medium	Improve direct involvement of disabled people in the monitoring and evaluation of the rights of the disabled	Human Rights Facilitator	Included in Budget request	Aug-12	Policy in place Monitoring happening	Yes
	Low	Investigate other ways to increase work and learning opportunities for the disabled, e.g. by having a centre of competence/person responsible for keeping up to date with available equipment, grant aid etc on an ongoing basis	Social Services	No budget	Dec-13	Increase in the number of disabled people employed	NO

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Increase awareness of disabled friendly practices							
	High	Public buildings to have clear signage for disabled access where available	Crown Estates	Cost Budget already	Dec-12	Signage in place	NO
	Medium	Set up consultation process with the disabled to discuss the challenges and barriers they face and how these might be overcome.	Human Rights Facilitator	Cost included in the budget request for the facilitator (see below)	Dec-14	Increased awareness of how people are affected by disability.	Yes
	Medium	Increase links between the schools and SHAPE/Barn View to increase understanding from an early age.	Education & Employment Directorate	Normal work of Directorate	Dec-14	Programme of events/activities taking place	No
	High	Strengthen advocacy by and for disabled people by providing the necessary knowledge, skills, support and resources to enable more disabled people to become advocates and self-advocates	VSO Civil Society Volunteer	cost neutral	Dec-14	No of Disabled Issues highlighted	No
	High	Review venues and transport for public consultation meetings for disabled access, not just the physically disabled but also to accommodate the blind, deaf and those with communication difficulties.	DISCUSS AT HRCBC	cost neutral on transport (being replaced anyway) Works to venues to be submitted separately	Dec-14	Improved transport arrangements and meetings accessible to all.	No
Progress toward ratification of CRPD							
	Medium	Research possibility of financial assistance from overseas for developing a holistic approach to achieving compliance with CRPD	HRCBC and/or Human Rights facilitator	Included in ToR's for HR Facilitator (see below)	Dec-13	Possibilities for funding identified	Yes
	Medium	Review Islands progress towards compliance with CRPD with a view to ratification and develop an action	Human Rights Facilitator	Included in ToR's for HR Facilitator (see	Dec-14	Action plan developed	Yes

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		plan		below)			
Domestic Violence							
To raise awareness of the unacceptability of domestic violence	Reduce the incidence of domestic violence						
	High	Police to have a positive arrest policy and investigate all accusations of domestic violence' ensuring all such cases are reported to the Attorney General.	Police	Normal work of Directorate therefore included in current budget request	Dec-12	Policy in place Increase in reporting & conviction, followed by a decrease in incidence	No
	High	Collect & report statistics on domestic violence: Number & type of incidents, successful prosecutions and sentences	Police	Normal work of Directorate therefore included in current budget request	April-12,	Statistics available	No
	High	Ensure clear and stringent sentencing policy including, where relevant, alcohol and anger management counselling as advice at sentencing	Magistrates	Cost Neutral	Dec-13	More sentences which include counselling conditions	No
	High	Support schools & families to promote non-violent conflict resolution. This will not only stop children growing up to be abusers but will assist in reducing bullying and violence in general.	Education & Employment Directorate with Human Rights Facilitator	Normal work of Directorate, included in ToRs for HRF (see below)	Dec-13	Workshops available	Yes
	Increased public awareness of the unacceptability of domestic violence						
	Medium	Introduce annual white ribbon campaigns on the International Day Against Violence against Women (25 November)	Human Rights Facilitator to coordinate sponsors	Safeguarding Children carrying it out this year Budget required for	First promotion Nov 25th 2012	Programme of events & Campaigns	No

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				future years			
	Medium	Increase publicity through press & radio	HRCBC or NHRI	Cost Neutral (included in budget)	From April -12	No. of press/radio articles	No
	Increase support for survivors						
	Medium	Encourage civil society to form a support group for those affected by domestic violence	CSO	Voluntary	Dec-12	Support group operating	No
	High	Identify a place of safety for survivors	Health & Welfare Directorate	Normal work of Directorate	Dec-14	Safe accommodation available	No
	Medium	Examine why the help line which used to be operated by Social Services failed and how it might be successfully re-introduced	Health & Social Welfare	Cost Neutral	Dec-12	Plan for help line developed	No
Prison & Justice							
To improve the care and rehabilitation of offenders	Better prison building which meets minimum HR requirements						
	High	Increase interaction between prison authorities and councillors	SoG & H&I	Normal work of Directorate	Apr-12	Increased awareness and political support	No
	High	Engage with public through media interviews and public meetings to increase awareness of the long term benefits of good offender management	SoG & H&I and PVC	Normal work of Directorate	Dec-13	Reduced concern by Cow Path Residents	No
	High	Secure the budget for the development of Sundale House into a new prison	SoG & H&I	Subject of a separate £375,000 bid	Dec-14	Funding secured & plans underway	No

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	Medium	Remove the reservation to ICCPR Art 10 on separation of juvenile prisoners/detainees because of a lack of suitable facilities.	Governor in Council & AG	Normal work of Directorate	Dec-15	Reservation Removed when new juvenile facilities are available	No
	Increase the range of viable sentencing alternatives for magistrates						
	High	Develop the probation system within the prison as an alternative to custodial sentences	Police Directorate	Normal work of Directorate	Dec-12	Probation Orders in operation.	No
	Reduce recidivism rates						
	Medium	Ensure that the PVC mandate is more appropriate in the new Gaols Ordinance	SoG, DSoG, PVC & Prisoners	Normal work of Directorate	Dec-12,	Draft Ordinance with AG	No
	High	Continue to develop a holistic approach to release on licence or parole with effective and managed conditions	SoG & DSoG	Costs outweighed by savings happening with current resources	Dec-12	Parole procedures in operation	No
	Medium	Review government policies to identify more opportunities for the employment of prisoners on release	HRD	Normal work of Directorate	Dec-12	SHG jobs for prisoners	No
	Increase public awareness of rights and responsibilities of the police in their work with the general public and children in particular						
	Medium	Promote improved information to the public on how to make a complaint against the police.	HRF	Included in budget request for next 3 years	Dec-12,	Information available	Yes
	High	Ensure that children and young people have access to complaints mechanisms which are available, accessible, confidential and appropriate. This could be done with the aid of simple leaflets or an	HRF	Included in budget request for next 3 years	Dec-12,	Information available	Yes

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		appointed child advocate.					
	High	Review training for police, prison and fire services to ensure compliant with human rights standards.	CoP	Cost neutral the Police Directorate have an in-house trainer	Dec-12,	Training received & documented	No
Employment law							
To improve employment rights on St Helena	Increase awareness of the rights and responsibilities of both employees and employers						
		Councillors, Civil Society Groups to be encouraged to lobby for stronger anti-discrimination legislation, with regard to employment.	Councillors, Civil Society	Lobbying Cost Neutral	Dec-12	Legislation Enacted	NO
	High	Establish programme of work for public officials to make legislation and policies CEDAW-compliant	AG / Secretariat	Normal work of the Directorate	Dec-12,	Review completed	No
	Medium	Work with employee groups to support the development and reinvigoration of employee associations.	HRD	Normal work of Directorate	Dec-13	Groups up and running	No
	High	Review SHG employment practices and Code of Management to ensure there are no discriminatory policies.	Human Resources Directorate	Normal work of Directorate	Dec-12	Review completed & changes appropriately notified	No
	Implement the Employment Ordinance 2010						

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	High	Appoint a Labour Regulatory Authority	Governor	Budget already agreed	Dec-12	LRA in place	No
	High	Set up an Employment Rights Committee	Governor	Budget already agreed	Apr-12	ERC set up and meeting regularly	No
	High	Publicise the contents of the Ordinance in all workplaces, both SHG and private sector	CEED	Part of Role, no additional budget required	Apr-12	All employees aware of their rights under the Ordinance	No
	Medium	Set up a training programme on the Ordinance for Magistrates and Lay Advocates	Chief Magistrate	Budget already agreed	Dec-12	Training completed by all Magistrates and Lay Advocates	No
Civil Society							
To strengthen & develop Civil Society on St Helena	To assist Civil Society to become more effective in promoting the interests of their groups and in working together to challenge discrimination & injustice						
	Medium	Strengthen Civil Society as a lobbying group through political support and finance for a Community Development Officer and the programme being developed by the Civil Society Support Officer.	Home & International Committee	Separate bid	FY 2012/13	CDO appointed	No
	Medium	Training on rights issues and practical application for CDO & CSOs	HRF	Included in budget request for next 3 years	FY 2012/13	Training completed	Yes
	Medium	Develop a resources library for CSOs	NHRI	Included in budget request for next 3 years	FY 2012/13	Library available	Yes
	Medium	Set up and consolidate joint committees on specific issues, e.g, disability, to bring together different CSOs to discuss legal and policy changes and to engage CSOs in SHG reports to Treaty Monitoring Bodies	NHRI/CCSO	Cost neutral	FY 2012/13	Committees in place	Yes

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	Medium	Encourage CSOs to submit shadow reports to Treaty Monitoring Bodies	HRFI/CCSO	Cost neutral	FY 2012/13	Shadow reporting underway	Yes
	High	Build links with overseas groups to develop the knowledge base and understand best practice.	HRF/CCSO	Cost neutral	Dec-12	Links established	Yes
	High	Maintain up to date register of CSOs.	HRF/CCSO	Cost neutral	Dec-12	Register available & mechanism for updating in place	Yes
	High	Training in governance for Civil Society Organisations	HRF/CCSO	Cost neutral	Dec-12	Training completed	Yes
The Promotion of and Education on Human Rights							
Island wide understanding of our rights and responsibilities under our constitution and the international treaties to which St Helena is a signatory.	Increase public understanding and awareness of human rights						
	High	All SHG communications with the public to be in plain English and, where possible, large print available and audio versions should be available on line.	All directorates	Cost neutral	Jun-12	Policy in place Plain English publications and disabled friendly information available on line	No
	Medium	Increase awareness by public officials on CEDAW requirements	All areas of SHG	cost neutral if Included with induction training	Dec-12	Included in training & development programmes	No
	Medium	Produce or obtain simple leaflets explaining all the relevant treaties	HRF	Cost neutral (included in budget)	Dec-13	Leaflets available in Public Library and all schools and government offices	Yes
	Medium	Review & publicise the aims and working of the Legal Assistance Fund to the general public	AG & Public Solicitor	Cost neutral	Jun-13	Widespread understanding of what the fund is for and how to access it, including any changes made.	No

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	High	Establish programme of celebration of key human rights days to raise awareness	HRCBC with HRF	Included in budget request for next 3 years	Dec-12	Days being celebrated	Yes
	Medium	Introduce equality and non-discrimination clauses in corporate procurement tenders	Corporate Procurement Directorate	cost neutral	Dec-12,	Clauses in tender documents	No
	High	Engage CSOs in formal process to prepare SHG report to ICCPR (2012), CRC (Jan 2013) and ICESCR (June 2013)	SHG - Central Admin	cost neutral	Dec 2012 and Dec 2013	Process in place. Contributions made to report	No
	Medium	Publicise Government UN Treaty Body Reports in the media and Public Library, along with recommendations of the Treaty Monitoring Committees & any follow up communication e.g. in newspapers, on radio, SHG website	SHG - Central Admin	cost neutral	Dec-12	ICCPR report in public domain	No
	High	Appoint someone to be responsible for human rights aspects in each directorate and to coordinate with other directorates to build awareness among public sector staff of their responsibilities and duties. Articles to be written for HRD Newsletter.	Directors	cost neutral	Jun-12	appointments made	No
	High	Set up procedures to ensure that the correct data and statistics are gathered and analysed for UN Treaty Body reports.	Secretariat	Cost neutral	Apr-12	Process in place. Statistics being gathered	No
	High	Keep UN Common Core Document up to date	SHG - Central Admin	cost neutral	Dec-11	CD up to date	No
	Medium	Training and support to be provided to government officials involved in drawing up Treaty Body Reports	Secretariat	Cost neutral	Jun-12	Training delivered	No
		Keep action plan in the public domain					

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	High	Review this action plan annually and publish progress reports	H&IC/ HRCBC HRF	Cost neutral	ongoing	Progress reports published	Yes
	High	In year 3 hold a wide public consultation to prepare a new 3 year action plan	LegCo/NHRI	Included in budget request for next 3 years	Mar-14	New action plan written and agreed	Yes
National Human Rights Institution							
To set up an NHRI	To protect and promote human rights on St Helena						
	High	Set up Enquiries Office for human rights complaints	Home & International Committee	£37,500	Apr-12	Numbers and types of enquiry	Yes
	High	Pass Enabling Ordinance to set up NHRI and establish its mandate and powers	AG / LegCo	Cost neutral	Dec-13	Ordinance in place	No
	High	Allocate adequate human and financial resources for the NHRI	LegCo	As above	Apr-12	Funding secured & plans underway	Yes
	High	Agree Appointments Panel to recruit Commissioners, Director and Office Manager (Panel that appoints magistrates)	H&IC	Cost neutral	Jan-14	Panel set up and recruitment completed	No
	High	Determine ToRs for Saint Helena Human Rights Commission, locate premises	SHG/HRF	Cost neutral	May-14	ToRs agreed Premises and transport in place	No
	High	SHHRC strategy agreed and working practices established	SHHRC	cost neutral	May-14	Strategy & procedures in place and publicised.	No
	High	Set up programme to develop staff capacity	SHHRC	The Saint Helena Human Rights	Jun-14	Training programme under way	Yes

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	High	Develop outreach programme to promote human rights on the island	SHHRC	Commission is the subject of a Separate bid being made with the current round. The Estimated Cost is £98,250 – £156,650	Oct-14	Widespread knowledge of role and services of SHHRC. Increased numbers of people contacting the SHHRC	Yes
	High	In depth training programme for local Office Manager	Director SHHRC	budget implication	March-16	Office Manager takes over from Director	Yes

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Appendix 3 Proposed Budget for Human Rights Facilitator

Phase 2 December to End March

<i>2 Days Per Week for 15 weeks</i>	<i>£1,500</i>
<i>Office costs</i>	<i>£800</i>
<i>Telephone & Internet</i>	<i>£150</i>
<i>Transport</i>	<i>350</i>
<i>Other printing etc</i>	<i>£250</i>
<i>Contingency</i>	<i>£300</i>
Total	£3,350

Phase 3 1st April 2012 for 3 years

<i>2 Days Per Week for 150 weeks</i>	<i>£15,000</i>
<i>Office costs</i>	<i>£8,000</i>
<i>Telephone & Internet</i>	<i>£1,500</i>
<i>Transport</i>	<i>£4,000</i>
<i>Other printing etc</i>	<i>£3,000</i>
<i>Contingency</i>	<i>£1,000</i>
Total	£32,500

Total required through Home & International

£
35,850

Appendix 4 St Helena Human Rights Commission Proposed Budgets

Estimate of Costs for First 3 Years

As per the Citizenship Commission Plan

	Year 1	Year 2	Year 3	
Set up costs				
Office Furniture	£ 2,000.00			
Computer, printer etc	£ 4,000.00			
Library	£ 500.00	£ 500.00	£ 500.00	
Commissioners				
Retainer for 5	£ 7,500.00	£ 7,500.00	£ 7,500.00	
Per Diem	£ 3,000.00	£ 3,000.00	£ 3,000.00	
Transport	£ 500.00	£ 500.00	£ 500.00	
Office Staff				
Director (Overseas 2 year contract)	£ 30,000.00	£ 30,000.00		
Office Manager	£ 8,000.00	£ 8,000.00	£ 10,000.00	
Transport	£ 2,000.00	£ 2,000.00	£ 2,000.00	
Training	£ 1,000.00	£ 1,000.00	£ 1,000.00	
Office/Running Costs				
Maintenance		£ 300.00	£ 300.00	
Printing	£ 1,000.00	£ 1,000.00	£ 1,000.00	
Advertising	£ 250.00	£ 250.00	£ 250.00	
Meeting/Public Promotion	£ 1,000.00	£ 1,000.00	£ 1,000.00	
Rent	£ 3,000.00	£ 3,000.00	£ 3,000.00	
Utilities	£ 600.00	£ 600.00	£ 600.00	
Telephone & Internet	£ 1,000.00	£ 1,000.00	£ 1,000.00	
	£ 65,350.00	£ 59,650.00	£ 31,650.00	<u>£156,650.00</u>

Assumptions

The following assumptions have been made

1. The Office is not shared i.e. the Human Rights Budget stands all costs
2. Five Commissioners paid as magistrates
3. Expat expert brought in for 2 years full time to train Commissioners and Office Manager
4. Office Manager works 2.5 per week, and receives a pay rise in year 3 as "qualified"
5. Full maintenance cost assumed by SHHRC
6. Rent paid at current commercial rate (no adjustments made for inflation)
7. Full cost of utilities including meters paid by SHHRC

NB Further savings could be made if accommodation, desks, computers etc could be provided by SHG.

Estimate of Costs for First 3 Years

	Year 1	Year 2	Year 3
Set up costs			
Office Furniture	£ 1,000.00		
Computer, printer etc	£ 2,000.00		
Library	£ 500.00	£ 500.00	£ 500.00
Commissioners			
Retainer for 5	£ 4,500.00	£ 4,500.00	£ 4,500.00
Per Diem	£ 3,000.00	£ 3,000.00	£ 3,000.00
Transport	£ 500.00	£ 500.00	£ 500.00
Office Staff			
Director (Overseas 2 year contract)	£ 15,000.00		
Office Manager	£ 8,000.00	£ 8,000.00	£ 8,000.00
Transport	£ 2,000.00	£ 2,000.00	£ 2,000.00
Training	£ 3,000.00	£ 3,000.00	£ 3,000.00
Office/Running Costs			
Maintenance		£ 150.00	£ 150.00
Printing	£ 1,000.00	£ 1,000.00	£ 1,000.00
Advertising	£ 250.00	£ 250.00	£ 250.00
Meeting/Public			
Promotion	£ 1,000.00	£ 1,000.00	£ 1,000.00
Rent	£ 1,500.00	£ 1,500.00	£ 1,500.00
Utilities	£ 400.00	£ 400.00	£ 400.00
Telephone & Internet	£ 1,000.00	£ 1,000.00	£ 1,000.00
	£ 44,650.00	£ 26,800.00	£ 26,800.00
			<u>£ 98,250.00</u>

Assumptions

1. Office is shared (i.e. with Civil Society Officer, Employment Advisor, Media etc.)so costs of equipment at least halved.
2. Three Commissioners paid as magistrates
3. Expat expert brought in for 6 months to train. Office Manager does distance learning post-graduate degree in Human Rights Law

4. Office Manager works 2.5 per week, and does not receive a pay rise in year 3 as not "qualified"
5. Maintenance halved as office shared
6. Rent shared
7. Costs of meters halved

NB Further savings could be made if accommodation, desks, computers etc could be provided by SHG.

Annex A A HUMAN RIGHTS COMMISSION FOR ST HELENA

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2. CHECKLIST FOR THE ENABLING ORDINANCE
3. INDICATIVE TRAINING MENU FOR NHRIs
4. CHECKLIST FOR ASSESSING COMPLIANCE WITH THE PARIS PRINCIPLES

SUMMARY

This paper presents the recommendations of the Citizenship Commission for the establishment of a National Human Rights Institution to be called the St Helena Human Rights Commission (SHHRC). It is proposed that the SHHRC has a pool of 5 Commissioners and a Director/Office Manager, and that its mandate covers the promotion of human rights, the investigation of human rights complaints and support for the St Helena Government (SHG) in the preparation of treaty monitoring reports. To ensure independence and autonomy an Appointments Panel is recommended to oversee the recruitment and performance of Commissioners and to deal with any dismissal procedures.

INTRODUCTION

1. The Challenge Fund for the Building Human Rights Capacity in the British Overseas Territories Project has supported the Citizenship Commission to develop this proposal for a National Human Rights Institution (NHRI) for St Helena.
2. A series of meetings was held with the general public, government officials, the private sector, and civil society organisations to explore their views on the potential form and mandate of an NHRI. This paper has been written by the Citizenship Commission, with advice from the Commonwealth Foundation technical support person, Julie Ashdown. It summarises the views expressed in those meetings and makes recommendations for the establishment of an NHRI for St Helena (see Annex 1 for full list of recommendations).

BACKGROUND

3. The following international human rights treaties have been extended to St Helena:
 - UN International Covenant on Civil and Political Rights (ICCPR)
 - UN International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
 - UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
 - UN Convention on the Rights of the Child (CRC)
 - European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR)
4. The St Helena Government (SHG) is committed to extending the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the island in the near future.
5. In addition, the Constitution of St Helena (2009) protects a range of individual rights, including the right to life, protection from inhuman treatment, protection from slavery and forced labour, the right to personal liberty, the right to a fair trial, the right of prisoners to humane treatment, freedom of movement, the right to privacy and family life, the right to marry and spouse's and children's rights, freedom of conscience, the right to primary education, freedom of expression, freedom of assembly and association, protection from deprivation of property, protection from

arbitrary deprivation of St Helenian status, and protection from discrimination.

PARIS PRINCIPLES

6. In 1993 the United Nations adopted international standards, known as the Paris Principles, as the basic requirements for effective NHRIs. The six core components are:
 - i. Independence guaranteed by statute or constitution
 - ii. Autonomy from government
 - iii. Pluralism and diversity, including through membership and effective cooperation
 - iv. A broad mandate based on universal human rights standards
 - v. Adequate powers of investigation
 - vi. Adequate resources
7. The Commonwealth and the United Nations take the view that these are internationally established benchmarks which NHRIs should aim to achieve and both organisations are committed to working with institutions to help them meet the Paris Principles.

FORMAT OF A NATIONAL HUMAN RIGHTS INSTITUTION

8. There is no blueprint for an NHRI and the appropriate structure depends on the circumstances of the territory, the range of activities anticipated and the resources available. The consultation revealed that the preferred format for St Helena is a hybrid model, combining a broad mandate to advise on and investigate human rights complaints, with the promotion of greater awareness and understanding of human rights. It is recommended that that NHRI be called the St Helena Human Rights Commission (SHHRC).
9. Other Overseas Territories have established or are planning:
 - Bermuda – Human Rights Commission
 - Cayman Islands – Human Rights Commission
 - Falkland Islands - Complaints Commissioners with a mandate to address matters of maladministration only
 - Montserrat – Complaints Commissioner
 - Turks and Caicos Islands – Human Rights Commission

ESTABLISHMENT OF THE ST HELENA HUMAN RIGHTS COMMISSION (SHHRC)

10. The process of establishing the SHHRC will be important to ensure that it is seen as independent. It is essential that all sectors of society buy into the process if the SHHRC is to have the trust and confidence of both government and the people. The Home and International Committee, and the Legislative Council (LegCo) as a whole, have a key role to play in approving the establishment, structure and mandate of the SHHRC, and in enacting an Enabling Ordinance and approving a budget for the effective operation of the institution. It is recommended that civil society organisations and the general public should be engaged and kept informed throughout the process, primarily but not exclusively, through the radio and newspapers.
11. Although Section 113 of the 2009 Constitution allows the Governor to appoint a Complaints Commissioner to investigate any complaint of maladministration or such other matters as may be prescribed by the Ordinance, the FCO's Constitution Adviser has confirmed that this does not prevent LegCo passing a separate Ordinance to establish an NHRI with a remit to promote and protect human rights. It is, therefore, recommended that an Enabling Ordinance is passed, setting up the SHHRC with a clear mandate and adequate resources.

MANDATE

12. Under the Paris Principles the mandate of an NHRI should be as broad as possible. It should define the area of competence for the SHHRC. It is recommended that this covers the rights enshrined in the 2009 Constitution and those contained in the international human rights treaties which have been extended to St Helena. The Enabling Ordinance should also include a broad statement to the effect that the SHHRC is entitled to look into, investigate or comment on any human rights situation, without any prior approval or impediment. This will help to ensure independence and autonomy.
13. Human rights laws typically apply to the Government, which includes all departments and administrative branches of the state, law enforcement bodies, correctional and detention facilities, state owned companies and companies where the Government exercises control, eg, where it owns over 50% of the capital. Clear definitions of terms such as "government" and "public service" should be included in the Enabling Ordinance. It is also recommended that the SHHRC should cover complaints against the private sector as well as the Government, where these would not otherwise be dealt with by the Public Solicitor or the Labour Regulatory Authority. This would enable complaints about employment rights to be investigated. But, it must be made clear that the SHHRC is not an

alternative to normal judicial process, eg, police investigation and prosecution in criminal cases.

14. Naturally, people on St Helena would like a broad mandate for the SHHRC, but they recognise that this is likely to be limited by the resources available. The following were the most consistently raised services people wanted and it is recommended that these should be cited in the Ordinance:

- ❖ Education and awareness raising – many people on St Helena do not know what their rights are. Information should be tailored for vulnerable groups, eg, the disabled or young people. It would also help to manage people's expectations. In addition, the SHHRC should provide information on the procedure for dealing with complaints, both for individuals who believe their rights or freedoms have been infringed and for those against whom the complaint is made.
- ❖ Investigating complaints – an ability to act on behalf of, or support, individuals or groups with human rights grievances. The Enabling Ordinance will need to specify the circumstances in which this could take place, eg, it is recommended that all other complaints procedures, including legal proceedings, should be exhausted before the SHHRC can instigate an investigation. The Ordinance should also spell out any complaints which are excluded from consideration, eg, those dating from incidents more than 12 months previously, anonymous complaints, trivial or vexatious complaints and those previously considered and found to be without basis.
- ❖ Investigation of specific themes – it is recommended that the SHHRC is mandated to investigate human rights themes where there is evidence of systematic abuses of human rights.
- ❖ Encouraging SHG to act on specific issues and also reviewing and advising on new legislation and policies.
- ❖ Monitoring SHG compliance with, and implementation of Ordinances and also with international human rights treaties. In this capacity, the NHRI could provide their own shadow report to UN Treaty Bodies and also facilitate SHG consultations with civil society in the preparation of government reports and follow-up action on UN Treaty Body Recommendations.

15. There was support for the SHHRC to offer some form of mediation, but this could overlap with the services already offered by the Public Solicitor and the Lay Advocates. It is therefore recommended that this be reviewed once the SHHRC has bedded in with its other responsibilities and there is a better indication of the demand for such services.

16. Although these were not covered in the public consultation, it is recommended that the following services also be included in the SHHRC mandate as these are considered to be the minimum or basic level of responsibilities for NHRIs under the Paris Principles:

- Cooperating with international and regional human rights organs and other national institutions (there could be good scope for working with NHRIs in other OTs).
- Assisting and taking part in the development of education programmes in human rights.
- Monitor and report on human rights issues generally in St Helena.

17. There is some public concern about whether the SHHRC will have sufficient teeth to be effective. It is recommended that this is addressed by:

- Enabling the SHHRC to carry out investigations and make general recommendations to the Home and International Committee (H&IC) of LegCo and to the Governor for further action where they have identified a pattern of abuses.
- Requiring bodies, such as employers or Government Directorates, against which the SHHRC upholds complaints, to submit a response to the Governor and/or LegCo (H&IC) within three months on what steps they propose to take to address any recommendations from the SHHRC.
- Allowing the SHHRC to specify in its report the time within which an injustice should be remedied.
- Allowing the SHHRC to publish its reports and findings on complaints without reference to any other body

18. Some people have suggested that the SHHRC cover Ascension Island and Tristan da Cunha. But, these islands have slightly different constitutions and there might be funding challenges. So, it is recommended that the Enabling Ordinance be restricted to complaints arising in St Helena only. Complaints made by Saints working elsewhere would need to be dealt with under the relevant local legislation. In time, when the SHHRC is successfully established, it might be worth exploring the scope for cooperation with a similar body in Ascension Island and/or Tristan da Cunha.

POWERS

19. The Enabling Ordinance should spell out the powers of the SHHRC.
Under the Paris Principles, an NHRI should have the authority to “hear any person and obtain any information and any document necessary for assessing” the situation. It is recommended that the SHHRC has the power to compel a person to give evidence or testimony to them and to protect individuals from potential retaliation for having done so.
20. It is recommended that the Enabling Ordinance also clarifies the relationship between the SHHRC and LegCo, in that the latter funds and supports the former, but is not able to direct its activities or set priorities for it. The SHHRC should work closely with the Public Solicitor’s Office, but should not compete for work or take on any complaints which would more properly be carried out by either the Public Solicitor or the courts process.

COMPOSITION

21. Concern was expressed about the possibility of finding an individual to act as a Human Rights Commissioner who was, or would be seen to be, independent, given that St Helena is a small island with many people related to each other. It is recommended that this be overcome by appointing a Commission of five people, along the lines of the pool of magistrates, with not all being expected to work at the same time. This would improve the flexibility for cover when members were off island on holiday or for medical treatment. Also, where an individual member had a conflict of interest (as defined in the Ordinance), he/she would step back from that particular case and leave it to their fellow members. Having more than one member would also create better opportunities for a diverse membership of the SHHRC.
22. A pool of 5 equal-ranking Commissioners could be paid a retainer and per diem fee on the same basis as magistrates. At around £3,000 a year, this would be more cost-effective than paying full or part-time salaries. They would be supported by, initially, a full-time Director and a part-time Office Manager who would act as first point of call for both public and government. This Office Manager could be shared with, say, the proposed Community Development Office (see comments below on accessibility). It is recommended that an expatriate Director be appointed for the first two years to bring in expertise and to establish the role, direction and independence of the SHHRC. The Director would provide training for the Commissioners and also for the Office Manager, with the aim of the latter taking on the Director’s role in the third year. At this stage staffing could be reviewed as there will be a better idea of the level of complaints and activity needed.
23. SHHRC members and staff should consist of men and women known for their integrity and impartiality of judgment, and it is recommended that they

are representative of as broad a range of society as possible, including ethnic groups (islanders and expatriates), and people with disabilities or other under-represented groups. However, the skills base will be as important as the diversity. An effective SHHRC will require members with proven expertise, knowledge and experience in the promotion and protection of human rights. As these skills are currently limited on St Helena, it will be important for SHHRC members to receive extensive training themselves, as well as developing a succession plan so that other islanders can develop the appropriate skills and enlarge the recruitment pool for the future. It is recommended that sufficient funds are allocated to allow this. For training suggestions see Annex 4. In the meantime, candidates of the highest possible calibre should be sought. To ensure confidence and a feeling of ownership in the SHHRC, there was a general preference that Commissioners should be appointed from the island community.

24. The Paris Principles stress the importance of ensuring diversity and wide representation of civil society groups within the NHRI. There should also be gender balance. It is recommended that at least one of the SHHRC members should have a close connection to an NGO working in the community. Pluralism can also be reflected in the choice of trainers and in the thematic areas chosen for focus in public education and investigation.
25. It is recommended that the Ordinance setting up the SHHRC includes the following issues:
 - **Method of appointment:** an open and transparent appointment process will provide a clear signal to the public about the independence of the SHHRC and the process itself should be publicised widely. As in other OTs, appointments to the SHHRC should be made formally by the Governor. However, it is recommended that a SHHRC Appointments Panel be set up to coordinate the process, working with the Governor, to determine the selection of members. This panel could also monitor performance of the Commissioners and recommend any dismissal procedures (see below). The Appointments Panel should have a diverse membership itself, and consist of a minimum of 3 members and a maximum of 5, including someone from civil society, a person with a legal background (but not currently working on law, so perhaps a retired Magistrate or former Lay Advocate), and someone from the Legislative Council (in other OTs this has been the Speaker to help ensure impartiality). Alternatively this role might be undertaken by the Judicial Services Commission. The process for selecting SHHRC Commissioners should include:

- Public advertisement of vacancies and invitation to the public to make nominations
- Short-listing of candidates for interview by the Appointments Panel
- Interview of short-listed candidates by the Appointments Panel
- Appointments Panel to recommend name(s) to the Governor
- **Criteria for appointment:** under the Paris Principles it is acceptable to have specific requirements or restrictions for the selection of NHRI members to ensure a representative range of people. As well as having men, women and under-represented groups, it would be worth including criteria, eg, for specific legal qualifications or experience. If legally qualified individuals cannot be identified, it is recommended that an alternative source of independent, qualified legal advice is secured for the SHHRC, preferably a panel of legal advisers in the UK (similar to the Legal Support Panel for the Public Solicitor's office) who could provide ad hoc advice from time to time. In addition, there should be criteria excluding certain individuals who may compromise the independence and reputation of the SHHRC, eg, serving Councillors or SHG staff or those with unspent convictions for theft, fraud or other serious crime. But there should be no discriminatory criteria, eg, on age. More broadly, SHHRC members should have integrity, moral courage and competence and be able to exercise sound judgment and fairness. They must also possess public credibility and be independent from executive influence. They should be sensitive to issues relating to gender, ethnicity, and people with disabilities and other vulnerable groups. Once appointed SHHRC members should avoid any conflict of interest and should one arise, declare it immediately. It is recommended that comparators for salaries and working conditions are included in the Ordinance, eg, setting the retainer and per diem for the Commissioners on a par with Magistrates. Employment processes for staff at the SHHRC should promote professionalism and equal employment opportunities.
- **Duration of appointment:** It is recommended that there should be a fixed term of office for SHHRC Commissioners of 5 years, which is long enough for them to hone their expertise and use that expertise for the benefit of the public. Too short a term would hamper the effectiveness of the SHHRC, though overly long periods may also impact as members lose objectivity. However, initially, it is recommended that the terms of office for the first SHHRC members are varied so that replacement times are staggered to avoid complete loss of expertise,

ie, 2 of the Commissioners serve 5 years, 2 serve 4 years and 1 serves 3 years (each of these renewable).

- **Whether members may be reappointed:** it is also general practice that NHRI members are reappointed at least once and for the same duration as the initial term. It is therefore recommended that two terms of office be the maximum for SHHRC Commissioners, but, given the small pool of candidates in St Helena, they may be reappointed for up to 2 further terms after an absence of one term. This should be specified in the Ordinance.
- **Who may dismiss members and for what reasons:** Section 113(d) of the Constitution gives the Governor power to remove a Complaints Commissioner from office in certain circumstances. It is recommended that a similar power be included in the Enabling Ordinance, with the proviso that the Governor acts in response to a recommendation from the SHHRC Appointments Panel. The Ordinance should spell out the exact circumstances under which a SHHRC member may be removed to avoid compromising the independence of the Commission, eg,
 - Sudden inability, physical or mental, accompanied by certification
 - To have been convicted of a serious crime
 - Inappropriate conduct
 - Serious negligence or misconduct in fulfilling his or her constitutional or legal obligations as demonstrated through performance management by the Appointments Panel.
 - Conflict of interest, such as proven participation in political activity
- **Privileges and immunities:** It is recommended that SHHRC members should be immune from criminal or civil legal action for all tasks undertaken by them in the proper exercise of their official functions. The aim is to avoid situations where Commissioners or staff are sued for slander or libel as a result of doing their job as required by law, eg, when coming to a recommendation or decision or voicing an opinion or view on a human rights matter, even if it were proved to have been false, provided the Commissioner acted in good faith. This immunity is limited to acts performed under the Enabling Ordinance and it is lifted for offences committed outside the scope of that authority. SHHRC members and staff should also be immune from search, seizure,

requisition, confiscation or any other form of interference in their archives, files, documents, property or funds

DUTIES OF ST HELENA HUMAN RIGHTS COMMISSIONERS AND STAFF

26. It is recommended that the Enabling Ordinance sets out the overall duties of SHHRC Commissioners and staff. These duties should be publicised widely to demonstrate that the SHHRC has a proactive role and is more than just a committee.

27. The Commissioners' role includes:

- Investigating complaints and making recommendations for future action, such as ways to avoid recurrence of the complaint
- Setting the vision and overall priorities for the SHHRC in liaison with the Director
- Influencing key stakeholders in SHG and LegCo to change behaviours and respond positively to recommendations of the SHHRC
- Promoting public awareness of human rights on St Helena
- Monitoring SHHRC expenditure and accounting for it direct to LegCo
- Training and keeping up to date with relevant human rights legislation in St Helena and the UK
- Monitoring good practice elsewhere and promoting it in St Helena
- Liaising with other NHRIs in the OTs and Commonwealth

28. The Director will have a more strategic role in establishing the SHHRC and setting up effective working practices in the first two years. A key part will be to train the Office Manager to be able to take over in year 3. Duties should include:

- Providing leadership for the SHHRC and guidance for the Commissioners
- Strategic planning for the SHHRC
- Setting up accounting and budgeting procedures for the SHHRC
- Establishing case management procedures, such as complaint forms, standard letters, screening procedures, standing instructions for early refusal and referral, and investigation procedures

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- Allocating complaints and cases to appropriate Commissioners and managing their workload against resources
- Setting up systems for the collection and use of caseload data to track trends
- Ensuring confidentiality and privacy procedures for the SHHRC, Commissioners and Office Manager
- Promoting public awareness of human rights and coordinating campaigns on specific issues
- Publishing factsheets and information about rights
- Writing an annual report on behalf of the SHHRC for presentation to the Governor and LegCo, as well as public distribution
- Establishing systems for regular engagement with stakeholders, including civil society, the Public Solicitor and SHG
- Providing training for the SHHRC Commissioners and Office Manager on human rights and relevant techniques, such as investigation procedures
- Monitoring relevant human rights legislation and good practice in St Helena, the UK and other OTs
- Providing advice to SHG on existing and proposed legislation
- Writing shadow reports from SHHRC to UN Treaty Monitoring Bodies

INDEPENDENCE

29. The most important issue which was raised during the consultation was the need for the SHHRC to be independent from SHG and for any members to be, and be seen to be, independent. The SHHRC will be a state-sponsored body in the sense that its existence depends on an Ordinance and on SHG funding. It is therefore accountable to elected representatives in terms of reporting on its performance, eg, through annual reports setting out activities and achievements, as well as financial accounts. But there must be no interference in the activities or priorities of the SHHRC by either LegCo or the SHG. The nearest parallel is with the court system. It is recommended that the Ordinance includes the provision that the SHHRC shall not be subject to the direction or control of any other person or authority in the exercise of its functions.

30. The SHHRC will also be accountable to the public and should make its annual report widely available, as well as holding regular meetings with civil society and the general public. Radio and newspapers should be used to help raise awareness of the SHHRC as well as human rights more generally.
31. Most respondents did not want the SHHRC Commissioners to be appointed by the Governor. But all the other OTs have Human Rights or Complaints Commissioners appointed by the Governor, often in close consultation with local politicians. In a territory the size of St Helena it should be possible to have an inclusive and transparent appointment process as outlined above (under Composition – method of appointment), so that the public can have confidence in the individuals formally appointed by the Governor.
32. It will also be important for the SHHRC to have a clear and impartial mandate which is promoted widely. In its activities, the SHHRC should make clear that it acts neither for the person making the complaint nor the person against whom the complaint is made, but that it has a duty to investigate complaints fairly. It is recommended that reprisals or actions against anyone who complains to the SHHRC or who assists with an investigation should be strictly forbidden under the Ordinance and actions taken to enforce this. This is particularly important in St Helena where many people expressed fear of retribution if they spoke out.

RESOURCES

33. As set out above, the SHHRC will need to be funded by SHG but, to preserve its financial autonomy, the SHHRC should have control over its own finances. It is recommended that the Enabling Ordinance should provide for adequate funding to enable the SHHRC to fulfil its mandate. The SHHRC should be responsible for drafting its own annual budget to be submitted to LegCo for approval. LegCo's role would be to review and evaluate the audited financial reports every year, and the SHHRC should be able to defend its budget requests directly before LegCo. The budget should not be linked to any particular SHG Directorate and decisions of, or actions by, the SHHRC should not affect the budget allocation. This will be especially important given the complaints investigation role of the body and any likely role in reviewing legislation or advising SHG: in such circumstances, a financial connection between the SHHRC and a Directorate may give rise to a damaging conflict of interests.
34. At a minimum, SHG funding should enable core programming, ie, conducting investigations, carrying out general outreach and education programmes, and publishing an annual report. It will need to cover staff and office costs. The funding for the SHHRC should be secure, ie not

altered arbitrarily during the period for which it was approved. When faced with difficult financial circumstances for St Helena, any essential budget reduction for the SHHRC should not be out of proportion to other core functions, especially in the area of rule of law.

35. The provision of adequate resources by SHG should not prevent the SHHRC seeking additional funding from other sources. Consideration could also be given to making charges for some of the services offered, although in the consultation people thought that advice on complaints should be free or almost free to ensure access for all.

ACCESSIBILITY

36. During the consultations there was clear preference for the offices of the SHHRC to be located away from SHG and to be in a discrete location. Concern was expressed by some about being seen to be entering the office and the gossip which could result. It is recommended that, if at all possible, the SHHRC office is co-located with others, for example, a Community Development Officer to strengthen civil society is expected to be appointed later this year. Sharing an office would not only help reduce overheads, but could also help address privacy issues. It will be important for the office to be easily accessible, including for the disabled and elderly.
37. It is recommended that a simple and easy to use website should be set up to improve accessibility. This should include information on basic rights, a PDF of the Rights and Responsibilities booklet, guidance on the services available and how to access them. It might be helpful to develop a simple questionnaire for complainants to complete which could be available online (see Cayman Islands website). The website could also include basic information about welfare and benefits in an easy to understand format.
38. Information about the SHHRC and the services it provides as well as more general information about human rights should be available at the Public Library, in schools, and through radio and newspaper reports in order to reach the widest possible audience.

RECOMMENDATIONS OF THE CITIZENSHIP COMMISSION

This is a summary of the recommendations in the body of the report. For more detail, please see the relevant paragraph.

It is recommended that:

- the NHRI be called the St Helena Human Rights Commission (SHHRC) (para 8).
- an Enabling Ordinance be passed, setting up the SHHRC with a clear mandate and adequate resources (para 10).
- civil society organisations and the general public are engaged and kept informed throughout the process of setting up the SHHRC (para 11).
- the mandate of the SHHRC covers the rights enshrined in the 2009 Constitution and in the international human rights treaties which have been extended to St Helena (para 12).
- the SHHRC can handle complaints against the private sector as well as the Government (para 13).
- the mandate of the SHHRC should cover education and awareness-raising; investigating individual complaints and specific themes; reviewing and advising on existing and new legislation; monitoring compliance with international human rights treaties; and promoting information about SHG policies for vulnerable groups (para 14).
- all other complaints procedures, including legal proceedings, should be exhausted before the SHHRC can instigate an investigation (para 14).
- the SHHRC is mandated to investigate human rights themes where there is evidence of systematic abuses of human rights (para 14).
- the provision of mediation services be reviewed once the SHHRC has bedded in (para 15).
- the SHHRC mandate also includes cooperation with international and regional NHRIs, assisting with education programmes on human rights, and monitoring and reporting on human rights in St Helena in general (para 16).
- the SHHRC can make general recommendations to LegCo and the Governor; can require a response from those against whom it upholds complaints; can specify deadlines for remedies; and can publish reports without reference to any other body (para 17).

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- the Enabling Ordinance be restricted to human rights complaints arising in St Helena only (para 18).
- the SHHRC has the power to obtain documents or compel a person to give evidence or testimony to them and to protect individuals from potential retaliation for having done so (para 19).
- the Enabling Ordinance sets out the relationship between the SHHRC and LegCo, in that the latter funds and supports the former, but is not able to direct its activities or set priorities for it (para 20).
- the SHHRC has a pool of 5 Commissioners (para 21): they are as representative of as broad a range of society as possible and at least one of them has a close connection to an NGO working in the community (para 23-24).
- an expatriate Director be appointed for the first two years to bring in expertise and to establish the role, direction and independence of the SHHRC, while training a local candidate to take over (para 22).
- a SHHRC Appointments Panel be set up (or the Judicial Services Commission be authorised) to coordinate the recruitment and performance management processes for Commissioners, and to deal with any dismissal procedures (para 25).
- the Governor be given power to dismiss a Commissioner in response to a recommendation from the SHHRC Appointments Panel (para 25).
- a source of independent, qualified legal advice is secured for the SHHRC, preferably a panel of legal advisers in the UK (para 25).
- comparators for salaries and working conditions are included in the Enabling Ordinance, eg, setting payments for the Commissioners on a par with Magistrates (para 25).
- the term of office for SHHRC Commissioners is 5 years, renewable once in the first instance; but the terms of office for the first SHHRC members are staggered to avoid complete loss of expertise at the same time (para 25).
- SHHRC members are immune from criminal or civil legal action for all tasks undertaken by them in the proper exercise of their official functions (para 25).
- the Enabling Ordinance sets out the overall duties of SHHRC Commissioners and staff (para 27-28).

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- the Enabling Ordinance includes the provision that the SHHRC is not subject to the direction or control of any other person or authority in the exercise of its functions (para 29).
- reprisals or actions against anyone who complains to the SHHRC or who assists with an investigation should be strictly forbidden under the Enabling Ordinance and actions taken to enforce this (para 32).
- the Enabling Ordinance should provide for adequate funding to allow the SHHRC to fulfil its mandate (para 33).
- the SHHRC office is co-located with others, for example, a Community Development Office (para 37).
- a website should be set up to improve accessibility (para 38)

CHECKLIST FOR THE ENABLING ORDINANCE

General

- Title of NHRI – St Helena Human Rights Commission (SHHRC).
- Definitions eg, Commissioner, complaint, equal, government, human rights, public service etc
- Independence of SHHRC and staff guaranteed by statute.
- Mandate
- Powers of the SHHRC – binding recommendations, fines etc.
- Responsibilities of the Governor, LegCo and SHG to support the SHHRC and implement its recommendations.
- Relationship to courts and LegCo.
- Terms of Reference for SHHRC Commissioners.

SHHRC Commissioners/staff

- Number of Commissioners/staff.
- Calibre and criteria for Commissioners/staff.
- Method of selection and appointment of Commissioners.
- Duration of appointment of Commissioners.
- Whether Commissioners may be reappointed to the SHHRC.
- Who may dismiss members and staff and for what reasons.
- Conflicts of interest.
- Privileges and immunities.
- Remuneration and working conditions for Commissioners/staff.
- Commissioners immune from criminal or civil legal action related to the proper exercise of their official function.

Resources

- Funding – SHG and freedom to seek additional funding elsewhere without reference; also how amount will be fixed in future.

- SHHRC's responsibility for its own budget and ability to defend its budget directly before LegCo.
- Provision of office space and supplies.

Accountability

- Accountability and reporting requirements – who to and in what format.
- Ability to publicise advice and reports without referral or prior approval from SHG, LegCo or the Governor.

Procedures

- Circumstances under which a complaint may be brought to the SHHRC.
- Procedure of investigation and any appeal process.
- Scope of mediation process.
- Reprisals against complainants or those who assist the SHHRC in its investigations must be explicitly forbidden.

Limitations

- Geographical limitations of the SHHRC, ie, it will only investigate human rights breaches alleged to have been committed on St Helena.
- Any other limitation, ie, will the SHHRC investigate only infringements alleged to have been committed by SHG, public authorities or public officials, or will it cover the private sector as well?
- Is there a time limit for complaints, eg, within 12 months of the alleged breach taking place?

ANNEX 3

INDICATIVE TRAINING MENU FOR NHRIs⁸

The St Helena Human Rights Commission (SHHRC) will be starting from a relatively low base of knowledge and training will be essential for Commissioners and staff. Following list is based on recommendations from the UNDP-OHCHR toolkit, but any training programme should be based on a needs assessment.

General Training in Human Rights Protection:

⁸ Based on UNDP-OHCHR Toolkit

Objective: To ensure that those involved in programme activities have sufficient human rights knowledge to carry out their activities. Sample course areas include (in alphabetical order):

- Case Management
- Civil and Political Rights
- Core Protection Issues for NHRIs
- Economic, Social and Cultural Rights
- International Human Rights Protection System
- Introduction to Investigative Techniques
- Introduction to the Principles of Human Rights
- Monitoring
- Public Inquiries and Systemic Approaches
- Role of National Human Rights Institutions

Thematic Issues:

Objective: To ensure that those involved in programme activities have sufficient human rights knowledge about cross-cutting thematic issues. Some sample course areas include:

- Rights of Detainees
- Rights of Persons with Disabilities, including HIV/AIDS
- Rights of the Child
- Rights of Women, including gender sensitivity training
- Employment rights

General Training in Human Rights Promotion

Objective: To ensure that commission employees involved in developing and delivering education and sensitisation programmes have the knowledge skills and abilities to carry out their functions in a thorough and professional manner.

- Developing effective public education programs
- Developing effective web sites (undertaken with IT specialist)
- Participatory Training Methodology /Adult Centered Learning
- Making effective presentations
- Report writing (annual reports, periodic reports, preparing summary documents)
- Communications and media liaison

Advanced courses in Core Protection Issues, e.g

- Monitoring places of detention
- Protecting witnesses, complainants and human rights defenders
- Investigation planning
- Interviewing witnesses
- Planning and carrying out systemic investigations

CHECKLIST FOR ASSESSING COMPLIANCE WITH THE PARIS PRINCIPLES⁹

- ✓ Mandate is set out in legislation and gives authority to promote and protect human rights.
- ✓ Competence is defined in legislation and is as broad as possible, covering rights protected by international human rights treaties as well as those in the Constitution.
- ✓ Competence covers both state and private sector.
- ✓ Competence for time jurisdiction allows the examination of matters even predating institution, or discretionary power to limit examination of 'old' cases.
- ✓ Able to provide advice on own initiative on legislative or administrative provisions, any violation the institution takes up, the national situation generally or in specific matters.
- ✓ Can publicise advice, important cases, opinions or recommendations, including through the media, without referral or prior approval.
- ✓ Participates in reviews of legislation and policy at time of ratification of international human rights instruments.
- ✓ Regularly reviews and provides formal comments on draft legislation and policy, and on the human rights situation generally or with respect to key issues.
- ✓ Encourages ratification of international human rights instruments.
- ✓ Directly participates in drafting of country human rights reports.
- ✓ Cooperates with international and regional (OT) human rights organs and other national institutions.
- ✓ Assists in developing/reviewing curricula for schools.
- ✓ Assists in human rights training of prison guards, police, fire service and customs staff.
- ✓ Publishes an annual report.
- ✓ Develops basic brochures on the human rights instruments.

⁹ Based on UNDP-OHCHR Toolkit

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- ✓ Member composition demonstrates gender balance and pluralism by including representatives of NGOs and vulnerable groups.
- ✓ Staff composition is broadly representative and gender balanced.
- ✓ Appointment of members is effected by official act.
- ✓ Appointment is for specific duration and renewable.
- ✓ Appointment process, duration, renewability and criteria is set out in legislation.
- ✓ Nominations for appointment include input from civil society.
- ✓ Selection process involves Parliament.
- ✓ Criteria for selection includes demonstrated experience in human rights.
- ✓ Conditions for which a member may be dismissed are set out in legislation and related to serious misconduct, inappropriate conduct, conflict of interest or incapacity only.
- ✓ Decision to dismiss requires approval preferably by autonomous body such as a panel of judges and/or a minimum 2/3 vote of Parliament.
- ✓ Institution reports directly to Parliament.
- ✓ Members have immunity for official acts.
- ✓ State funding is sufficient to allow for core programming in protection and promotion, independent staff and separate premises; and is not subject to financial control which might affect independence.
- ✓ Budget is drawn up by the institution and is separate from any Directorate's budget.
- ✓ Institution has authority to defend budget requests directly before Parliament.
- ✓ Budgets are secure and are not subject to arbitrary reduction either in the year for which it is approved or from one year to the next.
- ✓ Institution can consider any issue within its competence on its own initiative or the proposal of its members or any other petitioner.
- ✓ Institution can hear any person or obtain any information or documentation necessary to carry out its work, and obstruction in obtaining, or denial of, access to a person, document or premises is punishable in law.

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- ✓ The institution can set up working groups which may include non-Commission staff.
- ✓ The institution consults with other bodies responsible for promoting and protecting human rights.