

HumanRightsCapacityBuilding Committee

Human Rights & Equality Commission

Discussion Document

Catherine Turner
7/2/2014

Introduction

As the Committee is aware, by the end of this financial year the Saint Helena Human Rights Commission is due to be established. This body will require legislation in order for it to be established in the format agreed by Elected Members, as part of the Human Rights Action Plan, in December 2011.

It is also envisaged that The Convention on All forms of Discrimination Against Women (CEDAW) will be extended to St Helena in the very near future.

“Articles 1 and 2 of this convention mandate the establishment by legislation of a funded national body and machinery to monitor the implementation of law to and policy to foster the advancement of substantive equality”¹ This should be an independent, objective body funded by Government but at arm’s length from it.

The Human Rights Capacity Building Committee and the Citizenship Commission propose that these two bodies be amalgamated to create the St Helena Human Rights and Equalities Commission,

Why

- A human Rights Commission is required and agreed.
- By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.
- Countries that have ratified or acceded to the Convention are legally obligated to actually implement its provisions. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations
- A funded national body mandated by legislation will be required to foster the advancement of equality and to monitor direct & indirect gender discrimination and therefore meet the requirements above
- Both bodies are Human Rights institutions - CEDAW is a UN human rights charter like all the others that the Human Rights Commission will lobby, investigate, adjudicate and report on.
- Both bodies would most likely be of a similar structure
- Both will require legislation

¹ Review of St. Helena, Ascension and Tristan Da Cunha’s Legislation for CEDAW Compliance. J Sealy-Burke 2012

- Both will require accommodation
- Both would require similar expertise.
- By amalgamating the two bodies cost would be halved
- For 5,000 people two full blown Commissions would be unsustainable and under utilized
- The UK had separate Human Rights, Gender Equality, Racial Equality and Disability Commission these have been merged to form the Equalities & Human Rights Commission.
- Australia, New Zealand and others also have joint commissions.
- If other conventions (i.e. on disabled rights) are extended here they too would require a commission. If all the commissions are kept separate we could find ourselves needing several commissions, all costing money to operate.
- There may also be “boundary disputes” who should deal with a female of non-saint origin in a wheelchair who believes she has been unfairly treated?

Conclusion

The Social and Community Development Committee should consider the extension of the remit of the proposed Human Rights Commission to include Equality, thereby allowing the legislation for the Saint Helena Human Rights and Equalities Commission to be drawn up.