



# Equality & Human Rights Commission

QUARTERLY REPORT TO 31ST MARCH 2016



## Introduction by the Chairperson of Commissioners

The Equality and Human Rights Commission officially opened its doors on 10<sup>th</sup> December 2015 and since being appointed, Commissioners have been working hard to put in place policies and procedures whilst inquiries come in from the public. Commissioners meet once a month and receive training on the other Monday afternoons.

We are all aware of the steep learning curve we face and are grateful to the public for their patience and their support as we work ourselves into the job.

This interim report sets out some of the statistics about the issues raised with us and the actions taken in response. National Human Rights Institutions (NHRIs) that comply with United Nations principles, commonly known as the Paris Principles, are recognized and supported by UN and the international community. It is our aim to achieve recognition by the United Nations as an institution that meets these standards.

On behalf of the EHRC I should like to confirm our commitment to act as an independent and impartial body supporting the development of an equal and fair society for the Island.

The EHRC is currently consulting widely on a Strategic Plan and to this end I would encourage everyone who reads this report to respond to the questionnaire recently circulated in the local papers and which is on our website- we need your views to shape the way forward.



CATHY  
HOPKINS

Who we are will shape the future: we should strive to be an equal and fair society where there's mutual respect and understanding. I believe that the EHRC has an important role to play in ensuring an equal and fair St Helena.

## ORGANISATION OVERVIEW & PERFORMANCE

### INTRODUCTION

This first report comes at the end of the first 6 months of operation for the Commission. During this time the Commissioners and CEO and our Administrative Assistant have been appointed, the office established and work has begun in earnest.

### ROLES & FUNCTIONS OF THE COMMISSION

#### Staffing

The Commissioners are chaired by Mrs. Cathy Hopkins MBE who is assisted by the Deputy Chair Ms. Janine Egan; Mrs. Tammy Williams and Miss Cherie Dillon are also Commissioners along with Mrs. Catherine Turner who is the Chief Executive Officer and a Commissioner (Ex-Officio). Mrs. Carol Thompson is Administrative Assistant.

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

#### Training

There are weekly training sessions for the Commissioners which have so far included

- The history of human rights
- Statement taking
- An overview of Serious Case Reviews
- Disclosure & Barring
- An overview of the European Legal System
- Data Protection

The CEO has completed the first year of her Master's Degree in Human Rights Law and has embarked on her second year and Dissertation.

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

### Aims

#### Our guiding purpose is to:

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

-  Focus on immediate issues as they arrive
-  Ensure the positive progress already achieved doesn't stall
-  Challenge regression from human rights standards, and
-  Seek sustainable improvements where we can

## PERFORMANCE ANALYSIS

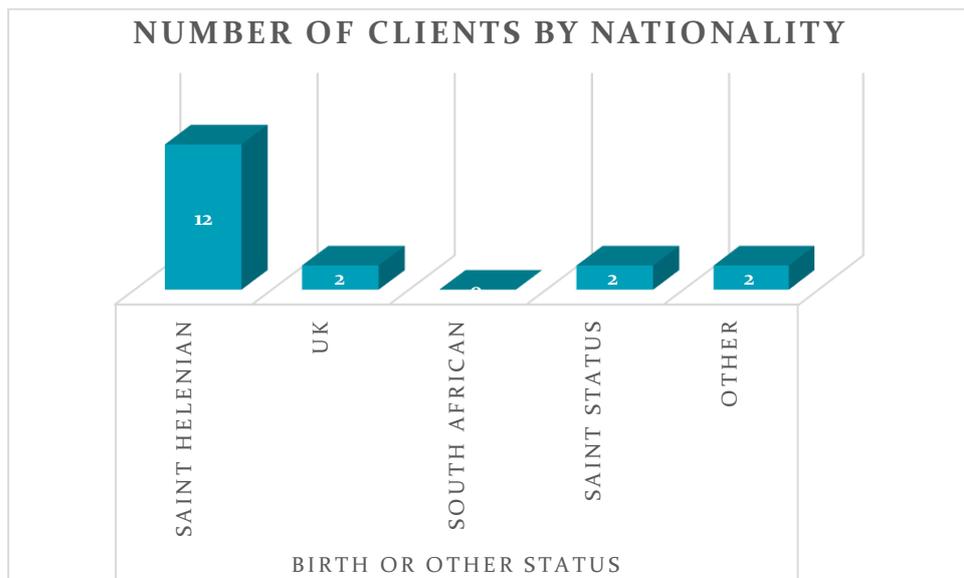
### HIGHLIGHTS

In this first period of operation 18 clients have registered with us. Of these 10 have been referred as follows

- Public Solicitor 5
- Safeguarding 1
- Other 0
- The matter has been concluded through the Commission 4

The Commission currently acts as an independent advocate for some of the clients at Ebony View who have no family to advocate on their behalf. This is at the request of the Adult Safeguarding team.

In addition to the cases above there have been in excess of 20 visitors to the EHRC office and many phone calls, these have just required sign posting, to the relevant agency.



The majority of those contacting us are St Helenian either by birth or status. (See chart above). There have been no complaints about racism. The Issues raised have ranged from who should/should not manage the finances of someone with cognitive difficulties, to homelessness and prison conditions.

## Areas of Concern

### THE STATUS OF OUR LEGISLATION

In the course of investigating several of the issues brought before us we have come across the same underlying problem, which is in itself an infringement of all our rights: we have no clear definition of which laws apply to us and which do not.

The working theory used to be that if there was local legislation it applied, if not UK law applied. However it is our understanding that under the English Law Application Ordinance 2006

“The Adopted English Law shall apply to St. Helena only insofar as the same is not inconsistent with

- Any enactment of the Parliament of the United Kingdom which extends to St. Helena otherwise than by virtue of this Ordinance; or
- Any Order of Her Majesty in Council which extends to St. Helena otherwise than by virtue of this Ordinance; or
- Any provision made by or under any law enacted by a legislature in St. Helena.

And that

The Attorney General shall, not later than the 31st day of March in each year (commencing in 2007) present to the Legislative Council a report upon the Acts of Parliament enacted in England during the preceding calendar year and include in that report, in relation to each such Act: (a) a short description of the purpose and effect of the Act; and (b) a report of the action, if any, taken or intended to be taken under section 5 of this Ordinance in relation to that Act.

This year the now Attorney General laid such a paper before LegCo but this only covered 2015-16. There appears to be a lack of clarity as to which UK laws apply here and in what form, for legislation passed in the UK from March 2007 to March 2015.

The rights and responsibilities of the people of St Helena are therefore not clearly defined and protected.

This issue was discussed with the then Attorney General Nicola Moore who promised action, it will be raised with the new Attorney General on appointment.



JANINE EGAN

"As much as we are entitled to our own equality and human rights, so are we obliged to grant others theirs."

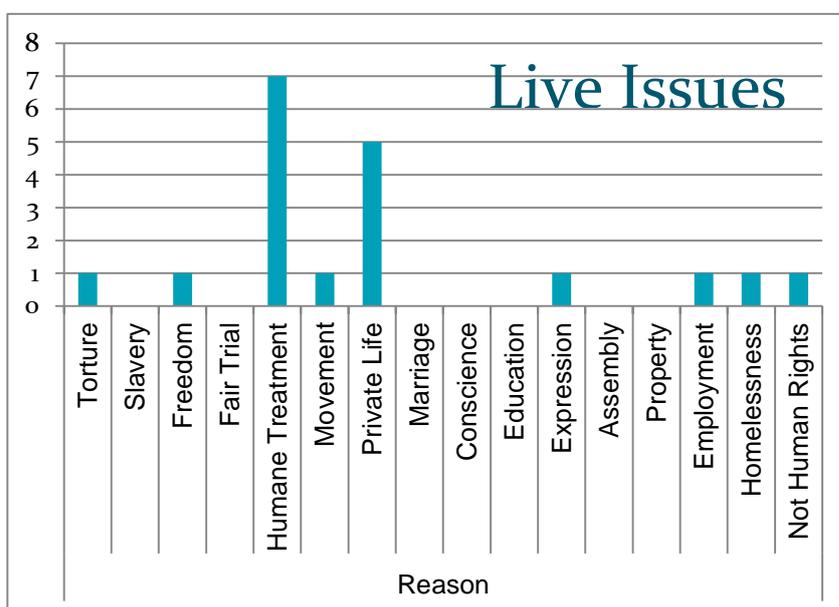
### HOUSING & HOMELESSNESS

We have a shortage of Government Landlord Housing and much of what we have has not been adequately maintained over the years so it falls a long way below an acceptable standard. In our first 6 months we have assisted in

- 2 cases of people having to sleep rough
- a family temporarily housed in bed and breakfast who had to vacate that accommodation as it had been previously booked by someone else
- A family of 3 living in one room whose baby’s health is at risk, according to a doctor.
- A young lady who lives alone has to leave her home and walk down the street to the toilet which makes her feel very vulnerable especially at night..

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

Many GLH tenants are on low incomes and/or benefits. Many are in arrears with their rent and their utilities bills. In September/October 2015 at least two such GL tenants had their electricity cut off despite having children living there. This



led to the situation of a mother and her 2 year old living in a top floor flat cooking on a camping gas stove and using candles for lighting. Had a fire broken out in their living room and they were anywhere else in their flat, there would have been little chance of escape. An unacceptable situation in 2015.

The Commission is working with the Housing Department, Safeguarding Directorate and the S&CDC to find ways of addressing the above issues.

### THE PRISON

The Commission received a complaint from a prisoner with regard to the cell conditions and sick prisoners being locked in their cells for long periods. We are working with the prison authorities to address the issues.

### POVERTY

The Commission was pleased to note that pensioners will no longer be required to pay for prescriptions and that the minimum income standard has been substantially

increased. However as outlined above we are concerned about the ability of families on low incomes to afford their utility bills and pay their rent, child care and other bills.

Requests are regularly being made to Making Ends Meet, The Salvation Army and others for assistance.

### PARENTAL RIGHTS

The Commission welcomes the recent amendment to the Welfare of Children Ordinance allowing unmarried fathers to acquire parental responsibility for their children.

The Commission has advised on 3 issues this period on aspects of The Hague Convention on parental responsibility and protection of children. This convention covers the civil measures of protection concerning children, ranging from orders on parental responsibility and contact to public measures of protection or care, and from matters of representation to the protection of children's property.

The Convention has uniform rules determining which country's authorities are competent to take the measures of to protect a child and where a child who has parents who are nationals of different countries which country's laws are to be applied, and it provides for the recognition and enforcement of measures taken in one Contracting State in all other Contracting States.

We aim to provide general information for parents and prospective parents over the coming quarter, through the media and a leaflet.



**Tammy Williams**

“Every person is unique and special, knowing your rights strengthens that fact!

All people especially children should be encouraged to love who they are –this is freedom of the greatest sort”

## INTERACTION WITH STAKEHOLDER

### *Media & Information*

The Chairperson and the CEO have been interviewed on both Radio Stations and articles have appeared in both newspapers. A Human Rights program runs from 11-1 every Tuesday on StFm and Human Rights Corner is every Wednesday at 11am. On SAMS.

In addition an easy read handbook to the Constitution has been produced.

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

### Human Rights Days

December 10<sup>th</sup> is International Human Rights Day and so this was chosen as the day for the Commissions Official Opening.

International Women's Day 8<sup>th</sup> March was covered in a 2 hour radio program on StFm.

### Community Engagement

It was felt that until the Commissioners had a good grasp of their role and of some of the issues no major interaction would be planned.

Plans are in place for a full scale consultation with the General Public during April/May to inform the development of our Strategic Plan. This will involve a questionnaire and public events.



**CHERIE  
DILLON**

“My top priority is for people to understand that they have the power to change things themselves.”

— Aung San Suu Kyi

## Financial Position

The table below shows the receipts and payments of the Equality and Human Rights Commission from its inception on 1<sup>st</sup> August 2015 to the end of the financial year March 31<sup>st</sup> 2016.

<b>Income</b>	<b>£ 30,355.81</b>
<b>EXPENSES</b>	
<b>Commissioners &amp; Staff</b>	<b>£13,051.63</b>
<b>Telecoms</b>	<b>£4,894.40</b>
<b>Rent</b>	<b>£ 2,000.00</b>
<b>Other</b>	
<b>Total Expenditure</b>	<b>£19,946.03</b>
<b>Total</b>	<b>£10,409.78</b>



### Catherine Turner

Human rights are those rights which you enjoy simply because you are a human being. They are not a privilege. They are a responsibility. Promoting human rights means giving all people a voice and an opportunity to achieve their fullest potential. Protecting human rights means keeping people safe from harm and from discrimination. Human rights are universal but acknowledge the differences among people and maintain their dignity.

## Performance against Ordinance Requirements

Requirement	Action
<p><b>Strategic plan: consultation</b></p>	<ul style="list-style-type: none"> <li>• Discussion has taken place with various stakeholders including the Public Solicitor's office &amp; Safeguarding.</li> <li>• A format has been agreed for the plan and consultation is planned throughout April and May. This will include a questionnaire open to all to fill in. and various public meetings.</li> </ul>
<p><b>Equality and diversity</b></p> <ul style="list-style-type: none"> <li>• Promoting understanding of the importance of equality and diversity.</li> <li>• Encourage good practice.</li> <li>• Promoting equality of opportunity.</li> <li>• Promoting awareness and understanding of rights on St Helena.</li> <li>• Work towards the elimination of unlawful discrimination.</li> <li>• Work towards the elimination of unlawful harassment.</li> </ul>	<ul style="list-style-type: none"> <li>• Funding and materials acquired for the Starting the Conversation project to reduce bullying of gay students.</li> <li>• Working with SHG on the employment of disabled persons.</li> <li>• Lobbying SHG on the extension of CEDAW</li> <li>• Produced the Easy Read Rights Booklet</li> <li>• Radio programmes on both stations.</li> <li>• Lobbying for same-sex partnerships to be recognized.</li> </ul>
<p><b>Human rights</b></p> <ul style="list-style-type: none"> <li>• Promoting understanding of the importance of human rights.</li> <li>• Encouraging good practice.</li> <li>• Promote awareness, understanding and protection of human rights.</li> <li>• Encouraging public authorities to comply with Part 2 of the Constitution.</li> </ul>	<ul style="list-style-type: none"> <li>• Produced the Easy Read Rights Booklet and leaflets on the individual human rights instruments.</li> <li>• Radio programmes on both stations.</li> <li>• Lobbying for same-sex partnerships to be recognized.</li> </ul>
<p><b>Groups</b></p> <ul style="list-style-type: none"> <li>• Promoting the understanding of the importance of good relations between members of different groups, and encouraging good practice.</li> <li>• Working towards the elimination of prejudice against, hatred of and hostility towards members of groups,</li> <li>• Working towards enabling members of groups to participate in society.</li> </ul>	<ul style="list-style-type: none"> <li>• Input into policies being developed by Paul Bridgewater for Adult Social Care.</li> <li>• Input into Policies for Mental health Ordinance</li> <li>• Working with S&amp;CDC &amp; SHG on access for disabled into work.</li> <li>• Funding and materials acquired for the Starting the Conversation project to reduce bullying of gay students.</li> </ul>

Requirement	Action
<p><b>Information, advice</b></p> <ul style="list-style-type: none"> <li>• Publishing /sharing information</li> <li>• Researching issues;</li> <li>• Education or training;</li> <li>• Advice or guidance</li> </ul>	<p>See above</p>
<p><b>Inquiries</b></p> <p>The Commission may conduct an inquiry into a matter relating to any of the Commission's duties.</p>	<p>None at this time</p>
<p><b>Human rights</b></p> <p>In pursuance of its duties the Commission may co-operate with persons interested in human rights within St Helena or elsewhere.</p>	<ul style="list-style-type: none"> <li>• Developing links with other Human Rights Commissions and groups</li> <li>• Working with other NGOs</li> </ul>
<p><b>Investigations</b></p> <p>The Commission may investigate human rights issue brought to its attention or that it suspects may be happening.</p>	<p>2 underway</p>
<p><b>Unlawful act notice</b></p> <p>If in the course of an investigation the Commission finds an infringement of the Constitution rights it may issue a notice to the perpetrator.</p>	<p>None at this time</p>
<p><b>Action plans</b></p> <p>Are agreed with the above perpetrator to address the situation.</p>	<p>None at this time</p>
<p><b>Legal assistance</b></p> <p>The Commission may assist an individual who is or may become party to legal proceedings</p>	<p>None at this time</p>

# Contact Details

Address: The Equality & Human Rights Commission,  
PWD Yard,  
The Castle,  
Jamestown

Telephone 22133

Mobile 62063

Email [catherine@humanrightsthelena.org](mailto:catherine@humanrightsthelena.org)

Find us on Facebook & Twitter.

## WEBSITE

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

## DOCUMENTS AVAILABLE

ALL POLICIES

REGISTER OF COMMISSIONER'S INTERESTS

STARTING THE CONVERSATION - PROJECT  
SUMMARY