

St Helena Human Rights Commission
2013-2015

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The St Helena Human Rights Commission

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

Key Points

Bullet Point Summary

- **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).**
- **Accepted as part of the National Human Rights Action Plan by ExCo in December 2011**

Structure

- a pool of 5 equal ranking Commissioners and a Director/Office Manager, .
- 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.
- Commission to be based on the UN Paris Principles
 - Independence guaranteed by statute or constitution
 - Autonomy from government
 - Pluralism and diversity, including through membership and effective cooperation
 - A broad mandate based on universal human rights standards
 - Adequate powers of investigation
 - Adequate resources

Mandate

- Under the Paris Principles the mandate of an NHRI should be as broad as possible. its mandate to 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
 - the SHHRC should cover complaints against the private sector and the Government, where these would not otherwise be dealt with by the Public Solicitor or the Labour Regulatory Authority.

- must be made clear that the SHHRC is not an alternative to normal judicial process, eg, police investigation and prosecution in criminal cases.
- 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.
- Encourage 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.
- Monitor and report on human rights issues generally in St Helena.

Powers

- The Enabling Ordinance should spell out the powers of the SHHRC to
 - “hear any person and obtain any information and any document necessary for assessing” the situation.
 - compel a person to give evidence or testimony to them and to protect individuals from potential retaliation for having done so.

Method of appointment:

- an open and transparent appointment process
- appointments to the SHHRC should be made formally by the Governor.
 - Appointments Panel be set up to coordinate the process, working with the Governor, to determine the selection of members.
 - 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