

## **SHG Response to the Written evidence from The Equality & Human Rights Commission, St Helena Island (OTS0013)**

1. The St Helena Government (SHG) wishes to respond to the written evidence provided by the Equality and Human Rights Commission and to correct the various inaccuracies contained therein.
2. SHG's response will focus on the body of the submission rather than the Executive Summary and recommendations. Overall, however, SHG would like to note that the statements made by the EHRC are unsubstantiated, biased, and inaccurate. If the EHRC does have evidence to support their claims then SHG would be happy to see this and address any issues identified. SHG is also concerned at statements within the evidence that suggest a bias against certain minority groups on the island, particularly specialist ex-pat officers. This is very troubling and SHG intends to raise these concerns with the EHRC.
3. Paragraph 3.1.1 states that "*The current Constitution of St Helena was adopted in 2009. It is the view of the EHRC that the Constitution needs to be reformed and modernised without delay, in order to bring about a democracy that reflects the people of St Helena's right to self-determination. The current constitution does not recognise the right to self-determination. Additionally, in our view, there is an imbalance in power between the Governor and the democratically elected members of our Legislative Council.*"
4. With regard to paragraph 3.1.1, the preamble to the Constitution states "The people of St Helena, Ascension and Tristan da Cunha .....recognising that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development; .....are determined, with the United Kingdom Government and other members of the international community, to build a sound future on the islands for their local communities on the basis of this Constitution." It is also long-term agreed UK Government policy that all British territories have the right to self-determination.
5. Paragraph 3.1.3 states "*Alongside constitutional reform, there needs to be a fundamental review of structures and practices based on respect and a partnership of equals. The relationship between Britain and the Overseas Territories needs to be effective and efficient, free and fair. It needs to be based on decency, respect and democracy. Britain's representatives on the island must behave in line with those fundamental principles.*"
6. Paragraph 3.1.3 suggests that officers within SHG and the Governor's office do not conduct themselves appropriately. This statement is both undermining and derogatory and SHG would wish to be provided with the evidence that gave rise to this statement.
7. Paragraph 3.1.4 states "*St Helena has the right to determine its own future and this right needs to be enshrined in the Constitution, the Governance structures and practices and in any decision-making processes that impact on the people of St Helena. Our ability to be involved in such decision is severely hampered because*"

*our Elected Members do not have direct links to Ministers or Senior Officials in the UK.”*

8. Regarding paragraph 3.1.4, SHG believes this statement is inaccurate. Our Elected Members do have direct links to Ministers and senior officials in the UK, including the contact details for Lord Bates and Lord Ahmad. We have had video conferences with Lord Bates to discuss important issues in the last year. Also our Executive Council members who attend the JMC also have bilateral meetings with Ministers, and the chance to engage with senior officials.

9. Paragraph 3.1.5 states *“Democracy, human rights and the rule of law are all as relevant on St Helena as elsewhere. The principles which should underlie modern constitutions are clear. There must be a balance of obligations and expectations. There needs to be a true partnership approach, an approach that transcends the current climate of colonialism, paternalism and the patronising, superior attitude adopted by some UK representatives on island.”*

10. SHG does not agree that there is a ‘current climate of colonialism, paternalism’ or A ‘patronising, superior attitude adopted by some UK representatives on island.’ SHG wishes to understand from the EHRC what gave rise to this statement and is making inquiries to this end.

11. Paragraph 3.1.6 states *“The Government often acts with impunity and in a way that suggests a disregard for ethical practice. For example:*

- a) The serious restriction of freedom of speech recently imposed by SHG by prohibiting any criticism of the government on social media by any of its staff (the majority of the working population); and*
- b) The perceived conflict of interests of both our Governor and her husband who is a serving police officer; as well as the conflict of interests that exist for Head of Governors Office (HoGO) and the Governor in the HoGO’s delegated role as head of the Police Service – an arrangement made by the Governor to ‘mitigate’ the conflict of interest between her husband (Police Officer) and her as the head of the Police Service.*

12. With regard to paragraph 3.1.6 a), SHG has developed a Social Media Policy which was finalised following consultation with SHG employees. The Policy is in line with the UK Government’s current Social Media Guidance for Civil Servants and is reflective of other policies in the SHG code of Management. The policy seeks to minimise risks to both SHG and its employees. It does not disregard ethical practice nor does it restrict freedom of speech. The social media policy has only recently been introduced because social media has not been widely used across St Helena until recent years.

13. With regard to b) above, this is not a correct statement. The HOGO is not the Head of the Police Service. As a precautionary measure the Governor’s powers under Section 121 of the Criminal Procedures Ordinance 1975 have been delegated to the Head of the Governor’s Office (de facto Deputy Governor). These powers are in relation to the Governor’s discretion around retaining a defendant with a mental disorder in custody or in a place of safety. Any potential conflicts of interest due to

the Governor's marriage, have been mapped carefully and measures have been independently scrutinised and introduced to remove any possible conflicts of interest. No actual issues have been identified or reported.

14. Paragraph 3.1.7 states "*The EHRC understands St Helena should abide by the same basic standards of human rights, openness and good government that British people expect of their Government. This means that our domestic legislation (much of which is outdated) should comply with the same international obligations to which Britain is subject, such as the European Convention on Human Rights and the UN International Covenant on Civil and Political Rights. This is not the case on St Helena – for example:*

*a) The Convention on the Rights of Persons with Disabilities is not extended to St Helena.*

*b) There is no Data Protection or Freedom of Information legislation.*

*c) There is no equality legislation – nor it is on the table for drafting in the foreseeable future.*

*d) Protections for women are not available.*

*e) Local employment legislation is not compliant with human rights. For example, there is no right to Maternity Leave and/ or Maternity Pay (let alone paternity or adoption leave) in the private sector."*

15. With regard to paragraph 3.1.7, SHG entirely refutes the implication that St Helena does not 'abide by the same basic standards of human rights, openness, and good government that British people expect of their Government.' Whilst it is true that we do not necessarily have the same legislation in place as the UK this is often because such legislation isn't proportionate in our small territory. SHG disputes that we do not have appropriate protections in place. Our Constitution gives effect to many of the UK's international objectives and was compliant with the Partnership and Prosperity objectives of the UK. In some places the Constitution goes further than the Human Rights Act 1998. We implement all relevant international conventions as soon as we have the capacity to do so; our small legislative team and lack of funds means this is often slower than ideal, but it does happen. Worthy of note is the fact that we have requested that the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as adopted by the United Nations General Assembly, be extended to St Helena.

16. We would also note that many of the specific examples given above by the EHRC are misleading. For example, St Helena abides in principle with the Data Protection Act and SHG has introduced its own code of practice to enable public access to SHG information. Section 5 of our Constitution protects equality and our citizens. Regarding protection of women, St Helena enacted a Domestic Abuse Ordinance last year and is currently consulting on plans for introducing maternity leave and pay.

17. Paragraph 3.1.8 states "*It is becoming evident to the EHRC and appears that we are being subjected to a consistent strategy by the St Helena Government to strangle the Commission's ability to do its work as the watch dog of the government*

*and the protector of the human rights of all who are directly affected by the government's actions, or lack thereof. A few examples, amongst others, are:*

*a) The Commission has received threatening emails from a senior FCO official, refusals and significant delays in receiving legitimately requested information from officials of SHG.*

*b) The oral threat received from the Attorney General's Office, that should we proceed to publish our recent Prison Report in its entirety there would be repercussions.*

*c) The underfunding by SHG which has the effect of making us unfit for purpose, unable to do the work for which we were established, and which renders us vulnerable and helpless in being able, with legal representation, to defend ourselves against threats from the very body that underfunds us.*

*d) The time-consuming and onerous obligation placed by SHG on the Commission to report on funds spent which leaves us less time to do our work and renders us less fit for purpose as a result.*

*e) The unrealistic billing for audits which we are obliged to have done - £2,800 per annum (5% of our budget which is already wholly inadequate to function).*

18. We entirely disagree with the content of paragraph 3.1.8. Regarding 3.1.8 a), at no time has an FCO official sent 'threatening' e-mails to the Commission. SHG will therefore be asking the Commission to evidence this inflammatory statement. Regarding delays to the provision of information, SHG has a policy whereby officers should acknowledge communications within 3 working days and provide a substantive reply within 10 working days. If a substantive reply cannot be provided within this timeframe, then an explanation should be provided as to why there is a delay and a new timeframe should be provided. If there were significant delays, then the Commission could have lodged a complaint under the complaints procedure. SHG is not aware of any delays to the provision of information.

19. With regard to 3.1.8 b), staff currently working in the Attorney General's Chambers are not aware of any threat being made to the EHRC. SHG requests the EHRC to substantiate this claim.

20. With regard to 3.1.8 c) and d), there has been no reduction in the allocation to EHRC despite there being significant budget pressures across the public service, including budget cuts in many areas. The Social & Community Development Committee has been working with the EHRC following a request for additional funding for this financial year 2018/19 and the EHRC has been requested to provide evidence to support their assertions of being underfunded. This work is on-going; however it has been identified through this process that the EHRC has made significant changes to their staffing resource which resulted in an increase in budget that has now been presented to SHG for additional funding, as a fait accompli.

21. Regarding d) and e), SHG would note that both the requirement for reporting on use of public funds and for audits are entirely reasonable. It is absolutely normal that bodies in receipt of public funds are expected to account for how they have used those funds and that they are audited to confirm this.

22. Regarding the costs of an audit, irrespective of the size of an entity there is a minimum sum required to perform an audit in accordance with the applicable audit or review engagement standards. Any statutory body in receipt of public funds should expect to be held to account for their stewardship of public resources through an external audit and make budgetary provision for the associated costs of doing so. In point of fact the audit of the EHRC accounts for the period ending March 2018, identified a significant failing in compliance with the Income Tax Ordinance. The St Helena Audit Service also disputes the figure of £2,800 quoted by the EHRC.

23. The EHRC accounts were audited for the first time for the 20 month period ending 31 March 2017 and the audit fee was £2,350. For 2017/18 financial year the audit fee is estimated at £2,000. The audit fee for EHRC is the lowest fee charged of any public body falling under the Office of the Chief Auditor.

24. Paragraph 3.2.1 states *“The UK Government has for a number of years promoted ‘transparency’, including financial transparency and transparency of decision making. This has not been and is not the case on St Helena Island.”*

25. SHG strongly refutes the statement contained in paragraph 3.2.1. SHG is fully committed to continually improving the transparency of the public service. To give an example, Executive Council, as the highest level decision making body, operates on the presumption that all items will be discussed in open sessions, papers for which are published in advance of the meetings with minutes recording the decisions being published as well. We have also recently agreed to start recording Executive Council meetings to allow those who cannot attend the meetings access to the discussions.

26. Paragraph 3.2.2 states *“There is very little financial transparency. For example, the return on investment of trips abroad, government official’s expenses and the costs associated with the government’s hotel all go unreported or reported without important detail. DfID money is allocated to the island and then this is allocated locally but the criteria on which funding is allocated is not published.”*

27. SHG strongly refutes paragraph 3.2.2. There is now greater financial transparency than ever. The Financial Statements of the Government and public bodies including the accounts of St Helena Hotel Development Ltd are audited and published as soon as they are completed and the process by which these accounts are signed off is undertaken in the open session of Executive Council for the Government’s accounts. The Public Accounts Committee scrutinises these financial statements including those of public bodies and these meetings are held in open session, following which the results and findings are published.

28. The basis on which the government budget is developed is governed by the Medium Term Expenditure Framework (MTEF) which is a process that aligns the budget to the strategic goals and vision of St Helena contained in the 10 Year Plan. The 10 Year Plan was developed following extensive consultation with the people of St Helena. In essence, financial decision making in St Helena, as in any democratic

country, is done on the basis of matching resource to need, and on the basis of political and operational priorities.

29. Paragraph 3.2.3 states *“Communication (or the lack of it) to the people of St Helena on matters that affect them most is just not acceptable. For example, it was decided that our once a week flight to South Africa will land at Johannesburg. The residents of the island, our elected members and the few tourists that do come here, all want flights to and from Cape Town, a city that the island has had economic and cultural links going back hundreds of years, and where many Saints have family, friends and business links. Despite repeated requests for the reasons Johannesburg was chosen and how that decision was made, to be made public the answer has not been forthcoming. The proposal to move medical referrals from Cape Town to Pretoria is another example of a decision being forced on our community, by a DfID paid Official, without consultation or any thought for the wellbeing of the people of St Helena.”*

30. Regarding paragraph 3.2.3, SHG is not aware of repeated requests being made for reasons why Johannesburg was chosen as the hub. There have been a number of radio interviews explaining why Johannesburg was chosen. In addition, a Question and Answer document was developed and placed in the public domain. Reasons include, but are not limited to, maintenance issues, connectivity and commercial viability of originating an air service in Cape Town. It should also be recognised that at the start of the air service there was the option for passengers to go to Cape Town via Windhoek. However, this was subsequently curtailed due to aero political issues and fifth freedom rights. SHG continue to work with Airlink and HMG to address these issues and with a view to having the Cape Town option reinstated as soon as possible.

31. The assertion on medical referrals in paragraph 3.2.3 is again entirely inaccurate. Indeed, the move to Johannesburg was initiated in response to complaints by patients about the inconvenience of having to transit via Johannesburg to Cape Town. This presented an additional cost to family members and an unnecessary and significant additional cost to SHG. A thorough review was conducted, debated, and agreed by Elected Members. Community members were able to make representation about the issue to the Public Health Committee. Patient reports suggest that they are very content with the medical facilities at the hospital SHG utilises in Pretoria.

32. Paragraph 3.3.1 – 3.3.6 states *“St Helena Island is one of the poorest Overseas Territories, and relies on funding from DfID up to £27.1 million for the financial year 2018/19.*

*3.3.2 Although St Helena is reliant on Grant in Aid we do not usually qualify for the funding available to poorer states because we are categorised as ‘British’ and therefore considered to be a ‘rich state’*

*3.3.3 Total recurrent public spending is planned to be just under £40.9 million in this financial year. Representing a net decrease of £1.2 million (2.9%) in comparison to the previous year. This is against a forecasted inflation rate on 4.4% for 2018/19.*

33. With regard to paragraph 3.3.1 which states that '*St Helena is one of the poorest Overseas Territories ...*', St Helena is in fact, one of the few that are eligible to receive aid as defined by the Development Assistance Committee.

34. Paragraph 3.3.2 states '*Although St Helena is reliant on Grant in Aid we do not usually qualify for the funding available to poorer states because we are categorised as 'British' and therefore considered to be a 'rich state'*'. In this regard, it is worth noting that St Helena is not considered to be a 'rich state' internationally, but there are other reasons why St Helena is ineligible to receive funding that might otherwise be available. The Development Assistance Committee of OECD classifies St Helena as "developing" (rather than "developed", which are the 'rich states') and so it is eligible to receive official development assistance (ODA) from richer countries and from development institutions. But the problem is that St Helena is not an independent state, and the rules of many of those institutions do not permit them to provide finance directly to states that are not independent. In the case of the World Bank, for example, St Helena is not eligible to receive the assistance it could otherwise provide because the UK itself is not eligible as UK is a "developed" country and a "rich state".

35. Regarding paragraph 3.3.3, SHG wish to clarify that the decrease in financial aid has resulted from the withdrawal of the dedicated RMS St Helena passenger and freight service that was previously subsidised by SHG through DFID funding. The sea freight service operates on a full commercial basis and is not subsidised. Therefore this element of financial aid was withdrawn. However, there was uplift in core financial aid of £2.6 million representing 10.6% increase. This can be seen on page 10 of the SHG Estimates, which is available on the Government Website.

36. Paragraph 3.3.4 – 3.3.6 states "*As we are no longer able to access EU funding one of our key sources of additional funding has ceased.*

*3.3.5 There is currently a one-year funding cycle which does not allow for long term planning. The process is inefficient, time consuming and expensive for everyone involved, with the public service and other organisations spending hundreds of hours preparing and presenting bids for funding to 5 or 6 DfID representatives who come to the island for a week.*

*3.3.6 This year, the annual Financial Aid Mission (FAM) took place on St Helena from Monday, 29 January, to Friday, 2 February 2018. On 21st December 2017 all those bodies in receipt of government funding received a letter requesting them to submit to Corporate Finance by 02 January 2018 a justification for the proposed funding for their organisation which should include a three-year draft budget, and a Strategic/Business Plan. We were also invited to make a presentation to Elected Members demonstrating the link to the 10 Year Plan on Friday 05 January 2018. This was the Christmas period when many people were on leave. However, this was done and presentations were made. The first of April (new financial year) came and went with no further news. Our Elected Members did not accept the DfID grant as it was insufficient and a budget was not put before the house until July, four months in to the financial year. The EHRC was officially told on 20th August what our budget allocation for 2018/19 is and we are about to be asked to submit our bid for 2019/20."*

37. Paragraph 3.3.6 discusses the annual financial aid process and the communications with the EHRC. SHG wish to clarify that during the rollover budget period from 1 April – 31 July 2018, all NGOs including EHRC were provided with funding based upon the previous year's allocation to ensure that they were able to meet their financial commitments, pending approval of the budget for the full year.

38. Paragraph 3.4.1 states *“It is evident from the discussions that the EHRC has been involved in with members of DfID and the FCO that the majority of them have little or no cultural awareness of the people of St Helena. The same can be said for many of the Technical Co-operation Officers (TCOs) employed by the public service. 3.4.2 Too often, the pervasive culture is one of a learned dependency, in which the lack of voice from the Saints is perceived as apathy, and within which many Saints (and government workers) have a real fear of ‘speaking out’. 3.4.3 The needs of the people of St Helena have been disregarded in favour of the often well intentioned but misdirected actions of the UK Government’s representatives, and/or the senior officials with the St Helena Government. For example, the decision to use Johannesburg as the hub for flights was made with no input from the St Helenian community. Since the introduction of airport and the running of the supply ship MV Helena, food prices and cost of other commodities have increased astronomically. Various unfinished projects e.g. Safety Netting above Rupert’s Valley Jetty are delaying progress.*

39. With regard to paragraph 3.4.1, SHG would like to understand from the EHRC on what basis they have come to the view that members of DfID, FCO, and TCOs have ‘little or no cultural awareness.’ This statement lacks evidence.

40. On 3.4.2 it is unclear who the EHRC is stating has a culture of ‘learned dependency’.

41. Regarding 3.4.3, SHG does not agree with this statement and believes the content is exaggerated and inaccurate. SHG’s procurement process does not provide for public consultation on the various elements of a contract, all of which have to be treated as commercial in confidence. However, the Q and A paper which was published on 21 July 2017, does make it clear that ‘local preference’ was considered. See below extract from the Q and A.

*“Q. Why was Johannesburg chosen over Cape Town as the destination hub in South Africa?*

*A. An in depth analysis was undertaken which considered a number of issues, including but not limited to: local preference; airline preference; connectivity; destinations served; seasonal fluctuations in service; fares for direct flights from European destinations and their flight times; access to medical facilities; potential for two centre tourist destinations. It was agreed that the initial service should originate from Johannesburg with connectivity to Cape Town.”*

Also, as mentioned in paragraph 30 above, SHG is actively pursuing the reinstatement of the Cape Town link with Airlink and HMG.”

42. With regard to the penultimate sentence of paragraph 3.4.3 which states that ‘since the introduction of airport and the running of the supply ship MV Helena, food



*prices and cost of other commodities have increased astronomically'*, this is not fully supported by data; while costs of food have increased significantly in the last two years, the most impactful causes were external, rather than the increase in freight costs: the fall in the value of the pound caused by the Brexit vote, and a drought in South Africa in 2016/17, both of which increased the price of food imported from South Africa. SHG wish to point out that the poorest in St Helena and the elderly have been protected from these price increases because the level of state pension and income-related benefits are adjusted using a minimum income standard, which is measured every six months. The minimum income standard measures the socially-acceptable minimum required to live on St Helena, and is largely made up of food and housing costs.

43. Paragraphs 3.5.1 states *"The Governor and Politicians and others have represented St Helena at various events overseas (at great expense) but no real benefit has been seen on Island. Some have even admitted that the exposure was a personal gain rather than something that the Island can benefit from."*

44. SHG would like to understand the basis of these inaccurate statements. For example, the attendance of the Governor and two Executive Council members at the annual JMC has many benefits to the island. These include vital links made with other OTs (e.g. with the Falklands on banking); the opportunity to talk to British Ministers face-to-face and discuss the issues facing St Helena; and understanding the latest activity in UK Government and opportunities available, e.g. for Conflict, Stability, and Security Fund (CSSF) funding. It is difficult to appreciate why the authors do not understand the importance and benefits of attendance at overseas events. Economic and social development does rely on effective marketing, networking and engagement with counterparts in the UK and the Commonwealth and with people in the international business community. If not properly represented, St Helena could run the risk of being overlooked. It should also be noted that Councillors do provide written reports on their attendance at overseas events, including the JMC. These reports are tabled and discussed at informal meetings of the Legislative Council. Most of these reports are then published on the SHG website. Councillors also attend radio interviews on both local radio stations to explain and elaborate on their attendance at overseas events.

45. Paragraphs 3.6.1 states *"The island's human assets are victims of a learned dependency and many people lack the self-motivation and drive to develop their full potential. There are numerous reasons for this, including limited access to learning opportunities (although the recently established community college is beginning to offer a wide range of courses), the lack of opportunity on the island and a widely held belief that the top jobs will always be filled by Technical Cooperation Officers (TCO) – this belief is being challenged by the appointment of a local Financial Secretary in 2016 and a local Chief Secretary this year."*

46. In relationship to paragraph 3.6.1, it is pleasing to note that the authors recognise the steps that have been taken to provide learning opportunities for all who wish to develop personally and professionally. The St Helena Community College is a good news story as is the fact that succession planning is in place. However, it must be recognised that certain jobs are filled by TC staff because there are no suitably qualified and experienced St Helenians.

47. Paragraph 3.6.2 states *“In the past, St Helena Island provided fresh produce to hundreds of sailing ships every year. Since then, the island’s agricultural has declined so badly, that we are heavily reliant on imported fresh produce, and frozen and canned goods – at high prices. The potential of the tuna fishing industry has not been realised, mainly because of the business model. It is the view of the EHRC that it would benefit the people of St Helena hugely if agricultural and fishing co-operatives were established, giving the producers and/ or workers a personal interest in the success of these sectors.”*

48. With regard to paragraph 3.6.2, it is not clear what aspect of the tuna fishery’s business model is problematic for the EHRC, or how this issue is related to equality and human rights. Nonetheless, St Helena has put huge amounts of work into revitalising St Helena’s tuna fishing industry. We are currently seeking an investor into the fish processing plant to give our uniquely sustainable industry the opportunity to grow and flourish. We already have an agriculture/growers’ co-operative in place and others can be established.

49. Paragraph 3.6.3 states *“Presently, our biggest liability is the St Helena Government owned hotel.”*

50. Regarding paragraph 3.6.3, the Mantis St Helena is indeed SHG owned. SHG stepped into the breach following indications that the private sector felt that the Island was too high risk to invest. The hotel was built to support St Helena’s tourism development and to respond to the need for a quality tourism accommodation offering. SHG does not agree that the Government owned hotel is its biggest liability; the financial statements for the hotel suggest that it is indeed a significant asset.

51. Paragraphs 3.7.1 - 3.7.5 state:

*“3.7.1 The business case for the airport presented by DfID has been shown to have been grossly exaggerated in terms of tourist numbers and the positive impact on the economy of St Helena.*

*3.7.2 There is a clear imbalance between the resources of Government and the non-governmental bodies. For example, the St Helena Government has nine staff with legal qualifications - Attorney General, Solicitor General, Crown Prosecutor, three Crown Counsel, two Trainee Solicitors and a Legal Executive. The public have access to a Family & Civil Solicitor, an Assistant Solicitor (Criminal) and a part time Acting Public Solicitor who is on-island for a few weeks at a time. We have been without a substantive Public Solicitor since March 2017 because of “insufficient funding from DfID, the salary is too low”.*

*3.7.3 There is a huge and costly Police Service on the island which appears to be grossly disproportionate to the size of the island’s population of approximately 4,300 and does not take account of the island culture. It is a sledgehammer to crack a nut. For example, the Police Service recently introduced Pepper Spray and Tasers to the island which are not at all necessary we do not have street gangs and mass brawls, there is little violent crime. Additionally, in recent years the number of Senior Police Officers has been increased and they have all become TCO posts. There are resulting cultural issues; the police officers from the UK arrive on St Helena without any induction as to the culture of the island, which is generally more peaceable and non-confrontational than the UK but their demeanour remains far more aggressive*

*as it would be in the UK. This creates resentment and unnecessary upset which could be avoided with some training or greater use of local officers.*

*3.7.4 St Helena Island has very high levels of diabetes, obesity and alcohol abuse although recent data is unavailable.*

*3.7.5 Because of the lack of opportunities on the island, many Saints go to work elsewhere, including Ascension Island, Falkland Islands and the UK. This results in one or both parents being absent for extended periods, which can have a detrimental impact of family life.*

52. Again, these paragraphs are unfortunately littered with inaccuracies, errors, and unsubstantiated statements. Regarding paragraph 3.7.1, it should be noted that the business case prediction of around 30,000 visitor arrivals was never meant to occur in year 1; the growth was always predicted to be gradual. SHG's assessment of figures shows that the numbers of visitors predicted are broadly accurate in the first year of flight operations.

53. On the 'imbalance' between the resources of the Attorney General's chambers and the Public Solicitors Office, the information is not up to date. There is now a full time Public Solicitor, an Assistant Public Solicitor and recruitment for another Assistant Public Solicitor. The Public Solicitors office is further supported by a number of Lay Advocates and for complex matter has often instructed outside Counsel. SHG strongly supports the equality of arms between the two offices. However, it is unfair to compare the size of each office as the Attorney General's Chambers has an additional remit that the Public Solicitor's Office does not. Their role also includes the provision of government legal services, including provision of legal advice to government officials and elected members; advising on and drafting legislation; and managing the legal aspects of government contracts. SHG would also like to note that the delay in filling the Public Solicitor post was not attributed to the rate of salary.

54. Regarding paragraph 3.7.3, it is entirely inaccurate to say that the police service on St Helena is 'huge and costly'. SHG strongly refutes the statement that 'it is a sledgehammer to crack a nut'. The police service has 20 officers to police the island, including policing the airport, providing community liaison services, and managing all other routine police work. The police service uses best practice to minimise risk to the public and the officers. There is no evidence whatsoever that police officers have used a confrontational approach, or one that is not in line with St Helenian culture. Best practice dictates that police forces should have equipment that enables them to protect themselves and the public in extreme circumstances. This is why tasers were recently purchased, to reduce the risk at points of conflict. St Helena is 1200 miles from the nearest point of land and in an emergent conflict situation there would be no help from elsewhere that could be rapidly deployed, the island must be self-sufficient. It is worthy of note, that there are approximately 1100 firearms held by the population of St Helena and a national airport that needs to be protected. These do require systems and training to mitigate the threats they create.

55. The statement that: 'the police officers from the UK arrive on St Helena without any induction as to the culture of the island' and that this causes 'cultural issues' is

not correct. Officers from the UK and elsewhere when taking up positions in the police service do receive an induction; UK officers are briefed in the UK by the SHG London Office and then provided with a further induction on arrival before they commence their work. One email of concern was received during the past 17 months relating to cultural differences. The law and context was explained to the individual and they then accepted that the officer was 'just doing his job'.

56. There is no evidence to support the assertion that TCO officers are insensitive and aggressive. The statement that officers' aggressive manner 'creates resentment and unnecessary upset which could be avoided with some training or greater use of local officers' has no foundation. We are making active efforts to increase the use of local officers but this is very challenging for a number of reasons. Recruitment and retention more widely is tricky because St Helena's labour market is such that people can easily move between roles in search of higher pay or shorter working hours.

57. SHG is very concerned about the apparent bias against TC officers which comes across in the EHRC's evidence. This is absolutely not in keeping with the remit of the EHRC to promote equality.

**SHG on behalf of Executive Council  
3 January 2019**