



PWD Yard, The Castle, Jamestown, St Helena
Tel : +290 22133
Email : catherine@humanrightsthelena.org

3rd March 2020

Councillor Green,
Chair of SCDC,
The Castle,
Jamestown.

Dear Councillor Green

As you are aware the EHRC has partnered with the Disabled Person's Aid Society and SHAPE to produce a detailed proposal for legislation to address the issues that arise from people in the private sphere not properly protected from decimation. The Convention on the rights of Persons with Disabilities (CRPD) has not been extended to St Helena and while the Constitution prohibits discrimination on the basis of disability there is no legal protection or basis for positive action to promote access for those with disabilities to work or leisure activities. Similarly there is no protection from decimation on the basis of the protected characteristics on anything other than race.

We have brought these matters to the Social & Community Development Committee (SCDC) on several occasions, most recently in November 2019. These proposals were rejected by the SCDC on advice from the Attorney General's Chambers that such legislation was unnecessary as we have the Constitution and that amendments to all relevant existing Ordinance would be better. Other territories disagree: Bermuda, the Caymans and other Overseas Territories have a Constitution and a Human Rights or Equality Act to cover the private sector.

In Northern Ireland, discrimination is prohibited by a number of laws and regulations, resulting in a complex framework. Three UN treaty bodies have raised concerns that their law does not provide for a single legislative instrument to consolidate, clarify and enhance existing equality protections.

They are

- The UN Committee on Economic, Social and Cultural Rights ¹

¹ E/C.12/GBR/CO/6, 'UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI, 14 July 2016, para 23;

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- UN Committee on the Elimination of Racial Discrimination²
- UN Committee on the Elimination of Discrimination Against Women³

With this in mind to go down the road of having of individual changes to several Ordinances seems inappropriate. It will mean that St Helena will still fail to meet the requirements of the ICESCR, ICRD and CEDAW

We are requesting that the SCDC reconsider the proposals that the EHRC presented to you 13th November 2019 and look forward to your positive response.

Yours sincerely



CEO/Commissioner
On behalf of the EHRC.

² CERD/C/GBR/CO/21-23, 'UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-first to Twenty-third periodic Reports of UK', 26 August 2016, at para 8(c);

³ 'UN Committee on the Elimination of Discrimination Against Women, Concluding observations on the seventh periodic report of the UK of Great Britain and NI', 30 July 2013, at para 18 CEDAW/C/GBR/CO/7,

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