



Equality & Human Rights Commission

Annual Report 2021–22



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PRIVACY

The Commission complies with the confidentiality provisions of the Commission for Equality & Human Rights Ordinance 2015. Our privacy policy, is available online at sthelenaehrc.org or by contacting us.

The EHRC respectfully acknowledges the Saint Helenian people past and present, their diversity and their history.

OUR PROMISE

We will empower Saints to resolve their disputes, to shape law and policy, advocated for change and work closely with a range of partners to create a fairer society; preventing similar problems for others.

Over the next three years we will continue to work with our partners and engage more people across the island to encourage people to discuss, value and stand up for their human rights.

We will continue to work towards the United Nations Sustainable Development Goals (SDG). We will continue to develop as an organisation to ensure that we have the strongest possible evidence base to lead change where it is needed and increase the impact and value of our work. We will advocate for systems and laws that are developed around principles of fairness and equity and ensure that everyone is treated humanely and with dignity

Contents


Introduction	3
About the Commission.....	5
The Framework Document	5
Our strategic plan	5
Our principles.....	6
Role of the Commission	7
Review of 2021–22.....	7
Investigate Complaints	7
Complaint Subject.....	9
Protected Characteristics	11
Disability Issues	11
Research	12
Education	12
Working with diverse communities.....	13
Advocate & EMPOWER.....	13
Submissions to Third Parties.....	15
Constitution & Legislation	15
Policy.....	15
Monitor.....	16
Enforce.....	17
Interventions.....	17
Development of the EHRC	17
Other Matters.....	18

Annex 1 Housing Report.....20
Appendix 2 Action Matrix 1

FORWARD

In accordance with the *Commission for Equality & Human Rights Ordinance 2015*, I am pleased to present the Equality & Human Rights Commission’s Annual Report for the year ending 31st March 2022.

Yours sincerely



Catherine Turner
CEO & Equality & Human Rights Commissioner

INTRODUCTION

The past year has seen very public debate both internationally and here on island on issues that are at the heart of what the EHRC stands for: the right to access adequate health care and housing, public participation in the formation in a legitimate governance system and awareness among the people of their right to self-determination. We have worked across all of these issues and helped bring a human rights focus to SHG policies and practices, to planning and economic development decisions and to the proposed government reform.

This year the Commission reaped the benefits of inclusion as the first Overseas Territory to become a member of the Commonwealth Forum of National Human Rights Institutions (CFNHRI). The Commonwealth Forum of National Human Rights Institutions is a member-led network of human rights institutions, ombudsmen, and public defenders who protect, promote and advance human rights within their respective countries. By providing a united voice on human rights priorities, together we are able to influence the regional and global human rights agenda and learn from our colleagues to develop the access to human rights and best practice on St Helena. The EHRC was able to attend conferences virtually as well as training

Additionally, the Commission has maintained its reach to the local community with the EHRC website that is designed in a manner that allows for greater accessibility to human rights related resources for all. Furthermore, we continued our release of monthly newsletters and weekly noticeboards items, ensuring that the community is educated and made aware of relevant, urgent and local human rights matters that impact them.

This year the EHRC has devoted the majority of our focus to ensuring that the Commission is fit for purpose and able to efficiently carry out our necessary functions and services. We have restructured our organisation to adapt to the new Ministerial Government as well as to follow international best practice guidelines on becoming an internationally accredited human rights institution. Furthermore, the commission has made the much needed and long-awaited move of relocating to private office accommodation that is more accessible by the local community and independent from local government buildings. This move will facilitate the commission's internal growth and goal in achieving international accreditation.

Much of our work continues to be helping individuals resolve their issues of discrimination and other Constitutional issues. This year we took 117 enquiries, raising 109 discrete issues. Most complaints were related to issues pertaining to Government Landlord Housing, with the next most common areas of complaint being issues with benefits, complaints related to employment in both the private and public sectors. We use what we learn through our individual dispute resolution service to advocate for changes to the structures, systems and policies that entrench inequality. During the course of the next year the Commission will be focusing on our cross-cutting themes such as gender equality and children's rights through training, stakeholder engagement and raising awareness through a wide network of communication mediums that makes human rights accessible to all.

Promoting and protecting human rights on Saint Helena is extremely rewarding work where real improvements to people's lives are made on a daily basis. The Commission prides itself on fortifying our talented and dedicated staff and commissioners, committed to cultivating a human rights culture for ALL.



Annina van Neel

Chair



Janine Egan
Deputy Chair

ABOUT THE COMMISSION

The EHRC is an independent statutory body with responsibilities under the Commission for Equality & Human Rights Ordinance 2015. It reports to Elected Members through the Minister of Education and Employment and liaises with the Civil Service through the Chief Secretary.

In terms of SHG's 10 year plan, the EHRC plays a pivotal role in assisting in achieving the Altogether Safer, Healthier, Wealthier and Greener objectives.

Our current Commissioners are:

Annina van Neel	Chair
Janine Nyschens	Deputy Chair
Sibongile Muranganwa	Commissioner
Andrew Pearce	Commissioner
Catherine Turner	CEO & Commissioner (<i>ex-officio</i>)

THE FRAMEWORK DOCUMENT

The Framework Document sets out the independent working relationship between the EHRC the Elected Members and the Public Service. It outlines the relevant roles and responsibilities of each party, the deliverables and timescales. The framework document is currently under review. The full text is available by clicking on the icon below



Final Signed EHR
Commission Framew

OUR STRATEGIC PLAN

For the period April 2019 to March 2022 the EHRC will focus on the four priorities outlined in our *Strategic Plan*. Through consultation and the evidence gathered during the previous strategic cycle (2016-2019) we identified areas for development of human rights on St Helena and for the Commission's development to meet those challenges. These priorities also take into account our mandate, expertise and the current needs in our community along with SHG's 10 Year Plan.

In this reporting period, the EHRC has taken the opportunity of the change of Governance and SHG structure to review how we work, our role and purpose and to restructure to meet the opportunities our new working environment presents.

Strategic priorities for Strategic Plan April 2019- March 2022:

- Embedding a human rights culture on St Helena
- Improving workplace equality
- Protecting human rights in closed environments
- Advancing Freedom of Information and Data Protection in St Helena

OUR VISION OUR VISION IS FOR A FAIR, SAFE AND INCLUSIVE ST HELENA WHERE EVERY PERSON IS TREATED WITH DIGNITY AND RESPECT.

Our mission Our mission is to work with and influence law and policy makers, organisations, groups and individuals to protect and promote human rights in St Helena, allowing everyone an equal opportunity to reach their full potential

Our new strategic priorities for 2022 to 2025:

- Sustainable Social & Economic Development
- Improving Workplace Equality for All
- Environmental & Cultural Preservation
- Safe Secure & Fair Institutions
- Improving Health & Wellbeing

These are explored in more detail below.

OUR PRINCIPLES

We will ensure that:

- **Participation** - People should be involved in decisions that affect their rights.
- **Accountability** - There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong.
- **Non-Discrimination and Equality** - All forms of discrimination must be prohibited, prevented and eliminated.
- **Empowerment** - Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives.
- **Legality** - Approaches should be grounded in the legal rights that are set out in our Constitution as well as the local and international laws.

ROLE OF THE COMMISSION

REVIEW OF 2021–22

In 2021–22 we undertook a wide range of work under these functions, as well as projects that aim to increase the impact of our work and build a stronger, more effective organisation. We have restructured our organisation to provide the flexibility, responsiveness and relevance to St Helena required to move human rights forward on the island. Our new structure will see a commissioner responsible for each Portfolio, working with the Minister and Director to highlight issues as they arise and find human rights compliant solutions to problems as quickly as possible.

INVESTIGATE COMPLAINTS

We have powers to investigate complaints of human rights infringements including discrimination, sexual harassment, racism and religious intolerance by providing a free and confidential assistance service.

The EHRC empowers complainants (we call them contacts) to resolve their complaints by listening to everyone who contacts us, hearing their complaints and assisting with those that fall within our remit. Where a complaint is not of a human rights nature we advise on the correct person or agency to contact. If necessary, we will initiate communication on behalf of the contact to ensure the matter is dealt with.

We use the information from all the Contacts to inform our work to address systemic issues, each one is recorded on our data base. A client file is opened for each complainant with a human rights complaint. A client file may contain a number of different complaint issues for example, a client file might include an issue of sexual harassment in the workplace, as well as discrimination on the basis of race, and a homeless person may also have difficulty accessing benefits.

Table 1 (below) Shows that this year we had 63 new contacts from people believing they had a human rights complaints covering 109 themes. This was a decrease on the previous year. We closed the year with 43 open files requiring further input, legal advise/action, research or advocacy.

Table 1	2020/21	2021/22
New Contacts	142	63
Themes Raised	156	109
Files Closed during the year (includes files opened in previous years).	122	56
Files remaining open as at 31st March	20	43

FIG. 1



For 25% of the contacts, we the EHRC were able to deal with their concern within the year (see fig 1). Many required little more than an email or phone call to resolve the issue. Sometimes just explaining to the complainant that the policy/explanation they had been given was correct was enough, others may have required several weeks or months getting to the bottom of the problem. Almost a third of the contacts, 21 issues, were passed to the relevant Director and/ or Officer of the SHG directorates, in particular the Housing Officer and Benefits department for this reporting period.

A quarter of the contacts were referred to the Public Solicitor's Office as their cases required legal advice, most of which involved employment and healthcare issues. Those with human rights issues continue to receive our help as well, as we work in tandem with the public solicitor, assisting with research etc. Currently we have seven clients that fall within this category.

Other cases have been referred to Councillors and the Police.

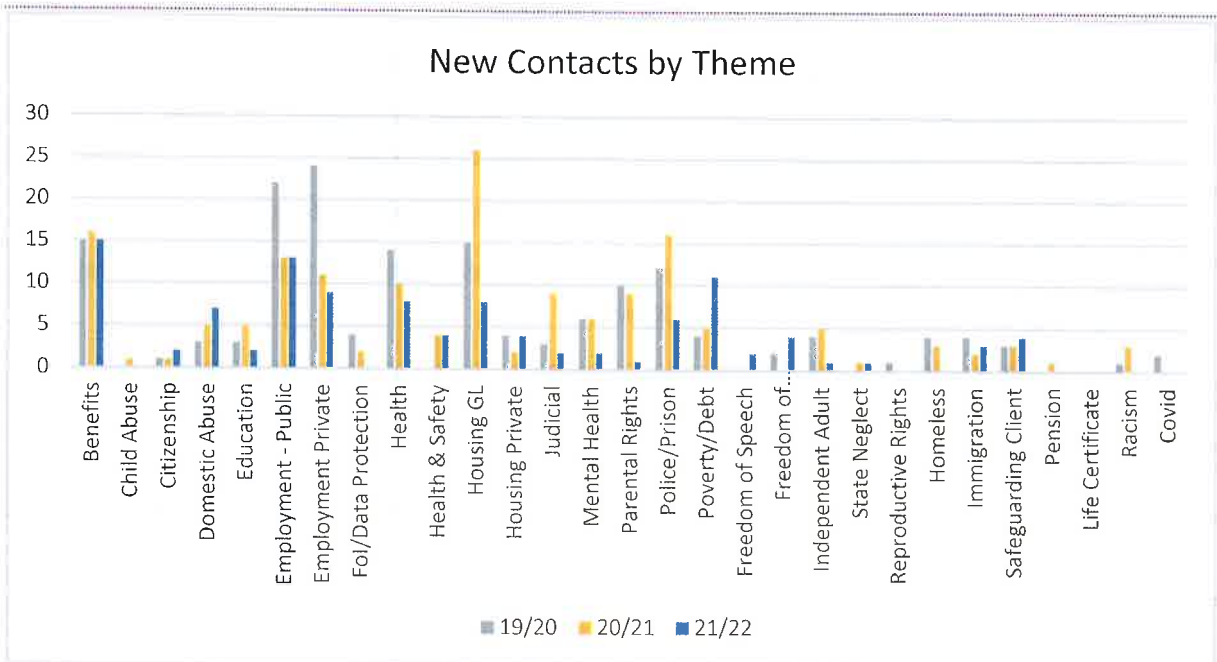
RISK AREAS

- (1) Seven serious cases are now with the EHRC needing overseas expert legal advice for which the EHRC has no budget, this is preventing these clients from exercising their rights and seeking redress for the damage caused. Furthermore, it is a financial and reputational risk to SHG.

- (2) The Housing Office is short staffed and GLH continues to be an issue with little to no maintenance on properties affecting residents; existing laws fail to protect housing rights in the private sector and the human right to housing as per Housing Report Annex 1.
- (3) The changes to the Social Security Ordinance and specifically the IRB has had a significant impact on the vulnerable low income group on the Island.

COMPLAINT SUBJECT

Fig 2



The Commission finalised 101 client files in the period under review, including files that were opened in previous financial years. While there was a slight drop in the number of issues raised by complainants this year, figures have remained steady and indicate similar patterns for the type and nature of complaints. As Fig 2 shows the most complaints were on private and public employment concerns (totalling 22). Private sector employment and the lack of contracts for employees continues to be a problem. The themes of Benefits (15) and Poverty (11) are correlated and have increased over previous years. The next common themes are Government Landlord Housing (8) covered in Annex 1 and Health (8) which has been triggered due to lack of staff at the hospital and medical negligence cases during the reporting period.

RECOMMENDATIONS

Report it Sort it to be relaunched and strengthened to deal with SHG complaints at least initially.

A Citizens Advice Service to be established.

GL HOUSING

Housing and Homelessness was the subject of a special report publicised in December 2021. The report identified the gaps in current domestic legislation and how many people are still denied the basic human right to adequate housing on a daily basis. The report echoed the concerns and issues raised by our clients during the reporting period and in previous years:

- There is no legal definition of homelessness (sofa surfing is not considered homeless)
- There is no temporary accommodation/hostel or similar particularly for those whose bail conditions or prison release terms do not allow them to go home.
- There are no legally enforceable minimum standards for accommodation.
- Many people struggle to afford their housing costs, and our benefit system restricts the right to adequate housing in terms of affordability.
- While many GLH properties have been improved there are still many, particularly in the Ladder Hill area which are not acceptable, some of which have remote toilets without wash hand basins and some are structurally unsound (see annex....)
- Private rents are beyond the reach of many and there is no fair rent tribunal or legislation.
- None of the flats have fire exits and disabled access

BENEFITS AND POVERTY

The issues related to Benefits and Poverty that were hoped to be addressed by the long-awaited Social Security legislation implemented in October 2021. Unfortunately, the changes have resulted in the disproportionate setting of the benefit and pension levels, which has excluded several of our clients from receiving benefits. The immediate impact of the changes to the Ordinance had been addressed on a case-by-case basis, however a long-term approach is necessary to ensure no cumulative effects occur. The EHRC welcomes the review of the Minimum Income Standard, which will provide some easement to several of our clients if kept on par with inflation.

HEALTH

As mentioned above, during the reporting period access to adequate health. The Health Directorate had undergone several major organisational disruptions due to staff shortages, lack of sufficient medication and concerns raised with criminal negligence cases.

RECOMMENDATIONS

The EHRC however recommends the Chief Ministers Committee, setting adequate standards for housing and health initially.

The EHRC would appreciate insight and participation in the review stages of Legislation so as to minimise impacts on the population such as the Social Security Ordinance

PROTECTED CHARACTERISTICS

The 5 most complained about protected characteristics/vulnerability are listed in table 2 below:

Protected Characteristic	Total complaints
Disability	13
Place of Birth	8
Prisoner	8
Children’s Rights	8
Gender	7

DISABILITY ISSUES

Complaints centred around disability issues remain a concern. Access to homes, work and public buildings and transport also are high on the list of complaints. For example, anyone who cannot manage stairs cannot access the Council Chamber which is our seat of Government. This historic concern was again raised by the Commonwealth Parliamentary Association St Helena Legislative Council Benchmark Assessment Report August 2021, in Recommendation 5:

There should be improved facilities to give the LegCo increased stature and make it a distinct and separate institution from the government. There should be a review of access to the chamber and any other meeting space to see if reasonable adjustments could be made to make them accessible to all

RECOMMENDATION

All recommendations as per the CPA report to be implemented as per agreement by LegCO

RESEARCH

We undertake research here on island, to understand and find solutions to systemic causes of discrimination and human rights breaches. We also follow international human rights news, trends and thinking to bring and keep the rights of Saints on a par with the UK and current best practice. We provide information to SHG, Ministers, Elected Members and the Office of the Governor. Of particular note during this year are:

1. Continued work on Altogether Fairer research into levels of racism and xenophobia.
2. Children's Rights and the Sustainable Development Goals have been a specific focus through the year. The EHRC through have developed a research strategy for carrying an audit of children's rights. This work will be resumed when the new Commissioners are appointed and assigned their dedicated portfolios. Training on UN Rights of the Child course will take place during the following reporting period.
3. Constitutional reform has moved Saint Helena to a Ministerial Government designed to increase accountability, transparency and speed up decision-making. The changes to the constitution that took place were not conducted in an open and transparent manner that facilitated public participation. Work will continue to ensure that a robust and fit for purpose Constitution is realised.
4. Gender Equality- this is an ongoing project, statistics are gathered on issues which may exhibit gender bias, trends are reviewed and researched as they develop. A Gender Action Plan for the island is on the horizon for a clear plan for the Equality and Human Rights Commission and also for the Ministers to develop equity for all of the islanders and ensure that elements of society, often the most vulnerable are not adversely affected by decisions made, or changes in circumstances.
5. Covid-19 –the EHRC continues to review the management proposals from a human rights perspective and advise the Covid-19 Command Structure on the potential engagement of human rights and the proportionality of proposed actions.
6. Cultural rights – This has been an area of growth over the year. Changes to our fishing industry and our Constitution, the industrialisation and development of Ruperts Valley and the plans of potential inward investors have all raised concerns about the effects on the culture of the island. **These will be the subject of special reports to the UN during 2022/23.**

EDUCATION

We provide information to help people understand and assert their rights. This may be in the form of leaflets, books, films or training. We also offer an education and consultancy service to government, business and the community to drive leading practice in equality, diversity and human rights.

EXAMPLES

- Police – the EHRC runs a training session for all new recruits to the Police Service and offers ongoing support/advice to the officers.
- Leaflets – The EHRC produces a wide range of information leaflets specific to St Helena, however lack of budget and increasing printing costs are limiting availability. This year leaflets on teen dating abuse and Maternity Leave have been produced.
- Adult Services – The EHRC have participated in the World Day on Elimination of Elder Abuse and White Ribbon Day and supported work at the Safe Haven.
- The EHRC publishes a monthly Newsletter and Human Rights Noticeboard is posted in local media and on social media.

WORKING WITH DIVERSE COMMUNITIES

Under the strategic priority of developing a human rights culture, the Commission has undertaken several projects to raise awareness about people’s rights under our laws.

EXAMPLES

- Elder Abuse Awareness
- White Ribbon Day.
- Victim’s Support Service
- Saint Helena Day, focus on Culture
- Whole Systems Approach to Obesity

ADVOCATE & EMPOWER.

We raise awareness across our communities about the importance of equality and human rights, encouraging meaningful debate, leading public discussion and challenging discriminatory views and behaviours.

The EHRC listens to its clients, we hear their stories and provide information about who can help them, what their rights are and how to access those rights.

Where people lack capacity to act for themselves a Commissioner will advocate on their behalf but where possible we try to support and empower people to speak for themselves.

ENGAGING WITH THE MEDIA

During 2021–22 the Commission engaged with the media to join public discussions about key human rights issues and to ensure that our campaigns, reports, and interventions reached the public.

This year we spoke about disability and domestic abuse.

In addition, we have launched a new website this year please see sthelenaehrc.org.



Equality & Human Rights Commission

Protecting and Promoting Human Rights on St Helena Island



Welcome

As human beings we all have the right dignity, protection from discrimination and equality before the law. We have the right to privacy, to freely access information, discuss ideas and practice our beliefs; to be tried fairly and treated with humanity if detained; and to participate in the formation of our government.

EXAMPLES

SOCIAL MEDIA

An important part of the Commission's engagement comes from social media. Our social media channels, including Facebook, are used as an integral part of our communications and allow us to broadcast our messages, amplify the voices of others, and engage with the community online.

We also publish our Human Rights Noticeboard in the Sentinel.

Our Facebook page 543 people like our page 549 people follow it, an increase of a 100 from the previous year.

Facebook <https://www.facebook.com/HumanRightsStHelena>

Website sthelenaehrc.org

SUBMISSIONS TO THIRD PARTIES

This year, due to the Covid Pandemic the submissions to the United Nations were put on hold however the EHRC has continued to prepare reports to the following UN committees:

- International Committee on Economic, Social and Cultural Rights (ICESCR). The EHRC Report in due in December 2022
- International Committee on Race Discrimination. The Date is to be confirmed
- Convention on the Rights of the Child due 15/12/22

Constitution & Legislation

The EHRC submitted proposals for changes to the asylum legislation, Social Security Ordinance and commented on proposed changes to the Constitution. It was a marked disappointment when the 10-year long-awaited changes to the Constitution took place without any participation by the EHRC or the rest of the public.

Policy

The EHRC has commented on various SHG policies throughout the year including the changes to the tenancy agreements for GLH, changes to the Minimum Income Standard calculation and the means testing.

In addition we are regularly asked to assist private sector businesses with their policies.

CONSULTATION AND COMMITTEES

Commissioners and staff are actively encouraged to work with advocacy groups on the island and are currently involved with Whole Systems Approach to Obesity (WSAO), League of Friends, the Safe Haven and various religious organisations etc. in their personal time. The EHRC also is involved with several working groups including the Custody User Group and the Safeguarding board.

MONITOR

We monitor the operation of the Constitution and the Human Rights instruments extended to the island and track St Helena's progress in protecting fundamental rights. We produce reports for the UK and United Nations about what is or is not being done to protect our rights.

The report to the United Nations Committee on Civil and Political Rights (CCPR) was submitted in April 2020. The full text of which is available from the EHRC website.

During this year we completed work on Altogether Fairer and started work on C24 Decolonisation and Self Determination.

In February 2022, Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries

and Peoples of Saint Helena in the Working paper prepared by the Secretariat, the General Assembly actioned:

(c) Further reaffirmed that it was ultimately for the people of Saint Helena to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions

The EHRC will continue work on the issue of Self Determination during the next reporting period and will form one cross-cutting themes of the new Strategic Plan 2022-2025.

RECOMMENDATION

As the work progresses on Self-determination, the EHRC will continue to engage with on-island stakeholders and Interested and Affected Parties.

Assistance from C24 should be requested by the Island to support this work.

ENFORCE

We intervene in court proceedings to bring an expert independent perspective to cases raising equal opportunity and human rights issues. We conduct investigations to identify and eliminate systemic discrimination. This year the EHRC has not had cause to carry out an inquiry but it has been delighted with the completion of the work resulting from its inquiry into the Prison in 2018. Works to the prison on fire safety, lighting, ventilation etc. have all been completed and while the current prison will never be fit for purpose, conditions have been much improved.

Additionally, in this reporting period works on the construction of the New Prison also commenced, ensuring that the long-term goal of Human Rights compliant prison facility is realised within the foreseeable future.

INTERVENTIONS

There have not been any interventions during the period under review.

DEVELOPMENT OF THE EHRC

The EHRC is committed to investing in our people and our workplace by embedding our values, nurturing a diverse, inclusive and respectful workforce and ensuring a safe, healthy and productive work environment that aims to bring the best out of our people and make the Commission a great place to work. The EHRC's internal policies were reviewed over the year to ensure they reflect this aim.

Moreover, the EHRC has taken the opportunity presented with the changes to a new Ministerial Government, to restructure the organisation to mirror the portfolios and Sustainable Development Goals of the local government and other International Human Rights Institutions.

ACHIEVING INTERNATIONAL STANDARDS

It is the stated aim of the EHRC to become an accredited National Human Rights Institution and this year we achieved a further milestone in gaining membership of the Commonwealth Forum for National Human Rights Institutions.

We have progressed work towards achieving our international accreditation by relocating to more suitable premises that do not form a part of government or fall within the proximity of government buildings. The EHRC has managed to acquire the lease of a larger, accessible and private office building that meets the requirements for achieving international standards.

OTHER MATTERS

The Work Plan for the year 2021/22 is at annex 2.

The EHRC appeared before the Public Accounts Committee with no recommendations.

The commission closed the year on budget.



A COMMENTARY ON HOUSING AND HUMAN RIGHTS ON ST HELENA

December 2021

ABSTRACT

Housing is a human right. The right to adequate housing was recognised as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights, and in the 1966 International Covenant on Economic, Social and Cultural Rights. It was later included across many other international human rights treaties

Equality & Human Rights
Commission

St Helena

Executive SUMMARY

- ❖ Housing is a human right. The right to adequate housing was recognised as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights, and in the 1966 International Covenant on Economic, Social and Cultural Rights. It was later included across many other international human rights treaties.
- ❖ There is still work to do for this right to be fully realised on St Helena, and to make sure that everyone has access to a safe, secure and affordable home.
- ❖ Everyone needs good quality housing to live and thrive in: a home is central to every aspect of our wellbeing, from health to educational attainment to happiness.
- ❖ Our existing laws fail to adequately protect housing rights and the human right to housing, there is no legal right to a safe, secure and affordable home in our Constitution¹, no legal definition of homelessness and no Statutory duty on St Helena Government to provide shelter to the homeless.
- ❖ The right to an adequate standard of housing as defined in international human rights law is not easily enforceable at an individual level, on island because the International Covenant on Economic, Social and Cultural Rights and other associated conventions have not been included in our Constitution or local law.
- ❖ A new law on equality and human rights would be a step in the right direction, however people need to know their rights, and be able to enforce them, for their rights to be realised in practice therefor public awareness campaigns are also important.
- ❖ SHG is failing to meet the international standard that it has signed up to and agreed to be judged against and its own commitments in its 2012-2022 housing strategy and The UN Sustainable Development Goals on housing.

Recommendations

- ❖ A new Ordinance or update to our Constitution to include civil and political rights would go some way to clarifying the right to adequate housing. Existing domestic legislation does not cover the right to adequate housing, and legal rights are essential to enable the achievement of adequate housing. New legislation would be a significant step towards legal protection for a safe, secure and affordable home for everyone.

¹ The Constitution of St Helena, Ascension & Tristan da Cunha 2009. Available at <https://www.sainthelena.gov.sh/wp-content/uploads/2020/09/Constitution-of-St-Helena-Ascension-and-Tristan-da-Cunha-2009-Updated-180620.pdf>

- ❖ The EHRC recommends the establishment of a Chief Minister’s Advisory Group on Human Rights Development, to develop recommendations and actions on how to protect and expand on our human rights on St Helena and bring them into line with international standards
- ❖ Education and awareness on the right to adequate housing and any legislative changes must be carried out to empower those with housing problems to seek solutions.
- ❖ There must be true recourse to justice including access to legal assistance and support to challenge inaction or injustice. We need to ensure these rights are enforced and protected to prevent systemic breaches, as well as ensuring there is adequate funding and support for the housing and benefits offices and other duty bearers to deliver these rights for our people in practice.
- ❖ Seek alternative solutions to the current housing crisis, for example housing associations or cooperatives, joint equity mortgages, rent subsidies for those on low incomes.
- ❖ By taking a human rights-based approach, we can help increase accountability for the fulfilment in practice of human rights. We can ensure that rights to housing in international human rights law are achieved and enforced in practice, by holding SHG and potentially the United Kingdom Government, as duty bearers, accountable and giving a clear remedy to individuals where rights are denied.
- ❖ Until such time that the right to adequate housing is incorporated in our local law, should use the internationally agreed right to an adequate standard of living for everyone, as defined in the International Covenant on Economic, Social and Cultural Rights, as a template.
- ❖ SHG and Elected Members should apply political pressure to UK Government to take steps to achieve the right to adequate housing over reasonable time.

INTRODUCTION

Where we live is more than just a roof over our heads, it is home, a place to feel warm and safe, protected from the outside world. A place to make memories and to remember, to be with family and friends, to grow and to flourish. Or at least it should be, but for many people, a good home is out of reach.

SHG own 11.8% of the housing stock (218 properties) yet there is a critical shortage of GLH and much of it is in urgent need of modernization, but there is no minimum housing standard to define this work. The EHRC is currently working with people who are technically homeless or in emergency accommodation and there are approximately 15 people living in shared accommodation, without a choice of housemate. This is supposed to be a short-term solution for homeless people but as there is no other accommodation available therefore has become a permanent situation. Those in GLH

tend to be the most vulnerable members of our society; the unemployed, elderly, disabled, single parents etc.

In the last 20 years only 3 steel framed houses have been built and these are suffering from damp and rust. There are two, two-bedroom properties nearing completion at Bottom Woods.

On 16 occasions since its inception in 2015, the EHRC has been asked to assist in cases where people are genuinely homeless. It has received 71 of contacts on housing related issues in both the public (63 issues) and private sector (8 issues). High house and land prices and private sector rents, low wages and even lower benefits are putting pressure on the Government Landlord Housing (GLH) to such an extent that demand is far exceeding supply.

Private rents have increased significantly in the last 10 years, initially due to high demand for housing during the Basil Read Airport Project 2011-2018, Construction Phase and have remained high as the Technical Cooperation Officers (TCOs) can afford these higher rents, from their allowances. While the Statistics Office does not keep data on the cost of rent, conversations with property owner has revealed that prior to the airport construction commencing a two bedroomed house would be around £150-£200 per month in Half Tree Hollow but the same accommodation is now being let for £500 per month an increase of 150%. In the same period the average salary has risen by 28%.²

Many landlords when contacted are honest about the fact that they can get more rent from SHG/TCOs so will not let to anyone else. The Covid pandemic has exacerbated the problem as there are now people only letting for quarantine. This has advantages to the homeowner as they can make more money than usual per week, and they have the security of knowing they will not have sitting tenants.

It is a basic requirement of the International Covenant of Economic, Social and Cultural rights (which is extended to St Helena) that that the number of homeless people is recorded and monitored. Currently there is no legal definition of homelessness on island so the recording of the number of homeless people is subjective. As there is no definition of homeless there cannot be a definition of who is unintentionally homeless.

The UN Sustainable Goals place a responsibility on all States to achieve the following

Goal 1.4 says 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources as well as to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

² <https://www.sainthelena.gov.sh/st-helena/statistics/>

And

Goal 11. 1

By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

These goals will form a key part of the EHRC's Strategic Plan for 2022-25.

There is no statutory duty on any agency to provide shelter to homeless people. In addition, local law provides little protection for tenants in private let, social housing is limited, and rents and house prices are beyond the reach of many on lower incomes or within 20 years of retirement.

There are gaps in the legal framework of St Helena when contrasted with the law in England which may not be compatible with the human rights obligations contained within St Helena's Constitution.

This report seeks to examine the issues in both sectors and in the financial and legal framework around housing to assess the human rights implications for the people of St Helena and the financial and reputational risk to government.

Housing is a human right and is defined as such within the Universal Declaration of Human Rights, but there is still work to do for that right to be fully realised on St Helena, and to make sure that everyone has access to a safe, secure and affordable home.

A guide to this report

This report provides an overview of housing as a human right On St Helena

- Part 1 explores how important housing is to wellbeing, and therefore why it is a human right.
- Part 2 looks at the background to human rights including an explanation of what a human right is, where they are written and defined, and how they can be enforced. It also explains what a human rights-based approach is, using the 'panel' principles.
- Part 3 answers the question: 'Is housing a human right?', clarifying what different treaties and conventions say and defining what an adequate standard of housing is.
- Part 4 highlights how far the right to adequate housing has been/is being achieved on island and where the barriers are to progression.

WHY IS HOUSING SO IMPORTANT?

Housing is central to wellbeing

“Everyone needs a home – somewhere that is safe, secure and allows its inhabitants to enjoy family life, privacy and to develop their personal identity: housing is central to every aspect of wellbeing from health to educational attainment, a sense of community and happiness.”³

Human rights law recognises that all rights are connected. If our right to adequate housing is not met, this can affect our right to physical and mental health and our children’s rights to play and to education. It might also mean that our rights to family life, to participate in public life, meet others and say what you think are affected. Most of these rights are protected in our Constitution.

Housing is a human right

Adequate housing is vital to our wellbeing and survival, and a lack of it can have a significant impact on our current and future health, education and prosperity. Reflecting these facts, **the right to adequate housing has been recognised globally as a human right within the International Covenant on Economic, Social and Cultural Rights**, which is part of the International Bill of Human Rights. However, how housing is recognised as a human right is complex and cuts across a number of different conventions, treaties, and legal systems.

Currently, for some individuals and families on island, this right to housing is not being realised.

Part 2: BACKGROUND TO HUMAN RIGHTS

What are human rights? ⁴

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life.

Human rights are based on shared values like dignity, fairness, equality, respect and independence.

There are rights relating to all areas of people’s lives: civil and political rights and economic, social and cultural rights. Housing, for example, is considered an economic, social and cultural right.

3 Commission on Housing & Wellbeing (June 2015), A blueprint for Scotland’s future

4 The Equality and Human Rights Commission (EHRC), <https://sthelenaehrc.org/> or the booklet Human Rights Explained.

The Right to housing includes both positive and negative rights. For example, the right to adequate housing covers a right to be free from forced evictions carried out by public authorities, as well as a right to receive assistance to access adequate housing in certain situations.⁵

The Right to housing is a qualified right; subject to some limitations or exceptions, SHG can limit the right to housing if it's to protect other people's rights, or if it's in the interest of the wider community. There must be a specific reason or legitimate aim to restrict someone's right. Any limitation or restriction must be necessary, proportionate and have the least possible impact.

The UN Treaties

The Universal Declaration of Human Rights is described by the United Nations as a 'milestone document in the history of human rights.'⁶ It provides a common standard of achievements for all peoples and all nations and sets out fundamental human rights to be universally protected for the first time. It contains thirty articles, including Article 25 on the right to an adequate standard of living:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Universal Declaration of Human Rights, Article 25⁷

Whilst the Universal Declaration of Human Rights can be said to cover the general principles of human rights, the ICESCR and the ICCPR detail the binding commitments, and it is these treaties The UK Government has signed and extended to St Helena. It is the ICESCR that contains Article 11: the right to an adequate standard of living, which includes the right to adequate housing.

The right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

⁵ UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 33, Frequently Asked Questions on Economic, Social and Cultural Rights, December 2008, No. 33, available at: <https://www.refworld.org/docid/499176e62.html> [accessed 23 September 2021]

⁶ United Nations, Universal Declaration of Human Rights, accessed September 2021

⁷ United Nations, Universal Declaration of Human Rights, accessed September 2021

*ICESCR, Article 11*⁸

In addition, the Convention on the Rights of the Child and The Convention on the Elimination of all forms of Discrimination Against Women also consider the right to an adequate standard of living, including housing. Unfortunately, the Convention on Persons with Disabilities has not been extended to St Helena, so our disabled citizens are not as well provided for as their counterparts in the UK.

The Constitution places a responsibility on SHG to govern in “compliance with applicable international obligations of the United Kingdom and of St Helena;” Clearly therefore SHG is obliged to respect the ‘international obligations’ set out in the UN treaties. It must also provide a contribution to the formal reporting process on these treaties as the UK is reviewed regularly for its compliance with them by UN Committees of special experts. Essentially, St Helena has agreed to be judged internationally against these standards as defined by the UN.

Unfortunately, international treaties and conventions are not a legal force in domestic law if they have not been included in it, and there is no effective tool to enforce the international treaties directly in our courts. Whilst some rights, such as those included within the ICPPR, have been incorporated into domestic law particularly in Part 2 of the Constitution, others including many of those in the ICESCR have not been.

However, taking the ICESCR as an example,⁹ as part of the process of signing and ratifying the treaty, the UK (and St Helena as a British Overseas Territory) has agreed that:

- the government must have regard to the ICESCR and it must ‘take deliberate, concrete and targeted steps towards meeting and sustaining the realisation of the rights in the Covenant, even if resources are constrained, such as during economic crises, and prohibits retrogressive measures without full justification and strict consideration of a series of safeguards, especially for the most vulnerable and disenfranchised’.¹⁰
- the UK is required to report on this progress to the United Nations Committee on Economic, Social and Cultural Rights.

8 Office of the High Commissioner for Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed September 2021

⁹ This Section uses the ICESCR as an example as it pertains to housing

¹⁰ Office of the High Commissioner for Human Rights, Country Visits - Adequate Housing United Kingdom of Great Britain and Northern Ireland (August-September 2013)

The UN treaties have an influence on UK law and therefore potentially on our domestic law but cannot, by themselves, be relied on in court. This means even if a right is included in a UN treaty, it cannot be used by itself to fight for or enforce an individual's right.

However, by taking part in the monitoring and reporting process the EHRC will continue to put political pressure on SHG and UK Government to take steps to achieve the ICESCR rights, including the right to adequate housing.

European obligations

Despite Brexit the UK and, through the UK, St Helena, continue to be members of the Council of Europe which was founded to protect human rights and the rule of law, and to promote democracy in Europe. The Member States of the Council of Europe drew up a treaty to secure basic rights for anyone within their borders; the European Convention of Human Rights (the European Convention). Like our Constitution it is based on the civil and political rights within the United Nations' Universal Declaration of Human Rights, for example the right to life, prohibition of torture and slavery, and freedom of expression. It does not include the economic, social and cultural rights, like the right to adequate housing.

The European Convention has direct effect in the UK through their Human Rights Act (1998)¹¹ which makes it unlawful for a public authority to act in a way which is incompatible with the European Convention. Many civil and political rights, unlike rights within the ICESCR, are included within the European Convention, and for human rights included in the European Convention, there are some avenues to challenge it at an individual level and at a group level: these rights are legal rights grounded in UK and St Helena domestic law. The Chief Justice for St Helena will consider the decisions made in both the UK and European Courts when deciding cases here. If an island resident has exhausted the remedies available via the Saint Helena court system through to the Privy Council and still believes that their rights, as included within the European Convention, have not been upheld, then they can take their case to the European Court of Human Rights. The case will be against UKG, not SHG. If the actions of a public authority are found to violate one of the European Convention rights, then the UK has an obligation to abide by the ruling of the Court. There are two cases, which may be of particular interest to the St Helena Courts

Article 3

1. R (Limbuela) v Secretary of State for the Home Department [2005] UKHL 66, [2006] 1 AC 396 the House of Lords held that where there is persuasive evidence that a claimant (in this case a refugee who was not permitted to work) will be obliged to sleep on the street or will become seriously hungry or unable to satisfy the most basic hygiene requirements, the

¹¹ EHRC, The Human Rights Act, accessed November 2018

Article 3 threshold will be crossed. In such cases the Secretary of State (on St Helena, the Chief Secretary) is obliged to provide accommodation and support.

2. In *R (Bernard) v Enfield London Borough Council* [2002] EWHC 2282 (Admin), [2003] HLR 27, High Court Held that the refusal of Enfield Council to provide suitably adapted accommodation for a disabled lady and her family who were living in unsatisfactory accommodation (the lady could not access the upper storey where the bathroom was) was a breach of the claimants Article 8 (Clause 13) right to private and family life.

These cases and others can be applied on St Helena as jurisprudence for case decisions in the Supreme Court. While cases cannot be brought under the UK Human Rights Act which has been dis-applied on St Helena, they can be brought under the Constitution. Part 2 of which guarantees the fundamental rights and freedoms of the individual. The legal argument, jurisprudence and rationale used in those cases brought under the HRA in the UK can be used to argue a case brought under the Constitution.

Clause 7 protects us from torture, inhumane or degrading treatment or punishment and Clause 13 Protects our right to private and family life.

Where Children are involved, the Welfare of Children Ordinance 2008 has particular relevance and in particular ss30 Functions of Department in relation to children in danger or need & 32 Provision for accommodation for children.

There is currently no domestic legislation on homelessness and the allocation of GLH is guided only by policy. In 2012 Housten & Associates were engaged by SHG to develop The 2012-2022 Housing Strategy for St Helena 'Laying the foundations for Future Generations'. The vision for the Strategy was **to ensure the resident population had access to affordable, suitable and sufficient housing which provides for sustainable communities.**

The most recent update available to the EHRC to this strategy is at Appendix A.

A human rights-based approach

The St Helena Human Rights Commission like our colleagues in the UK believe a human rights-based approach is the best framework for using international human rights standards to ensure that people's human rights are put at the very centre of policies and practice.¹²

12 Scottish Human Rights Commission, A human rights-based approach: an introduction [accessed September 21)

A human rights-based approach:

- focuses on empowering individuals and groups to know and claim their rights, involving people in decision making and change, rather than viewing individuals as passive recipients of charity.
- focuses on structural causes and addressing structural injustices which prevent people from realising these rights.
- increases the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights so that people can seek remedies when their rights are violated.

PANEL and a human rights-based approach

There are a set of five commonly used underlying principles which are important in applying a human rights-based approach in practice, known as 'PANEL':¹³

Participation: People should be involved in decisions that affect their rights

Accountability: There should be monitoring of how people's rights are being affected as well as remedies when things go wrong

Non-discrimination and equality: All forms of discrimination must be prohibited, prevented and eliminated, and people who face the biggest barriers to realising their rights should be prioritised

Empowerment: Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect them.

Legality: Approaches should be grounded in the legal rights that are set out in domestic and international laws.

Recommendation - Taking a human rights-based approach is vital because currently, there is an accountability gap regarding the right to adequate housing in relation to both housing rights included in domestic law and the realisation of the human right to adequate housing as defined in the ICESCR.

Part 3: HOUSING IS A HUMAN RIGHT

Is housing a human right?

How housing is recognised as a human right is complex and cuts across several different conventions, treaties, and legal systems.

The right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather, as defined by [General Comment](#) No. 4 of the United Nations

¹³ More information on the PANEL principles is available from the Scottish Human Rights Commission.

Committee on Economic, Social and Cultural Rights (the Committee)¹⁴ it should be seen as the right to live somewhere in security, peace, and dignity.¹⁵

Reflecting the fact that adequate housing is vital to our wellbeing and survival, and that the lack of it can have a significant impact on our current and future health, education and prosperity, the right to adequate housing has been recognised globally as a human right within the international human rights framework and the treaties which have been ratified by the UK and extended to St Helena.

The Universal Declaration of Human Rights states that

*'everyone has a right to a standard of living adequate for the health and well-being of himself and of his family, including...housing,'*¹⁶

and the International Covenant on Economic, Social and Cultural Rights defines this further as a binding commitment.

Housing and the International Covenant on Economic, Social
and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) states that everyone has a right to adequate housing, and that this should be ensured to all persons irrespective of income or access to economic resources.

The right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and **housing**, and to the **continuous improvement of living conditions**. (Our emphasis)

- ICESCR, Article 11¹⁷

Furthermore, **housing must meet several conditions for this right to be considered fulfilled**. The United Nations Committee on Economic, Social and Cultural Rights' general comment outlines how the right to 'adequate' housing should be interpreted:

¹⁴https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en

¹⁵ For more detail see, J. Hohmann, *The Right to Housing: Laws, Concepts, Possibilities* (Oxford: Hart Publishing, 2013).

¹⁶ UN General Assembly (1948), *Universal Declaration of Human Rights*, 217 A (III)

¹⁷ Office of the High Commissioner for Human Rights, *International Covenant on Economic, Social and Cultural Rights*, accessed Sept 2021 and their *Right to Adequate Housing Toolkit*.

‘In the Committee’s view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.’¹⁸

For example, there must be security of tenure, housing must be affordable, it must meet a certain condition standard, and the house must be in a location with certain amenities. The EHRC strongly support this definition – a house is not a home if someone is constantly worried, about being evicted at short notice, about dampness and mould or if they’ll be able to pay their bills.

A definition of the adequate standard of housing

The UN Committee on Economic, Social and Cultural Rights’ general comment 4 in 1991 lists seven factors that should be considered under the definition of ‘adequate’ housing, and details what this might mean in practice:

- a) Legal security of tenure
- b) Availability of services, materials, facilities and infrastructure
- c) Affordability
- d) Habitability
- e) Accessibility
- f) Location
- g) Cultural adequacy

A more detailed description of these elements making up the right to adequate housing as defined within the Committee’s general comment is contained within Appendix B.

How is the right to housing as included in the ICESCR enforced?

18 Office of the High Commissioner for Human Rights, CESCR General Comment No. 4: The Rights to Adequate Housing (Art.11 (1) of the Covenant)

Unfortunately, the rights identified within the International Covenant on Economic, Social and Cultural Rights are not currently included in domestic law on St Helena. The right to adequate housing as enshrined in the ICESCR and the Committee's general comment is not protected by law here and not enforceable at an individual level.

So, whilst housing is a human right, the issue for individuals, and the EHRC, arises when trying to enforce this right; how do we make the human right to housing into the reality of a home for everyone.

The fact remains that, as described in the previous section, the UK (and therefore St Helena as a UK BOT) has signed and ratified the ICESCR and therefore has agreed to respect and have regard to the international obligations set out within the ICESCR (and other international treaties) and take steps to meet and sustain the realisation of the rights to adequate housing. St Helena **must** also contribute to the monitoring and reporting regime of the Committee for Economic, Social and Cultural Rights.

How effective is the monitoring regime for the ICESCR?

In the last UK report to the Committee¹⁹ the report for St Helena on Article 11, the right to an adequate standard of living was just 172 words 122 of which related directly to housing:

Article 11 (right to an adequate standard of living)

243. St Helena. House-building by private individuals continues to increase. In the past ten years the building of Government Landlord Houses has not been a priority, although renovations to the existing stock of 184 properties has seen larger dwellings converted to smaller dwellings for single occupancy which is where the greatest demand lie. Land is also being made available for the development of 'Community Development Areas', which will comprise privately owned and Government Landlord premises. There have been a few cases of homelessness in 2012 and temporary emergency accommodation has been made available in those instances. There are currently 60 applications pending for Government Landlord housing, 17 whom are single persons. Privately rented homes are not affordable to the majority of local residents.²⁰

The UN recommended the following in their response:

¹⁹ Report to the International Committee on the international Covenant on Economic, Social and Cultural Rights September 2014 Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398255/ICESCR-sixth-periodic-report.pdf

²⁰ Ibid para 243

In line with its previous recommendation (see E/C.12/GBR/CO/5, para. 12), the Committee reminds the State party of its ultimate responsibility for the implementation of the Covenant in all its jurisdictions, including the British Overseas Territories and Crown Dependencies, and recommends that the State party take all necessary measures to ensure the full enjoyment of economic, social cultural rights by all persons under its jurisdiction.²¹

And:

50. The Committee recalls its previous recommendation (see E/C.12/GBR/CO/5, para. 29) and urges the State party to:

(a) Adopt all necessary measures to address the housing deficit by ensuring a sufficient supply of housing, in particular social housing units, especially for the most disadvantaged and marginalized individuals and groups, including middle- and low income individuals and households, young people and persons with disabilities;

(b) Take specific measures to deal with the inability of renters in the private rental sector to pay rents on account of the limits imposed on housing allowance and effectively regulate the private rental sector, including through security of tenure protection and accountability mechanisms²²

It is clear that both SHG and UKG recognise the right to housing under ICESCR and recognise the issue of homelessness, the length of the waiting list for housing, the lack of availability of GLH and the inability of local people to afford private rents. Seven years on, the situation is little changed. The Housing department currently have 26 active applicants on their register. There are an estimated 15 people living in shared accommodation, they have a room in a house and share the kitchen, living room and bathroom. The individuals have no choice with whom they share and the EHRC has been made aware of incidents ranging from theft of food and other property to bullying, physical violence and threats to kill. While some of these issues have been dealt with by the police and courts, others have been too afraid to speak out for fear of reprisals.

Future opportunities to enforce the ICESCR

²¹ Committee on Economic, Social and Cultural Rights Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2fGBR%2f6&Lang=en

²² United Nations Economic and Social Council Committee on Economic, Social and Cultural Rights Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland. E/C.12/GBR/CO/6. 14 July 2016 available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW3XRi-nAE8KCBFqOHnz%2FvuCC%2BTxEKAI18bzE0UtfQhJkxxOSGuoMUx-HGypYlJNFkwxnMR6GmqogLJF8BzscMe9zpGFTXBkZ4pEaigi44xqil>

The EHRC is keen to explore options, with our new Council to develop human rights protection which will cover all aspects of ICESCR. One option would be to pass legislation laying out these rights in statute another would be to expand the Constitution.

Recommendation - The EHRC recommends the establishment of a Chief Minister's Advisory Group on Human Rights Development, to develop recommendations and actions on how to protect and expand on our human rights on St Helena and bring them into line with international standards.

The UK Government and SHG have an obligation to take steps, including as part of budgetary processes and decision-making, to use the maximum of its available resources to achieve progressively the full realisation of the economic, social and cultural rights of everyone. This includes adequate housing.

Adequate legislation would allow individuals and organisations advocating on behalf of the homeless recourse to the courts to enforce these rights and would enable public authorities as duty bearers to be held accountable where these rights are not upheld, enabling all individuals to realise their human right to a safe, secure and affordable home.

People need to know their rights, and be able to enforce them, for their rights to be realised in practice and there needs to be accountability for duty bearers who are responsible for protecting these rights.

Until such time that the right to adequate housing is enshrined in domestic law we can and will use the internationally agreed right to an adequate standard of living for everyone, as defined in the International Covenant on Economic, Social and Cultural Rights, to put pressure on the UK and St Helenian governments to take steps to achieve this right.

Housing and the European Convention on Human Rights EHRC and the Constitution.

While there are no directly enforceable rights to adequate housing within our Constitution some of the rights that are included can be interpreted to include elements of the right to housing. These rights can act as tools to secure legally enforceable rights to housing for individuals, though these only cover certain aspects of housing.

For example, Constitution guarantees **the right to respect for people's private and family life, home and correspondence** in Clause 13 based on Article 8 of the ECHR. However, the right to respect for your home does not give you a right to housing.²³ It is a right to protect the home someone already has. This means that public authorities cannot stop tenants entering or living in their home, nor can they enter without permission, unless they have a very good reason. This applies whether you own your home or do not. Human rights case law has clarified that compliance with Article 8 requires

23 For example, EHRC Article 8: Respect for your private and family life (accessed November 2018)

that the court considers the proportionality of an eviction by a public authority, if the tenant challenges the proportionality and is able to persuade the court that there is a defence. In addition, EHRC Protocol 1, Article 1 protects the right to enjoy your property peacefully and not to have it taken away by the state arbitrarily or improperly.²⁴

Other rights may offer some protection for housing: the right to family life may be relevant if someone is offered accommodation which is not suitable for them or their family meaning the family cannot all stay together, for example because it is too small; and rights relating to the prevention of discrimination EHRC Article XX and the Constitution Clause 21 may be applicable if someone is unable to remain in their home because they are experiencing harassment from neighbours due to their sexuality or if a home does not meet the tenant or a family member's accessibility requirements.²⁵

24 For example, EHRC Article 1 of the First Protocol: Protection of property (accessed November 2018)

25 For example, see EHRC inquiry on housing and disabled people: Britain's hidden crisis

Part 4: THE RIGHT TO HOUSING on St Helena

Do people have a right to housing on St Helena?

The human right to adequate housing is clearly set out in various treaties in international human rights law. However, domestic law also provides many rights to housing which support the same outcomes as those considered under human rights discussions.

Yet, the right to adequate housing is not fully realised for many people.

There are gaps in current domestic legislation and many people are still denied this human right day to day:

- There is no legal definition of homelessness (sofa surfing is not considered homeless)
- There is no temporary accommodation/hostel or similar particularly for those whose bail conditions or prison release terms do not allow them to go home.
- There are no legally enforceable minimum standards for accommodation.
- Many people struggle to afford their housing costs, and our benefit system restricts the right to adequate housing in terms of affordability.
- While many GLH properties have been improved there are still many, particularly in the Ladder Hill area, some of which have remote toilets without wash hand basins and some are structurally unsound. The EHRC were invited to visit one house with rain water running down the internal walls and huge cracks right through the external walls.
- Private rents are beyond the reach of many. The median income for 2019/20 was £8,690pa²⁶ which equates to £724 per month. Private rentals are in excess of £400 per month for single accommodation in Jamestown or a 2 bed in the country areas. Three bedrooms will cost £500 per month. Minimum wage is £3.25 per hour or £509 per month for a 35-hour week.
- Mortgages are as difficult to afford. A couple can apply for up to 3 times the higher salary plus one time the lower so a couple on the median wage would be able to apply for a mortgage of £34,760 with the required 15% deposit they would be able to buy a house for just under £40,000. There is nothing currently on the market for less than £143,000. ²⁷
- The Social and Cultural Rights' states for the right to adequate housing to be met, it must be affordable. The definition says that housing costs should not threaten or compromise the

²⁶ <https://www.sainthelena.gov.sh/st-helena/statistics/> accessed 29th October 2021

²⁷ <https://www.propertyfinder.sh/action/for-sale/> Accessed 29th November 2021

satisfaction and attainment of non-housing basic needs, and that subsidies should be provided to ensure that those who cannot otherwise afford adequate housing are able to do so.²⁸

Recommendations

1. A new Ordinance or update to our Constitution to include civil and political rights would go some way to clarifying the right to adequate housing. Existing domestic legislation falls short of covering the right to adequate housing for everyone, and legal rights are essential to enable the achievement of adequate housing new legislation would be a significant step towards legal protection for a safe, secure and affordable home for everyone.
2. Education and awareness on the right to adequate housing and any legislative changes must be carried out in order to empower those with housing problems to seek solutions.
3. There must be true recourse to justice including access to legal assistance and support to challenge inaction or injustice. We need to ensure these rights are enforced and protected to prevent systemic breaches, as well as ensuring there is adequate funding and support for housing and benefits and other duty bearers to deliver these rights for our people in practice.
4. Seek alternative solutions to the current housing crisis, for example housing associations or cooperatives, joint equity mortgages, rent subsidies those on low incomes.

CONCLUSION

Whilst housing has been defined as a human right in many international conventions to which St Helena is a signatory, there is a gap between the definition of this right, its protection in our legislation and what happens in practice.

The EHRC recommends urgent action to

1. Incorporate the protections and obligations in the ICESCR into our Constitution
2. Develop a local Housing Ordinance to include:
 - a. the right to adequate housing;
 - b. a definition of adequate for both the public and private sector housing;
 - c. a definition of homelessness;
 - d. Adequate protection for both tenants and landlords

²⁸ <https://www.un.org/ruleoflaw/files/FactSheet21en.pdf> at Page 10 (3).

Good quality, affordable housing that meets the household's needs is central to wellbeing: for many it is the difference between good and bad physical health such as asthma; positive mental health or stress and anxiety; being able to pay your utility bills and buy a pair of shoes for your children or not being able to afford dinner that night. Bad housing affects educational attainment, prosperity, and can contribute to social isolation and loneliness, whilst good housing can address these issues and many more.

Changes to the Constitution and/or our legislation will provide a foundation for addressing these issues however there is a real difference between what is agreed as law, and what is experienced by someone in crisis, when they're unaware of their rights, and if they don't have someone to support them. Therefore, we must ensure there is real accountability when the law is broken, and that there is a step change in awareness of rights – and the ability of individuals to enforce them. The opportunity is there to ensure that there is a safe, secure, and affordable home, for everyone.

Appendix A – Update on the Housing Strategy for St Helena 2012-2022

Infrastructure Section, Treasury, Infrastructure & Sustainable Development Portfolio.

June 2021.

Update on the Housing Strategy for St Helena 2012-2022, 'Laying the Foundations for Future Generations'.

A Housing Strategy 2012 -2022, 'Laying the Foundations for Future Generations' was developed for St Helena in 2012 (Housten & Associates) following a review of the Land Disposal Policy and the Land development Control Plan. The vision for the Strategy was **to ensure the resident population had access to affordable, suitable and sufficient housing which provides for sustainable communities.**

This was to be achieved by:

- Improving the balance between supply and demand so that more households can secure a suitable home in their preferred area at a price they could afford
- Ensuring households live in good quality, dry, warm and environmentally sustainable housing
- Improving residents' access to housing information, support and advice required for them to live independently in the accommodation of their choice
- Ensuring households have access to high quality information to help them make the best possible housing choices at different times in the lives.
-

The Strategy set out 5 SHG Policies to deliver this vision.

- 1 Stimulate & enable the provision of intermediate low-income housing by
 - Stimulating and constructing 350 new home to rent, buy and self-build
 - Setting aside 10 – 25% of plots in CDA's and CVA' to affordable housing
 - Using planning gain granting planning permission when it would not usually be granted in exchange for a project beneficial to the community

- SHG supporting affordable development through import tariff reviews and central procurement
 - Encouraging modern building techniques
 - Support new ways of financing a home
 - Setting up a non-profit making company to manage social rented housing using GLH as an initial portfolio
- 2 SHG will stimulate and regulate a private rental sector by:
- Stimulating the private sector to provide 25% of stock by 2022
 - Helping homeowners bring 100 empty homes back into housing by 2022
 - Support the development of a private rental management company subject to feasibility potentially using CHS for an initial portfolio
 - Enabling and regulating a network of private sector landlords
- 3 Improve the management & maintenance of GLH stock by:
- Improving the management and maintenance of GLH
 - Completing a scheduled maintenance programme
 - Appointing a Housing Manager
 - GLH to meet a tolerable standard by 2017 where cost effective
 - Introducing a new management system to address weaknesses
 - Establishing an Island wide Housing Reform
- 4 SHG will assist the elderly and vulnerable to live independently by:
- Assisting older and vulnerable households to live in properties free from serious repair
 - Increasing the number of people living independently in a homely environment

5. Cross Cutting Objectives

- Bring housing under one Directorate alongside Crown Estates and Planning
- Provide the necessary Housing Legislation
- Promote environmentally and sustainable housing including better energy efficiency and environmentally sustainable materials
- Provide households with information, support and advice to a high standard
- Use the needs and views of customers to shape the way land is released

The strategy set out key actions required between 2012 -2015.

- ✓ Develop an approach to bringing back empty houses into reuse (Total estimated cost of £130,000 over three years)
- ✓ Support the preparation of development design briefs for 6 CDA and CVA sites (Total estimated cost of £300,00 over three years)
- ✓ Enable access to quality homes for people on low incomes (Total estimated cost of £1.65 m over three years)
- ✓ Improve the management & maintenance of GLH stock (Estimated cost 1.153m over three years)

These key actions have not been fully achieved due the unavailability of funds to implement these actions. The development of two of the CDA sites has been funded though the recurrent budget using local expertise and reactive maintenance to GLH stock carried out through the Housing Trading Account. No Coastal Village areas have yet been developed.

The update below sets out progress has been made in these five policy areas.

1. Stimulate the provision of intermediate low income housing

The Land Development Control Plan 2012 – 2022 (LDCP) makes provision for Comprehensive Development Areas (CDA's) for future housing developments, where optimum use can be made of the land and sustainable communities developed. This will ensure a variety of tenure and home

ownership, quality design and construction of homes, adequate levels of infrastructure and disabled provision, the provision and access to local amenities and services, effective waste management and recycling and renewable energy and water saving initiatives.

The LDCP's implementation policy on housing requires 10% -25 % of the plots to be set aside for socially targeted affordable dwellings. This principle has been applied to the designs of the designs of CDAs in Half Tree Hollow and Bottom Woods. Plans have been made to develop a CDA in Half Tree Hollow but has been halted due to sewage disposal issues. The main infrastructure has been installed but until the sewage issue is resolved then development is likely to continue to be put on hold. More recently a private sector contractor has expressed interest in developing this CDA and one of the conditions will be that 10% -25% of the plots are made available for affordable homes.

The CDA at Bottom Woods is under development but again is restricted by access to appropriate sewerage facilities. This land can accommodate 40 properties of which 30 properties can be connected to the existing sewerage system. To date, plots in the first phase have been excavated and construction of two Government Landlord Houses is under way and will be completed by mid-July 2021. These are the first new social houses that have been constructed for a number of years. A proportion of the plots on this site will be made available for affordable housing and the remainder will be marked as 'market value' plots to help fund further development of the site and other sites. Various other sites are being looked at as a way of increasing land availability for commercial and residential development. This includes for example, a site near Bottom Woods (referred to as Plane View) which will accommodate up to 19 plots and is currently going through the planning process. A private contractor is planning to develop a CDA at Bunkers Hill which includes provision for affordable housing as well as social housing.

Additionally, a proportion of Crown land put on the market for residential development as individual plots is made available for affordable housing. A revised Land & Building Disposal Policy (L&BDP) is nearing the completion of its development and makes provision for increased opportunities for residents to access affordable land for development. The current Disposal Policy makes provision for those in a lower income bracket but does not address those above this bracket but who cannot access full market value land.

The last Government Landlord Houses that were constructed were of a steel frame design that was intended to make the homes more affordable and quicker to build. However, there have not been any significant savings made in using steel frame over the traditional concrete block homes and the steel frame houses are now showing signs of wear and tear.

Planning gains are considered for larger developments such a CDA whereby the developer is required to include projects that will benefit the community. These could for example include play areas for children and bus shelters. Provision is made within current Land Planning legislation for this to happen.

2. SHG will SHG will stimulate and regulate a private rental sector.

Private sector accommodation has increased in recent years, particularly around the time of airport construction although rentals are beginning to show a slight decline, putting pressure on social housing. There has been no funds targeted at bringing back empty house into the private rental sector.

A Housing Association has been considered to manage the social housing stock but has not progressed, as a result of funding. Whilst it is possible to introduce a tax on empty properties, there was no political appetite during the last round of tax reforms to tax empty homes other than for commercial properties, particularly given that most people have made significant sacrifices to own their own home such as long periods abroad.

3. Improve the management & maintenance of GLH stock.

The maintenance of Government Landlord houses is funded through a Trading Account whose income is derived from Government Landlord rents and rents of Chief Secretary Properties. The income is insufficient to support a well-designed, structured maintenance schedule that is built on preventative works. Most of the maintenance is reactive.

Rents for GLH have not increased by the RPI for the last five years, until an increase was approved and implemented in April 2021. Rent levels did not always equate to tenants' income and what they can afford to pay. This enables some tenants to continue to reside in a property who can afford to rent from the private sector or purchase their own homes. This reduces the availability to assist those in most of need. The rent increase in April 2021 was based on tiered system that considers income and size of the property. This was to incentivise those living in social housing to seek alternative accommodation, freeing up property for those most in need.

Since July 2018, a scheme was implemented whereby 7 people on the GLH Register were moved into private sector accommodation and their rent was supported by the Housing Trading Account, to up to a maximum of £250 per month depending on the tenant's income. This was chiefly funded by an increase in rentals for CS housing, since July 2018, which now range from £500 to £700 per month, depending on the property. This arrangement also removes the maintenance costs from Infrastructure, as the maintenance cost is borne by the landlord. However due to funding constraints this scheme is now being phased out.

A Building Surveyor was employed previously to assess Crown Property in order to develop a long-term maintenance plan but this plan has never been implemented in its entirety due to funding constraints. Consequently works done on Government Landlord housing is mostly reactive leaving many of the properties neglected and in a poor state of repair. Attempts were made through using Capital Funding to upgrade selected properties but backlog maintenance work was not completed

and the focus for capital funding has shifted from social development to economic development for current capital funding (Economic Development Investment Programme).

A Housing Manager was appointed in 2015 but as a consequence of budget restrictions this post has since been redesignated. This role had responsibility for the day to day management of Government Landlord Houses and Chief Secretary Properties, under the guidance of the Head of Property and Housing. Plans are being made under the 'Fit for the Future' initiative to reinstate this vital role.

4. SHG will assist the elderly and vulnerable to live independently.

SHG has made available through the Children & Adult Social Care Portfolio and the Housing Trading Account, provision of adaptation of homes for elderly and disabled people to enable them to live independently in their homes without the need for sheltered care, where this is practical. This has been partly driven by a shortage of accommodation in care facilities. Adaptions include for example, the installation of wet rooms to replace bathrooms, installations of grab rails and the improvement of physical accessibility to homes.

5. Cross Cutting Objectives.

Housing was brought under the same Directorate as Crown Estates (Environment, Natural Resources & Planning Directorate) but under the 'Fit for the Future' Initiative instigated by SHG to streamline its services, Planning has now moved to the Environment, Natural Resources & Planning Portfolio. The synergy between housing and Crown Estates serves the purpose of a creating a closer working relationship between the needs of housing clients and the practical aspects of tackling operational aspects of maintenance to the homes.

Housing provides its tenant with housing information, advice and support but the difficulty of not having an appropriate level of stock to meet the demand of the services puts a huge strain on this service. Whilst St Helena enjoys a high percentage of home ownership at around 80%, (the UK is around 63%), there is still a shortage of social housing. To date there are 26 active applicants on the housing register.

A Housing Strategy was approved in 2015 by the Social and Community Development and the Environment & Natural Resources Committees. This document sets out procedures for dealing with homelessness, housing allocations, repairs and maintenance, rent setting and arrears recovery, tenancy and estate management, sale of social housing, low cost home ownership, design standards for new homes, empty homes and private sector house conditions. A review of this document will commence shortly.

The design standard as published in the Housing Strategy Manual 2015 takes into account accessibility and future proofing for disabilities, weather protection and warming by provision of double glazing, cavity insulation and wall cladding that are bespoke to the unique characteristics of St Helena, (e.g termite resistance, mould and damp resistance) and renewable energy and water saving initiatives. These sustainable features will prolong the lifespan of our homes and lessen the current ongoing maintenance requirements and costs, the savings of which can be used to build more sustainable homes or add sustainable features to our existing stock.

Crown Estates seek to take the lead in providing sustainable homes, and so far have included LED lighting, solar panels and water saving initiatives in our remedial works and refurbishments. This is the first year since adopting these standards that the Housing Management Office is able to apply these standards to a new build, with the construction of 2 Government landlord homes and a block of flats at the Bottom woods CDA. SHG have also supported the import of renewable energy equipment such as solar heating systems, though custom tax reforms.

Our biggest challenge to date is our limited financial resources which means we must balance our housing need against our need for more sustainable homes; particularly in view of the high costs already associated with traditional methods of house building, our strategy to address this is to liaise with the local construction industry to find more cost effective methods of construction (modular builds, wood frame) that still meets sustainable standards.

A sustainable building is an outcome of a design that focuses on increasing the efficiency of resource use while reducing a buildings impact on human health and the environment during the building's lifecycle, through better siting, design, construction, operation, maintenance, and removal. Crown Estates is currently in the process of making SHG properties more energy and water efficient through the use of LED lighting and with the pilot of a two new water efficient sanitary systems for government offices, it is intended to replicate throughout the organisation in all of our properties.

Low availability of land to build a home and cost is a barrier to progress. The development of CDAs will go some way to releasing more land for residential development and a new Property Disposal Policy under development (to replace the Land & Building Disposal Policy 2016) will help create additional opportunities for affordable housing.

Bank of St Helena loans to first time house builders are inadequate. This is due to the bank only being able to loan up to 3.5 times the annual salary, which on an average wage would mean insufficient funds to complete a new build. This is a key limiting factor for the development of new homes, particularly for those who elected to work and live on the Island.

Conclusion.

Whilst there has been some progress in the development of improved housing on the island, work is restricted by unavailability of funds to fully implement the Housing Strategy 2012 -2022. There is a continued need for the development of new, sustainable homes and maintenance of existing homes to an acceptable level, catering for the housing needs of all residents. There is a level of protection in the event that the property market prospers and makes land less affordable by residents. There is also recognition of the need for good quality, sustainable development moving forward that improves the quality of life for all residents, but there is scope to make the process of acquiring land and affordable housing more accessible to residents.

APPENDIX B: HOUSING AS A HUMAN RIGHT

The Committee on Economic, Social and Cultural Rights defined the elements of the right to adequate housing in their General Comment adopted in 1991, as follows:²⁹

- **Legal security of tenure:** Adequate housing must guarantee specific legal protection, such as protection against harassment, forced eviction and other possible threats.
- **Availability of services, materials, facilities and infrastructure:** Adequate housing has to provide the occupants with ‘sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.’
- **Affordability:** Adequate housing must be affordable, so that the housing costs do not threaten or compromise the satisfaction and attainment of non-housing basic needs. State parties should provide housing subsidies to ensure that those who cannot otherwise afford adequate housing are able to do so and that tenants are ‘protected by appropriate means against unreasonable rent levels.’
- **Habitability:** Adequate housing must have adequate space and protect its occupants from heat, cold, rain, damp, wind and other safety and health hazards.
- **Accessibility:** Adequate housing must be accessible to its occupants. This entails making necessary changes to housing depending on the occupants’ physical and mental health.
 - **Location:** Adequate housing must be in a location that is not polluted and allows access to health care, childcare, schools, employment options and other possible social facilities.
 - **Cultural adequacy:** The construction methods, materials used and relevant policies must reasonably enable cultural identity expression. This, for example, means that the UK and St Helena Governments have a responsibility to ensure that culturally adequate accommodation is available to all Saints, including temporary accommodation.³⁰

29 CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)

30 UN Human Rights Council (2013), Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, A/HRC/25/54/Add.2.

Appendix 3 Extracts from the Directorate Strategy and Delivery Plan In relation to housing
April 2020 – March 2023

Priority 2- Protect the vulnerable through increasing the quality and availability of Government Landlord Housing and residential facilities.

We will update and implement a Housing Strategy for St Helena. We will continue the development of Comprehensive Development Areas and the release of land for development on the Island. The sale of land plots will help to fund further development of infrastructure on the CDAs and facilitate the release of other plots of land. We aim to continue to build new Government Landlord housing as funds become available to reduce the waiting list of applicants as well as look at other ways of continuing to reduce the waiting list. This includes continuing to support the rental of private sector accommodation for social housing to reduce the number on the Housing Register.

☒☒Addressing the shortage of Government Landlord Housing.

At the time of writing (September 2019) the number of people who seek Government Landlord housing has decreased from 78 applications to 68. Part of our approach to reducing this number has been to enable the private sector to enter the GLH market with rents subsidised for tenants who meet the criteria for this initiative. At the time of writing, eleven applicants have been accommodated using this arrangement. A rent review has been approved which will enable additional repairs to be done to homes and to incentivise those who can afford to do so to seek private rental or to build their own homes. This will be done in tandem with our efforts in releasing more Crown land onto the market, for people who wish to build their own homes, including first time house builders, who may qualify for up to 75% discount on the market value for identified plots, depending on their income. No new Government Landlord homes have been built in recent times but we work towards building new homes during the next planning period in the Bottom Woods Comprehensive Development Area and other areas, coupled with other initiatives for reducing the number of genuine cases requiring social housing.

<p><i>Protect the vulnerable through increasing the quality and availability of Government Landlord Housing and residential facilities</i></p>	<p>4.2.1 Protect and ensure the wellbeing of all vulnerable members of society 4.2.2 Develop an overarching housing strategy for the Island</p>	<p>4.2 Care for vulnerable and disadvantaged groups of people such as people with disabilities, children, elderly people and low income earners.</p>	<p>4. <i>Altogether Safer</i></p>
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<p><i>Directorate Priority: Protect the vulnerable through increasing the quality and availability of Government Landlord Housing and residential facilities</i></p>													
Action	Owner	Performance Indicator	Baseline	Target									
<p>1. <i>Revise and implement a Housing Strategy for St Helena</i></p>	<p>Head of Property</p>	<p>1. <i>New Housing Strategy approved</i> 2. <i>New Housing Strategy implemented</i></p>	<p>0% in 2018/19 0% in 2018/19</p>	<table border="1"> <tr> <th data-bbox="1009 584 1094 730">2020/21</th> <th data-bbox="1009 383 1094 584">2021/22</th> <th data-bbox="1009 199 1094 383">2022/23</th> </tr> <tr> <td data-bbox="1094 584 1099 730">100%</td> <td data-bbox="1094 383 1099 584">40%</td> <td data-bbox="1094 199 1099 383">50%</td> </tr> <tr> <td data-bbox="1099 584 1103 730">30%</td> <td></td> <td></td> </tr> </table>	2020/21	2021/22	2022/23	100%	40%	50%	30%		
2020/21	2021/22	2022/23											
100%	40%	50%											
30%													

Directorate Priority: Protect the vulnerable through increasing the quality and availability of Government Landlord Housing and residential facilities

<i>2. Improved disabled access through Government Landlord housing projects</i>	<i>Head of Technical</i>	<i>1. % projects designed for wheelchair user</i>	<i>5% in 2018/19</i>	<i>10%</i>	<i>15%</i>	<i>20%</i>
<i>3. Ensure majority of new GL housing is wheelchair friendly or easily adaptable</i>	<i>Head of Technical</i>	<i>2. % of new GL housing designed for wheelchair user</i>	<i>5% in 2018/19</i>	<i>10%</i>	<i>15%</i>	<i>20%</i>
<i>4. Increase the stock of Government Landlord houses.</i>	<i>Head of Property</i>	<i>3. % increase in GLH</i>	<i>1% in 2019/20</i>	<i>3%</i>	<i>3%</i>	<i>4%</i>
<i>5. Decrease the number of applicants on the GLH waiting list from 78 applicants</i>	<i>Head of Property</i>		<i>78 in 2019</i>	<i>80%</i>	<i>70%</i>	<i>60%</i>
<i>6. Upgrade of Care Facilities</i>	<i>Head of Property</i>	<i>5. Number of facilities upgraded</i>	<i>1 in 2019</i>	<i>1</i>	<i>1</i>	<i>1</i>

2021-22 Key

	<p>These items are not happening either because the EHRC has not received the required budget, they are no longer relevant due to a change in circumstance, or the government agency is not acting.</p> <p>Several items were completed by the EHRC but lost due to the General Election.</p>
	<p>These items are running behind schedule for the reasons given but will happen.</p>
	<p>These items are either finished, requiring no further action or a system is in place and ongoing which is monitored and running successfully.</p>

2021-22

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
Embedding a human rights culture Culture is made up of the beliefs and values of an organisation or community. It sets the rules for how	St Helena's Constitution provides public bodies with a framework for considering human rights when making decisions, planning, delivering services and interacting with the community. Embedding a human rights culture across government and the broader community through increased	Legislation, Policy & Justice: Work with ExCo/LegCo and senior staff to embed a culture of human rights across the public sector	Increased understanding of Human Rights and what they mean for St Helena. Base line and final Questionnaire	Baseline questionnaire completed – follow up in Jan 2022	Completed
		Review of Constitution.	Research issues (if needed) Engage with process		Several reports, letters to HEG, ExCo, LegCo.
		Review of Employment Legislation	Draft proposal for changes in Employment Legislation to	Sept 2020	A draft was submitted to SCDC but has yet to be

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
<p>Transparency, Accountability and Good Governance</p> <p>Strengthening the Rule of Law</p>	<p>knowledge and skills will lead to fairer more democratic decisions, good governance and more equitable outcomes for everyone on St Helena.</p>	<p>Review of the Domestic Abuse legislation</p>	<p>clearly reflect Human Rights. Proposals put to SCDC</p> <p>Proposals submitted to S&CDC</p>	<p>Sept 2020</p>	<p>reviewed by the Education Minister.</p> <p>Draft with Adult Social Services</p>
		<p>Equality & Disabilities Legislation</p>		<p>In place Sept 2020</p>	<p>Proposals submitted to SCDC. Shelved until after General Election. To be discussed with Health Minister</p>
		<p>Review of Equality & Human Rights Ordinance. (Recruitment of commissioners complete)</p>	<p>EHRC fit for purpose and Paris Principles compliant</p>	<p>In place Jan 2022</p>	<p>Completed</p>

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		Framework document drafted	Draft complete & signed off	End April 2020	Completed
		Solicitors Fees reviewed	Fees reduced for lower earners	June 2020	Have written to SHG/SCDC & CS but now Chief Justice is awarding cost
		Minimum Income Standard Calculation Review	Review document to SCDC	May 2020	Completed
		Organisations: Provide a review of the state of equality and human rights in St Helena in order to map our progress in protecting fundamental rights and inform policy, decision making and debate, informing fair and equitable decision making.	ICCPR Stakeholder Report part 2 ICRD ICSECR	Jan 2024 TBC Dec 2022	Part 1 submitted. In progress In Progress

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
			CAT	2023	In progress
			CRC	December 2022	
		Send newsletter to all organisations giving a brief overview of EHRC progress since August 2015. Invite organisations to give their suggestions on how Human Rights can be embedded in our culture.	Newsletter issued by email following the Year End and P6 reports. Short one page summary	April & Oct 2020 ongoing	In progress
		Work with Disabled Persons Aid Society, Children's Champion, Lay Advocates, Age Ways and other organisations representing the potentially vulnerable to understand issues and promote	Develop joint outreach programmes and celebrations on Human Rights Days	Ongoing Autism Day April 2020	On going

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		solutions. To develop and maintain an up to date understanding		White Ribbon 25 th November iHR Day 10 th December	
		Leaflets for Contractors on Human Rights matters possibly through Chamber of Commerce.	Contractors Engaged Reduction in number of issues brought to Commission	2020 date to be confirmed Budget implication	Done by Labour Regulator for employment issues. EHRC done for HR
		<i>Individuals and Groups:</i> Work with the people of St Helena to embed a culture of human rights.	Identify the types of issues, age groups/gender affected etc. through district clinics.	Commencing June 2020	Altogether Fairer
		Build human rights competency, empowering the vulnerable to gain	No of Workshops	First half 2021	No budget

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		<p>equal access to the opportunities and wealth on the island. Through workshops</p>	<p>Number of attendees</p>	<p>date to be confirmed Budget implication</p>	
		<p>Landlords/tenants agreements - Private & SHG</p>	<p>Both Parties protected</p>	<p>20/21</p>	<p>Report published December 21 No response from SHG</p>
		<p>Internal: Gender unit in line with the requirements of CEDAW to assist in creating a society where men and women, boys and girls have their needs met, enabling them to achieve their full potential.</p>	<p>latest statistics recorded</p>	<p>Sept 20</p>	<p>In progress</p>

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		Training – Paris Principles	All Commissioner and Staff	August 20	Internal training August 2020
		Checklist for assessing compliance with Paris Principles.	Update, Circulate with suggested actions	May 20	Complete
		Refresher training for all elected members Legislation, Policy & Justice: Contribute to SHG initiatives aimed at preventing and responding to unequal treatment and practices whether it is gender bias or	All Trained	2021 after GE	Completed
			Initiatives contributed to	Ongoing	Completed

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		discrimination on any of the protected characteristics			
		Equality & Disability Legislation	Legislation request submitted	As above	EHRC role Completed
Improving workplace equality	Significant social and structural barriers to inclusion and equality in the workplace remain in both the public and private sectors. This is particularly true for	Employment law reviewed to protect private sector employees. Actions now with SCDC	Stronger employment protection legislation Bill	Sept 2020	EHRC role Completed
		Policy Consultation – Human Rights Core to all business operations (Private and SHG)	A measurable increase in the understanding of equality and diversity issues in key organisations that the Commission has worked with.	date to be confirmed 21/22 Budget implication	Budget requested – not forthcoming

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
	<p>women, people with a disability, LGBT+ people and people from a culturally diverse background. Older people are experiencing discrimination in the workplace and on occasions people have been refused jobs because of their religious beliefs.</p>	<p>Organisations: Partner with employers through developing our education and consultancy service to identify the drivers for workplace inequality and implement structural and cultural changes to increase equality and diversity</p> <p>Education and Promotion to businesses and public</p> <p>Schools – building human rights into the curriculum using age-appropriate subjects and lesson plans</p>	<p>A reduction in then gender pay gap.</p> <p>Human rights covered across the curriculum and age groups</p>	<p>date to be confirmed Budget implication.</p> <p>2021/22</p> <p>date to be confirmed Budget implication.</p> <p>2021/22</p> <p>21/22</p>	<p>Budget requested – not forthcoming</p> <p>Budget requested – not forthcoming</p> <p>Budget requested – not forthcoming</p>

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		Develop Play/drama for schools		Sept 2020	No budget available
		Schools Policies to be reviewed to strengthen gender equality and general diversity. Through Diversity Training with HR	Policies in place and working	21/22	Budget requested – not forthcoming
		Employers/Community Groups - Offer training on <ul style="list-style-type: none"> • Equality and Diversity • Anti-Harassment & Victimisation • Anti-bullying • Protection of Migrant workers 	Numbers engaged.	date to be confirmed Budget implication	Budget requested – not forthcoming

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		<p>Individuals and Groups: Continue to support individuals and minority groups with workplace issues, ensuring they are directed to the Public Solicitor or other sources of assistance as necessary</p>	<p>Reduction in contacts on the subject</p>	<p>20/21</p>	<p>Ongoing</p>
		<p>Internal: Establish a gender unit in line with the requirements of CEDAW to assist in creating a society where men and women, boys and girls have their needs met, enabling them to achieve their full potential.</p>	<p>Accurate and reliable data on gender related issues.</p>	<p>1st September 20</p>	<p>Completed</p>

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
Protecting human rights in closed environments	People living in detention or in residential care where their liberty is restricted, have limited control over their lives and life choices. They are more vulnerable to having their human rights abused or denied through poor treatment or neglect, possibly as a result of poor training. Issues faced by people in closed environments include lack of access to news and limited connection with the community, separation from family and a lack of respect for privacy and dignity in daily activities.	Legislation, Policy & Justice: assist in the extension and implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and its standards for monitoring places of detention. We will work towards the extension of the Convention on the Rights of Persons with Disabilities			Work Commenced with FCDO
		Push for New Prison	New Prison	Ongoing until in place	
		Extension of OPCAT.	In place	With new Prison	
		Review of Prison Ordinance	In place	With new Prison	

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		Review Care Centres	Meeting OPCAT standards	date to be confirmed Budget implication	No Budget
		Review Children's Home if in use		date to be confirmed Budget implication	No Budget
		Organisations: Identify and address the systems, structures and practices that may result in unfair treatment, abuse or neglect in closed environments		date to be confirmed Budget implication	No Budget
		Training of Carers and Staff in Human Rights		date to be confirmed Budget implication	No Budget
		Individuals and Groups: raise awareness of the importance of human rights in closed environments and how vulnerable	Increased awareness measured through...	date to be confirmed Budget implication	No Budget

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		individuals, particularly the young and the disabled can assert their rights			
		Slide Show or Film to help develop understanding.		date to be confirmed Budget implication	No Budget
		Easy to read leaflets for staff and clients Complete for all sectors. Elderly, learning difficulties, children in care, prisoners	New Constitution	date to be confirmed Budget implication	No Budget
		Review Dementia client's rights & practice			No Budget
		Internal: Develop our knowledge skills and capacity to effectively deliver the above.		date to be confirmed Budget implication	No Budget
		Review current practices/policies to ensure they are compliant with Human Rights Practices.	All Reviewed		Completed

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		Review of internal policies and workplace procedures, how complaints are reported and managed			Completed
		Training and coaching available to staff and commissioners		date to be confirmed Budget implication	Budget requested – not forthcoming
Advancing Freedom of Information and Data Protection on	With the advent of the mobile phones, high speed internet and the introduction of CCTV cameras and drones on the island the need for data protection legislation, to protect the right to privacy for individuals, tailored to	Legislation, Policy & Justice: Partner with SHG and other stakeholders to develop robust Freedom of Information and Data Protection legislation, suitable for St. Helena and compliant with human rights principles	Legislation in place		No will on the part of SHG/Ministers
		Agreed policy in place in the absence of legislation or until legislation is enacted	Policy in place	before September 20	See above

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
	<p>the needs of St Helena, is becoming increasingly apparent.</p> <p>Yet at the same time the need for openness and transparency by SHG and government owned organisations has never been greater. Decisions are made which affect the whole island over which the population has little or no say or control and the reasons for such decisions are not given.</p>	<p>Workshop with NGO's and private sector to discuss legislation on freedom of information and data protection.</p> <p>Organisations We will assist Private sector organisations and NGOs to comply with the legislation and best practice.</p>		<p>date to be confirmed Budget implication</p> <p>date to be confirmed Budget implication</p>	<p>Budget requested – not forthcoming</p> <p>Budget requested – not forthcoming</p> <p>No legislation</p>
		<p>Individuals and Groups Work with individuals and minority groups to promote understanding of everyone's rights and responsibilities around information and data sharing.</p>			

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
		Internal: Ensure the Commission is operating all its data handling in compliance with best practice and legislation.	Best practice identified	June 20	Completed
			Policy agreed	July 20	Completed
Core Tasks	Investigating Complaints	Set timeline from date of complaint.			Completed
		Follow up on whether EHRC advice was acted on			
	Research	As required.			Completed
	Advocating & Empowering	See above.			

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
	Enforce				
	Education				
	Monitoring				
	Continue to monitor poverty and wealth			Annually date to be confirmed Budget implication	Completed
	Lobby for robust rehabilitation services for perpetrators of domestic abuse			20/21	Will become part of the Gender Mainstreaming programme
	Work with the Police to ensure all law enforcement	Police Training for new recruits	Every Course	Ongoing	Ongoing

Strategic Priorities	Strategic Goal	ACTIONS	Outcome/indicator	Priority/ deadline	Progress
	measures are human rights compliant and proportionate to St Helena.	Regular Communication meetings		Ongoing	Ongoing



