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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав,
включая право на развитие**

Доклад Специального докладчика в области культурных прав Фариды Шахид

Добавление

Миссия в Сент-Винсент и Гренадины (5–9 ноября 2012 года)

Резюме

В настоящем докладе Специальный докладчик в области прав человека Фариды Шахид представляет свои выводы и рекомендации по итогам ее официального визита в Сент-Винсент и Гренадины, состоявшегося 5–9 ноября 2012 года по приглашению правительства.

Цель визита заключалась в оценке, в духе сотрудничества и диалога, мер, принятых страной с целью обеспечения осуществления культурных прав, с уделением особого внимания праву народа на доступ к культурному наследию, включая доступ к своей истории. Специальный докладчик также рассмотрела другие вопросы, такие как взаимосвязь между стратегиями в области культуры и туризма, а также меры, принятые в целях поддержки художественного творчества и обеспечения права индивидуумов на доступ к искусству.

Annex

[English only]

Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, on her mission to Saint Vincent and the Grenadines (5 to 9 November 2012)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur in the field of cultural rights, Farida Shaheed, visited Saint Vincent and the Grenadines from 5 to 9 November 2012. The Special Rapporteur visited Kingstown, Sandy Bay and Union Island. She met with Government officials and statutory bodies working in the areas of culture and tourism, education, legal affairs and central planning. She also met with artists, teachers, historians, people involved in organizing cultural events and festivals, as well as representatives from civil society. In addition, she visited Sandy Bay Secondary School, the Secondary School of Union Island, and Boys Grammar School in Kingstown, as well as community radio stations.

2. Thorough discussions were held with all interlocutors on the achievements as well as the challenges of implementing cultural rights in the country, particularly with regards to history, cultural heritage and tourism. The Special Rapporteur considered these issues with a view to assisting the Government and other relevant actors in their efforts to address the challenges and obstacles they meet in this regard.

3. The Special Rapporteur thanks the Government for the invitation to undertake this first-ever visit conducted by a Special Rapporteur to the country, and expresses her gratitude to all those who have given her the benefit of their time and expertise.

II. General context

4. Saint Vincent and the Grenadines is an island country comprised of Saint Vincent, the main island, and the Grenadines, a chain of 32 islands and cays, of which only seven are inhabited. The country is relatively small, totalling 389 square kilometres, of which the main island comprises 344 square kilometres. It has a small population of about 100,000 inhabitants, a situation that has its advantages as it offers the Government and its institutions the possibility of maintaining close links with the population. However, the situation also poses difficulties. As stressed by several interlocutors, the lack of a critical mass for collecting sufficient revenue from taxes impacts every aspect of life, including those relating to the implementation of cultural rights. In addition, the concentration of the population on the island of Saint Vincent, as well as the lack of human resources and expertise, present serious challenges to the country.

5. According to data from the Saint Vincent Statistical Office, the country's population is mainly composed of people of African descent (72.84 per cent); about 20 per cent of the population identify themselves as "mixed," 3.59 per cent as indigenous (Amerindian/Carib people, totalling about 3,800 persons), 0.82 per cent as White or Caucasian (about 800 persons) and 0.57 per cent as Portuguese (about 600 persons). According to some estimates, approximately 6,500 people of Indian origin live in the country and are fully integrated in Saint Vincent society; however, only about 1.35 per cent of the population identified themselves as East Indian (about 1,400 persons) in the last population census. Minor portions of the population also identify themselves as Chinese (0.03 per cent) and Syrian/Lebanese (0.06 per cent).¹

6. Religious communities in Saint Vincent and the Grenadines are mainly Christian (Anglican: 17.75 per cent; Pentecostal: 17.61 per cent; Methodist: 10.86 per cent, Seventh Day Adventist: 10.22 per cent; Baptist: 9.96 per cent; Roman Catholic: 7.47 per cent).

¹ See www.stats.gov.vc.

Rastafarians account for 1.48 per cent of the population, while about 8.83 per cent of the population declare that they have no religion.

7. According to the Saint Vincent and the Grenadines Country Poverty Assessment 2007-2008, Final Report, the difficulties the country has had in its programme of poverty reduction have to be seen against the decline of the banana industry, on which it was largely dependent, in the latter years of the 20th century as a new regime was put in place in the main export market and the World Trade Organisation rules became operative. The protection enjoyed by the banana industry was removed and other sectors providing sources of foreign exchange income were negatively affected. "Tourism was buoyant from time to time but the sector is small relative to the rest of the economy of St. Vincent and the Grenadines." However, as also stated in the report, poverty and indigence have decreased from the 1995/1996 to 2007/2008.²

8. In 2008, levels of poverty were higher in the north-eastern part of Saint Vincent, in an area where the Callinagos (see below) were historically settled, than in the rest of the country. Interlocutors stressed that although this is still the case today, the gap has been decreasing; the assessment which would need to be confirmed by research. Interlocutors stressed in particular that considerable efforts in the area of education, as well as development of infrastructure linking the north-eastern and southern parts of the island, in particular Kingstown, has helped to alleviate poverty. The building of a bridge over the "dry river" in 2005 was mentioned many times, a crucial link which now allows people from the various communities to meet more often and to increase their economic, social and cultural relationships throughout the year. Previously, seasonal flooding impeded movements to and from this area.

9. According to numerous interlocutors, over the last decade, commendable efforts have been made by the Government to ensure better recognition of the country's diverse cultural heritage, despite resource constraints. Public statements made at the highest level of the State were also referred to frequently as having created a climate favourable to cultural diversity.

III. Normative and institutional framework

A. National framework

1. Relevant constitutional provisions

10. Saint Vincent and the Grenadines is a parliamentary democracy on the Westminster model within the Commonwealth of Nations. Its 1979 Constitution guarantees a list of human rights, including freedom of conscience (art. 9), freedom of expression (art. 10), freedom of assembly and association (art. 11), freedom of movement (art. 12), protection against discrimination on the grounds of sex, race, place of origin, political opinions, colour or creed (art. 13).³ The Special Rapporteur notes that although these provisions are of high importance for the protection of cultural freedoms, no specific provision is devoted to cultural rights per se.

11. In 2009, an important constitutional referendum was held, but it was defeated, with 55.64 per cent of the population voting against the adoption of a new Constitution. The text included far-reaching reforms towards republicanism. New provisions relating to the

² Saint Vincent and the Grenadines Country Poverty Assessment 2007-2008, Final report, vol. I, p. xvi.

³ A/HRC/WG.6/11/VCT/1.

protection of economic, social and cultural rights had also been proposed, recognizing in particular the rights of Vincentians “to have their historical, cultural and other heritage respected, protected and preserved” and the right of people “to the enjoyment of freedom of culture and to cultural expression.”⁴ The Special Rapporteur regrets that such important provisions were not adopted.

2. Relevant laws and policies

12. The Government is currently finalizing its new cultural policy through a process which includes consultations with various stakeholders, including representatives of the Indian Heritage Foundation and the Garifuna Heritage Foundation, as well as social groups, such as artists and artisans. The Special Rapporteur notes, however, that at the time of her visit, very few of the interlocutors she met were aware of the planned consultations. While commending the Government for its willingness to carry out wide consultations, she stresses that stakeholders need to be informed sufficiently in advance with proper documentation so as to ensure meaningful input from all stakeholders and broad ownership of the policy.

13. At present, the Government is also discussing its new strategy for tourism. The Special Rapporteur stresses the need to ensure coherence between cultural and tourism policies, through specific procedures and mechanisms. As the Government is aware, the development of tourism may well result in greater support for the local culture but can also have a detrimental impact on tangible and intangible cultural heritage.

3. Relevant institutions

14. There is still no national human rights institution in Saint Vincent and the Grenadines. The draft 2009 Constitution provided for the creation of a Human Rights Commission and an Ombudsman’s Office. Under article 16 of the current Constitution, people may apply to the High Court for redress in case of breach of their fundamental rights, as enshrined in the Constitution. However, the Special Rapporteur did not receive any information indicating that this provision is resorted to.

15. Two national institutions engaged in matters related to culture are of particular importance and will likely be called to play an increasing role in the protection and promotion of cultural rights in the country.

The National Trust

16. The Saint Vincent and the Grenadines National Trust is a non-profit statutory body established in 1969 with the mandate to, inter alia, locate, conserve and restore areas of beauty as well as buildings and objects of archaeological, architectural, artistic, historic, scientific or traditional interest. The Trust may declare places, buildings and objects as Protected National Heritage; make and keep inventories and educate the public about the historical assets and natural amenities of the country.⁵

17. In 2007, the National Trust, in its own words, has secured the passage of “some of the most far reaching conservation legislation in the Caribbean. Act No. 37 of 2007 authorises the Trust to declare as ‘Protected National Heritage’ any place, building or object, which should be conserved, restored or protected on account of its national interest

⁴ Draft Constitution, chap. II, arts. 15 and 16. Available at: <http://www.svgconstitution.com/about/>.

⁵ St. Vincent and the Grenadines National Trust Act of 1969, available at http://www.tourism.gov.vc/index.php?option=com_content&view=article&id=205&Itemid=134

or archaeological, historic, artistic, architectural, scientific or traditional interest. Once a place, building or object has been declared a Protected National Heritage, it is a criminal offence to tamper with it.”⁶

18. The Trust was dormant for some time; however, recognizing its importance, the Government appointed a new Board of Trustees in 2009 to spearhead its revitalization. The Policy statement and action plan 2009-2012⁷ adopted by the Trust, lists its main objectives.

19. The revival of the Trust is welcome. The Special Rapporteur particularly appreciates the Trust’s intention to protect cultural heritage, including built heritage; promote archaeological research and study as one important component of history and memory; establish relationships with local communities and other relevant stakeholders so as to provide an opportunity for people to connect with their heritage and promote educational outreach, including through working with heritage clubs in secondary schools. She also stresses the importance of the Trust’s objective to document and give support to groups who are documenting or keeping alive cultural intangible heritage, and to seek to partner community groups to develop narrative on the historic and natural sites of the different regions of the country.⁸ In the Special Rapporteur’s view, programmes are urgently needed on this matter.

20. The Special Rapporteur also welcomes efforts undertaken by the Trust to widen its membership beyond an elite group of well-educated and/or well-off persons to encompass schools and grass-roots organizations. However, more efforts need to be undertaken in this respect. It is particularly important that efforts be made to inform people of the possibilities of becoming a member and the procedure to do so. On this matter, the Special Rapporteur welcomes the Trust’s plan to improve its website.⁹

21. Recommendations and requests by the Trust for Government action are channelled through the Ministry of Culture to the Cabinet, or to the Parliament, when relevant. The Special Rapporteur notes, however, that the Cabinet is not bound to respond to the recommendations submitted by the Trust, and is free to choose whether and when to act upon recommendations or postpone their consideration indefinitely. Moreover, it is only once the decision is taken by the Cabinet that the relevant recommendation of the Trust is made public. Therefore, the system lacks transparency as Vincentians may not be aware of some important recommendations made by the Trust, upon which the Government is not willing to take action. It therefore precludes wider participation in decision-making regarding cultural heritage matters.

22. The Special Rapporteur recommends that procedures be established to ensure that the Trust is systematically consulted prior to all development projects likely to impact on both tangible and intangible cultural heritage. For example, giving a seat to the Trust on the Planning Board may be one important mechanism to consider. Understanding that some privatized or semi-privatized islands may have their own local planning authorities, the Special Rapporteur also recommends that procedures be established to ensure systematic consultation of the Trust at the local level, regardless of ownership, in order to ensure cultural heritage is not adversely affected.

23. The Trust stated its intention to continue building on a shortlist of buildings under consideration for protected status and to send it to relevant ministries. The aim is to ensure

⁶ St. Vincent and the Grenadines National Trust, Policy statement and action plan 2009-2012, available at: <http://svgnationaltrust.org/>

⁷ Ibid.

⁸ Ibid; see also St. Vincent and the Grenadines National Trust, Three-Year Strategic Plan, 2 May 2012.

⁹ St. Vincent and the Grenadines National Trust, Three-Year Strategic Plan, 2 May 2012.

that ministries register the Trust's interests in the buildings and consult the Trust before taking any measures concerning these buildings.¹⁰ The Special Rapporteur encourages the Government to respond positively to such requests. More generally, she draws the attention of the Trust and of the Government to her thematic report on the right of access to and enjoyment of cultural heritage (A/HRC/17/38), which she believes could be helpful in all the discussions mentioned in this section.

The National Cultural Foundation

24. The National Cultural Foundation was created in 2001 by the Government, with the aim of establishing a statutory body that could respond more efficiently to the needs of the cultural sector than could the Government itself. The mandate of the Foundation is to stimulate and facilitate the development of dance, music, literature, drama, fine arts and culture generally; develop, maintain and manage theatres, libraries and other cultural facilities and equipment provided by the Government; organize cultural festivals; and do anything necessary or desirable to assist persons interested in developing cultural expression.¹¹

25. Although the Government had pledged to provide the Foundation with financial, administrative and technical support necessary to enable it to function as the lead institution in the cultural field, the Foundation has been dormant since 2010. The Special Rapporteur appreciates the Government's efforts to revive the Foundation and to overcome financial and administrative constraints in this regard. She stresses again the importance of such a body for local artists and people involved in the promotion and safeguarding of the intangible cultural heritage of the country. She suggests that the terms of reference of the Foundation be developed following the arm's length principle, where independent experts, in particular peers, are mandated for a limited time period to allocate funds and grants. This would provide greater guarantees for the respect of the right to freedom of artistic expression.

B. International framework

26. The Special Rapporteur notes with appreciation that Saint Vincent and the Grenadines has ratified the main United Nations instruments relevant to the implementation of cultural rights, with no reservation, as well as a number of relevant United Nations Educational, Scientific and Cultural Organization (UNESCO) conventions. She is surprised, however, that the country has not ratified the Inter-American Convention on Human Rights and its Protocol on Economic, Social and Cultural Rights; during her visit, the Special Rapporteur was not able to clarify the reasons for this situation.

27. Noting that the country has never accepted any facultative individual complaint procedure attached to United Nations human rights instruments, the Special Rapporteur encourages the Government, as a first step, to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

28. The Special Rapporteur understands the difficulties encountered by Saint Vincent and the Grenadines in reporting to treaty bodies, due to a lack of financial and human resources. However, she is pleased to learn about efforts undertaken to enter into dialogue with the Committee on the Elimination of Discrimination against Women. Noting that Saint

¹⁰ St. Vincent and the Grenadines National Trust, Policy statement and action plan 2009-2012.

¹¹ See Government of Saint Vincent and the Grenadines, Ministry of Tourism, Sports and Culture, at http://www.tourism.gov.vc/index.php?option=com_content&view=article&id=194&Itemid=133.

Vincent and the Grenadines has never submitted its initial report to the Committee on Economic, Social and Cultural Rights, she encourages the Government to consider this as a priority.

IV. Realizing cultural rights in Saint Vincent and the Grenadines: good practices and challenges

29. Efforts by the Government to ensure better recognition of the country's diverse cultural heritage have included general support to the work undertaken by various organizations, such as the Garifuna Heritage Foundation. Concrete steps have been adopted to this end, including proclaiming as a national hero, in 2002, the Paramount Chief of the indigenous peoples, Joseph Chatoyer. The Special Rapporteur also welcomes the Garifuna retrieval programme which was launched in 2002 by the Government, with the support of UNESCO and Belize.

30. The Government has also been supportive of the work of the Indian Heritage Foundation, a non-profit organization set up in 2006 with the task, among others, of raising awareness about the history and culture of East Indians in the country, the first of whom arrived in the mid-19th century following the abolition of slavery. In 2007, the Parliament officially recognized 1 June as Indian Arrival Day, and 7 October as Indian Heritage Day. A section on Indian history has also been introduced in textbooks.

31. Several booklets have been published on a variety of Saint Vincent and the Grenadine's cultural heritage, such as traditional songs, customs and traditions, festivals. Although there have been difficulties in terms of their dissemination due to financial constraints, copies may be found in libraries. The establishment of a national calendar of cultural events has enabled promotion of said events.

32. The Special Rapporteur also welcomes the official recognition of the Rastafarian religion. Over the years, Rastafarian organizations have been increasingly involved in matters relating to history and cultural heritage, with a view to raising awareness about Africa, African descent and heritage. According to information received during the visit, today, Rastafarians confront a lesser degree of discrimination in their daily life. While the Special Rapporteur welcomes this positive development, she encourages the Government to further address the concerns raised by Rastafarians regarding the pursuit of their cultural and religious life without hindrance and stigmatization, including when it comes to the consumption of cannabis for religious purposes. The Special Rapporteur also encourages the Government to enact clear directives for prisons so as to ensure that Rastafarians held in prison will not have their dreadlocks cut.

A. Right to choose and express one's identities: history, memory and self-identification

33. The Special Rapporteur was impressed by the public desire for and commitment to retrieving and reviving parts of their cultural heritage, including history. This also leads to discussion regarding how individuals and groups identify themselves.

34. The efforts of Vincentians to research and write their nation's history following independence in 1979 have met with many difficulties. One of the major challenges is that the archives of the colonizers constitute the main sources of information, which poses difficulties in terms of both access and content. In terms of access, archives are located primarily in England, with some in France, precluding access for most researchers. In terms of content, since the documents were prepared by the colonizers, they are necessarily biased

and hostile with regard to the colonized populations. It is only recently that Vincentians have started to gain access to alternative sources to retrieve their own history.

35. Research indicates that the Callinagos (or Kalinagos), later called the “Caribs” or “Yellow or Red Caribs” by the colonizers, constitute a third wave of Amerindians that settled in Saint Vincent and the Grenadines about AD 1200. They have left an important archaeological heritage by way of petroglyphs that have been found in various parts of the country. The meaning of the petroglyphs is still being researched.

36. Research also indicates that “by the first quarter of the 18th century, there was a relatively large number of persons of African descent, living on the island of Saint Vincent, who were not slaves”.¹² These people would have arrived on the islands as a result of various events, including shipwrecks of slaving vessels off the coast of Saint Vincent and the Grenadines, the escape of slaves from Barbados, and possibly the visit by African traders to the West Indies before the Europeans.

37. It was stressed that before colonial conquest, Callinagos and African populations intermingled and married, resulting in a third group, referred to as the Garifuna.¹³ They were identified as “Black Caribs” by the European settlers and described as indistinguishable from the Callinagos “in terms of dress, diet, language and lifestyle – everything, in fact, except pigmentation and similar racial characteristics.”¹⁴ However, there were also conflicts between the two groups.

38. The Garifuna story is described as unique, and “Garifuna people take pride in their past as a free people living for generations according to their own customs on Saint Vincent. Their language, passed down from the Amerindian side of their heritage, bears living witness to their radically different history”.¹⁵ Many of the interlocutors the Special Rapporteur met underlined that resistance by the Garifuna prevented early colonization of the island and delayed the introduction of slavery, which lasted about 50 years and ended between 1834 and 1838.

39. The Garifuna lost the war against the British at the end of the 18th century. Many were killed and the remaining Garifuna population, estimated at between 4,338 and 5,080 men, women and children, was deported in 1796, first to Balliceaux, a small barren island off the coast of Saint Vincent and eight months later, in 1797, they were deported to Roatán, an island off the coast of Honduras. However, only about half of the deportees reached Roatán, as many had either died on Balliceaux, as a result of hunger, thirst and illness, or did not survive the journey. The year 1797 – referred to as the year of banishment – and its dramatic consequences is still present in the memory of the Garifuna people. Those who stayed on Saint Vincent were prohibited from retaining their culture, which was then completely lost.¹⁶

40. People identifying as Garifuna in Saint Vincent and the Grenadines today stated that during their youth, references to “Black Caribs” were still very pejorative, and that references to “Garifuna” started being used only in the 1990s. Garifuna identity is being revived, due in particular to the development of contacts with Garifuna populations settled

¹² Edgar Adams, *People on the Move: The Effects of Some Important Historical Events on the People of Saint Vincent and the Grenadines* (Kingstown, R&M Adams Book Centre, 2002), p. 6.

¹³ See also Saint Vincent and the Grenadines Country Poverty Assessment 2007-2008, Final report, vol. I, p. 17.

¹⁴ Christopher Taylor, *The Black Carib Wars, Freedom, Survival and the Making of the Garifuna* (Oxford, Signal Books, 2012), p. 17-18.

¹⁵ Ibid.

¹⁶ See Adams, *People on the move* (see footnote 12), p. 58; and Taylor, *The Black Carib Wars* (see footnote 14), p. 160.

in Honduras and Belize, who are descendants of the Garifuna who had been deported to Roatán, and who continued their traditions and maintained their culture. According to interlocutors, it was only in the relatively recent past that Vincentians discovered that about half of the Garifuna initially deported to Balliceaux had actually survived and continued their culture in other countries.

41. Today, some people in Saint Vincent refer themselves as Callinagos and refuse to be identified as Garifuna, stressing in particular the lighter colour of their skin and the place where they live, as well as, to a lesser extent, cultural specificities related to food and farming methods. Others refer to themselves as Garifuna, stressing that Garifuna encompasses the Callinago heritage mixed with African roots.

42. The Special Rapporteur appreciates that Saint Vincent and the Grenadines census is based on the principle of self-identification, through a questionnaire that includes questions on ethnicity. Efforts have been made at the Caribbean regional level to standardize the questionnaire, while leaving the possibility for countries to deviate from it and adapt the questions to their own specificity.

43. However, the option to identify as Garifuna is not available in the questionnaire, which contains entries such as “African/Black/Negro” and “Indigenous people (Amerindian/Caribs)”; although the Special Rapporteur notes that there is a box “Other/Specify”, where people could declare themselves as Garifuna or Callinago. In the last census, only 0.09 per cent of the population declared themselves as “Other”.

44. The Special Rapporteur did not receive clear information on how the information compiled through this “Other” box is treated. Some officials stressed that efforts are made to minimize this category, with the enumerator categorizing people in boxes where he or she believes they belong. However, other officials denied the existence of such a practice. The Special Rapporteur recommends that this be clarified and that clear guidelines for enumerators be published in this respect. She also suggests that information collected under “Other” be taken into account, so as to assess whether there is need to reformulate the questions in the questionnaire.

45. The Special Rapporteur understands that the situation is very complex, in particular when population groups are in the process of retrieving culture(s) that have been lost or neglected. She stresses that population censuses may also be used to draw up, not a “racial” profile of the population, but a cultural profile, based on how people identify themselves in terms of cultural identity, cultural practices and common history. More generally, the Government may develop, in collaboration with relevant communities, indicators of cultural diversity which could be useful in terms of recognition, as well as for the planning institutions.

B. Right to access cultural heritage, including one’s own history

1. Researching, writing and teaching history

46. There seems to be a strong demand among Vincentians, and in particular the Garifuna and the Callinago people, to research and access their own history; however, they tend to encounter many obstacles.

47. During her visit, the Special Rapporteur met with local historians, teachers and other people interested in researching history, who stressed the lack of means. Lack of information and difficult access to archives that are located abroad were cited as important obstacles. The International Garifuna Research Centre make available all information that it is able to collect, but also has very limited resources.

48. A main concern is that textbooks, which are developed at the Caribbean (regional) level, continue to have a European perspective, although significant achievements have been made since the 1970s in this respect. It is also of concern that textbooks do not sufficiently reflect the specific history of Saint Vincent and the Grenadines, and contain very little information on the Garifuna and Callinago peoples. The Special Rapporteur notes that the Government is positive about introducing the book *People on the Move, The Effects of Some Important Historical Events on the People of Saint Vincent and the Grenadines*, by Vincentian historian, Edgar Adams, in secondary schools where it is already circulated. Rastafarian organizations also have raised their concerns in relation to the content of the school curriculum, which they find do not give sufficient space to the history of Africa.

49. Another concern is the extremely difficult task of motivating students to learn about Vincentian history when it is not a priority for the formal education system and when the examination, which is also set at the Caribbean (regional) level, does not include questions on such matters. Indeed, the Caribbean Examination Council for secondary level has limited space for local histories.

50. While it is impractical to develop textbooks or examinations exclusively for Saint Vincent and the Grenadines, it is important to find ways to integrate local histories and literature into the school curriculum, including through the use of information and communication technologies. In this regard, the Special Rapporteur welcomes efforts made by teachers to provide students with another version of history.

51. The Special Rapporteur particularly appreciates the establishment of heritage clubs in schools, which were started around 1997 at the initiative of teachers alarmed by students' poor knowledge of students of their local history and environment. Heritage clubs have multiplied since then, but the general feeling is that this is still insufficient, despite general support from the Government. Teachers experience their efforts as a personal struggle, and the number of students in history classes remains small. The Special Rapporteur had the pleasure to meet with the Executive Committee of one such club in Boys Grammar School in Kingstown, who explained their interest for history and cultural heritage, and their feeling that they did not know enough.

52. Schools can also become members of the National Trust and those having a heritage club generally avail themselves of that possibility. The Trust may accompany students on expeditions, on demand, but mostly this activity is conducted on an ad hoc basis. The relationship between schools and the Trust is unclear at the moment and would need to be properly organized.

53. Schools also develop extracurricular activities that enable students to have access to the Saint Vincent and the Grenadines heritage, through poetry, drama, song, dance or music (drums and steel pans). The Special Rapporteur learned that Sandy Bay Secondary School benefited during one year from the visit of a teacher from Belize, supported by UNESCO, who taught the Garifuna language. Regrettably, despite its success, the project could not be continued due to financial constraints and possibly also lack of follow-up by or discouragement on the part of the school itself. The Special Rapporteur was impressed that students she met remembered phrases in Garifuna from their lessons of the previous year, despite having virtually no opportunity to practice the language; the students were especially keen about artistic expression through traditional drums and dances.

54. The Special Rapporteur notes that efforts have also been made to disseminate knowledge about Vincentian history through lectures and diverse gatherings or radio shows, often with the support of the Government and the private sector.

2. Balliceaux

55. The island of Balliceaux (mentioned above) has become a place of pilgrimage. In the Yurumei Declaration, adopted at the First International Garifuna Conference, participants recommended that the island of Balliceaux be preserved and protected as a sacred heritage site for the use of future generations.¹⁷

56. According to information gathered during the visit, Balliceaux is a privately owned island, and development plans have been envisaged for it. Noting that any development plans has to be approved by the Government, the Special Rapporteur calls on the Government to consider the importance of Balliceaux island for the Garifuna people and to ensure that their relation to this island, as a site of remembrance, is respected and maintained.

3. Public beaches

57. The Special Rapporteur appreciates the Government's statement that all beaches in the country are public, including those on private islands; meaning that public access to beaches are always safeguarded. The Special Rapporteur recommends, however, that specific legislation be passed making it obligatory for all private proprietors to provide a thoroughfare for public access to beaches. She further recommends that the Government pay particular attention to beaches that are accessible to the public by boat only, as this may constitute a clear impediment to access in practice.

C. Support to artistic creativity and access to the arts and cultural heritage

58. There are numerous challenges in identifying, protecting and safeguarding the cultural heritage of all groups in the country, as well as ensuring that heritage remains part of a vibrant cultural life in a globalizing world. In this respect, interlocutors shared their concern about what they see as Americanization and Jamaicanization of their culture.

59. As in many countries, artists have a hard time making a livelihood out of their art, and face a paucity of spaces to meet, perform and practice. The Special Rapporteur notes that several projects are under discussion, in particular the Alba House, a training and development space for culture, which would also host civil society organizations working in the field of culture and cultural rights. In addition, the Government's plan to establish a multi-functional cultural centre in Kingstown, which would host exhibitions and enable artists to perform and practice, is welcome. The Special Rapporteur encourages the Government to pursue its efforts in that direction. She further calls on the Government to support the development of such venues in the communities themselves. It is also important to ensure that meaningful consultations are conducted with the communities concerned as well as artists, so that centres meet expectations and are suited for cultural and artistic activities. Rastafarian organizations also have expressed their need for a space that could serve as a cultural institution.

60. According to information received, artisans encounter difficulties in their daily work, as they too need spaces to exhibit and sell their crafts. It is alleged that artisans in Saint Vincent and the Grenadines are in a very unstable and insecure situation, and do not get sufficient support from the Government. While vending on the street is illegal in Kingstown, it is alleged that the Town Board illegally charges artisans 5 East Caribbean dollars (approximately US\$1.85) per day for the place they use in the street to sell their

¹⁷ See Yurumei Declaration, 12 March 2012. Available at <http://garifunaresearchcenter.org/wp-content/uploads/2012/03/Yurumei-Declaration-FINAL.pdf>.

products, and that they remain at the mercy of the police who can decide to chase them off the street at any time.

61. Numerous festivals and cultural events rooted in tradition and history take place throughout the year, with support from the Government, the private sector or both. However, there is need to ensure that all the different islands and groups have equal opportunities to host and participate in events. Support from the private sector for the arts as well as for cultural activities should be encouraged, taking into consideration also the need to protect the freedom and autonomy of artists.

62. The Special Rapporteur notes in particular that small groups, such as the Maroons on Union Island, who have a distinct cultural identity and strive to maintain their particular traditions, including traditional dance and big drums, do not seem to receive sufficient attention and support. The Maroons seek opportunities to research and claim their cultural identity and pass cultural heritage to younger generations. Particular mention was made of the Maroon festival, which needs greater support.

V. Conclusion and recommendations

63. **The Special Rapporteur welcomes the efforts and steps taken by the Government of Saint Vincent and the Grenadines, despite financial and human resources constraints, to ensure better recognition of cultural diversity in the country and protection of tangible and intangible cultural heritage. She also welcomes the support provided by the Government to various groups in their objective to protect and safeguard their cultural heritage and their quest for history.**

64. **More needs to be done, however, and the Special Rapporteur wishes to make the following recommendations to the Government:**

(a) **Ensure, when conducting wide consultations for drafting its cultural policy, that stakeholders are informed sufficiently in advance with proper documentation;**

(b) **Ensure coherence between cultural and tourism policies, through specific procedures or mechanisms, and in particular adequate consultation of the National Trust;**

(c) **Require cultural impact assessments prior to major private or public development projects;**

(d) **Strengthen support to heritage clubs in schools, and find and support ways to integrate local histories and literature into the school curriculum, including through the use of information and communication technologies;**

(e) **Support the dissemination of alternative history textbooks and the organization of extracurricular activities on Vincentian history in schools;**

(f) **Address the issue at the Caribbean (regional) level on how local histories can be better reflected and incorporated in textbooks as well as examinations;**

(g) **Address the issue of access to relevant archives located in countries such as the United Kingdom of Great Britain and Northern Ireland and France. This could include seeking support, including from these countries, for Vincentian historians to conduct their research abroad, for example through scholarships, and to have facilitated access thanks to the digitalization of archives;**

(h) Consider the importance of Balliceaux island for the Garifuna people, and ensure that their relation to the island as a site of remembrance is respected and maintained;

(i) That specific legislation be passed, making it obligatory for all private proprietors to provide a thoroughfare for public access to beaches;

(j) Pursue its efforts to establish a space for training and development of cultural expressions, as well as a multi-functional cultural centre in Kingstown, to host exhibitions and enable artists to perform, exhibit and practice. The Government is encouraged to support the development of such venues in the communities themselves and on the different islands. It is also important to ensure that meaningful consultations are conducted with the communities concerned as well as with artists, so that centres meet expectations and are suited for cultural and artistic activities.

(k) Address concerns expressed by artisans, who need of finding places to display and sell their craft, in a secure manner.

(l) Address the concerns raised by Rastafarians regarding the consumption of cannabis for religious purposes. The Special Rapporteur also encourages the Government to enact clear directives for prisons to ensure that Rastafarians held in prison will not have their dreadlocks cut.

(m) Address concerns expressed by small groups, such as the Maroons on Union Island, who are striving to maintain their particular traditions, including traditional dances and big drums, and who need greater attention and support.

65. The Special Rapporteur recommends that the use of the “Other” category in population censuses aimed at elucidating the ethnic composition of the population be clarified, and that clear guidelines for enumerators be published in this respect. The Government is also encouraged to assess whether there is need to reformulate questions in the questionnaire for population censuses. The Government may also develop, in collaboration with relevant communities, indicators of cultural diversity which could be useful in terms of recognition, as well as for the planning institutions.

66. The Special Rapporteur recommends that the Government continue its support to the National Trust and enhance its efforts for the rapid revival of the National Cultural Foundation. She also recommends that:

(a) Recommendations of the National Trust be made public, including in cases where action is not taken by the Government or the Parliament;

(b) Procedures be established to ensure that the National Trust is systematically consulted prior to all development projects likely to impact on cultural heritage. The Government should envisage giving a seat to the Trust on the Planning Board and should ensure that the National Trust is systematically consulted by the planning authorities of privatized or semi-privatized islands, where they exist;

(c) The Government consult the National Trust before taking measures in relation to built heritage being considered for protected status.

67. The Special Rapporteur recommends that the National Trust:

(a) Improve its website as planned to ensure better dissemination of information on the cultural heritage and history of Saint Vincent and the Grenadines, as well as on the possibilities of becoming a member of the Trust;

(b) Strengthen its relationship with schools and heritage clubs in schools;

(c) Consult local communities, which feel associated to a specific cultural heritage, tangible or intangible;

(d) Seek the assistance of the World Intellectual Property Organization and UNESCO, so as to benefit from their assistance in documenting, registering and safeguarding traditional knowledge and traditional cultural expressions.

68. The Special Rapporteur urges the Government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Inter-American Convention on Human Rights and its Protocol on Economic, Social and Cultural Rights. She also encourages the Government to consider, as a priority, submitting its initial report to the Committee on Economic, Social and Cultural Rights.

69. The Special Rapporteur recommends that the private sector continue its support to cultural activities, events and festivals, paying due attention to artistic freedoms. More support is also needed for events aiming at reviving or adapting traditional cultural expressions.
