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## **Report of the Working Group on the Universal Periodic Review\***

### **Saint Vincent and the Grenadines**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its eleventh session from 2 to 13 May 2011. The review of Saint Vincent and the Grenadines was held at the 13th meeting on 10 May 2011. The delegation of Saint Vincent and the Grenadines was headed by Camillo M. Gonsalves, Permanent Representative of Saint Vincent and the Grenadines to the United Nations. At its 17th meeting, held on 13 May 2011, the Working Group adopted the report on Saint Vincent and the Grenadines.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Saint Vincent and the Grenadines: Argentina, Malaysia and Norway.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Saint Vincent and the Grenadines:

(a) A national report submitted and a written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/11/VCT/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/11/VCT/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/11/VCT/3).

4. A list of questions prepared in advance by Belgium, the Czech Republic, France, Latvia, Maldives, the Netherlands, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Saint Vincent and the Grenadines through the troika. These questions are available on the extranet of the universal periodic review (UPR).

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Saint Vincent and the Grenadines welcomed the opportunity to participate in the universal periodic review, and to engage in dialogue with members of the international community on the human rights record and accomplishments of the State. The delegation viewed the dialogue as an important opportunity to identify the areas for improvement and international priority, while simultaneously allowing the Human Rights Council to learn about the context, beliefs and perspectives of Saint Vincent and the Grenadines.

6. The delegation noted that development of human rights in Saint Vincent and the Grenadines, and its national approaches in that regard, were informed by the State's unique historical, physical, political and socio-economic characteristics. Saint Vincent and the Grenadines was an archipelago of over 32 islands, with roughly 110,000 citizens. Those citizens were highly migratory people, with a high proportion living and working in other States.

7. The human rights history of Saint Vincent and the Grenadines had been shaped in part by slavery, colonialism and the genocide of its indigenous peoples. Slavery had been introduced by colonial powers, which also had participated in the extermination and exile of the indigenous Garifuna people. Saint Vincent and the Grenadines noted that, in modern times, it had largely solved many of the ethnic and racial tensions that bedevilled other

States. The descendants of the slaveholders, the enslaved and the indigenous lived in peace and relative harmony with each other and with the more recent immigrants from Asia, the Middle East and Europe.

8. Saint Vincent and the Grenadines was a plural and fully inclusive participatory democracy. Since independence in 1979, it had enjoyed eight free and fair elections and three peaceful transfers of power between opposing political parties. The delegation indicated that the country was host to a boisterous free press – including some media outlets that were highly critical of the Government – and a lively and largely unregulated Internet blogosphere. Freedom of expression and assembly was constitutionally protected and actively practiced in a variety of contexts. Women, youth and various racial and ethnic groups played strong roles in successive Governments of the country.

9. The national Constitution had been adopted in 1979, and had been largely unchanged since then. The Constitution explicitly protected the rights to life, to personal liberty, and to the freedoms of conscience, expression, assembly, association and movement. The Constitution also provided protection from slavery and forced labour, inhuman treatment, deprivation of property, arbitrary search and entry, and discrimination on the grounds of sex, race, place of origin, political opinions, colour or creed, and it secured the protection of the law, including the right to a fair hearing and the presumption of innocence.

10. Saint Vincent and the Grenadines unsuccessfully attempted to reform its Constitution in 2009 via a referendum. The proposed constitution was the product of extensive consultations with all stakeholders. It contained a number of innovations and advancements in governance and human rights, including rights relating to employment, political participation, protection of the environment, heritage and culture. The elderly, youth, women, teachers and the press also were to receive additional constitutional recognition and protection. The proposed document would have provided for the creation of a human rights commission and an ombudsman, among other bodies. Unfortunately, the bipartisan effort on constitutional reform had been derailed by political considerations in the lead-up to scheduled elections in 2010, which had contributed to the failure of the referendum. Saint Vincent and the Grenadines had accepted the results of the referendum.

11. Like many other Caribbean Community States, Saint Vincent and the Grenadines acknowledged its tardiness in meeting certain reporting commitments under the treaties to which it was a party. The tardiness was a product of practical constraints, not an absence of political will or a diminished commitment to human rights. The preparation for the UPR process had highlighted the fact that Saint Vincent and the Grenadines had been tardy in meeting some of its reporting commitments, and one tangible benefit of the UPR was that it had caused the Government to revisit the manner in which Saint Vincent and the Grenadines prepared for and responded to its treaty commitments. The Ministry of Foreign Affairs had dedicated legal staff to coordinate the national responses in a more systematic manner and would form a multisectoral committee to review and expedite compliance with its outstanding commitments. In that regard, Saint Vincent and the Grenadines welcomed any technical or capacity-building assistance that might be offered.

12. In Saint Vincent and the Grenadines, the enhancement of human rights was not a sterile legislative process. Rather, it was a holistic approach that was responsive to the needs and demands of its citizens. While it is critical that universal human rights are enjoyed universally, it is often necessary for poor countries to prioritize the legislative means by which such rights are formally recognized. The State's serious commitment to human rights did not allow for a "checklist approach" or a cosmetic response to legislation. Instead, Saint Vincent and the Grenadines adopted a more forward-looking and positive legislative stance, coupled with a respect for the ability of its courts and common law

system to shape legal precedent and constitutional interpretation in such a way as to reflect evolving understandings of human rights.

13. The adoption of a human-rights based culture required overlapping approaches, the engagement of civil society and an analysis of regional best practices within a conducive environment of public debate.

14. The delegation reported that human rights were part and parcel of the Government's broader developmental thrust and focus. Given the relationship between development and human rights, the advancement of such rights and a rights-based culture were inextricably linked to continued development. Saint Vincent and the Grenadines, recognizing the twenty-fifth anniversary of the Declaration on the Right to Development, reemphasized its belief that development is a human right. The establishment and advancement of all universal human rights were viewed through this developmental prism. Accordingly, significant investments and marked improvements had been achieved in the areas of housing, health, education, economic development, poverty reduction, and assistance to the elderly, youth and prison populations.

15. Saint Vincent and the Grenadines could reflect with some pride on its rapidly developing and improving post-independence human rights record. Nonetheless, there was significant room for improvement. The right of persons with disabilities to be fully integrated in society still left much to be desired, as did the continued stigmatization of persons living with HIV/AIDS. There was ongoing concern with violence against women and the sexual abuse of minors. An unwelcome increase in political tribalism had spurred the creation of the Ministry of National Reconciliation.

16. The delegation referred to climate change as a real and immediate threat to the rights to life, to property and to development.

## **B. Interactive dialogue and responses by the State under review**

17. During the interactive dialogue, 33 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

18. Algeria commended efforts in the areas of the promotion of the right to housing for economically disadvantaged persons, the right to education, literacy and the protection of childhood. It also noted that efforts in the area of health had contributed to improve the life expectancy of the population. It expressed solidarity with the efforts to address poverty, drug trafficking and criminality and the effects that the international trade system had had on employment. It made recommendations.

19. Cuba commended Saint Vincent and the Grenadines for its programmes to combat poverty and to prioritize education, promoting universal education at all levels, as well as for its programmes in the area of health and the prevention of HIV/AIDS. Cuba also made reference to efforts undertaken to address the rights of children, women, and persons with disabilities and with respect to social security. Cuba made recommendations.

20. The United Kingdom acknowledged the commitment of Saint Vincent and the Grenadines to human rights and non-discrimination and the progress it has made to ensure the rights of all its citizens were respected despite its challenges as a small island. It noted efforts in addressing child abuse and the introduction of the National Child Abuse Register. It inquired about plans to provide safe and secure facilities for juveniles who had committed criminal offences, in keeping with its obligations under the Convention on the Rights of the Child. The United Kingdom encouraged Saint Vincent and the Grenadines to improve transparency in the system of complaints against officials in the justice and security sectors. It made recommendations.

21. Brazil congratulated Saint Vincent and the Grenadines for its engagement in the universal periodic review. It noted with appreciation progress made in the areas of health and education. Brazil asked the delegation how its Government intended to address the concerns of the Committee on the Rights of the Child in relation to discrimination against children, especially those belonging to minorities and those with disabilities. Brazil expressed concern about the persistent use of corporal punishment in schools and the very low age applied to criminal responsibility. It also noted with concern the high incidence of violence against women, in particular domestic violence, and the lack of legal and policy instruments to address it. Brazil made recommendations.

22. Malaysia acknowledged the geographical, economic and environmental challenges to improving the socio-economic situation of its people, which could affect negatively the enjoyment of the full range of human rights on the ground. Malaysia noted the emphasis that Saint Vincent and the Grenadines placed on education, aiming at making education at all levels more accessible to a larger section of the population. It noted with appreciation the country's commitment to ease the financial and economic burdens of the population through social security measures. Malaysia made recommendations.

23. Austria noted the consultations with civil society that Saint Vincent and the Grenadines had undertaken in the preparation of its national report. Austria referred to the country's delays in complying with its reporting obligations to treaty bodies. It also expressed concern about the continued existence of the death penalty in the country's legal system. Austria expressed concern about the situation in prisons, especially due to overcrowding. It commended the Government's efforts to address that issue. Austria asked about the timeline of the project to build a new prison, and asked about other planned steps to improve conditions of detention. It also asked for an explanation of the high ratio of incarceration in relation to the country's overall population. Austria made recommendations.

24. The United States of America commended Saint Vincent and the Grenadines for its attention to combating discrimination against persons with disabilities. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities and encouraged the country to implement it effectively. The United States remained concerned at the continued reports of violence against women, which was not specifically criminalized in the law, and noted that in many instances domestic violence went unpunished. The United States also remained concerned that homosexual acts were illegal under certain statutes. It made recommendations.

25. Belgium commended the adoption of a specific law on corporal punishment of minors but regretted that the law still authorized beating with a stick, in violation of the prohibition of cruel, inhuman and degrading punishments under article 7 of the International Covenant on Civil and Political Rights. It noted that beating with a stick was widespread in institutions such as schools, in the administration of justice and within the family. It restated that Belgium advocated for the abolition of capital punishment as it had been proven that capital punishment had no deterrent effect and led to many errors and abuses. It made recommendations.

26. Norway noted the retention by Saint Vincent and the Grenadines of the death penalty, but welcomed the fact that there had been no executions for more than 10 years. It raised concern about the reports of violence against women. Norway welcomed the commitment to principles of equality and non-discrimination, the measures taken to address and reduce rates of HIV/AIDS, and the efforts to bridge the gap between prevention and support services. It noted the criminal provisions prohibiting sexual relations between consenting adults of the same sex. Norway made recommendations.

27. Nicaragua commended the delegation for progress made in the areas of education, health, housing and work. It also welcomed the actions taken to build an egalitarian society, in which there was an awareness that discrimination and exclusion needed to be eradicated from the society and in which women played an important role. Nicaragua also referred to efforts needed to address poverty. Nicaragua made a recommendation.

28. France noted that the death penalty was still enshrined in the legislation, even though there had been no execution since 1997. It also noted that violence against women remained an issue of concern. It inquired about measures envisaged to prevent sexual exploitation of children and to assist and reintegrate child victims of such exploitation in accordance with recommendations made by the Committee on the Rights of the Child. It also inquired whether the recommendations of the Committee on the Rights of the Child calling for a study on the scope of the phenomenon of street children had been implemented. It noted that section 146 of the Penal Code criminalized sexual relations between consenting adults of the same sex. It made recommendations.

29. In response to comments and additional questions, Saint Vincent and the Grenadines indicated that its national legislation included a variety of provisions that dealt with sexual activity between consenting adults. Existing legislation against incest, prostitution, public indecency, same-sex acts and buggery all enjoyed wide popular support in the State and there was no legislative support for repealing any of these provisions. To the extent that recommendations were specifically targeted to consensual sex between members of the same sex, Saint Vincent and the Grenadines noted that its legislation on buggery was inherited from the United Kingdom, whose Buggery Act and Offences against the Person Act both pre-dated the local legislation. Saint Vincent and the Grenadines noted the hundreds of years that it took for the United Kingdom to repeal similar legislation, and the harsh nature of the sentences imposed under British law, and compared them to the relatively short period of time that Saint Vincent and the Grenadines had been an independent State, and the less punitive sanctions involved. In the context of the moral, societal and cultural make-up of the State, there was currently no desire to revisit that legislation.

30. Saint Vincent and the Grenadines was concerned with all instances of violence against women and domestic violence. Work was being done to strengthen the existing Domestic Violence Act. Additionally, the Police Service had been receiving special training to help officers to be more sensitive in dealing with issues of domestic violence. Similarly, the police had been receiving additional training to show greater sensitivity to prevent instances of excessive force.

31. The delegation recognized the existence of corporal punishment of juveniles although the legislation constrained the instances in which corporal punishment could be used in juveniles. There were very strict child abuse laws and no one could recall the last time that corporal punishment had actually been carried out as part of a criminal sentence.

32. Saint Vincent and the Grenadines cited its unsuccessful attempt to revise its Constitution via a referendum as an example of the seriousness with which it approached changes in legislation that affected the rights of citizens. That process had involved years of consultation with civil society, radio and television programmes, and meetings with citizens both locally and in the diaspora.

33. Regarding prison overcrowding, Saint Vincent and the Grenadines indicated that a new correctional facility had been constructed, and that transfers of prisoners would commence in June 2011. The national rate of incarceration was not unduly high. Using a measure of prisoners per 100,000 persons was statistically misleading in a country whose population was just slightly over 100,000. Also, consideration should be paid not only to the rate of incarceration but to the length of sentences imposed.

34. Regarding street children, the delegation referred to the existence of a rehabilitation project and a pilot programme to get those children back to school and reconcile them with their parents, and to the investment in improving facilities for children who did not have a home.

35. Saint Vincent and the Grenadines noted that it had voted against United Nations resolutions calling for a moratorium on the death penalty as such resolutions were inconsistent with existing national legislation. However, although the specific legislation on the death penalty had not been amended, a series of judicial rulings had limited the scope and applicability of capital punishment in the national context. Courts had removed the death penalty as a mandatory sentence, and had reserved capital punishment for only the most heinous crimes. Additionally, persons who had been on death row for over five years had their sentences commuted to life in prison. Since it was not currently possible for a prisoner to exhaust his appeals in a five-year period, it was not possible in practice to impose the death penalty, which had not been exercised since 1995. The delegation encouraged States with civil law jurisdictions to consider the ways in which judicial precedent could alter the applicability of legislation in common law jurisdictions.

36. Saint Vincent and the Grenadines welcomed the focus of many States' comments on the right to development and their recognition of its efforts in that regard. Development was viewed as a means by which other human rights could be further enhanced. In turn, education was the key to national development. The State had therefore invested heavily in improving preschool, primary and tertiary education in recent years. Saint Vincent and the Grenadines expressed its gratitude to States that had assisted the country with its national development efforts.

37. Honduras congratulated Saint Vincent and the Grenadines for the support provided for the creation of the foundation to promote the cultural heritage of the Garifuna people. While aware of the efforts and initiatives for the promotion and protection of human rights, Honduras expressed concern about gender violence and the opportunities of children and adolescents to education. It asked if the country had considered extending an open and standing invitation to the United Nations special procedures mechanisms. Honduras made recommendations.

38. Spain congratulated Saint Vincent and the Grenadines for the initiatives taken to combat HIV/AIDS and encouraged it to continue its efforts in this area. Spain also welcomed the programme of action in cooperation with the United Nations Children's Fund (UNICEF) for 2008-2011. Spain noted the efforts to build a new State prison and encouraged the country to take measures to end overcrowding and address the conditions of prisoners. Spain made recommendations.

39. South Africa welcomed the focus placed on poverty reduction. It also commended the focus on economic growth, job creation, education, health, social security and infrastructure development. South Africa encouraged Saint Vincent and the Grenadines to see to it that the policies aimed at poverty reduction were allocated the necessary resources to ensure that they were effectively implemented. South Africa asked the delegation to provide further information on racial discrimination affecting children and the steps being taken to combat and prevent all discrimination against children. South Africa made recommendations.

40. Slovenia commended the determination of Saint Vincent and the Grenadines to alleviate poverty and to empower the people by improving the educational system. It welcomed the country's efforts to combat HIV/AIDS. Slovenia inquired about measures taken by Saint Vincent and the Grenadines to improve food security, especially for children. Slovenia made recommendations.



41. Thailand shared the views, reflected in the national report, that poverty reduction and sustainable growth are part and parcel of enhancing good governance and contribute to the promotion and protection of human rights in the long run. It indicated that it stood ready to cooperate and exchange best practices with Saint Vincent and the Grenadines in areas such as socio-economic development and health. Thailand noted with appreciation the improvement of the correctional facilities and referred to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders adopted by the General Assembly in 2010. Thailand made recommendations.

42. Australia welcomed the protection given by Saint Vincent and the Grenadines to the rights of women, children, and persons with disabilities and the efforts to advance the economic and social rights of its citizens, including through equality of opportunity in education. It was concerned by continuing reports of unwarranted police practices, including the use of excessive force, and urged Saint Vincent and the Grenadines to thoroughly investigate complaints from citizens about assault or other abuse by the police. It welcomed the de facto moratorium on the death penalty and encouraged the country to remove the death penalty from its laws. Australia made recommendations.

43. The Bolivarian Republic of Venezuela noted the efforts made by Saint Vincent and the Grenadines in the drafting of the national report under the universal periodic review mechanism, which reflected the country's commitment to human rights. It highlighted efforts made by the country in the area of economic, social and cultural rights, in particular relating to the right to education. It made a recommendation.

44. Germany commended the achievements Saint Vincent and the Grenadines had made in the area of human rights. Germany inquired about plans to address the issue of the age of criminal responsibility, fixed at 8 years of age, recalling that in 2002 the Committee on the Rights of the Child had noted that it was too low and that juvenile justice protection was not afforded to all persons under the age of 18. It asked for information on how the Government intended to secure children's rights in national legislation. Germany made reference to the concern expressed by the Human Rights Committee in 2008 that consensual acts between adults in private were still criminalized under section 146 of the Criminal Code. It made recommendations.

45. Mexico welcomed efforts to strengthen the legal and institutional framework for the protection of all persons in the country. It noted measures in the areas of administration of justice, empowerment of women and legislative reforms, in particular to address gender discrimination and slavery. Mexico reiterated its support in the area of security and education and hoped that that bilateral cooperation would soon lead to a better human rights situation in the country. Mexico made recommendations.

46. Hungary noted the programmes Saint Vincent and the Grenadines had implemented in the areas of good governance, poverty reduction, socio-economic development and education. It was concerned about the country's vote against the adoption of General Assembly resolution 62/149 on a moratorium on the death penalty. Hungary acknowledged climate change challenges, including the full enjoyment of the right to food and health. Hungary encouraged the Government to further strengthen its work with human rights NGOs and its cooperation with human rights mechanisms, including the implementation of UPR recommendations. Hungary made recommendations.

47. Uruguay recognized efforts made by Saint Vincent and the Grenadines, in particular in the area of poverty, in a context of vulnerability due to, inter alia, the effects of climate change and natural disasters. It welcomed efforts to prevent the abuse of children and to implement youth programmes with UNICEF. Uruguay referred to the regular use of corporal punishment of children and the legal framework, as well as to the age of criminal responsibility currently being 8 years. Uruguay made recommendations.

48. Canada took note of the human rights commitment shown by Saint Vincent and the Grenadines. Canada was concerned at the challenges faced in protecting juveniles in the legal system; at the poor prison conditions, mistreatment, corruption by guards and the uncontrolled presence of weapons and drugs; at the legal sanctions and discrimination based on sexual orientation and gender identity; and at the death penalty. Canada made recommendations.

49. Maldives referred to the challenges faced by Saint Vincent and the Grenadines in the promotion and protection of human rights due to its small size and its capacity constraints, and indicated that the Working Group should understand and appreciate that during the review. It noted that, despite its development challenges, the country had made important progress across key indicators, including health, education, poverty eradication and child and disability rights. Maldives made recommendations.

50. Slovakia commended Saint Vincent and the Grenadines for its ratification of the main human rights instruments and noted the Constitutional provision on redress for victims of human rights violations. It noted the country's efforts towards sustainable growth and poverty eradication. Slovakia also noted with appreciation steps taken towards the improvement of the country's judicial administration. It commended the de facto moratorium, in place since 1997, on capital punishment. It expressed concern about reported complaints against unwarranted police practices, such as excessive use of force and a high ratio of convictions based on confessions. Slovakia made recommendations.

51. Chile congratulated Saint Vincent and the Grenadines for its efforts to improve the living conditions of its population, including the establishment of a fund for poverty reduction, the Social Recovery Programme, the Basic Needs Trust Fund, the Programme for Social Security Networks and the Street Children Rehabilitation Programme, among others. It encouraged the Government to continue strengthening those policies. Chile made recommendations.

52. The proposed new Constitution would have created an independent human rights entity similar to the one being recommended by many members of the Human Rights Council. In the light of the defeat of the constitutional referendum, that and other provisions were being reviewed. The country also hoped to strengthen civil society.

53. Saint Vincent and the Grenadines categorically rejected the implication that there were notable occurrences of racial discrimination affecting children, including children of minorities such as Amerindians. Given its own history, Saint Vincent and the Grenadines took such implications very seriously. The descendants of indigenous peoples had been banished to very rural areas by the pre-independence colonial powers. To the extent that those children experienced difficulties, they were the product of their rural location, and such difficulties would be indistinguishable from other rural children, irrespective of race or ethnicity.

54. Saint Vincent and the Grenadines also questioned the basis for the assertion that large numbers of children were suffering from severe food insecurity. A number of policy interventions were in place to prevent such conditions, ranging from providing meals in schools to increasing social security payments to mothers and other means of strengthening the social safety net.

55. Regarding teen pregnancy, the delegation referred to the policy initiatives to return mothers to school after giving birth and provide them with health care and child support as regional best practices.

56. Noting the number of States that raised the issue of technical cooperation and the need for more timely responses in fulfilling reporting obligations under various human rights treaties, Saint Vincent and the Grenadines stressed the need for such cooperation and

expressed its willingness to avail itself of capacity-building assistance in whatever form it was offered. As a small State dedicated to human rights, Saint Vincent and the Grenadines was eager to add its voice to the weight of international consensus on human rights through the ratification of the relevant treaties. However, each of the treaties incurred a financial cost or a reporting burden that was often difficult to meet. In acting in solidarity with international opinion on human rights issues, small States often found themselves later singled out for failing to meet their reporting burdens.

57. Regarding the issuance of a standing invitation to special procedures, Saint Vincent and the Grenadines expressed caution that, given the existing number of special procedures, a standing invitation might impose an unwelcome financial burden on small States. No Caribbean Community State had extended a standing invitation to special procedures. However, more than half of the 82 States that had extended such an invitation were from Europe. In the light of those facts, the Human Rights Council was encouraged to explore ways in which the benefits of a standing invitation could be better explained to other States. Also, the Council should consider extending assistance to small States that issued standing invitations.

58. With regard to child pornography, the delegation referred to the existing legislative framework, which would make it difficult for child pornography to flourish.

59. Regarding female offenders, the delegation clarified that women in prison facilities were held separately from male detainees and their rights were respected. On the excessive use of force of the police service, the delegation admitted its existence and reported that the Government was training police forces, although there was still some insensitivity in that regard.

60. With regard to the criminal age of responsibility, the delegation invited concerned States to review the Common Law. The law provided that a child aged 8 or under would not be considered criminally responsible, but between the ages of 8 and 16 there was a judicial inquiry into the capacity of a child to understand right or wrong and whether the child should be charged as an adult.

61. The delegation indicated that juveniles were not hosted together with the adult population but in a separate detention facility. Referring to the Debtors Act and its criminal penalties, the delegation reported that it had been revised.

62. Some successes in the battle against HIV/AIDS had been recorded. Mother-to-child transmission of the disease had been virtually eliminated, and the rate of infection had stabilized. Infected persons were also living for longer periods of time. Because of that, Saint Vincent and the Grenadines currently faced the challenge of sourcing more advanced antiretroviral medication, and called on the producers of such second-line medicines to make them available to poor and small States.

63. Regarding the impacts of climate change on the enjoyment of human rights, Saint Vincent and the Grenadines emphasized the devastating impact of recent hurricanes and flash floods. Those weather events were becoming increasingly frequent and intense, and were occurring beyond the traditional “seasons” for such activity. Climate change was causing massive damage to homes and infrastructure, and to the enjoyment of individual rights. Saint Vincent and the Grenadines thanked States that had provided assistance in the wake of recent weather events.

64. Jamaica noted that it was mindful of the challenges faced by small island developing States. Jamaica congratulated Saint Vincent and the Grenadines for its accomplishments in the areas of housing, education, social security, health and provisions for children, women and persons with disabilities. It highlighted positive results in the area of education, such as the increase in accessibility to education for children with disabilities, and the reduction in

the functional illiteracy rate. Jamaica welcomed the creation of the Gender Affairs Department and the pilot study on gender budgeting and Government resource allocation. Jamaica called on OHCHR to respond appropriately to the needs and concerns expressed, by providing effective and timely technical assistance and capacity-building support.

65. Portugal noted with appreciation the progress achieved in recent years in the fields of democracy, governance and social, economic and cultural rights, with health care and education being provided free of charge to the population. It inquired about measures being considered to prevent the use of corporal punishment against children. It also asked whether Saint Vincent and the Grenadines intended to amend legal provisions, including the Penal Code, so as to replace the death penalty with other penalties that did not include cruel, inhuman or degrading punishments. It made recommendations.

66. Barbados embraced the constitutional protection of human rights, the empowerment of its people and the development of a sustained partnership with civil society. It welcomed efforts to undertake a revision of the Domestic Violence Act of 1998 to include the protection of the rights of women, girls and children from sexual exploitation. Barbados noted the initiatives to ensure the rights of women and their full and active participation in mainstream society. It commended the country on its initiatives to provide social safety nets and its emphasis on initiatives to achieve socio-economic development through improvements in education and health. It encouraged the provision of technical assistance for the revision of legislation and policies in human-rights related areas on which the country was presently working. Barbados made recommendations.

67. Trinidad and Tobago noted that despite being severely affected by the global financial crisis, a hurricane and a decision within the World Trade Organization that had eroded the viability of its once-thriving banana industry, Saint Vincent and the Grenadines had managed to honour its commitment to promote human rights. It commended the importance given to children's rights and youth development, as evidenced by the country's social programmes. It commended the delegation for efforts to address poverty, gender equality and the empowerment of women and to combat domestic violence and sexual exploitation of women, and also commended it for the country's HIV/AIDS programmes. Trinidad and Tobago stated its hope that development partners would be responsive to the needs of that highly vulnerable State. It made recommendations.

68. Ecuador noted advances made by Saint Vincent and the Grenadines in the area of human rights. It noted the challenges with regard to poverty, unemployment and unequal distribution of wealth. Ecuador encouraged Saint Vincent and the Grenadines to continue developing the country and improving human rights. It congratulated the country on its ratification of human rights international instruments such as the Convention on the Rights of Persons with Disabilities and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Ecuador made recommendations.

69. Costa Rica asked about measures taken by the country to prevent the negative impact of climate change and the degradation of the environment on the enjoyment of fundamental rights. Costa Rica recognized the challenges and limitations confronted by Saint Vincent and the Grenadines and took note of actions taken, particularly in the area of gender equality and the empowerment of women. Costa Rica made recommendations.

70. Haiti congratulated Saint Vincent and the Grenadines for the measures adopted and for its results in the areas of housing and education. It commended the country for its implementation of programmes to improve the living conditions of the population and for the ratification of the main universal human rights instruments. It made recommendations.

71. In response to comments on individual complaint mechanisms, the delegation indicated that Saint Vincent and the Grenadines would hope that, in any context, individuals would exhaust first the domestic legal remedies before going to international

bodies. The delegation noted that the judicial system in the country was robust, independent and active.

72. Regarding the issue of the rights of the child, the delegation added that the State took the issue very seriously in its policy initiatives on youth and children.

73. The Government was also focusing on actions to protect and promote the rights of persons with disabilities.

74. The delegation reported that Saint Vincent and the Grenadines was reviewing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular with regard to the burden that it would entail. Although torture was foreign to Saint Vincent and the Grenadines, the country would like to add its voice to the international consensus, without also incurring additional costs and burdens on the State.

75. In conclusion, the delegation reiterated the commitment of Saint Vincent and the Grenadines to improving the human rights situation in the country and thanked delegations for their comments and recommendations.

## II. Conclusions and/or recommendations

**76. The recommendations formulated during the interactive dialogue and listed below have been examined by Saint Vincent and the Grenadines and enjoy its support:**

**76.1. Explore possible ways and means to further diversify major economic activities with a view to widening the national income base in order to create an enabling environment to better promote and protect human rights in the country (Malaysia);**

**76.2. Continue to work on its human development plan and include cooperation and technical assistance strategies to use and integrate the outcome of the universal periodic review (Nicaragua);**

**76.3. Request international assistance deemed pertinent to implement measures to improve the human rights situation of children and adolescents (Uruguay);**

**76.4. Consider availing itself of offers for technical assistance to facilitate its submission of reports to the relevant treaty bodies (Malaysia);**

**76.5. Submit as soon as possible the reports under the two international Covenants that have been pending since 1991 and 1990, respectively (Austria);**

**76.6. Take the necessary steps, including requesting technical assistance, to comply with reporting obligations to the United Nations treaty monitoring bodies (South Africa);**

**76.7. Continue to seek technical cooperation and assistance from the international community and such agencies as OHCHR in its promotion and protection of human rights, particularly capacity-building for preparing the national reports under human rights conventions to which it is a party and capacity-building for its human rights officers (Thailand);**

**76.8. Work with OHCHR to prepare a common core document as a way to streamline and reduce the burden of treaty reporting, which will help with the**

problem, acknowledged in the State report, of overdue treaty reports (Maldives);

76.9. Consider a request for technical assistance and cooperation to prepare and submit reports to the United Nations treaty monitoring bodies (Chile);

76.10. Conduct a study concerning how the education of disabled students can be implemented through mainstream educational settings (United States);

76.11. Implement inclusive education programming for students with disabilities in the general education system (United States);

76.12. Implement public policies to improve the human rights situation of persons, particularly children, with disabilities, to allow this sector of the population to participate in the economic, social and cultural life on an equal basis (Ecuador);

76.13. Consider taking measures for the implementation of its international commitments in the area of the rights of persons with disabilities, and in particular to address the issue of accessibility (Costa Rica);

76.14. Investigate thoroughly complaints from citizens about assault or other abuse by the police and provide information to the public about the disposition of such complaints (Australia);

76.15. Thoroughly investigate all allegations of mistreatment of prisoners (Canada);

76.16. Ensure comprehensive human rights training for law enforcement personnel with a view to prevent any excessive use of force (Slovakia);

76.17. Take steps to protect victims of violence (Norway);

76.18. Take legal, educational (Norway) and necessary measures in order to effectively combat violence against women and domestic violence (France);

76.19. Actively consider specific legislation in the area of gender discrimination, including violence against women (Maldives) and adopt more effective legal measures to combat domestic violence (Honduras);

76.20. Intensify the efforts to eradicate domestic violence, through education and legal measures and the implementation of a plan of action (Spain);

76.21. Take further measures to prevent and combat violence against children and women (Brazil);

76.22. Encourage the police to follow up on all allegations of domestic violence (United States);

76.23. Take all the necessary measures to combat violence and discrimination against children (France);

76.24. Intensify ongoing efforts to eradicate the illicit use of drugs and other psychotropic substances, especially among juveniles (Trinidad and Tobago);

76.25. Take steps to ensure that prisoners under the age of 18 are housed separately from the general prison population (Canada);

76.26. Consider including a module on human rights education and training in the education system and also in the training programmes of the members of the police force and the administrators of justice (Costa Rica);

- 76.27. **Develop opportunities afforded by international cooperation to strengthen its capacities, notably in the fight against poverty, while continuing its development programmes (Algeria);**
- 76.28. **Continue applying socio-economic development strategies and plans in the country, in particular those geared towards combating poverty (Cuba);**
- 76.29. **Implement food security policies to combat the negative effects of poverty (Ecuador);**
- 76.30. **Develop an additional framework to secure food necessities, with the cooperation of the international community (Hungary);**
- 76.31. **Continue implementing programmes and measures aimed at guaranteeing universal health and education services of quality to the entire population (Cuba);**
- 76.32. **Increase the efforts to promote adolescent health, particularly with respect to reproductive health in order to combat teenage pregnancy (Norway);**
- 76.33. **With international cooperation and technical assistance, continue strengthening its education policy with a view to provide a comprehensive education that responds to the needs of its people, as the only means to advance towards full development, in conditions that guarantee full equality and the inclusion of the most vulnerable sectors of the population (Bolivarian Republic of Venezuela).**
77. **The following recommendations enjoy the support of Saint Vincent and the Grenadines, which considers that they are already implemented or in the process of implementation:**
- 77.1. **Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Spain);**
- 77.2. **Increase the efforts to conduct open and transparent dialogue with civil society on any changes to legislation which affect the rights of citizens (United Kingdom);**
- 77.3. **Increase efforts (Slovenia) to harmonize domestic legislation with the Convention on the Rights of the Child (Uruguay);**
- 77.4. **Undertake the measures necessary to increase the statistical capacity on the situation of children in the country, to facilitate the development of adequate policies (Uruguay);**
- 77.5. **Create awareness-raising campaigns and national policies to prevent and combat discrimination in any form (Brazil);**
- 77.6. **Respect international standards on capital punishment, especially the principles stated in resolution 1984/50 of the Economic and Social Council, and in particular ensure that capital punishment is applied only for the most serious crimes (Belgium);**
- 77.7. **Adopt legal or/and social awareness-raising measures to reduce violence against women (Ecuador);**
- 77.8. **Conduct a public awareness campaign regarding domestic violence, ensuring that citizens understand the protection afforded to them under the law (United States);**

- 77.9. Take further measures to improve the living conditions in the prison system, in particular to reduce overcrowding and to improve prisoners' access to health and education services (Austria);
- 77.10. Take prompt measures to put an end to the current overcrowding and precarious conditions of prisoners (Spain);
- 77.11. Take appropriate steps to establish "Approved Schools" as provided for in the Juvenile Act with the aim of, inter alia, separating juveniles from adult offenders serving custodial sentences (Malaysia);
- 77.12. Finalize the child protection protocol and establish the "Approved Schools" for juveniles as provided for by Government in the Juvenile Act (Barbados);
- 77.13. Promote prevention and assistance policies in the area of reproductive health, in particular for adolescents (Mexico);
- 77.14. Increase efforts to provide medical support for children and promote adolescent health policies with respect to reproductive health (Hungary);
- 77.15. Ensure adequate health and counselling support for adolescent mothers and take further steps to encourage the girls' return to school upon delivering their child (Norway);
- 77.16. Redouble efforts to prevent school dropout and promote school enrolment in the rural areas (Mexico).
78. The following recommendations will be examined by Saint Vincent and the Grenadines, which will provide responses in due time, but no later than the eighteenth session of the Human Rights Council in September 2011:
- 78.1. Sign (Spain) and ratify (Maldives) the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and establish a national preventive mechanism (Maldives);
- 78.2. Consider adhering to the human rights instruments to which it is not yet party, particularly the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Costa Rica);
- 78.3. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain) as soon as possible, allowing individual complaints of alleged violations of these rights to be heard by the Committee on Economic, Social and Cultural Rights (Portugal);
- 78.4. Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);
- 78.5. Consider signing and progressively ratifying international human rights instruments to which the country is not yet a party, especially the Optional Protocol to the Convention on the Rights of the Child (Uruguay);
- 78.6. Ratify the 1961 Convention on the Reduction of Statelessness (Slovakia);



- 78.7. Ratify the Agreement on the Privileges and Immunities of the International Criminal Court and ensure its implementation in national law (Slovenia);
- 78.8. Harmonize domestic legislation with the Convention on the Rights of the Child through technical assistance and establish laws that regulate areas that are not yet regulated, such as child pornography or disability (Spain);
- 78.9. Address the concerns of UNICEF that the principles and provisions of the Convention on the Rights of the Child were not, as at 2010, explicitly set forth in the domestic legislation (Haiti);
- 78.10. Establish a national human rights institution in accordance/compliance with the Paris Principles (Spain, South Africa, Maldives, Chile);
- 78.11. Establish a national human rights institution accredited by the International Coordinating Committee (Slovenia) for the promotion and protection of human rights (Haiti);
- 78.12. Consider the possibility of creating, with the aid and assistance of the international community, a national human rights institution accredited by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (Algeria);
- 78.13. Consider opening a small permanent mission in Geneva, using facilities provided by the newly opened Commonwealth Small States Office (Maldives);
- 78.14. Consider (Chile) extending a standing invitation to all special procedures of the Human Rights Council (Austria, Spain, Portugal, Ecuador) as a way of informing and supporting human rights reforms (Maldives);
- 78.15. Codify and harmonize the national legislation to expressly prohibit discrimination, and in accordance with the existing international human rights standards (Mexico);
- 78.16. Take steps to combat racial discrimination encountered by children belonging to certain minorities and adopt legislation to combat discrimination experienced by children living with disabilities since there is no specific legislation in this area (Haiti);
- 78.17. Adopt mandatory accessibility standards with respect to new and renovated construction to ensure the avoidance and removal of barriers that hinder access by persons with disabilities (United States);
- 78.18. Institute policies and initiatives to address discrimination based on sexual orientation or gender identity (Canada);
- 78.19. Circulate and implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), as part of its development of the correctional facility and seek appropriate assistance from OHCHR and the United Nations Office on Drugs and Crime for the implementation (Thailand);
- 78.20. Raise the minimum age for employment from 14 to 16, so that it conforms with the age of completion of compulsory education (Trinidad and Tobago);
- 78.21. Raise the age of criminal responsibility in compliance with international standards (Slovakia); and ensure that only the juvenile justice system deals with cases of children under 18 years (Uruguay);

- 78.22. Provide suitable, dedicated secure facilities for serious juvenile offenders, with greater training for personnel involved in their supervision, and meaningful alternatives to imprisonment for minor juvenile offenders (United Kingdom);
- 78.23. Raise the minimum age for marriage of both sexes to bring it in line with international standards (Ecuador);
- 78.24. Address the concerns of UNICEF that discrimination persists in the law relating to marriage as regards the minimum legal age of marriage, which is 15 for girls and 16 for boys; these ages are too low in both cases, according to UNICEF (Haiti);
- 78.25. In accordance with the observations of the International Labour Organization, raise to 16 the minimum age for employment, with a view to harmonizing it with the age of completion of compulsory school education, and thus combat both the phenomenon of children dropping out of school as well as child labour (Honduras);
- 78.26. Repeal all discriminatory provisions against lesbian, gay, bisexual and transgender people (France).
79. The recommendations below did not enjoy the support of Saint Vincent and the Grenadines:
- 79.1. Sign (Portugal), accede to (Australia) and ratify the second Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on the abolition of capital punishment (Spain, Slovenia);
- 79.2. Ratify and implement the second Optional Protocol of the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (United Kingdom);
- 79.3. Bring the legislation into conformity with the country's commitment to equality and non-discrimination and its international human rights obligations, by repealing all provisions which may be applied to criminalize sexual activity between consenting adults (United Kingdom);
- 79.4. Consider the possibility (Ecuador) of abolishing the death penalty (Brazil, Norway);
- 79.5. Enact legislation (Austria) to definitively abolish (France, Australia) the death penalty; repeal the death penalty (Canada); take steps towards the complete abolition of the death penalty (Slovakia);
- 79.6. Declare a moratorium to abolish capital punishment and commute such punishment to deprivation of liberty (Spain);
- 79.7. Introduce (Belgium) and establish a moratorium on executions with a view to abolish the death penalty (Slovenia);
- 79.8. Establish a de jure moratorium on the use of the death penalty with a view to its abolition (Portugal) or as a step towards its abolition (Hungary); and support the General Assembly resolution on the use of the death penalty (Portugal);
- 79.9. Prohibit corporal punishment at school, at home and in public institutions for children and in the context of the administration of justice (France);

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- 79.10. **Adopt pertinent legislative measures to prohibit all forms of corporal punishment against children and adolescents in any situation (Uruguay);**
- 79.11. **Amend legislation to prohibit the caning of minors (Belgium);**
- 79.12. **Consider revising its Criminal Code, in particular with a view to decriminalizing sexual relations between consenting adults of the same sex (Brazil);**
- 79.13. **Repeal all provisions in the law which may be used to criminalize consensual sexual activity between adults (United States);**
- 79.14. **Abolish section 146 of the Criminal Code as a first step towards the introduction of a law prohibiting the discrimination of same-sex relationships (Germany); repeal this section, which criminalizes sexual relations between consenting adults of the same sex (Norway);**
- 79.15. **Eliminate legal sanctions against consensual sexual acts between adults in private (Canada);**
- 79.16. **Implement the 2008 recommendation of the Human Rights Committee by decriminalizing sexual relations between consenting adults of the same sex (France);**
- 79.17. **Implement the 2008 recommendation of the Human Rights Committee to repeal section 146 of the Criminal Code, which criminalizes sexual relations between consenting adults of the same sex (Slovenia).**
80. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## **Annex**

### **Composition of the delegation**

The delegation of Saint Vincent and the Grenadines was headed by H.E. Mr. Camillo M. Gonsalves, Permanent Representative of Saint Vincent and the Grenadines to the United Nations, and composed of the following additional members:

- Mrs. Doris Charles, Minister Counselor, High Commission for Saint Vincent and the Grenadines to the United Kingdom.
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