



UNEDITED VERSION

Human Rights Council

Working group on the universal periodic review

Eleventh session

Geneva, 2-13 May 2011

Draft report of the Working Group on the Universal Periodic Review¹

Saint Vincent and the Grenadines

¹ The final document will be issued under the symbol A/HRC/18/15. The annex to the present report is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), 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 H.E. 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/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/11/VCT/1);
 - (b) A compilation prepared by 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 Latvia, Belgium, Czech Republic, Maldives, Slovenia, United Kingdom of Great Britain and Northern Ireland, The Netherlands, France was transmitted to Saint Vincent and the Grenadines through the troika. These questions are available on the extranet of the 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 learn 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, are informed by the State's unique historical, physical, political and socioeconomic characteristics. Saint Vincent and the Grenadines is an archipelago of over 32 islands, with roughly 110,000 citizens. Those citizens are highly migratory people, with major communities living and working in other States.
7. The human rights history of Saint Vincent and the Grenadines is shaped in part by slavery, colonialism, and the genocide of its indigenous peoples. Slavery was introduced by colonial powers, which also participated in the extermination and exile of the indigenous Garifuna people. In modern times, Saint Vincent and the Grenadines noted that it has largely solved many of the ethnic and racial tensions that bedevil other States. The descendants of the slaveholder, the enslaved and the indigenous live 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 is a plural and fully inclusive participatory democracy. Since independence in 1979, it has enjoyed eight free and fair elections and three peaceful transfers of power between opposing political parties. The delegation indicated that the country is host to a boisterous free press – some of which are highly critical of the Government – and a lively and largely unregulated Internet blogosphere. Freedom of expression and assembly is constitutionally protected and actively practiced in a variety of contexts. Women, the youth, and various racial and ethnic groups played strong roles in successive governments of the country.

9. The national Constitution was adopted in 1979, and has been largely unchanged since then. The Constitution explicitly protects the rights to life, personal liberty, the freedoms of conscience, expression, assembly, association, and movement. The Constitution also provides protection from slavery and forced labour, inhuman treatment, deprivation of property, arbitrary search and entry, discrimination on the grounds of sex, race, place of origin, political opinions, colour or creed and secures 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 related to employment, political participation, protection of the environment, heritage and culture. The elderly, youth, women, teachers and the press also received additional constitutional recognition and protection. The proposed document provided for the creation of a Human Rights Commission and an Ombudsman, among other bodies. Unfortunately, the bipartisan effort on constitutional reform was derailed by political considerations in the lead-up to scheduled elections in 2010, which contributed to the failure of the referendum. Saint Vincent and the Grenadines accepted the results of the referendum.

11. Like many other Caribbean Community (CARICOM) states, Saint Vincent and the Grenadines acknowledged its tardiness in meeting certain reporting commitments under treaties to which it is a party. This tardiness is a product of practical constraints, not an absence of political will or diminished commitment to human rights. The preparation to the UPR process has highlighted the fact that Saint Vincent and the Grenadines has been tardy in meeting some of its reporting commitments, and one tangible benefit of the UPR has been that it has 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 has dedicated legal staff charged with coordinating the national responses in a more systematic manner and will form a multi-sectorial 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 may be offered.

12. In Saint Vincent and the Grenadines, the enhancement of human rights is not a sterile legislative process. Rather, it is a holistic approach that is 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 prioritise the legislative means by which such rights are formally recognised. Saint Vincent and the Grenadines' serious commitment to human rights does not allow for a "checklist approach" or a cosmetic response to legislation. Instead, it adopts 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 requires 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 are part and parcel of the Government's broader developmental thrust and focus. Given the relationship between development and human rights; the furtherance of such rights and a rights-based culture are inextricably linked to continued development. Saint Vincent and the Grenadines, recognizing the 25th 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 are viewed through this developmental prism. Accordingly, significant investments and marked improvements have been achieved in housing, health, education, economic development, poverty reduction, and assistance to the elderly, youth and prison populations.

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

16. The delegation referred to the climate change as a real and immediate threat to rights to life, property and 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 have 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 on employment due to the international trade system. 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 in the area of health and the prevention of HIV/AIDS. Cuba also made reference efforts undertaken to address the rights of children, women, persons with disabilities and social security. Cuba made recommendations.

20. The United Kingdom of Great Britain and Northern Ireland acknowledged Saint Vincent and the Grenadines' commitment to human rights, non-discrimination and progress made to ensure the rights of all its citizens are 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 have 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 to 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 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 improve the socio-economic situation of its people, which can affect negatively the enjoyment of the full range of human rights on the ground. Malaysia noted Saint Vincent and the Grenadines' emphasis on education, aiming at making education at all levels more accessible to a larger section of the population. It appreciated 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 in the preparation of its national report. Austria referred to the 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 Governments' efforts to address this issue. Austria asked about the timeline of the project to build a new prison. It also asked about other planned steps to improve conditions of detention, and to explain the high ration of incarcerations 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, and welcomed the ratification of the CRPD and encouraged it to effectively implement it. It remained concern at the continued reports of violence against women which is not specifically criminalized in the law and noted that in many instances domestic violence goes unpunished. The United States also remained that homosexual acts are illegal under certain statutes. It made recommendations.

25. Belgium commended the adoption of a specific law on corporal punishment of minors but regretted that this law still authorises 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 is widespread in institutions such as schools, in the administration of justice and within the family. It restated that Belgium advocates for the abolition of capital punishment as it has been proven that it has no deterrent effect and leads to many errors and abuses. It made recommendations.

26. Norway noted Saint Vincent and the Grenadines' retention of the death penalty but welcomed the fact that there have been no executions for more than ten years. It raised concern about reported 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 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 undertaken to build an equalitarian society, in which there is an awareness of the need that discrimination and exclusion be eradicated from the society and in which women play an important role. Nicaragua also referred to efforts needed to address poverty. Nicaragua made a recommendation.

28. France noted that death penalty is still enshrined in the legislation, even though there has been no execution since 1997. It also noted that violence against women remains an issue of concern. It inquired about measures envisaged to prevent sexual exploitation of children and to assist and reintegrate children victims of such exploitation in accordance with recommendations made by the Committee on the Rights of the Child. It also inquired on 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 criminalises 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 appetite to repeal any of these provisions. To the extent that recommendations were specifically targeted to consensual homosexual 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 predated 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 has been an independent state, and the less punitive sanctions involved. In the context of the moral, societal and cultural makeup of the State, there is currently no desire to revisit that legislation.

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

31. The delegation recognized the existence of corporal punishments of juveniles although the legislation constrains the instances in which corporal punishments can be used in juveniles. There are very strict child abuse laws and no one can recall the last time that corporal punishment was actually 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 approaches changes in legislation that affect the rights of citizens. That process 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 program to get these children back to school and reconciling them with their parents and the investment in improving facilities for children who do 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 are

inconsistent with existing national legislation. However, although the specific legislation on the death penalty has not been amended, a series of judicial rulings have limited the scope and applicability of capital punishment in the national context. Courts have removed the death penalty as a mandatory sentence, and reserved capital punishment for only the most heinous crimes. Additionally, persons who were on death row for over five years had their sentences commuted to life in prison. Since it is not currently possible for a prisoner to exhaust his appeals in a five-year period, it was not practically possible 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 can 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 is viewed as a means by which other human rights can be further enhanced. In turn, education is the key to national development. The State has 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. Aware of efforts and initiatives for the promotion and protection of human rights, Honduras expressed however concern about gender violence and the opportunities of children and adolescents to education. It asked if it had considered extending an open and standing invitation to the UN 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 UNICEF 2008-2011. Spain noted the efforts to build a new state prison and encouraged it to take measures to end overcrowding and to address conditions of prisoners. Spain made recommendations.

39. South Africa welcomed the focus placed on poverty reduction. It commended the focus on economic growth, job creation, education, health, social security and infrastructure development. South Africa encouraged that the policies aimed at poverty reduction be allocated the necessary resources to ensure they are 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 Saint Vincent and the Grenadines' determination 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 report that poverty reduction and sustainable growth is part and parcel of enhancing good governance and contributing to promotion and protection of human rights in the long run. It indicated that it stands ready to cooperate and exchange best practices with Saint Vincent and the Grenadines in areas such as socio-economic development and health. Thailand was pleased about the improvement of the Correctional facilities and referred to the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders adopted by the UN General Assembly last year. Thailand made recommendations.

42. Australia welcomed Saint Vincent and the Grenadines' protection of the rights of women, children and persons with disabilities and 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, urging 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 it to remove the death penalty from its laws. Australia made recommendations.

43. Venezuela noted the efforts made by Saint Vincent and the Grenadines for the drafting of the national report to the universal periodic review, which reflects their commitment to human rights. Venezuela highlighted efforts made by the country in the area of economic, social and cultural rights, in particular on the right to education. It made a recommendation.

44. Germany commended Saint Vincent and the Grenadines' human rights achievements. Germany inquired about plans to address the issue of the age of criminal responsibility, fixed at 8 years of age, which the CRC noted in 2002, 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 intends to secure children 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 this bilateral cooperation will soon lead to a better human rights situation in the country. Mexico made recommendations.

46. Hungary noted Saint Vincent and the Grenadines' programmes of good governance, poverty reduction, socio-economic developments and education. It was concerned about the vote against the adoption of the 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 as well as the 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 and the effects of climate changes and natural disasters. It welcomed efforts to prevent abuse of children and youth programmes implemented 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 Saint Vincent and the Grenadines human rights commitment. Canada was concerned on the challenges faced in protecting juveniles in the legal system; on the poor prison conditions, mistreatment, corruption by guards and uncontrolled presence of weapons and drugs; on the legal sanctions and discrimination based on sexual orientation and gender identity; and on 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 smallness and its capacity constraints, and indicated that the working group should understand and appreciate this during the review. It noted that despite the development challenges, the country has made important progress across key indicators including health, education, poverty eradication, children and disability rights. Maldives made recommendations.

50. Slovakia commended Saint Vincent and the Grenadines ratification of the main human rights instruments and noted the provision for human rights violations' redress in the Constitution. It noted the sustainable growth and poverty eradication efforts. Slovakia appreciated steps taken towards the improvement of its judicial administration. It commended the de facto moratorium on the capital punishment in place since 1997. It expressed concern about reported complaints against unwarranted police practices, such as excessive use of force and a high ration 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 Trust Fund for Basic Needs, the Programme for Social Security Networks, the Street Children Rehabilitation Programme, among others. It encouraged the Government to continue strengthening these 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 light of the defeat of the constitutional referendum, this 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 Saint Vincent and the Grenadines own history, it took such implications very seriously. The descendents of indigenous peoples were 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 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, 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 is offered. As a small state dedicated to human rights, Saint Vincent and the Grenadines is eager to add its voice to the weight of international consensus on human rights through the ratification of the relevant treaties. However, each of these treaties incurs a financial cost or a reporting burden that it is often difficult to meet. In acting in solidarity with international opinion on human rights issues, small states often find themselves later singled out for failing to meet its 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 unwelcomed financial burden on small states. No CARICOM state had extended a standing invitation to Special Procedures. However, more than half of the 82 states that extended such an invitation were from Europe. In light of these facts, the 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 issue 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 in prison facilities women are held separately from male detainees and their rights are respected. On the excessive use of force of the police service, the delegation admitted its existence and reported that the Government is training police forces although there is still some insensitivity in this regard.

60. With regard to the criminal age of responsibility, the delegation invited concerned States to review the Common Law. The law says that a child of 8 or below will not be considered criminal responsible but between the age of 8 and 16 there is a judicial inquiry into the capacity of a child to understand right or wrong and whether this child should be charged as an adult.

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

62. Some successes in the battle against HIV/AIDS have been recorded. Mother-to-child transmission of the disease has been virtually eliminated, and the rate of infection has stabilized. Infected persons were also living for longer periods of time. Because of this, Saint Vincent and the Grenadines now faced the challenge of sourcing more advanced antiretroviral medication, and called on the producers of such second level 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. These 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 have provided assistance in the wake of recent weather events.

64. Jamaica noted that it is 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, the increase in accessibility to education for children with disabilities, and the reduction in the functional literacy 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 appropriately respond to the needs and concerns expressed by providing effective and timely technical assistance and capacity building support.

65. Portugal noted with appreciation the progresses achieved in recent years in the fields of democracy, governance, 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 towards children. It also asked whether Saint Vincent and the Grenadines intends to amend the legal provisions, including the Penal Code, so as to replace the death penalty with other penalties, which do not include cruel, inhuman or degrading punishments. It made recommendations.

66. Barbados embraced the constitutional human rights protection, 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 initiatives to provide social safety nets and emphasis on initiatives to achieve socio economic development through education and health. It encouraged technical assistance to be provided 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 WTO that has 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 social programmes. It commended the delegation for efforts to address poverty, gender equality, empowerment of women, as well to combat domestic violence, sexual exploitation of women and its HIV/AIDS programmes. It hoped development partners would be responsive to the needs of this highly vulnerable state. It made recommendations.

68. Ecuador noted Saint Vincent and the Grenadines' human rights advances. It noted the challenges with regard poverty, unemployment and unequal distribution of wealth. Ecuador encouraged continuing developing the country and improving human rights. It congratulated the 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 consequences of climate change and the environment in the enjoyment of fundamental rights. Costa Rica recognized the challenges and limitations confronted by Saint Vincent and the Grenadines, particularly in the area of gender equality and empowerment of women. Costa Rica made recommendations.

70. Haiti congratulated Saint Vincent and the Grenadines for the measures adopted and results in the areas of housing and education. It commended the 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 takes the issue very seriously in its policy initiatives on youth and children.

73. The government is also focusing on actions to protect and promote rights of persons with disabilities.

74. The delegation reported that Saint Vincent and the Grenadines is reviewing the Convention on Torture, in particular with regard to the burden that it would entail. Although torture is foreign to Saint Vincent and the Grenadines, it would like to add its voice to the international consensus, without also incurring additional costs and burdens on towards the State.

75. To end, the delegation reiterated the commitment of Saint Vincent and the Grenadines to improving the human rights situation in the country and thanked delegations for the comments and recommendations made by delegations.

II. Conclusions and/or recommendations

76. The recommendations formulated during the interactive dialogue/listed below have been examined by Saint Vincent and the Grenadines and enjoy the support of Saint Vincent and the Grenadines:
- 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 and enabling environment to better promote and protect human rights in the country (Malaysia);
 - 76.2. Continue to work on their human development plan and including 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 report to the relevant treaty bodies (Malaysia);
 - 76.5. Submit as soon as possible your reports under the two international Covenants which 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 UN treaty monitoring bodies (South Africa);
 - 76.7. Continue to seek technical cooperation and assistance from the international community and such agencies as the OHCHR in its promotion and protection of human rights, particularly, capacity building for preparing its 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. This will help with the problem, acknowledge 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 of persons with disabilities, particularly of children, 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 disposition of such complaints (Australia);
- 76.15. Thoroughly investigate all allegations of mistreatment of prisoners (Canada);
- 76.16. Ensure a comprehensive human rights training for the 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 taking education and legal measures and 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 domestic violence allegations (United States);
- 76.23. Take all the necessary measures to combat violence and discrimination against children (France);
- 76.24. Intensify ongoing efforts to arrest 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 programs of the members of the police force and the administrators of justice (Costa Rica);
- 76.27. While encouraging it to continue its development programs, to develop opportunities afforded by international cooperation to strengthen its capacities, notably in the fight against poverty (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 alongside with the cooperation of the international community (Hungary);
- 76.31. Continue applying programmes and measures aimed at guaranteeing universal health and education services of quality to all the population (Cuba);
- 76.32. Increase the efforts to promote adolescent health, particularly in respect to reproductive health in order to combat teenage pregnancy (Norway);
- 76.33. With the cooperation and international technical assistance, continue strengthening its education policy with a view to provide a comprehensive education which responds to the needs of its people; as the only means to

advance towards the full development, in conditions which guarantee full equality, with the inclusion of the most vulnerable sectors of the population (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 on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child (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 necessary measures to increase the statistic 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 principles stated in resolution 1984/50 of ECOSOC and in particular to ensure that it is applied only for the most serious crimes (Belgium);
 - 77.7. Adopt legal or/and social awareness raising measures to restrain 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 current overcrowding and precarious conditions of prisoners (Spain);
 - 77.11. Take appropriate steps to establish the "Approved Schools" as provided for in the Juvenile Act with the aim of, among others, separating juveniles from adult offenders serving custodial sentences (Malaysia);
 - 77.12. Finalize the Child Protection Protocol and 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 the efforts to provide medical support for children and promote adolescent health policies in 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 the school drop out 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 18th session of the Human Rights Council in September 2011:
 - 78.1. Ratify (Maldives) and sign the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain) 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 CAT (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 CESCR (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 progressive ratification of international human rights instruments to which the country is not yet a party to, 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 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 in 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 together with the aid and assistance of the international community a national human rights institution accredited by the International Coordinating Committee of the 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 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 UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders known as 'Bangkok Rules', as part of its development of the Correctional Facility and seek appropriate assistance from OHCHR and the UNODC in its implementation (Thailand);
- 78.20. Raise the minimum age for employment from 14 years to 16 years, so that it will conform 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 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 women and men 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 to the minimum legal age of marriage which is 15 years old for girls and 16 years old for boys. These ages are too low in both cases, according to UNICEF (Haiti);
- 78.25. In accordance with the ILO observations, raise to 16 the minimum age of children for work with a view to harmonizing it with the age of compulsory school education, and thus fight against children dropping out of school and child labour (Honduras);
- 78.26. Repeal all discriminatory provisions against LGBT people (France);

Excluído: Decriminalise

79. The recommendations below did not enjoy the support of Saint Vincent and the Grenadines:
- 79.1. Sign (Portugal), accede (Australia) and ratify the second Optional Protocol to ICCPR 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 on abolition of the death penalty (United Kingdom);
- 79.3. Bring the legislation into conformity with its 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](#)); repeal the death penalty (Canada); and take steps towards the complete abolition of the death penalty (Slovakia);
- 79.6. Declare a moratorium to abolish the capital punishment and commute such punishment for the privacy 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 death penalty with a view to its abolition (Portugal), as a step towards its abolition (Hungary); and support the UNGA resolution on the use of the death penalty (Portugal);
- 79.9. Prohibit corporal punishments at school, at home and in public institutions for children and in the context of the administration of justice (France);
- 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 caning of minors (Belgium);
- 79.12. Consider revising its criminal code, in particular aiming at 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 the section 146 of the Criminal Code as a first step towards the introduction of a law prohibiting the discrimination of same sex relationships (Germany); and repeal this section which criminalises 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 decriminalising sexual relations between consenting adults of the same sex (France);
- 79.17. Implement the 2008 recommendation of the UN Human Rights Committee to repeal the section 146 of the Criminal Code that 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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