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Report of the Working Group on the Universal Periodic Review*

Saint Vincent and the Grenadines

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. The Government of Saint Vincent and the Grenadines hereby presents its responses to those recommendations that it had declared would have required further consideration before the formal adoption of the Report by the Human Rights Council:

Recommendations 78.1-78.2:

78.1. Sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and establish a national preventive mechanism;

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.

2. The Government of Saint Vincent and the Grenadines recognizing the principle of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, being guided by its Constitution under Chapter I section 5 which prohibits the torture, inhuman or degrading treatment or punishment of any individual, accepts to consider the signing and ratification of the Optional Protocol to the Convention against Torture within the limits of its capability to live up to its implementation and reporting obligations.

Recommendation 78.3:

78.3. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 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.

3. The Government of Saint Vincent and the Grenadines cannot accept this recommendation in the short term, but is currently considering the signing and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights believing in the rule of law and expects that the domestic law of the State party must first be fully exhausted before the individual complaints procedure under those human rights treaties to which it is a party is utilised.

Recommendation 78.4:

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.

4. The Government of Saint Vincent and the Grenadines mindful of the principles to which the Convention on the Elimination of All Forms of Discrimination against Women was adopted continues to implement policies and initiative toward the empowerment of women and their protection from violence. As a result, the matter of signing and ratifying the OP-CEDAW is being considered with a view to taking a decision on ratification.

5. In relation to the International Convention for the Protection of All Persons from Enforced Disappearance, the Government of Saint Vincent and the Grenadines having signed the convention on March 29, 2010 continues to give active consideration to the convention's ratification within the limits of its capability to live up to its implementation and reporting obligations.

Recommendations 78.5:

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.

6. Saint Vincent and the Grenadines a party to the nine (9) core human rights instruments continues to work towards completing accession to major international instruments related to human rights and considers this an ongoing process. Moreover, the Government also takes this opportunity to inform that it did ratify the Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Recommendations 78.6:

78.6. Ratify the 1961 Convention on the Reduction of Statelessness.

7. The Government of Saint Vincent and the Grenadines attaches great importance to the objectives underpinning this convention, being a party to the Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons and will continue to give consideration to the ratification to the convention.

Recommendation 78.7:

78.7. Ratify the Agreement on the Privileges and Immunities of the International Criminal Court and ensure its implementation in national law.

8. Saint Vincent and the Grenadines as a party to the Rome Statute of the International Criminal Court (ICC) recognizes the principles of the ICC in the rule of law at the international level and against perpetrators of crimes against humanity and will continue to give active consideration to this recommendation.

Recommendations 78.8-78.9:

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;

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.

9. The State accepts these recommendations and would take action to developing a harmonised domestic legislation to address unregulated aspects of the Convention on the Rights of the Child, within the limits of its resources.

Recommendations 78.10-78.12:

78.10. Establish a national human rights institution in accordance/compliance with the Paris Principles;

78.11. Establish a national human rights institution accredited by the International Coordinating Committee for the promotion and protection of human rights;

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.

10. The Government of Saint Vincent and the Grenadines wishes to inform that there are several organisations dealing with various aspects of human rights and related human issues operating within its territory and welcomes these recommendations but cannot accept them at the present time to create a national human rights institution in accordance to the Paris Principles. As a result, the Government commits to undertake consultation with stakeholders and with the support and assistance of the international community to create such an institution.

Recommendation 78.13:

78.13. Consider opening a small permanent mission in Geneva, using facilities provided by the newly opened Commonwealth Small States Office.

11. The Government of Saint Vincent and the Grenadines while it recognizes the contributions of the Commonwealth Secretariat in advancing this initiative and the benefits of having a presence in Geneva to liaise with the various UN agencies headquartered in Geneva, it is not in a position to make a definitive decision on this recommendation, however it will continue to give consideration. Moreover, the State wishes to inform that discussions are currently taking place at the regional level concerning joint representation in Europe particularly Geneva and Vienna which would result in cost-sharing for small island developing states.

Recommendation 78.14:

78.14. Consider extending a standing invitation to all special procedures of the Human Rights Council as a way of informing and supporting human rights reforms.

12. While Saint Vincent and the Grenadines recognizes the importance of the special procedures role in ensuring that human rights obligations under the various conventions are respected and uphold, and also expresses its willingness to cooperate with reform taking place within human rights mechanism, it cannot accept the recommendation, at this time, to extend standing invitation to all Special procedures of the Human Rights Council because of the burden and additional requirements such invitations would impose on the state. However, the State will continue to monitor the implications of accepting such invitations.

Recommendations 78.15:

78.15. Codify and harmonize the national legislation to expressly prohibit discrimination, and in accordance with the existing international human rights standards.

13. The Government of Saint Vincent and the Grenadines accepts this recommendation to codify and harmonize national legislation concerning discrimination in all forms.

Recommendation 78.16:

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.

14. Saint Vincent and the Grenadines categorically rejects this recommendation which seeks to propose that racial discrimination exists within Saint Vincent and the Grenadines affecting children, including children that are disabled and or from minority groups such as the indigenous people. Despite the fact that there may not be a specific legislation addressing such, Article 13 of the Constitution of Saint Vincent and the Grenadines expressly prohibits discrimination on the basis of sex, race, place of origin, political

opinions, colour or creed. In addition, the citizens and people of Saint Vincent and the Grenadines based on their mixed culture and heritage lives in a society that is acceptable of persons of different race. Nevertheless, the State will continue to be vigilant to ensure that such instances if they ever occurred are addressed socially and legislatively.

Recommendation 78.17:

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.

15. The Government of Saint Vincent and the Grenadines accepts this recommendation and has the honour to inform that such measures are already being implemented following the adoption of the Saint Vincent and the Grenadines Building Code supplementing to the Town and Country Planning Act, Chapter 334 of the Revised Law of SVG 2009 which ensure that persons with disabilities are afforded access to public places and buildings.

Recommendation 78.18:

78.18. Institute policies and initiatives to address discrimination based on sexual orientation or gender identity.

16. The Government of Saint Vincent and the Grenadines has considered this recommendation and is of the view that instituting policies and or initiatives relating to sexual orientation or gender identity requires extensive national consultation given the nature of the issues involved.

Recommendation 78.19:

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.

17. The Government of Saint Vincent and the Grenadines as a progressive State in the improvement of the lives and livelihood of women accepts this recommendation concerning the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), having joined the consensus to adopt Resolution 65/229 which intends to improve the treatment, healthcare and safety concerns of women offenders. Currently, the State has commenced the incorporation of a number of the rules within its national plan and would seek assistance from UN Agencies in further implementing this recommendation.

Recommendation 78.20:

78.20. Raise the minimum age for employment from 14 to 16, so that it conforms with the age of completion of compulsory education.

18. The Government of Saint Vincent and the Grenadines continues to give active consideration to this recommendation related to increasing the minimum age of employment from 14 years (ILO Minimum Age Convention, 1973 No. 138) to 16 years given the positive contributions such measure has for the socio-economic well-being for citizens and also the impacts it would have in relation to poverty alleviation. Raising the minimum age of employment would also complement the education revolution, which is one of the major policies of the Government.

Recommendation 78.21:

78.21. Raise the age of criminal responsibility in compliance with international standards; and ensure that only the juvenile justice system deals with cases of children under 18 years.

19. Saint Vincent and the Grenadines ever cognizant of the emotional, mental and intellectual maturity of a juvenile continues to give active consideration to this recommendation to increase the legal minimum age for criminal responsibility in line with internationally acceptable standards. Moreover, the State takes this opportunity to inform that the Government established a Family Court which deals specially with matters related to juveniles under the age of 18 years.

Recommendation 78.22:

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.

20. The Government of Saint Vincent and the Grenadines recognizing the benefit of this recommendation in helping to address and eradicate the involvement of youths in criminal activities wishes to inform that the State is actively considering this recommendation given its commitment to improving the facilities and services including training for correctional personnel and the rehabilitation opportunities provided to juvenile offenders.

Recommendations 78.23-78.24:

78.23. Raise the minimum age for marriage of both sexes to bring it in line with international standards;

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.

21. Saint Vincent and the Grenadines continues to give active consideration to these recommendations recognizing its responsibility to adhere to various international standards focused on improving the welfare of its citizens, such as standards relating to the minimum age for marriage for both sexes.

Recommendation 78.25:

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.

22. The Government of Saint Vincent and the Grenadines continues to actively consider this recommendation, with a view to making a decision, however it should be duly noted that child labour is not a phenomenon which exist within the State. Moreover, given the society's dependence over the years on the agriculture industry for its economic sustainability it should be noted that the Government has adopted a proactive approach to education and is taking all administrative measures necessary to address this concern as the country advances its education revolution policy. Additionally, Section 8 of Chapter 209 of the Revised Laws of SVG 2009 "Employment of Women, Young Person and Children Act", states that a child is allowed to work in "agricultural or horticultural environment for his parents and guardian on the family land or garden outside of school hours and also to

the participation of a child without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose ..”

Recommendation 78.26:

78.26. Repeal all discriminatory provisions against lesbian, gay, bisexual and transgender people.

23. The Government of Saint Vincent and the Grenadines cannot accept at this time this recommendation to repeal provisions against lesbian and gays, as the public sentiment favours the retention of provisions which criminalize beggary and sexual relations between adults of the same sex (Sections 146 and 148 of the Criminal Code of Saint Vincent and the Grenadines, respectively) Moreover, the Government wishes to inform that there are no discriminatory laws against gays, lesbian, bi-sexual and transgender people in Saint Vincent and the Grenadines as the constitution prohibits discrimination in all forms related to the enjoyment of people’s rights and freedoms. In addition, it must be noted that prosecution of public indecency is not limited to homosexual acts but also relates to heterosexual acts between consenting adults.
