

# UPR INTERVENTION FOR SAINT VINCENT AND THE GRENADINES

## Canadian HIV/AIDS Legal Network

- delivered by John Fisher

Madam President, distinguished members of the delegation,

We welcome the stated commitment of Saint Vincent and the Grenadines to principles of equality and non-discrimination.

We are therefore particularly disappointed that the government of Saint Vincent and the Grenadines did not accept numerous recommendations to repeal laws that criminalise sexual activity between consenting adults.

This runs directly counter to a specific recommendation of the United Nations Human Rights Committee, which in 2008 expressed regret that Saint Vincent and the Grenadines maintains laws criminalising consensual same-sex relations and urged the government to repeal s. 146 of the Criminal Code.

While we welcome the measures described in the National Report to address and reduce rates of HIV/AIDS, including the establishment of the Caribbean HIV/AIDS Alliance in Saint Vincent and the Grenadines, the Human Rights Committee has specifically emphasised that laws criminalising consensual same-sex conduct impede the fulfilment of HIV education and prevention efforts.

The government acknowledged at the UPR Working Group that these laws are colonial imports, and indeed the **UN High Commissioner for Human Rights**, Ms. Navanethem Pillay, recently emphasised:

"Sadly, ... there remain too many countries which continue to criminalize sexual relations between consenting adults of the same sex in defiance of established human rights law. Ironically many of these laws, like Apartheid laws that criminalized sexual relations between consenting adults of different races, are relics of the colonial era and are increasingly becoming recognized as anachronistic and as inconsistent both with international law and with traditional values of dignity, inclusion and respect for all."

In its written response today, the delegation suggested that these issues are sensitive for some; however, as **UN Secretary General Ban Ki-moon** recently stated to this Council: "No doubt deeply rooted cultural sensitivities can be aroused when we talk about sexual orientation. Social attitudes run deep and take time to change. But cultural considerations should not stand in the way of basic human rights."

We would therefore ask the delegation how it reconciles its rejection of recommendations 79.3, 79.12, 79.13, 79.14, 79.15, 79.16, 79.17, 78.18 and 78.26, with its international obligations and with the decisions of UN treaty bodies in this area?

We note that the delegation has indicated that national consultations will be needed to move this issue forward, and we would therefore encourage the government to commit to a process for bringing its legislation into conformity with international human rights standards.