



SAINT VINCENT AND THE GRENADINES

Opening Statement

by

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High Commissioner for Saint Vincent and the Grenadines to the United Kingdom

before the

Human Rights Council

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Mister President, Excellencies, distinguished ladies and gentlemen.

Saint Vincent and the Grenadines again welcome this opportunity to engage in the Universal Periodic Review and, on this occasion, with specific reference to the recommendations as set out in paragraph 78 of the Report of the Working Group (Document ref: A/HRC/18/15).

Mister President, the history of Saint Vincent and the Grenadines is one shaped by colonialism, slavery and genocide. But we can readily assert that, so far, we have done well since achieving Independence in 1979. Our quest is, to quote Prime Minister Gonsalves, ***“to further ennoble our Caribbean civilisation in every sphere of human endeavour and build a Vincentian component of that civilization”***. I can only add that the Vincentian component includes the fundamental rights of our citizens and peoples.

Saint Vincent and the Grenadines progress over time has been a consequence of the combined efforts of individuals in every walk of life – the ‘so called’ ordinary people. Our respect for human rights is not seen only through the lens of legislators, but through the inclusion of the cumulative components of our society – that is to say, it includes the churches, the families, the parents, the schools, the media, non-governmental organisations, and other communities. Our human values are lodged within our Christian ethics and our social democracy, and are framed within the nobility of our civilisation.

Mister President,

We are able and willing to learn, make adjustments and where possible move to acceptance of further Human Rights Conventions and Protocols. Over the years, Saint Vincent and the Grenadines, committed to the protection and promotion of human rights has signed and ratified conventions safeguarding fundamental rights and freedoms of human beings. Further it is important to restate that the Constitution of Saint Vincent and the Grenadines explicitly protects the rights to life, personal liberty and freedom of conscience, among other rights. It provides protection from slavery,

forced labour, and discrimination on the grounds of sex, race, colour or creed. I have merely chosen a few examples of the protected rights to illustrate our commitment to Human Rights.

Mister President,

In 2009, the Government of Saint Vincent and the Grenadines undertook an attempt to amend the Constitution via a Referendum. However that attempt did not meet with the wishes of our people. In the proposed constitution, provision was made for a Human Rights Commission to investigate complaints by persons, that they have suffered wrongs by public authorities against their basic human rights; provision was also made provision for an Ombudsman to investigate complaints by members of the public about mal-administration; significantly, it also made provision for civil society persons to address the National Assembly on certain matters. These three innovations which were contained in the rejected Constitution clearly demonstrate the government's commitment to provide our citizens with access to their human rights.

Mister President,

In relation to the remaining 26 recommendations on which our government did not take a decision during the Working Group Session in May, the government takes this opportunity to inform that it cannot accept those recommendations which seeks to presuppose that discrimination is encountered by children of minorities and disabled persons. In addition, the government is not in a position to accept the claim that discrimination exist in the criminal provisions of the laws of Saint Vincent and the Grenadines relating to lesbian, gays, bisexual and transgender, and heterosexual people. Moreover, the government wishes to acknowledge the fact that it is currently giving active consideration to the remaining 23 recommendations related to outstanding international conventions and protocols; improvement of facilities and policies concerning juvenile offenders, and the continued implementation of measures focused on children's development.

We are a democratic society – our laws are passed following discussions with the various stakeholders of our society. The State approaches legislation from a perspective that it must not be imposed. The essence of our democratic process lies in consultation with our citizens and as Lord Hope, the United Kingdom appeal Judge in the case of DPP V Kebeline, puts it ***“There is the necessity for the elected body to produce balance between the rights of an individual and the needs of society”***.

Mister President,

That necessary balance also provides our government with reflections in its consideration of recommendations on Human Rights Conventions and Protocols. Resources can play a vital role in that balance.

Small States like Saint. Vincent and the Grenadines are painfully aware that we have no political power to control world trade. We, in Saint Vincent and the Grenadines, know the painful effects of trading power – our banana industry which afforded many families the opportunity to enjoy many human rights, is almost destroyed by the decisions of the World Trade Organisation. As we try to diversify our economy through the strengthening of the tourism sector, we are now faced with Air Passenger Taxes or similar taxes which have direct consequences on our tourism industry. The words “special and differential” treatment for small States in the DOHA Round, have been lost with no hope of resurrection. The sensitivity to our economic problems is often lost on the developed countries. We are sometimes faced with two swords – one man-made, the other by nature. With regard to the latter, I refer to the effects of Climate Change and its devastating effects. These are the realities we face as we consider the time frame into which we may be able to sign and ratify treaties. The time frame, too, has a connection with other underlying factors.

These underlying factors include the mechanism to monitor our obligations to additional Treaties and Conventions; we need to understand the role of Parliament in the scrutiny of legislation on any additional human rights obligations; we need to determine whether there is a need to have a Committee to advise Ministers as to whether or not statements they make are compatible with certain Human Rights Treaties and Conventions; we need to examine the relationship between certain

human rights and our Constitution. We need to understand new concepts in human rights decision; for example, the doctrine of the 'margin of appreciation' as applied in decisions relating to the European Convention of Human Rights, where member States are given an element of discretion as to how they apply Convention standards in domestic law. I know we are not here to discuss the ECHR but it is useful to understand the application of these doctrines, for example, how such a doctrine as the 'margin of appreciation' apply in cases of public morality.

These are some of the underlying factors which confront a small developing State like Saint Vincent and the Grenadines as it considers the various recommendations.

With regard to the recommendations, Saint Vincent and the Grenadines has submitted a document under reference A/HRC/18/15/Add.1 containing its response. I hope that the distinguished delegates here were provided with a copy of the document. Regarding the recommendations as set out in paragraph 78 of the document, Saint Vincent and the Grenadines has accepted recommendations:

78.8

78.9

78.15

78.17

78.19

The recommendation in paragraph 78.16 is categorically rejected.

The recommendations which Saint Vincent and the Grenadines cannot accept at this time will receive consideration as has been detailed in the response document A/HRC/18/15/Add.1.

Mister President, let me end by saying that while Saint Vincent and the Grenadines may not be a party to an International Human Rights Treaty or Convention, it does not in anyway diminish the importance of our commitment to promoting and protecting human rights both in our country and internationally.

Mister President, I thank you.