



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-ninth session
1–12 November 2021

Summary of Stakeholders' submissions on Saint Vincent and the Grenadines*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 4 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²

2. The Saint Vincent Planned Parenthood Association (SVPPA) noted that, while Saint Vincent and the Grenadines had ratified a significant number of human rights treaties, it had not ratified the Optional Protocol to the Convention on the Rights of the Child on a communication procedure.³ It recommended that Saint Vincent and the Grenadines ratify the international instruments to which it is not yet a party.⁴

3. Joint Submission 1 (JS1) noted that Saint Vincent and the Grenadines had noted all the recommendations received during the second cycle of the universal periodic review regarding the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and had not implemented them. It also noted that the country had not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It recommended that Saint Vincent and the Grenadines ratify both instruments.⁵

4. SVPPA noted that the Government of Saint Vincent and the Grenadines had maintained limited engagement with the Office of the High Commissioner for Human Rights with regards to seeking technical assistance to meet its international human rights obligations or facilitate human rights training and education.⁶

* The present document is being issued without formal editing.



B. National human rights framework⁷

5. SVPPA noted that Saint Vincent and the Grenadines did not have an Ombudsman or a human rights institution of any kind and recommended that the country establish, with the support of international partners, a national human rights institution in accordance with the Principles Relating to the Status of National Institutions (Paris Principles).⁸

6. JS1 noted that, in 2019, the Deputy Head of Mission of the High Commission for St. Vincent and the Grenadines to the United Kingdom recognized that increasing the capacity of the national mechanism for reporting and follow-up and reporting obligations to treaty bodies was an outstanding issue for the country.⁹ SVPPA noted that the ability of Saint Vincent and the Grenadines to respond to the recommendations received within the framework of the universal periodic review would be greatly strengthened by the establishment of an institutionalized, permanent mechanism to coordinate Government engagement with international and regional human rights mechanisms, implement recommendations and carry out required reporting.¹⁰

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination¹¹

7. SVPPA noted that the Constitution of Saint Vincent and the Grenadines prohibited discrimination based on sex, race, place of origin, political opinion, colour or creed, but that there was no specific legislation that addressed discrimination based on sexual orientation, gender identity or social status.¹²

8. SVPPA stated that, in Saint Vincent and the Grenadines, women continued to face various forms of discrimination, including gender-based violence, sexual harassment in the workplace and daily life, employment discrimination, income inequality, and lack of representation in decision-making positions in both public and private sectors.¹³

2. Civil and political rights

Right to life, liberty and security of person¹⁴

9. JS1 noted that Saint Vincent and the Grenadines had observed a de facto moratorium on executions since 1995, but that one individual remained on death row since 2006 and the death penalty remained a possible punishment for multiple crimes, including crimes that did not involve intentional killing. It noted that public perception of high murder rates in the country had apparently fuelled public support for the death penalty and that, in 2018, Saint Vincent and the Grenadines had voted against the United Nations General Assembly resolution calling for a moratorium on the use of death penalty.¹⁵

10. JS1 recommended that Saint Vincent and the Grenadines abolish the death penalty, replace it with a sentence that is fair, proportionate and in compliance with international human rights standards and collaborate with civil society organizations to conduct a comprehensive public awareness-raising campaign to educate the public about international human rights standards as they pertain to the death penalty and about alternatives to the death penalty.¹⁶ JS1 also recommended that Saint Vincent and the Grenadines impose an official moratorium on carrying out death sentences or, in the absence of a de jure moratorium, restrict the use of the death penalty to those crimes in which the defendant committed an intentional killing and enact legislation to ensure that any person held on death row for more than five years is commuted to life imprisonment, consistent with the Privy Council's decision in *Pratt and Morgan*.¹⁷

11. JS1 noted that, despite having accepted a recommendation during the second cycle of the universal periodic review to bring conditions at all detention facilities into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson

Mandela Rules), reports of inadequate prison facilities persisted in the country, including due to understaffing and overcrowding.¹⁸ It also noted that, due to limited prison capacity, juveniles convicted of crimes between the ages of 16 and 21 were held with convicted adults and recommended that detention conditions comply with the Nelson Mandela Rules, including regarding the separation of young prisoners from adults.¹⁹

12. JS1 noted that, in the second cycle of the universal periodic review, Saint Vincent and the Grenadines had accepted a recommendation to partner with international agencies to strengthen its capacity to collect, process and analyse statistical information concerning police misconduct and prison conditions, but stated that it was not aware of any systematic change in the way this information was collected, processed and analysed, and that it remained difficult to obtain information from the Government on these issues.²⁰

*Administration of justice, including impunity, and the rule of law*²¹

13. JS1 noted that Saint Vincent and the Grenadines continued to have a backlog of cases before its courts, but that the country had taken steps to reduce it, including by instituting criminal court rules to ensure monitoring of trial progress.²² It recommended that Saint Vincent and the Grenadines increase the resources and personnel available to the justice system so that there were sufficient judges, lawyers and paralegals to minimize the backlog and reduce pre-trial detention period to durations that comply with international standards.²³

14. SVPPA noted that access to justice for women and girls continued to be a hindered process due to lack of resources, empathy and general understanding of women's and girls' issues.²⁴

Fundamental freedoms

15. JS1 reported that, in 2016, Saint Vincent and the Grenadines had enacted a new law that provided a punishment of up to five years in prison for anyone who "subjects another person to public ridicule, hatred or embarrassment" and that human rights defenders had expressed concern that such law could be used to impede the free flow of information and news and could suppress public debate surrounding sensitive topics.²⁵ It recommended that Saint Vincent and the Grenadines amend article 16(1) of the Cybercrime Act of 2016 to narrow the definition of "harassment" in order to protect independent journalism and promote public discourse.²⁶

*Prohibition of all forms of slavery*²⁷

16. The European Centre for Law and Justice (ECLJ) noted the legislative provisions in place to combat trafficking and forced labour, including the Prevention of Trafficking in Persons Act 2011, but stated that, despite all the laws, protocols and protections in place and the creation of the Anti Trafficking in Persons Unit in 2012, human trafficking remained an issue in Saint Vincent and the Grenadines.²⁸ It also noted that, while incidents of human trafficking had been investigated, no case against a human trafficker had been successfully prosecuted.²⁹

17. ECLJ noted that it remained critical that more attention was given to the prevention of human trafficking and the prosecution of perpetrators. It recommended that Saint Vincent and the Grenadines vigorously and effectively investigate and prosecute cases of human trafficking, and ensure that the procedures to provide protection and assistance to the victims were effectively utilized.³⁰

3. Economic, social and cultural rights

*Right to health*³¹

18. SVPPA reported that teenage pregnancy had raised some concerns, but that there had been a slight decrease in teenage births. However, it stressed that concerns remained due to reports of sexual abuse or statutory rape being the cause of many of these births.³²

*Right to education*³³

19. SVPPA noted that Child Friendly Schools continued to show progress in providing a more welcoming learning environment for all children, but that many shortcomings remained regarding inclusive education for children with disabilities. It recommended that Saint Vincent and the Grenadines create an inclusive education system, focusing on children with functional learning disabilities, and collaborate with specialists and institutions to train selected teachers in special education.³⁴

4. Rights of specific persons or groups*Women*³⁵

20. SVPPA noted that intimate partner violence, sexual violence and child sexual abuse remained some of the most prevalent forms of gender-based violence in the country. It acknowledged the adoption of the 2015 Domestic Violence Act, which introduced a comprehensive definition of domestic violence and made reporting of domestic violence obligatory, but noted that the Act had been not amended despite the criticism on the financial burden it placed on victims and on the undefined role of the crisis centre.³⁶ It also noted that domestic violence was not recognized as a criminal offence under the Domestic Violence Act.³⁷

21. SVPPA noted that there were two Family Courts responsible for enforcing the protection outlined in the Domestic Violence Act, but stressed that Saint Vincent and the Grenadines still needed to establish an entity for the analysis of data on gender-based violence collected by the Family Courts and the Police Force.³⁸ It also noted that, despite the establishment of a Sexual Offences Unit within the Criminal Investigation Department, there was mistrust in reporting incidents of gender-based violence and sexual abuse to police officers and many of such cases were not effectively reported.³⁹

22. SVPPA recommended that Saint Vincent and the Grenadines urgently create a safe and functional institution for victims of gender-based violence and sexual abuse and that it implement capacity building training for police officers and other law enforcement officials in gender-based violence and sexual abuse reporting.⁴⁰

*Children*⁴¹

23. Regarding the relevant recommendations from the second cycle of the universal periodic review,⁴² the Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted with concern that in Saint Vincent and the Grenadines corporal punishment of children was still lawful, including in the home, alternative care settings, early childhood care and day care for other children, schools, and penal institutions. It hoped that States recommend that Saint Vincent and the Grenadines enact legislation to clearly prohibit corporal punishment of children, however light, in every setting of their lives and repeal article 8 of the Juvenile Act 1952, as a matter of priority.⁴³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

ECLJ	European Centre for Law and Justice (France);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland);
SVPPA	Saint Vincent Planned Parenthood Association (Saint Vincent and the Grenadines).

Joint submissions:

JS1	Joint submission 1, submitted by: Advocates for Human Rights (United States of America); The World Coalition Against Death Penalty (France); The Greater Caribbean for
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life (United States of America).

- ² For the relevant recommendations, see A/HRC/33/5, paras. 80.1–80.28, 80.62, 80.73, 80.74, 80.78, 80.81.
- ³ SVPPA, p. 2.
- ⁴ SVPPA, p. 2.
- ⁵ JS1, pp. 2, 4 and 6.
- ⁶ SVPPA, p. 2.
- ⁷ For the relevant recommendations, see A/HRC/33/5, paras. 80.29, 80.46–80.57.
- ⁸ SVPPA, p. 2.
- ⁹ JS1, p. 4.
- ¹⁰ SVPPA, p. 2.
- ¹¹ For the relevant recommendations, see A/HRC/33/5, paras. 80.37–80.40, 80.43–80.45, 80.72
- ¹² SVPPA, p. 3.
- ¹³ SVPPA, p. 3.
- ¹⁴ For relevant recommendations see A/HRC/33/5, paras. 80.9, 80.30, 80.73–80.77, 80.79–80.81, 80.85–80.88.
- ¹⁵ JS1, pp. 4–5.
- ¹⁶ JS1, p. 6.
- ¹⁷ JS1, p. 6.
- ¹⁸ JS1, pp. 3 and 5.
- ¹⁹ JS1, p. 6.
- ²⁰ JS1, p. 3.
- ²¹ For relevant recommendations see A/HRC/33/5, paras. 80.91–80.93.
- ²² JS1, pp. 3 and 5.
- ²³ JS1, p. 6.
- ²⁴ SVPPA, p. 4.
- ²⁵ JS1, p. 5.
- ²⁶ JS1, p. 6.
- ²⁷ For relevant recommendations see A/HRC/33/5, paras. 80.89, 80.90.
- ²⁸ ECLJ, pp. 1–2.
- ²⁹ ECLJ, p. 3.
- ³⁰ ECLJ, p. 3.
- ³¹ For relevant recommendations see A/HRC/33/5, paras. 80.100–80.102.
- ³² SVPPA, p. 4.
- ³³ For relevant recommendations see A/HRC/33/5, paras. 80.60, 80.99, 80.127.
- ³⁴ SVPPA, p. 5.
- ³⁵ For relevant recommendations see A/HRC/33/5, paras. 80.31–80.35, 80.41, 80.42, 80.61, 80.63–80.71, 80.106–80.118.
- ³⁶ SVPPA, p. 3.
- ³⁷ SVPPA, pp. 3–4.
- ³⁸ SVPPA, p. 3.
- ³⁹ SVPPA, p. 4.
- ⁴⁰ SVPPA, p. 5.
- ⁴¹ For relevant recommendations see A/HRC/33/5, paras. 80.36, 80.58, 80.82–80.84, 80.94, 80.119–80.123.
- ⁴² See A/HRC/33/5, paras. 80.82 (South Africa), 80.83 (Germany), and 80.84 (Mexico).
- ⁴³ GIEACPC, pp. 1–3.