

SAINT VINCENT AND THE GRENADINES

CERD A/39/18 (1984)

85. The initial report of Saint Vincent and the Grenadines (CERD/C/85/Add.1) was considered without the participation of a representative of the reporting State.

86. The Committee observed that the statement contained in the report to the effect that the cultural and socio-economic fabric of society in Saint Vincent and the Grenadines was not conducive to the practice of racial discrimination did not comply with the requirements of article 9 of the Convention.

87. With reference to the scarce information contained in the report, the Committee drew the attention of the Government of Saint Vincent and the Grenadines to its guidelines (CERD/C/70/Rev.1) concerning the form and contents of reports to be submitted by States parties and recommended that the Government take them into account in preparing its future periodic reports.

CERD A/47/18 (1992)

240. At its 949th and 952nd meetings, on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by Saint Vincent and the Grenadines on the basis of its previous report (CERD/C/85/Add.1) and its consideration by the Committee (see CERD/C/SR.652). The Committee noted that no reports had been received from the State party since 1983.

241. Members of the Committee noted that the population of Saint Vincent and the Grenadines was predominantly black but that there was also a significant number of persons of mixed background and, in addition, small minorities of whites, Asians and Amerindians. Some of those groups were overrepresented at the lower-income levels and members of some minorities considered that they were discriminated against by the majority. It was pointed out that relations between the various racial and ethnic groups were not always harmonious and that there had been occurrences of racial strife.

242. Members of the Committee recalled that the initial and only report submitted by the State party consisted of a single sentence asserting that there was no form of racial discrimination practised in the country and stating that protection from such discrimination was provided in the basic clauses of the Constitution. During the consideration of that report in 1984, the attention of the reporting State was drawn to the availability of technical assistance from the Centre for Human Rights for the preparation of mandatory reports under the various human rights instruments.

243. Members of the Committee reminded the State party of its obligations under the Convention. It was pointed out that, as a minimum, the Government of Saint Vincent and the Grenadines should provide the Committee with a copy of those sections of the Constitution which were said to provide protection against racial discrimination. In addition, members of the Committee wished to know how a racial conflict between a citizen and a visitor to the islands would be dealt with.

Concluding observations

244. In concluding the review, the Committee regretted that Saint Vincent and the Grenadines had not been able to respond to its invitation to participate in its meeting and to furnish relevant information. The Committee wished to draw the attention of the Government of the State party to the possibility of requesting technical assistance from the Centre for Human Rights in the preparation of its reports. It hoped to receive a new report shortly.

245. The Committee asked Saint Vincent and the Grenadines to furnish a copy of that section of the Constitution which is said to provide protection against racial discrimination.

CERD A/51/18 (1996)

443. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Saint Vincent and the Grenadines based upon its previous reports (CERD/C/85/Add.1) and its consideration by the Committee (see CERD/C/SR.652, 949 and 952). The Committee noted with regret that no report had been submitted to the Committee since 1983, although it welcomed the submission by the State Party in 1993 of the initial part of its report (see HRI/CORE/1/Add.36).

444. The Committee regretted that Saint Vincent and the Grenadines had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Saint Vincent and the Grenadines setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

445. The Committee suggested that the Government of Saint Vincent and the Grenadines avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

CERD A/57/18 (2002)

237. At its 1511th meeting, held on 14 March 2002 (see CERD/C/SR.1511), the Committee reviewed the implementation of the Convention by Saint Vincent and the Grenadines based upon the State party's initial report (CERD/C/85/Add.1), the concluding observations issued in relation to that report (see A/39/18) and previous reviews of the implementation of the Convention undertaken in 1992 and 1996 (see A/47/18 and A/51/18, paras. 443-445). The Committee reiterates its regret that the State party has not submitted a report since the submission of its initial report in 1983.

238. Recalling that the purpose of the reporting system is for States parties to establish and maintain a dialogue with the Committee on the measures adopted, progress made and difficulties encountered in complying with the obligations under the Convention, the Committee regrets that Saint Vincent and the Grenadines has not been able to respond to its invitation to participate in the meeting and to furnish relevant information. In this connection, it is noted that the State party does not have diplomatic representation in Geneva. The Committee further notes that the non-performance by a State of its reporting obligations creates serious obstacles to the effective functioning of the monitoring system set up by the Convention.

239. The Committee reiterates its concern that the initial report of St. Vincent and the Grenadines did not comply with the requirements of article 9 of the Convention as it consisted of a single paragraph asserting that there was no form of racial discrimination practised in the country and that protection from such discrimination was provided in the basic clauses of the Constitution. In this connection, the Committee takes note of reports regarding the human rights situation in St. Vincent and the Grenadines, including alleged discrimination against certain minorities such as the Amerindians and Asians. Reports further indicate that these groups are over represented at the lower-income levels of the State economy and that members of some minorities consider that they have been discriminated against by the majority.

240. While noting that the State party recently submitted a detailed report to the Committee on the Rights of the Child (CRC/C/28/Add.18) and previously to the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1, paras.123-150), the Committee suggests that the Government of Saint Vincent and the Grenadines avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the High Commissioner for Human Rights, with the aim of preparing and submitting, as soon as possible, a report drafted in accordance with the reporting guidelines.

241. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.

CERD A/58/18 (2003)

502. The Committee considered the second to tenth periodic reports of Saint Vincent and the Grenadines, which were due biennially from 9 December 1984 to 9 December 2000, submitted as one document (CERD/C/378/Add.1), at its 1604th meeting (CERD/C/SR.1604), held on 18 August 2003. At its 1611th meeting (CERD/C/SR.1611), held on 22 August, it adopted the following concluding observations.

A. Introduction

503. The Committee welcomes the submission by the State party of a report after a lapse of almost 20 years.

504. The Committee regrets, however, that the report does not comply with the Committee's reporting guidelines, as it does not contain information on articles 3 to 7 of the Convention, nor on the practical effects of the Convention, and does not respond to the concerns expressed by the Committee in previous concluding observations. The Committee notes that the State party does not have representation in Geneva, but nevertheless regrets that the State party was not able to respond to its invitations to participate in the meeting.

B. Factors and difficulties impeding the implementation of the Convention

505. The Committee takes note of the difficulties presently faced by the State party, in particular its economic vulnerability within the context of globalization and the massive infrastructural damage caused by natural disasters, and of the fact that its limited resources are to be devoted to reconstruction rather than development.

C. Positive aspects

506. The Committee welcomes the information provided by the State party on the content of its Constitution regarding human rights, and in particular the right not to be discriminated against.

507. The Committee welcomes the fact that under section 16 of the Constitution, any individual alleging that his/her rights, as enshrined in the Constitution, have been violated can apply to the High Court for redress.

D. Concerns and recommendations

508. The Committee is concerned that sections 1 and 13 of the 1979 Constitution do not fully comply with article 1 of the Convention, as they do not expressly forbid discrimination based on descent and national or ethnic origin. The Committee is also concerned that exceptions and limitations to the principle of non-discrimination, provided for in particular by subsections 4, 6, 7 and 8 of article 13 of the Constitution, appear to be incompatible with the Convention.

The Committee recommends that the State party review its domestic law so that it complies fully with the Convention.

509. The Committee notes that the periodic report does not contain information on the ethnic composition of the population, the various languages spoken, as well as on inter-ethnic relations in Saint Vincent and the Grenadines.

The Committee recommends that information in this regard be included in the next periodic report.

510. The Committee notes with concern that no information was provided by the State party on the implementation of article 4 of the Convention.

The Committee draws the attention of the State party to its general recommendation XV concerning the implementation of article 4 of the Convention and requests that detailed information be included in the next periodic report on this issue.

511. The Committee is concerned that no information has been provided by the State party on the economic, social and cultural situation of minority groups. It is further concerned that persons of Carib ancestry tend to be viewed as the base of the social pyramid and experience discrimination. In general, access to health care and educational opportunities depends on the level of family income.

Recalling that racial discrimination and poverty issues intersect, the Committee recommends that the State party include in its next periodic report information on affirmative action measures adopted, in conformity with article 2, paragraph 2, of the Convention, in order to ensure the adequate development and protection of minority groups, in particular the Caribs. The enjoyment of economic, social and cultural rights, including access to public services, must be ensured for all without discrimination, in accordance with article 5 of the Convention.

512. The Committee is concerned that the Constitution does not contain reference to economic, social and cultural rights. The Committee further notes that section 16 of the Constitution has never been invoked with respect to alleged acts of racial discrimination.

The Committee recommends that the State party ensure, as provided in articles 5 and 6 of the Convention, the enjoyment by all of effective protection and remedies against acts of racial discrimination which violate human rights, including economic, social and cultural rights. The Committee further recommends that the State party consider whether the lack of complaints relating to racial discrimination before the High Court is not the result of the victims' lack of awareness of their rights, the lack of confidence on the part of individuals in the judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination. The State party should inform the Committee about its opinion on this issue in the next periodic report.

513. The Committee notes that information was provided by the State party on existing human rights associations in the country, but remains concerned about the reported weakness of civil society

organizations in Saint Vincent and the Grenadines.

The Committee encourages the State party to facilitate the activities of non-governmental organizations, in particular in the areas of better enjoyment of human rights and of combating racial discrimination. The State party is encouraged to consult with such organizations during the preparation of the next periodic report.

514. The Committee strongly urges the Government of Saint Vincent and the Grenadines to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting its next periodic report in accordance with the Committee's reporting guidelines (CERD/C/70/Rev.5).

515. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

516. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

517. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and recommends that it consider doing so.

518. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

519. The Committee recommends that the State party submit its eleventh to thirteenth periodic reports in one document, due on 9 December 2006, and that it address all the issues raised in the present conclusions.