

**UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL  
UNICEF INPUTS – SAINT VINCENT AND THE GRENADINES**

**I. Background and Framework**

**A. Constitutional and legislative framework**

1. The principles and provisions of the Convention on the Rights of the Child are not expressly enshrined in domestic legislation. The State party has begun a slow harmonizing process but has not carried out any general and significant review of its legislation directly relevant to children since its ratification of the Convention on the Rights of the Child (1993). Saint Vincent and the Grenadines did not ratify the Optional Protocol on the Involvement of Children in Armed Conflicts<sup>1</sup>. It accessed the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2005<sup>2</sup>.

2. The Convention on the Elimination of All Forms of Discrimination Against Women entered into force in Saint Vincent and the Grenadines in 1981. The State party did not ratify the Optional Protocol to this Convention<sup>3</sup>.

3. Saint Vincent and the Grenadines did not ratify the Convention on the Rights of Persons with Disabilities<sup>4</sup> nor the Convention Against Transnational Organized Crime<sup>5</sup>.

4. Saint Vincent and the Grenadines ratified the ILO Convention No 182 on the Worst Forms of Child Labour in 2001<sup>6</sup>. It also ratified the ILO Minimum Age Convention No 138 in 2006: the State party fixed the minimum age for employment at fourteen years of age<sup>7</sup>.

**B. Institutional and human rights structure**

5. The implementation of the Convention on the Rights of the Child is addressed by the National Child Rights Committee. At a national level, the local Child Rights Committee works with Governmental and Non-Governmental organizations as well as regional and international bodies that deal with child rights such as UNICEF: it has, inter alia, elaborated a Child Abuse Protocol that obligates the reporting and monitoring of child abuse cases.

**C. Policy measures**

6. The State party has developed a National Youth Policy in 1996<sup>8</sup>, reviewed its Education Act in 2006<sup>9</sup> and elaborated a programme of action in cooperation with UNICEF for the period 2003-2008<sup>10</sup> and 2008- 2011. It has also developed social policy frameworks using the Organization of Eastern Caribbean States' Social Development Policy Framework elaborated by the OECS Secretariat<sup>11</sup>.

7. The development of policies is however hindered by the lack of information and analysis: statistical capacity is a prerequisite for elaborating appropriate evidence-based policies and evaluating their efficiency<sup>12</sup>.

**II. Promotion and protection of human rights on the ground**

**A. Cooperation with international human rights mechanisms**

8. The State party is currently preparing its combined overdue second and third periodic reports to the CRC Committee. It presented its combined initial, second and third report to the

CEDAW Committee in 1997 but its fourth, fifth, sixth and seventh periodic reports are overdue.

## **B. Implementation of international human rights obligations**

### **1. Equality and non discrimination**

9. The Constitution of Saint Vincent and the Grenadines (1979) protects from discrimination based on sex, race, place of origin, political opinions, colour or creed. The Constitution also guarantees four important freedoms: protection of freedom of conscience, protection of freedom of expression, protection of freedom of assembly and association and protection of freedom of movement. Discrimination on the basis of language, national, ethnic or social origin, property, disability, birth or other status is not protected by the Constitution<sup>13</sup>. Provisions on non discrimination are included in specific legislation such as the Education Act (2006) which covers some of the categories not protected by the Constitution.

10. Discrimination persists in the Marriage Act regarding the minimum legal age for marriage: it provides for a minimum of fifteen years for girls and sixteen years for boys. Both are considered to be too low.

11. Children with disabilities suffer from *de facto* discrimination due to the absence of specific legislation to address their needs and to provide appropriate facilities, and the absence of policies and programmes dedicated to their integration into regular schools. The Education Act seeks to address issues of inclusion.

12. The CEDAW Committee underlined occurrences of racial discrimination affecting children, including children of some minorities, such as the Amerindians and Asians, often belonging to lower-income levels.

13. Disparities remain between the child maintenance awards made to the children of unmarried mothers, by domestic court, and married mothers, by Magistrates' Court<sup>14</sup>.

14. The situation of children known to be infected with HIV/AIDS is concerning since they are discriminated against at school by some teachers<sup>15</sup>.

### **2. Right to life, liberty and security of the person**

15. The child's right to survival and development is dealt with by a number of legislation which is not specifically dedicated to children and is not expressly mentioned in the Constitution. The Criminal Code criminalizes infanticide, abortion, abandon and endangerment of a child<sup>16</sup>. In addition, according to the provisions of the Criminal Code of Saint Vincent and the Grenadines, a person under sixteen years old cannot be sentenced to death but a child over sixteen years of age at the time of the offence can be sentenced to death<sup>17</sup>.

16. Corporal punishment is regulated by law and widely practiced in schools, in the administration of justice and in the family as an educative method, even against children from an early age<sup>18</sup>. Domestic violence is dealt with by the Domestic Violence Act which protects children from domestic violence and threats.

17. The incidence of child abuse is high: it is often perpetrated within the family and is frequently hidden. It occurs that perpetrators pay money to the family of victims to avoid prosecution and even to perpetuate the abuse<sup>19</sup>.

### **3. Administration of justice and the rule of law**

18. Under the Juvenile Act, a juvenile is any person under sixteen years of age, and a young person is any person from fourteen to fifteen years of age. A person over sixteen years of age is thus treated as an adult<sup>20</sup>. Juveniles are tried by the Juvenile Court, an entity of the Family Court. Criminal responsibility is fixed at the early age of eight. According to the Juvenile Act, juvenile offenders cannot be sentenced to prison nor be remanded by the Court<sup>21</sup>. Deprivation of liberty is not generally used as a “last resort” for sentencing young persons and there are no juvenile detention facilities since the “Approved Schools”, any place declared to be so by the Governor General<sup>22</sup>, provided for in the Juvenile Act are not in place: convicted children over sixteen years of age are sent to adult prisons<sup>23</sup>.

19. A concern is that the Family Court is based in Saint Vincent and only goes to the other islands occasionally, therefore juvenile offenders do not benefit from the same access to justice depending on the area in which they live<sup>24</sup>.

20. The Child Abuse Protocol, elaborated in 2006 by the local Child Rights Committee, provides procedures for reporting and responding to reports of child abuse cases. It sets up a framework to ensure the respect for child-friendly procedures, the protection from perpetrators and the prevention from re-victimization. The need for separated detention facilities and respect for the best interest of the child in police stations, prisons and approved schools is also pointed out in the Child Abuse Protocol<sup>25</sup>. The Protocol has not been implemented yet and is still being finalized. At present, the Family Services Division of the Social Development Ministry refers all reports of child abuse to the police for action and provides assistance in cases where children apply for protection orders with the Family Court<sup>26</sup>.

21. According to the law of Saint Vincent and the Grenadines, the minimum age of consensual sex is fifteen years of age. The law prohibits statutory rape, with special provisions for children under thirteen years of age. A concern needs to be raised since the law does not specifically prohibit child pornography<sup>27</sup>.

### **4. Right to work and to just and favorable conditions of work**

22. The existing legislation on child labour is outdated and does not efficiently protect children from harmful work<sup>28</sup>. The Employment of Women, Young Persons and Children Act defines a child as a person under fourteen years of age and a young person as a person under eighteen years of age<sup>29</sup>. There are no legal provisions regarding the hours of employment for a young person, except for specific situations such as industrial night work which is prohibited for person under sixteen years of age<sup>30</sup>.

### **5. Right to social security and to an adequate standard of living**

23. Poverty and long-standing economic and social disparities preclude the effective respect for the rights of children: children growing up in poor families are more vulnerable to violations of their basic rights<sup>31</sup>. Thus, the government should elaborate long-term poverty reduction strategies in order to strengthen families<sup>32</sup>.

24. A UNICEF survey from 2006 revealed that over half of the children in Saint Vincent and the Grenadines are at risk of food insecurity followed by chronic illness of a parent<sup>33</sup>. This issue is addressed in the Nutrition Support Programme which has been implemented by the government since 1997 and which is composed of a School Feeding Programme and a Supplemental Feeding Programme<sup>34</sup>. This programme is intended to provide supplementary food for pregnant women, infant and children<sup>35</sup>. As far as its implementation is concerned, concerns remain with regard to cost effectiveness and efficiency<sup>36</sup>.

25. Public Assistance benefits discriminate against large households, which are typically female headed: benefits do not adequately defray the out-of-pocket costs of education and, as a result, poor parents cannot always afford to send their children to school<sup>37</sup>.

26. HIV/AIDS is a major health concern which brings into play various factors and mainly affects young people: about half of all new infections occur in young people under the age of twenty-five years<sup>38</sup>. The Ministry of Health and the Environment implemented prevention and control programmes and developed a National Strategic Plan for 2010-2014 which is aimed at strengthening policy and legislation as well as prevention, care-treatment and support services. Advocacy programmes have targeted youth, who have been lead through workshops and out-reach activities. Moreover, HIV/AIDS education is incorporated in primary and secondary school curriculum. There is a need for reducing stigma and discrimination and decentralizing HIV/AIDS services within existing primary health care services, while enhancing the link between prevention and treatment services<sup>39</sup>.

## **6. Right to education and to participate in the cultural life of the community**

27. The Education Act was reviewed in 2006: Saint Vincent and the Grenadines now offers universal access to primary and secondary education and has set up compulsory primary school<sup>40</sup>. Though the secondary school enrolment rates have improved, a high number of young persons leave school without qualifications adapted to the labour market<sup>41</sup>.

28. Saint Vincent and the Grenadines put in place a mock parliament and debates in school but the opportunities for children to express their views remain limited in school, in courts, in administrative processes and in the home<sup>42</sup>. There are few structured mechanisms for adolescents to actively participate on issue affecting their lives: where opportunities exist, adolescent are ill-prepared to assume leadership positions hence, while several schools have Student Councils, these often lack vibrancy<sup>43</sup>.

## **III. Achievements, best practices, challenges and constraints**

29. Early childhood development is an important concern in Saint Vincent and the Grenadines since quality early childhood development services lack accessibility in rural areas<sup>44</sup>. To address this issue, an Early Childhood Development Policy, Standards and Frameworks has been developed and alternative early childhood models have been implemented to deal with early stimulation interventions<sup>45</sup>. Given that approximately 45% of children between three and five years access the services of pre-primary education, the Government of the State party aims for universal preschool education by 2012<sup>46</sup>.

30. Saint Vincent and the Grenadines celebrates May as the month of the Child: the Convention on the Rights of the Child becomes the main subject of discussion in the print and electronic media and rallies are organized nation-wide as well as amongst schools. This celebration is monitored by the local Child Rights Committee. The month of April has been designated as the Child Abuse Prevention Month: the provisions of the Convention on the Rights of the Child are again made the topic of national discussion in the print and electronic media under the monitoring of the Family Affairs Division of the Ministry.

31. The State party faces constraints for the implementation of human rights due to difficult geographic, demographic and socio-economic conditions as well as a severe unemployment rate which leads to high emigration, leaving many single parent headed households<sup>47</sup>.

#### **IV. Key national priorities**

32. In 2003, the National Economic Social Development Council developed an Interim Poverty Reduction Strategy Paper which identifies, inter alia, youth unemployment as a key concern and obstacle to poverty reduction<sup>48</sup>. According to UNDP, the Poverty Reduction Strategy Paper should assist in achieving the Millennium Development Goals set for the country<sup>49</sup>.

#### **V. Capacity-building and technical assistance**

33. UNICEF works closely with the Ministry of Health and the Environment of the State party on the Early Childhood Health Outreach Programme: it is based on home visitations, focuses on families with little or no access to care services and provides support to social workers and parents in child rearing practices<sup>50</sup>.

34. To strengthen child participation and respect for the views of the child, UNICEF supported the formulation of youth journalist networks and provided training on foundational skills of journalism<sup>51</sup>.

35. Financial support was provided to Saint Vincent and the Grenadines by UNDP for the elaboration of its Interim Poverty Reduction Strategy Paper<sup>52</sup>.

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<sup>1</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en)

<sup>2</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-c&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en)

<sup>3</sup> Report of the CEDAW Committee, 54<sup>th</sup> and 55<sup>th</sup> sessions, page 31 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/358/14/PDF/N1035814.pdf?OpenElement>

<sup>4</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15-a&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&lang=en)

<sup>5</sup> [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en)

<sup>6</sup> <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=7020&chapter=19&query=C182%40ref&highlight=&querytype=bool>

<sup>7</sup> <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=7455&chapter=19&query=C138%40ref&highlight=&querytype=bool>

<sup>8</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 3

<sup>9</sup> Caribbean Symposium on Inclusive Education, December 2007, page 5; [http://www.ibe.unesco.org/fileadmin/user\\_upload/Inclusive\\_Education/Reports/kingston\\_07/stvincent\\_grenadines\\_inclusion\\_07.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Inclusive_Education/Reports/kingston_07/stvincent_grenadines_inclusion_07.pdf)

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- <sup>10</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 3
- <sup>11</sup> Saint Vincent and the Grenadines Situation Analysis 2007, Chapter 4, Part C, page 74
- <sup>12</sup> Saint Vincent and the Grenadines Situation Analysis 2007, Chapter 5, page 78
- <sup>13</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 5
- <sup>14</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 7
- <sup>15</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 5
- <sup>16</sup> Saint Vincent and the Grenadines State report to the CRC Committee, 2000, page 18
- <sup>17</sup> Saint Vincent and the Grenadines State report to the CRC Committee, 2000, page 10
- <sup>18</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 7
- <sup>19</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 10
- <sup>20</sup> Saint Vincent and the Grenadines State report to the CRC Committee, 2000, page 67
- <sup>21</sup> Saint Vincent and the Grenadines Country Poverty Assessment 2007-2008, Report on institutional assessment, page 86
- <sup>22</sup> Saint Vincent and the Grenadines State report to the CRC Committee, 2000, page 10
- <sup>23</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 15
- <sup>24</sup> Saint Vincent and the Grenadines Country Poverty Assessment 2007-2008, Report on institutional assessment, page 79
- <sup>25</sup> Child Abuse Protocol, Guidelines for Reporting and Responding
- <sup>26</sup> Country Report on Human Rights Practices, Saint Vincent and the Grenadines, 2009, <http://www.unhcr.org/refworld/country,...VCT..4b9e52c45f.0.html>
- <sup>27</sup> Country Report on Human Rights Practices, Saint Vincent and the Grenadines, 2009, <http://www.unhcr.org/refworld/country,...VCT..4b9e52c45f.0.html>
- <sup>28</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 13
- <sup>29</sup> Saint Vincent and the Grenadines State Report to the CRC Committee, 2000, page 10
- <sup>30</sup> Saint Vincent and the Grenadines State Report to the CRC Committee, 2000, page
- <sup>31</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 2
- <sup>32</sup> Saint Vincent and the Grenadines Situation Analysis 2007, Chapter 5, page 77
- <sup>33</sup> UNICEF, Children in Barbados and the Eastern Caribbean, Child Rights – The Unfinished Agenda, 2009, page 28
- <sup>34</sup> An Evaluation of the Nutrition Support Programme in St Vincent and the Grenadines, Final Report, May 2008, page 1
- <sup>35</sup> An Evaluation of the Nutrition Support Programme in St Vincent and the Grenadines, Final Report, May 2008, page 2
- <sup>36</sup> An Evaluation of the Nutrition Support Programme in St Vincent and the Grenadines, Final Report, May 2008, page 69
- <sup>37</sup> Saint Vincent and the Grenadines, Social Safety Net Assessment, February 2010, page 69
- <sup>38</sup> UNICEF, Children in Barbados and the Eastern Caribbean, Child Rights – The Unfinished Agenda, 2009, page 29
- <sup>39</sup> UNAIDS, Country Progress Report, March 2010, [http://data.unaids.org/pub/Report/2010/saintvincentandthegrenadines\\_2010\\_country\\_progress\\_report\\_en.pdf](http://data.unaids.org/pub/Report/2010/saintvincentandthegrenadines_2010_country_progress_report_en.pdf)
- <sup>40</sup> Saint Vincent and the Grenadines Country Poverty Assessment 2007-2008, Report on institutional assessment
- <sup>41</sup> UNICEF, Children in Barbados and the Eastern Caribbean, Child Rights – The Unfinished Agenda, 2009, page 29
- <sup>42</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 6
- <sup>43</sup> UNICEF, Children in Barbados and the Eastern Caribbean, Child Rights – The Unfinished Agenda, 2009, page 29
- <sup>44</sup> UNICEF, Children in Barbados and the Eastern Caribbean, Child Rights – The Unfinished Agenda, 2009, page 28

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<sup>45</sup> UNICEF, Multi-Country Programme of Cooperation between the Governments of Barbados and the Eastern Caribbean and UNICEF 2008-2011, MiD-Term Review, page 15

<sup>46</sup> UNICEF, Children in Barbados and the Eastern Caribbean, Child Rights – The Unfinished Agenda, 2009, page 28

<sup>47</sup> Concluding Observations of the Committee on the Rights of the Child; St Vincent and the Grenadines, June 2002, page 2

<sup>48</sup> Saint Vincent and the Grenadines, Interim Poverty Reduction Strategy Paper, June 2003, page 54, <http://www.bb.undp.org/uploads/file/pdfs/poverty/Library/PRSP%20Library/IPRSP%20for%20St.%20Vincent.pdf>

<sup>49</sup> <http://www.bb.undp.org/index.php?page=prsp-st-vincent>

<sup>50</sup> Early Childhood Health Outreach Programme, Community Nursing Services, Ministry of Health and the Environment, Saint Vincent and the Grenadines, September 2009, page 14.

<sup>51</sup> UNICEF, Multi-Country Programme of Cooperation between the Governments of Barbados and the Eastern Caribbean and UNICEF 2008-2011, MiD-Term Review, page 13

<sup>52</sup> Saint Vincent and the Grenadines, Interim Poverty Reduction Strategy Paper, June 2003, page 6, <http://www.bb.undp.org/uploads/file/pdfs/poverty/Library/PRSP%20Library/IPRSP%20for%20St.%20Vincent.pdf>