



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Ninety-second session
New York, 17 March- 4 April 2007

Concluding observations of the Human Rights Committee

ST. VINCENT AND THE GRENADINES

1. The Human Rights Committee, in the absence of a periodic report, considered the implementation of the International Covenant on Civil and Political Rights in the State party at its 2353rd and 2354th meetings, held on 22 March 2006 (CCPR/C/SR/2353 and 2354). At its 2364th meeting, held on 29 March 2006 (see CCPR/C/SR/2364), it adopted provisional and confidential concluding observations. At its 2337th meeting, in conformity with rule 70 of its rules of procedure, the Committee converted its provisional and confidential concluding observations into the following final and public ones.

A. Introduction

2. The Committee regrets that the State party has not submitted a report to the Committee since it submitted its second periodic report in 1990 (CCPR/C/26/Add.4) and considers that this represents serious disregard for article 40 of the Covenant.

3. The Committee nevertheless notes with satisfaction that the State party has shown a desire to continue its dialogue with the Committee, as demonstrated by its sending of a delegation to the Human Rights Committee meeting. The Committee wishes to thank the delegation for the efforts it has made to address the Committee's questions.

B. Positive aspects

4. The Committee welcomes the reforms of the State party's legislation implementing parts of the Covenant, including removal of discrimination based on gender relating to remuneration for work, protection from arbitrary search and detention, and the prohibition of slavery.

5. The Committee welcomes the initiatives taken by the State party to improve judicial administration so as to deal with the backlog of criminal cases. In that connection it also notes the establishment of a Serious Offences Court to hold preliminary hearings in cases triable by jury.

C. Principal subjects of concern and provisional concluding observations

6. The Committee regrets the State party's denunciation of the Optional Protocol (arts. 6, 7). In the light of the continued existence of the death penalty, The Committee recommends that:

(a) In relation to all persons accused of capital offences, the State party should ensure that every requirement of article 6 is strictly complied with;

(b) The assistance of counsel should be ensured, through legal aid as necessary, immediately on arrest and throughout all subsequent proceedings to persons accused of serious crimes, in particular in cases of offences carrying the death penalty.

(c) The Committee notes that, following a decision of the Eastern Caribbean Court of Appeal, confirmed by the Judicial Committee of the Privy Council, in the case of *Hughes and Spencer v The Queen*, the death penalty, where applicable, is no longer applied in a mandatory fashion but is subject to a separate sentencing hearing at which the judge is required to consider the circumstances of the case and of the person convicted. With this welcome development in mind, and noting that in fact there have been no executions in the past 10 years, the Committee now invites the State party to consider the final abolition of the death penalty.

7. The Committee is concerned that the Debtors Act, Cap. 86, section 4, permits imprisonment for debt in some civil cases (arts. 9, 11).

The State party should review legislation permitting imprisonment for default in civil matters, so as to comply with the Covenant.

8. The Committee is concerned that consensual homosexual acts between adults in private are still criminalized under section 146 of the Criminal Code (art. 17).

The State party should provide information on the application of the law in practice, and consider the abolition of this law.

9. The Committee notes with concern the absence of a law regulating the interception of communications (arts. 17 and 19).

The State party should immediately draft and enact a law regulating the interception of communications taking due account of articles 17 and 19 of the Covenant.

10. The Committee is concerned about reported complaints against police involving unwarranted practices, such as the excessive use of force and the occurrence of a high ratio of convictions based on confessions (art. 7).

The State party should provide precise information on action taken on these reports, in addition to improving police training at all levels of the police hierarchy.

11. While noting the delegation's statement that judicial corporal punishment is not resorted to in practice, the Committee is concerned that the Corporal Punishment of Juveniles Act still permits caning, in violation of the prohibition of cruel, inhuman and degrading punishment contained in article 7.

The State party should immediately amend or repeal the Corporal Punishment of Juveniles Act so as to prohibit caning. It should also consider whether it is any longer necessary, or consistent with its obligations under the Covenant, to maintain in force the relevant savings clause of section 10 of the Second Schedule to the Constitution of the State Party.

12. The Committee is concerned about the high incidence of violence against women in the State Party. (arts. 3, 7 and 26)

The State party should take steps to monitor this situation, facilitate investigations, and implement a plan of action. The State party should also take legal and educational measures to combat domestic violence.

13. The Committee is concerned at the lack of data and information available on sexual exploitation and trafficking of women and children. (arts. 3, 7, 8 and 24)

The State party should provide specific data on sexual exploitation and trafficking as well as information on legislation and measures aimed at preventing these phenomena in its next report to the Committee.

14. While acknowledging the efforts made by the State party to build a new State prison, the Committee expresses its concern over ongoing prison overcrowding and poor prison conditions as well as the high rate of incarceration in the State party. It notes the report of Justice Mitchell in this regard. It also notes with concern the continuing practice of imprisoning juvenile and adult offenders in the same premises.

Additional resources should be allocated to the State party's prison system, and separate facilities should be made available to juvenile offenders. Alternatives to imprisonment should be sought as a matter of priority.

15. The Committee is concerned that there is currently no procedure in place to disseminate knowledge about the Covenant to the General Public (art. 2).

The State party should include in its proposed website for the general public material, and relevant links, on the Covenant, the Office for the High Commissioner of Human Rights, and copies of reports and observations by the Human Rights Committee.

16. The Committee invites the State party to submit its second periodic report due on 31 October 1991, covering the period up to the date of submission, prepared in accordance with the Committee's guidelines.

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