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Civil and Political Rights**

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Agenda item 7

**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**List of issues in the absence of the second periodic report of
Saint Vincent and the Grenadines**

Addendum

**Replies of Saint Vincent and the Grenadines to the list of
issues***

[Date received: 3 March 2019]

* The present document is being issued without formal editing.

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Introduction

1. Saint Vincent and the Grenadines is pleased to respond to the List of Issues (CCPR/C/VCT/Q/2) presented by the Human Rights Committee in connection with the International Convention on Civil and Political Rights. Responses to the Concluding Observations of the Human Rights Committee (CCPR/C/VCT/CO/2), in most cases, have been merged with the responses to the List of Issues.

2. The responses were produced through the National Mechanism for Reporting and Follow-Up¹ of Saint Vincent and the Grenadines. The drafting was done by the Ministry of Foreign Affairs, Trade, Commerce and the Attorney General's Office, in collaboration primarily with the Ministries of National Mobilisation, The Anti-Trafficking in Persons Unit and the Director of Public Prosecutions.

Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. The Constitution of Saint Vincent and the Grenadines which came into force in 1979 is the supreme law of the country.² If any other law is found to be inconsistent with the Constitution, the provisions of the Constitution prevail and the offending law becomes void to the extent of the inconsistency.

4. Chapter 1 of the Constitution relates to the fundamental rights and freedoms of individuals. It guarantees the protection of right to life, personal liberty, freedom of conscience, freedom of expression, freedom of assembly and association, and freedom of movement. It provides protection from slavery and forced labour, inhuman treatment, deprivation of property, arbitrary search or entry, discrimination on the grounds of sex, race, place of origin, political opinions, colour or creed and secures protection of the law including the right to a fair hearing and presumption of innocence. The Constitution also provides for the enforcement of the protective provisions by outlining that if any person alleges that his fundamental rights and freedoms have been, are being or are likely to be contravened, that person may apply to the High Court for redress.

5. The Capital Punishment (Procedure) Act³ makes provision for the execution of persons convicted of capital offences. Notwithstanding, there has been no execution of persons convicted of capital offences for 26 years, since February 1993. The Judicial Committee of the Privy Council is the final appellate court for Saint Vincent and the Grenadines. Accordingly, the provisions of the laws of the country are interpreted in conjunction with decisions delivered by the Judicial Committee of the Privy Council such as *Pratt and Morgan v the Attorney General* (1993); *Spence and Hughes v The Queen* (Saint Vincent and the Grenadines and Saint Lucia) and *Daniel Trimmingham v The State of Saint Vincent and the Grenadines* (2009) UKPC 25.

6. Legal aid is available for indigent Defendants on trial (at the High Court) for murder. There is a Legal Aid Register from which the Court selects legal counsel. The Legal Aid Register is populated by legal counsel who volunteer to be so listed. At the Court of Appeal level, legal indigent appellants can apply for legal aid in the conduct of their appeals pursuant to section 51 of the Eastern Caribbean Supreme Court (Saint Vincent and Grenadines) Act, which authorises the Court of Appeal to do so, as the interest of justice

¹ Members of the NMRF consist of: Ministry of Foreign Affairs, Trade and Commerce (Chair of Mechanism); Attorney General's Office; Ministry of National Mobilization, Social Development, Family, Gender Affairs, Persons with Disabilities and Youth; Ministry of National Security, Land and Air Port; Department of Labour; Anti-Trafficking in Persons Unit, Royal Saint Vincent and the Grenadines Police Force; Ministry of Education, National Reconciliation and Ecclesiastical Affairs; Ministry of Housing, Ministry of Health, Wellness and the Environment; Ministry of Transport and Works; and the Ministry of Economic Planning, Sustainable Development and Information Technology.

² Saint Vincent and the Grenadines Constitution Order 1979, Cap. 10 of the Laws of Saint Vincent and the Grenadines.

³ Cap. 168 of the Laws of Saint Vincent and the Grenadines.

requires. Both legal aid streams are funded by the State of Saint Vincent and the Grenadines.

7. Persons accused of serious crimes are duly informed of their right to legal representation upon arrest and are afforded opportunities to retain legal counsel of their choice.

8. During the second cycle of Saint Vincent and the Grenadines' Universal Periodic Review, the country supported a recommendation for the establishment of a national human rights institution based on the Paris Principles. Currently, Saint Vincent and the Grenadines has been unable to establish a single national human rights institution mainly due to financial constraints, however, the roles to be performed by a single national human rights institution have been spread across government entities and are also performed by civil society organizations.

9. The financial constraints of establishing a national human rights institution notwithstanding – and in recognition of the importance of such an entity – in 2016 the Cabinet of Ministers of Saint Vincent and the Grenadines approved the formation of a National Mechanism for Reporting and Follow-Up (NMRF). In the same year, members of the committee received training in Human Rights Reporting with the kind assistance of the United Nations High Commission on Human Rights. The mechanism is charged with the preparation, submission and follow-up of human rights treaty body reports.

10. There is a Human Rights Association in Saint Vincent and the Grenadines. It was formed in June 1986 and is registered under the Companies Act as a non-governmental, non-profit organization. It is a membership organization with both the executive and general membership performing voluntary work.

11. The Human Rights Association asserts as its mandate the commitment to promoting and protecting the civil, political, economic, social and cultural rights of the people of Saint Vincent and the Grenadines through education, training, representation, documentation and advocacy and by networking to influence the government and other organizations.

12. Some of the work done by Human Rights Association includes:

- (1) A series of lectures on human rights targeting all the secondary schools.
- (2) Revolving Book Loan Scheme.
- (3) Three-year project on domestic violence, women, human rights and children's rights including child abuse.
- (4) A series of town and village meetings educating the public on domestic violence issues including the law.
- (5) Work on prisoners' rights.
- (6) Radio programme titled, "Human Rights and You".
- (7) A series of television programmes on social issues.
- (8) Production of a quarterly bulletin titled, "Vincy Rights".
- (9) Provision of legal aid to women and children in the family court.
- (10) Seminars and workshops on various human rights topics including local government and Constitutional reform.
- (11) Work on human rights and HIV/AIDS – stigma and discrimination.
- (12) Advice to the public on various issues on a daily basis at the office.
- (13) Free legal consultations every Saturday.
- (14) NGO report to the United Nations Child Rights Committee in Geneva.

Prohibition against detention for inability to fulfil a contract (art. 11)

13. The *Debtor's Act*,⁴ broadly provides that there can be no imprisonment for debt, subject to 6 exceptions. The inability to fulfil a contract is not one of the exceptions for which imprisonment is allowed. As a result, there can be no imprisonment for the inability to fulfil a contract⁵ nor can there be imprisonment for default in the payment of a penalty in respect of a contract.⁶ Section 4 outlines in its entirety:

4. No imprisonment for debt with exceptions

(1) With the exceptions hereinafter mentioned, no person shall be arrested or imprisoned for making default in payment of a sum of money.

(2) There shall be excepted from the operation of subsection (1) –

(a) Default in payment of a penalty or sum in the nature of a penalty other than a penalty in respect of any contract;

(b) Default by a trustee or person acting in a fiduciary capacity and ordered to pay by a court of equity any sum in his possession or under his control;

(c) Default by a legal practitioner in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the Court making the order;

(d) Default in payment for the benefit of creditors of any portion of a salary or other income, in respect of the payment of which any court is or may hereafter be authorised to make an order;

(e) Default in payment of sums in respect of the payment of which orders are in this Act authorised to be made;

(f) Default in payment of judgement debts and costs ordered by the Court to be made:

Provided that no person shall be imprisoned in any case except from the operation of subsection (1) for a longer period than one year in respect of a single judgment debt.

Provided also that nothing in this section shall alter the effect of any judgment or order of any court for payment of money, except as regards the arrest and imprisonment of the person making default in paying such money.

Non-Discrimination and Equality between Men and Women (arts. 2, 3 and 26)

14. Chapter 9(1) of the Constitution outlines:

Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching practice and observance.

15. Section 13 of the Constitution provides for protection from discrimination. It reads in full:

13. Protection from discrimination on the grounds of race, etc.

(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

⁴ Cap. 125 of the Laws of Saint Vincent and the Grenadines.

⁵ Ibid s. 4(1).

⁶ Ibid s. 4(2)(a).

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no persons shall be treated in a discriminatory manner by any persons acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision –

(a) For the appropriation of public revenues or other public funds;

(b) With respect to persons who are not citizens;

(c) For the application, in the case of persons of any such description as is mentioned in subsection (3) of this section (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law of persons of that description;

(d) Whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage that, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to sex, race, place of origin, political opinions, colour or creed) to be required of any person who is appointed to or to act in any office or employment.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or subsection (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 7, 9, 10, 11 and 12 of this Constitution, being such a restriction as is authorised by section 7(2), 9(5), 10(2), 11(2) or 12(3)(a), (b) or (h), as the case may be.

(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

16. The Government of Saint Vincent and the Grenadines made a commitment to carry out its obligations in adopting and promoting the implementation of the Quito Consensus outlined at the Tenth Regional Conference on Women in Latin America and the Caribbean, and continues to strengthen its institutions, programmes and partnerships as catalysts to economic turnaround and social progress.

17. The Government honours its duties under the Convention on the Elimination of All Forms of Discrimination against Women (1979); The Convention on the Political Rights of Women (1953); Protocol to Prevent, Suppress and Punish Trafficking in Persons especially

Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2000); and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belem Do Para” (1994). There is also the domestic law.

18. The creation of the Gender Affairs Department in 2001 has had an important and positive impact on the way in which gender-related issues are regarded.

19. A general policy of prohibition of discrimination on the basis of sex is embodied in Article 13 of the Constitution. Further, the protection of the Courts for the infringement of any fundamental right and freedom enshrined in the Constitution is guaranteed under Section 16 of the Constitution. This section guarantees the right of access to the courts in order to assert a claim arising from infringement of fundamental rights of persons. There have been no cases brought by any woman in Saint Vincent and the Grenadines alleging discrimination.

20. The Constitution prohibits discrimination on the ground of sex. Measures taken to implement this in practice include the provision of support services for women who feel like they have been discriminated against. The Gender Affairs Division of the Government of Saint Vincent and the Grenadines provides information and training for women and the general public on issues relating to gender.

21. The Family Court was established in 1992 and it continues to create the framework for the enforcement of legislation promoting gender equality under the law.

22. The public authorities and institutions in Saint Vincent and the Grenadines are guided by the terms and conditions of the legislative enactments, which are laid down by Parliament.

23. The Government of Saint Vincent and the Grenadines, in partnership with civil society organizations and supported by the United Nations Development Fund for Women, has undertaken measures to strengthen State accountability and community action for ending gender-based violence.

24. During 2018, of the twenty-six (26) parliamentarians in Saint Vincent and the Grenadines (including the Speaker of the House) three (3) were female parliamentarians. This notwithstanding, the majority of high officials within the public service are women. Of workers in Grade B posts and above, which constitute the highest posts within the civil service, approximately 60.7% are females. Of those at grade C posts, which consist of directors, department heads, coordinators and other upper management staff, approximately 57.1% are women.

25. The Constitution of Saint Vincent and the Grenadines provides protection against all forms of discrimination and secures protection of the law. This applies to all persons. Police personnel have been sensitised to ward against discrimination based on gender and sexual orientation.

26. The National AIDS Secretariat is primarily charged with raising HIV/AIDS Awareness. The AIDS Secretariat has several annual awareness campaigns which include the “Catch the Vibes not the Virus” campaign, which is held around the Carnival season; and the “Lovey Glovey” campaign, which is held around the Valentine’s Day period. For World Aids Day, the AIDS Secretariat has a week of activities which include increased outreach, clinics/testing and free testing in schools. The AIDS Secretariat also works along with civil society organizations in public awareness campaigns.

27. Workshops are held for health care workers, most recently in 2018, to sensitize them about dealing with persons with HIV/AIDS, and to perform testing services. Pamphlets and television programmes raise awareness and stamp out stigma and discrimination against persons living with HIV/AIDS.

28. Policies, programmes and legislation have been developed to promote human rights, including gender equity and the reduction of socio-cultural barriers in order to achieve universal access.

29. There is increased participation of vulnerable groups in response to HIV. There are cooperative programmes against stigma and discrimination among public, civil society and private sectors and persons living with HIV. Persons with HIV and other vulnerable groups have access to educational institutions, counselling, health services, occupations and other services free of discrimination.

30. The national HIV response system ensures that all persons have equal access to prevention, treatment, care and support services. Once a person is diagnosed with the virus, they are immediately referred to the HIV National AIDS Secretariat to find out their options for counselling, and are informed that free medication is accessible to persons living with HIV/AIDS. Persons can also access free Post-Exposure Prophylaxis (PEP) medication in instances where they have been exposed to the virus. Pre-exposure prophylaxis (PrEP) is also available to couples, after counselling, where one partner is positive for the virus.

Violence against Women, including Domestic Violence (arts. 2, 3, 6, 7 and 26)

31. Since the passage of the Domestic Violence Act in 2015,⁷ the Government of Saint Vincent and the Grenadines – through the core agencies of the Royal Saint Vincent and the Grenadines Police Force, the Family Court and the Ministry of National Mobilisation, which has responsibility for Gender Affairs – has continued to work towards enforcing the legislation.

32. In the period 2015–2018, there have been 707 reported cases of domestic violence. Of these cases, 466 were reported by women. The data collected groups cases based on the type of assault; physical, sexual, verbal and others. Based on the statistics, 77% of the assaults were of a physical nature, 9.76% were of a sexual nature, 0.14% were of a verbal nature, and the remaining 13.1% were recorded under the category “others” (damage to property, common assault, criminal trespass and criminal assault etc.).

33. The 2014–2017 National Action Plan against Gender-Based Violence (funded by UNWOMEN) provided a platform for the implementation of activities across various agencies in the following areas:

- Public awareness campaign.
- Capacity building of stakeholders including civil service organisations.
- Standardized procedures for responding to gender-based violence (GBV) across agencies.
- Establishment of the National Commission on Gender-Based Violence.
- The provision of legal protection for women, children and other vulnerable groups.
- The development and implementation of rehabilitative support for perpetrators of GBV.
- Partnering with men in communities in reducing GBV.
- The collection of multi-sectoral data on GBV.

34. The Anti-Violence Campaign that commenced in 2014 has reached over twenty (20) communities, which were selected based on the prevalence of domestic violence as recorded by the police. The campaign is implemented by way of community surveys as a test to determine the attitudes and social and cultural norms towards domestic violence, which is followed by public consultations on topical areas such as:

- The reality of Domestic Violence/Abuse in St. Vincent and the Grenadines.
- Domestic Violence: Crime & Law (Mechanism & Legislation).
- Family Court: Roles and responsibilities.

35. From 2016 to 2018, Victim Support Groups were established in ten (10) communities as a means to provide psychosocial, socioeconomic and empowerment

⁷ Act No. 7/2015.

support to victims of domestic violence. It is the intention of the Gender Affairs Division to provide the necessary support to these groups to be fully active and formalized into organized self-help groups and co-operatives in order to access economic opportunities through employment or self-employment.

36. The Gender Affairs Division, with effect from 2017, has facilitated two (2) training workshops for service-providers and professions such as the police, educators, health workers, social workers, counsellors, and non-governmental organisations. This is usually conducted during the annual commemoration of the 16 days of activism against gender-based violence from November 25–December 10.

37. The Crisis Centre was established in 2007 by the Government of Saint Vincent and the Grenadines to provide security and empowerment of victims of spousal abuse and related acts of violence and misconduct against women and children. Its mission is to provide protection for domestic violence victims in a safe and contained facility, and to socially empower them. Its purpose is to provide emergency and short-term care and safety to victims of domestic violence for up to 90 days. In addition to providing residential, empowerment and therapeutic services to victims, the Crisis Centre through the Gender Affairs Division provides social protection cash transfers to victims and survivors to aid in the effective reintegration with families and in communities.

Sexual and Reproductive Rights, maternal mortality and abortion (arts. 6 and 17)

38. The Government of Saint Vincent and the Grenadines has not received any reports to support the statement contained in CCPR/C/VCT/Q/2 that persons are unable to access lawful abortions. The Criminal Code⁸ Section 149 states explicitly:

149. Abortion

(1) Any person who, with intent to procure the miscarriage of a woman, whether she is with child or not, unlawfully administers to her, or causes her to take, any poison or other noxious thing, or uses any force of any kind, or uses any other means whatsoever, is guilty of an offence and liable to imprisonment for fourteen years.

(2) A person shall not be guilty of an offence under subsection (1) when a pregnancy is terminated in a hospital or other establishment approved for that purpose by the Chief Medical Officer, by a medical practitioner, if two medical practitioners are of the opinion, formed in good faith –

(a) That the continuation of the pregnancy would involve risk to the life of the pregnant woman, or injury to her physical or mental health or of any existing children of her family, greater than if the pregnancy were terminated; or

(b) That there is a substantial risk that, if the child were born, it would suffer from such physical or mental abnormality as to be seriously handicapped:

Provided that the reference to the opinion of two medical practitioners and to an approved hospital or other establishment shall not apply to the termination of a pregnancy by a registered medical practitioner in a case in which he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life of, or to prevent grave permanent injury to the physical or mental health of, the pregnant woman.

(3) In determining, for the purpose of subsection (2), whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in paragraph (a), account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

⁸ Cap 171 section 149 of Revised laws of Saint Vincent and the Grenadines 2009.

(4) A person shall not be guilty of an offence under subsection (1) when a pregnancy is terminated in a hospital or other establishment approved for that purpose by the Chief Medical Officer, if the pregnancy had resulted from an act of rape or incest as defined in section 142, whether or not any person had been charged with the offence of rape or incest which resulted in the pregnancy in question.

Provided that the reference to the opinion of two medical practitioners and to an approved hospital or other establishment shall not apply to the termination of a pregnancy by a registered medical practitioner in a case in which he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life of, or to prevent grave permanent injury to the physical or mental health of, the pregnant woman.

A person shall not be guilty of an offence under subsection (1) when a pregnancy is terminated in a hospital or other establishment approved for that purpose by the Chief Medical Officer, if the pregnancy had resulted from an act of rape or incest as defined in section 142, whether or not any person had been charged with the offence of rape or incest which resulted in the pregnancy in question.

39. The maternal mortality rate in Saint Vincent and the Grenadines, based on the statistics from 2013 to 2017, are:

- 2013 – 115 deaths/100,000 live births.
- 2014 – 54 deaths/100,000 live births.
- 2015 – 0 deaths/100,000 live births.
- 2016 – 0 deaths/100,000 live births.
- 2017 – 195 deaths/100,000 live births.

Right to Life

40. The death penalty is governed by the Criminal Code.⁹ Section 24 of the states:

24. Sentence of death

(1) When any person is sentenced to death, the sentence shall direct that he is to “suffer death in the manner authorised by law”.

(2) Sentence of death shall not be pronounced or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of sixteen years, but in lieu thereof the court shall sentence him to be detained during Her Majesty’s pleasure, and, if so sentenced, he shall be liable to be detained in such place and under such conditions as the Governor-General may direct, and whilst so detained he shall be deemed to be in lawful custody.

(3) Where a woman convicted of an offence punishable with death is found, from a report by the Chief Medical Officer, to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of a sentence of death. If such pregnancy is not found until after sentence of death has been passed, the court shall recall the woman before it and substitute for the sentence of death a sentence of imprisonment for life.

(4) When a person has been sentenced to death, or to be detained during Her Majesty’s pleasure under subsection (2) or to imprisonment for life under subsection (3), the presiding judge shall forward to the Governor-General a copy of the notes of evidence taken at the trial together with a report in writing signed by him containing any recommendation or observation on the case as he may think fit to make.

⁹ Cap 171 section 24 of the Revised Laws of Saint Vincent and the Grenadines 2009 Ed.

(5) No sentence of death shall be carried out until confirmed by the Governor-General and a warrant for that purpose, under the hand and seal of the Governor-General, issued to the officer in charge of the prison where the convicted person is held.

41. There has been no execution of persons convicted of murder and sentenced to death since February 1993. However, there is one prisoner on death row who was convicted for murder after a retrial and sentenced to death on the 19th of February 2010. He first appealed against his conviction only and his conviction was affirmed by decision of the Court of Appeal in the reported judgment of *R v Patrick Lovelace*.¹⁰ There is a pending appeal against the sentence of death which was filed on the 19th of January 2019. The prisoner remains on death row pending the completion of this appeal process. In general, on appeal, a sentence of death can be commuted to a term of life or years of imprisonment.

42. Currently, ratification of the Second Optional Protocol to the Convention is still under consideration by the Government of Saint Vincent and the Grenadines.

Prohibition of Torture

43. Section 5 of the Saint Vincent and the Grenadines Constitution prohibits torture and inhuman treatment and makes provision for the protection of persons from torture and inhuman treatment. The section outlines:

5. Protection from inhuman treatment

No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

44. The State has mechanisms to penalize conduct which constitutes torture through a range of established offences such as wounding with intent, murder, rape, abduction, abuse of office, and so on.

Arbitrary Arrests and Detention

45. On January 4, 1999, the Public Relations and Complaints Office was established in the Royal Saint Vincent and the Grenadines Police Force (RSVGPF) to, inter alia, record and investigate complaints made against police officers for allegations of unnecessary use of force, abuse of authority, ill-treatment, and other related actions.

46. Another entity also receives allegations and complaints made against police officers called the Police Oversight Committee. This committee was established by the Cabinet of Ministers of Saint Vincent and the Grenadines and is comprised of members of the general public. This committee is independent of the Public Relations and Complaints Office.

47. There is no standardized database from which statistics can be readily extracted regarding the number of enforcement officials who have been investigated, prosecuted, convicted and punished. However, over the past 5–10 years, several of police officers have been investigated for allegations of abuse and excessive use of force against the citizenry.

48. Article 3 of the Constitution states, in part:

Protection of right to personal liberty states

(1) No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say –

(a) In execution of the sentence or order of a court, whether established for Saint Vincent and the Grenadines or some other country, in respect of a criminal offence of which he has been convicted;

(b) In execution of the order of the High Court or the Court of Appeal punishing him for contempt of that court or of another court or tribunal;

¹⁰ SVGHCRAP2009/0017.

(c) In execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;

(d) For the purpose of bringing him before a court in execution of the order of a court;

(2) Any person who is arrested or detained shall with reasonable promptitude and in any case no later than twenty-four hours after such arrest or detention be informed in a language that he understands of the reasons for his arrest or detention and be afforded reasonable facilities for private communication and consultation with a legal practitioner of his own choice and, in the case of a minor, with his parents or guardian.

49. If the court finds that there are instances of unlawful arrest or detention, then it can make an award of damages in favour of the person who was unlawfully detained or arrested.

50. Section 8 of the Constitution of Saint Vincent and the Grenadines preserves specific rights and privileges of persons charged with criminal offences. To give fullest effect to the constitutionally guaranteed rights of the accused, the Royal Saint Vincent and the Grenadines Police Force has administrative protocols and practices/standard operating procedures which guide access to certain key facilities. Law enforcement officers are guided by the Judges Rules and the Administrative Directions to all Police Officers document, which contain guidelines for the treatment of persons who are detained/arrested by the police for a specific reason. According to the guidelines, these persons are entitled the following rights and privileges:

- Medical examination.
- If consent is given for medical examination, the prisoner has right to an independent doctor.
- Provision of writing materials upon request, and letters dispatched after censorship (except to his legal advisor(s)) with least delay.
- Immediate communication with family/friends and legal advisor.
- Must give permission before his/her fingerprints or photograph are taken.
- Provision of certain facilities when he/she is put up for identification parade including the right to be told:
 - (a) The reason for the parade;
 - (b) That he/she can take up any position in the parade;
 - (c) That all of the persons in the parade (including the suspect) must be of similar height, complexion, build etc. so as not to prejudice the suspect;
 - (d) That he/she has the right to object to participating in the parade;
 - (e) That if facilities like writing or other materials are requested by the suspect, they will be provided.
- Permitted to speak via telephone with legal counsel or family/friends provided that no hindrance is likely to be caused to the process of investigation or the administration of justice by doing so.
- Sending of telegrams immediately at prisoner's expense.
- Issuance of a copy of the charge for the offence that the prisoner was charged with.
- Section 35 of the Criminal Procedure Code, outlines that a suspect may be detained for a maximum period of forty-eight (48) hours without charge or taken before a court of law. If the suspect is not charged after 48 hours, he/she must be released from custody.

Conditions of Detention

51. There are three main correctional facilities in the country. The Belle Isle Correctional Facility which has a capacity of 288 prisoners, Her Majesty's Prisons in

Kingstown which has a capacity of 300 prisoners, and the Female Prisons in Belle Isle which is under construction and will be able to accommodate 50 prisoners. According to statistics taken in February 2019, the Belle Isle Correctional Facility has 201 inmates, Her Majesty's Prisons in Kingstown has 249 male inmates and temporarily holds in a separate location in the prison 19 female inmates. Minors (under 16) are usually held at the Central and Questelles Police stations and females are separated from males.

52. The Government of Saint Vincent and the Grenadines completed and operationalised a new correctional facility situated at Belle Isle in 2012, which meets international prison standards and adheres to the Mandela Rules. Saint Vincent and the Grenadines observes the Bangkok Rules in its treatment of female prisoners and houses male and female prisoners separately. There is a Visitors Justice Committee, comprising representatives from civil society organisations, that ensures that minimum standards of living and other conditions of detainment are met. The committee also addresses any concerns raised by inmates and is independent of the prison services. There are also facilities in place to deal with the health, educational, counselling and religious needs of prisoners. Conditions in all of the Prisons are constantly monitored by the Office of the Superintendent of Prisons and improvements made where necessary. Independent groups have access to all prisons through the Office of the Superintendent of Prisons.

53. Under the Juvenile Justice Reform Project, the Liberty Lodge Boys Training Centre, which provides a space where boys 7–16 years who are having familial, educational, social, emotional, and or behavioural difficulties can develop skills that would allow them to become responsible and productive citizens, was renovated in July 2018, and is now better equipped to empower at risk youths to turn away from crime and become productive citizens.

54. Other initiatives undertaken through the Juvenile Justice Reform Project include the training of more than a hundred officers of the Royal Saint Vincent and the Grenadines police as well as Prison Officers in order to enhance their ability to address juvenile justice reform concerns and provide support to youth in conflict with the law.

55. A training workshop targeting judges and magistrates was also implemented in order to strengthen the judiciary's capacity to utilize alternative sentencing and restorative justice solutions for juvenile offenders.

56. A Child Justice Bill went before the Select Committee for discussion. It is currently being revised before it is re-introduced in Parliament.

57. The Second Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is under consideration by the Government of Saint Vincent and the Grenadines.

The Rights of the Child (arts. 2, 7, 9, 10, 24 and 26)

58. The Corporal Punishment of Juveniles Act governs the punishment of Children in Saint Vincent and the Grenadines in all settings except educational settings.¹¹ Under this Act, Magistrates may order that a juvenile under the age of 16 years be caned in lieu of, or in addition to, being dealt with in any manner by the court.

59. Under the 1983 Act the court may order that a maximum of 12 strokes be imposed. No caning is allowed unless a juvenile is certified fit to receive the strokes, or a number specified to be less than that ordered by the Court by a certified medical practitioner.

60. The Act permits a male child under 16 years of age convicted of a crime to be caned up to 12 strokes on the buttocks using a light rod. The court may direct where, and by whom. The order of caning is usually carried out at a police station by a police officer.

61. Caning, though legislated, is not issued as a sentence.

¹¹ CAP 123 of the Revised Laws of Saint Vincent and the Grenadines 2009.

62. The Juveniles Act¹² sets out methods of dealing with a juvenile who has been found guilty of an offence by a juvenile court. The Court may dismiss the case despite the finding of guilt, make a prohibition order, make a supervision or prohibition order, commit a juvenile to the care of a fit person willing to take care of him, order a parent or guardian to enter into recognisances for good behaviour of the juvenile, or commit the juvenile to an approved school. Children are detained separately from adults.

63. Under the Education Act¹³ corporal punishment is permitted in schools, but it must be administered under strict conditions:

52. Corporal punishment in schools

(1) Subject to subsections (6) and (7), a principal may direct that corporal punishment be administered *as a last resort* to a student –

(a) In accordance with subsection (2); and

(b) If no other punishment is considered suitable or effective in the particular case.

(2) Corporal punishment may be administered –

(a) By the principal, deputy principal, or a teacher specifically designated by the principal for the purpose;

(b) In the principal's office or other private room in the school in the presence of another teacher;

(c) Using an instrument prescribed by the regulations; and

(d) In conformity with any written guidelines issued by the Chief Education Officer.

(3) Where corporal punishment is administered an entry shall be made in a punishment book which is to be kept in the school for the purpose of indicating the nature and extent of the punishment and the reasons for administering it.

(4) A person, other than a parent, or a person mentioned in subsection (2)(a), who administers corporal punishment to a student on school premises commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(5) A person who administers corporal punishment to a student on school premises contrary to paragraph (b), (c) or (d) of subsection (2) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(6) The Minister may, by an order published in the *Gazette*, suspend or abolish corporal punishment in all schools and a person who administers corporal punishment contrary to such order commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(7) An order made under subsection (6) shall be laid before the House of Assembly within three months of the date of its making and is subject to annulment by a resolution of the House of Assembly supported by the votes of a majority of the members present and voting.

64. The Juvenile Justice Reform project is aiming to remove corporal punishment in schools.

65. The age of criminal responsibility in Saint Vincent and the Grenadines is 8 years old. A child under the age of 8 cannot be criminally responsible for any act or omission under the Criminal Code¹⁴ of Saint Vincent and the Grenadines.

¹² Cap. 231 of the Laws of Saint Vincent and the Grenadines.

¹³ CAP 202 of the Revised Laws of Saint Vincent and the Grenadines 2009.

¹⁴ Cap 171 of the revised laws of Saint Vincent and the Grenadines.

66. The Royal Saint Vincent and the Grenadines Police Force has recently launched a Sexual Offences Unit. The Unit is headed by a female police officer, Station Sergeant Desrine Daize, and seek to have cases of rape, indecent assault and other related cases solved in a timely manner. The police have set up a special unit to deal with cases relating to sex crimes. The unit is headed by an Assistant Commissioner of Police and seven support staff made up of six females and one male. The Unit handles all cases from Saint Vincent and the Grenadines.

67. Furthermore, if sexual abuse of a child is suspected or disclosed, additional precautions must be taken to preserve the child's safety and to provide for possible criminal action against the alleged abuser. These additional guidelines should be followed in such situations:

- In all cases where there is a disclosure or suspicion of sexual abuse, a report must immediately be made to the Ministry of National Mobilisation and to the Police or child protection services;
- Any medical examination relating to a report of sexual abuse must be made in the presence of the child's parents or guardian as in appropriate;
- In a case where the parent or guardian is the alleged perpetrator of the sexual abuse, another relative must be sought. If a relative cannot be found to be present at the examination, a responsible adult (a police officer or social worker) should be present.

68. When the decision to report a case of child sexual abuse or neglect is reported to the police, a criminal investigation and prosecution will follow as a result of the report. Every protection needs to be taken at all stages to protect the child as much as possible from the adverse effects of the legal process. Both the Police and Ministry of National Mobilisation work together in deciding whether or not to prosecute.

69. The legislature of St. Vincent and the Grenadines passed the Children (Care and Adoption) Act of 2010¹⁵ that interprets "abuse" as any form of physical, sexual, verbal, emotional, psychological and financial abuse.

70. Section 14 of the Act stipulates that "a person who provides health care, welfare, education, child-care services or law enforcement wholly or partly to children, and holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children services or law enforcement, wholly or partly to children" are mandated to report or caused to be reported any suspicion that a child is abused and in need of care and protection. Furthermore, Section 14(5) notes that a mandatory reporter who fails to comply commits an offence and is liable on summary conviction to a fine not exceeding EC\$5000 or a term of imprisonment not exceeding three (3) months.

71. A Child Protection Unit was established within the Child Development Division in 2015 that provides specialised services for children who are in need of care and protection. The Child Protection Officers' main duties are to record, assess, and investigate all reported cases of child abuse in collaboration with the Royal Saint Vincent and the Grenadines Police Force.

72. The National Child Rights Commission (NCRC) was established to provide national oversight and guidance to the Child Development Division within the Ministry of National Mobilisation, Social Development, etc. This commission is multi-sectoral and comprises state and non-state agencies, civil service organisations and non-governmental organisations, and is chaired by the Permanent Secretary within the Ministry.

73. There have been many educational programmes geared at reducing the sexual exploitation of children. Parenting education is offered to children in the early years of elementary school with lessons adapted to the level of understanding of children in different age groups. Parenting education is also linked to education about sex and related issues, since building knowledge in this area is viewed as one of the best preventives for problems such as teenage pregnancy or child prostitution. There is also an ongoing Connecting

¹⁵ Act No. 15/2010.

families in communities campaign which is aimed at sensitising families in communities on the challenges and solutions for parenting to reduce potential child abuse.

74. The Child Protection Division in collaboration with the NCRC implements an ongoing public education campaign across Saint Vincent and the Grenadines within educational institutions, communities, faith-based organisations, and other agencies. The awareness drive is however galvanised during the month of April annually, which is commemorated as Child Abuse Awareness Month. Education campaigns are also being carried out to prevent child sexual abuse, in the form of a broad range of public information activities, taking advantage of all available media, particularly mass media which has the capacity to reach large numbers of people. These campaigns which include school presentations are provide information needed to provide the best possible care to children, information on reporting abuse and the measures taken against offenders.

75. The other method available reduce child sexual abuse is to call for the intervention of health and social workers. Their role is to educate parents as a way to prevent child abuse. Their advice extends to teaching parents and those responsible for the health and welfare of children the best ways to look after children in order to avoid and detect instances of abuse and neglect.

76. Social services and the health care system are well-placed to recognize the situations which can lead to abuse and take the necessary steps beforehand to help families and if, necessary, remove children from harmful or potentially harmful environments.

77. The Marriage Act¹⁶ stipulates that the consent of parents and/or legal guardians of males and females under the age of 18 wishing to be married must be sought.¹⁷

78. The Marriage Act establishes the minimum age for marriage for males as 16 years and females as 15 years. Section 4 of the Act states as follows:

- (1) A marriage solemnised between persons one of whom is –
 - (a) A female person under the age of fifteen; or
 - (b) A male person under the age of sixteen, shall be void.
- (2) Nothing in subsection (1) shall affect –
 - (a) Any marriage solemnised or contracted before the 12th April, 1966, and any such marriage shall be or become valid in any case where, if this section had not been enacted, it would be or become valid;
 - (b) Any right or capacity of legitimation per *subsequens matrimonium*.

79. The legislature intends to update the Marriage Act. Discussions will include the consideration of increasing the age of marriage and making it the same for males and females.

Non-discrimination and the Rights of Refugees and Persons with Disabilities (arts. 2 and 26)

80. The Government has not enacted specific legislation for the protection of asylum seekers or refugees. There have been no asylum applications during the past 5 years. The Government of Saint Vincent and the Grenadines is committed to ensuring that any asylum-seeker would be afforded the requisite protection, respect and facilities in accordance with local and international laws and norms.

81. The Government is committed to cooperating with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting any refugees and asylum seekers.

¹⁶ Cap 236 of the Revised Laws of Saint Vincent and the Grenadines.

¹⁷ Section 25 Marriage Act, Cap 236 of the Revised Laws of Saint Vincent and the Grenadines.

82. The Government of Saint Vincent and the Grenadines observes the laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services.

83. The Government has undertaken to provide access to public buildings for persons with disabilities wherever it is practical to do so. These mandatory accessibility standards obtain with respect to new and renovated construction to ensure the removal of barriers that hinder access by persons with disabilities. This is now integrated into the national physical planning building codes for construction for all public spaces.

84. The Government of Saint Vincent and the Grenadines promotes social inclusion of persons with disabilities through a number of measures, including:

- Provision of duty-free concessions for the importation of motor vehicles to transport children and persons with disabilities to educational institutions and other recreational activities;
- Provision of monthly disability/social protection grants through the Public Assistance Programme and the National Assistance Fund of the Ministry of National Mobilisation, which has the responsibility for Social Development and Persons with Disabilities;
- Under this programme, persons with disabilities can access:
 - Food and other basic amenities grants;
 - Meals and transportation allowance to provide access to continue education;
 - Medical assistance for examinations, consultations, medication, and equipment and other devices;
 - Utility payments (water and electricity);
 - Under the Home Help for the Elderly Programme (HHEP), persons with disabilities, who are shut-ins, are provided with day-time care and assistance.

85. The Government, through the National Insurance Services (NIS), provides Invalidity Grants and Pensions to persons who are permanently incapable of undertaking further employment due to chronic illness/disease or bodily or mental disablement.

86. The Government supports a school for persons with disabilities.

Protection Against Trafficking (art. 8)

87. The Prevention of *Trafficking in Persons Act*¹⁸ was enacted on September 29, 2011 by the Parliament of Saint Vincent and the Grenadines. This law criminalises human trafficking in all of its forms. Anyone convicted under this law can be sentenced to 15 years in prison and/or fined XCD\$250,000.

88. There is a specialized unit in the Royal Saint Vincent and the Grenadines Police Force, the Anti-trafficking in Persons Unit (ATIPU), which investigates cases of human trafficking. The unit was formed on March 7, 2012.

89. Since its establishment, the unit has investigated over 15 suspected cases of human trafficking. In 2005, the first criminal charge of human trafficking (labour exploitation) was brought against a Vincentian businessman for allegedly trafficking three (3) non-nationals. The case was taken before the Serious Offences Court in 2006; however, the matter was withdrawn at the preliminary inquiry stage for “insufficiency of evidence”.

90. The process is as follows:

- An alleged victim can lodge a complaint in person, via telephone or email, both of which have been widely published;
- The Anti-Trafficking in Persons Unit (ATIPU) is alerted;
- Alleged victim interviewed and screened by the ATIPU;

¹⁸ No. 27 of 2011.

- Alleged victim referred to the Crisis Centre for their safety and the provision of social services and other assistance;
- Criminal investigation into the complaint initiated;
- Alleged perpetrator prosecuted according to law;
- Assistance in the repatriation of the victim to his/her home country, if the victim so wishes, after it is established that it is safe to for him/her to return.

91. There is a Memorandum of Understanding (MoU) in force to combat human trafficking. The entities party to the MoU are ATIPU, Ministry of Foreign Affairs, Department of Labour, Department of Gender Affairs, Passport and Immigration Department, Customs and Excise Department, Financial Intelligence Unit, Her Majesty's Prisons and the Saint Vincent and the Grenadines Coast Guard Services. These agencies have specific responsibilities under the MoU.

92. There is a reciprocal working relationship with a number of non-governmental organisations aimed at combating human trafficking. These are: the Human Rights Association, Soroptimist International SVG, the National Council of Women, the Christian Council and Marion House.

93. A National Action Plan (NAP) (2016–2020) to Combat Human Trafficking is in force. It is hinged on the pillars of the four (4) P's of trafficking: Prevention, Protection and Victim Assistance, Prosecution, and Partnership. The NAP is the overarching policy document which drives the country's counter-trafficking strategy.

94. The training of all stakeholders is a critical component of the National Action Plan. Since 2012, the ATIPU in collaboration with international organizations have conducted over 200 training sessions with stakeholders. Some of the international organizations involved in these training were:

- The Organization of American States (OAS).
- The International Organization for Migration (IOM).
- ACP-EU Migration Action.
- The Warnath Group, LLC.

95. Moreover, human trafficking training forms part of the curriculum at the Police Training School. Every recruit who is enlisted into the police force receives training in combating human trafficking.

96. Public education and sensitization are paramount in the fight against human trafficking. To this end, several methods have been utilised by the ATIPU to sensitize the public. These methods include outreach using the following media: social media, print, radio, television programmes; and public forums and exhibitions.

97. Over 20,000 students and 3,000 teachers have been sensitized about human trafficking since 2012.

Freedom of Assembly and Participation in Public Life

98. Following the declaration of the 2015 General Elections results, the following days saw a mounting of several street protests. The rowdy protests have to date continued unimpeded without the given permission or notification of the Commissioner of Police, as is required by Law.

99. The Public Order Act¹⁹ ensures the right of peaceful assembly in Saint Vincent and the Grenadines. If it appears to the Commissioner of Police, having regard to the time or place at which and the circumstances in which a public procession is taking place or is intended to take place and to the route taken or proposed to be taken by the procession, to be in the interest of good order or of the public safety so to do, he may give directions imposing upon the persons organising or taking part in the procession such conditions as

¹⁹ CAP 396 section 7 of the revised laws of Saint Vincent and the Grenadines.

appear to him necessary for the preservation of good order or the public safety, including conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from being held, or from continuing to be held, or from entering any particular public place.

100. The Constitution provides for freedom of assembly:

Chapter I

Protection of Fundamental Rights and Freedoms

1. Fundamental rights and freedoms

Whereas every person in Saint Vincent and the Grenadines is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely –

- (a) Life, liberty, security of the person and the protection of the law;
- (b) Freedom of conscience, of expression and of assembly and association;
and
- (c) Protection for the privacy of his home and other property and from deprivation of property without compensation, the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

101. The Public Order Act, sections 5 through 12, reads:

5. Notice of meetings or processions to be given

(1) Any person organising or concerned in organising any public meeting or public procession shall notify the Commissioner of Police at least twenty-four hours before the time fixed for such meeting or procession of his intention to hold such meeting or procession and shall state the time and place proposed for such assembly and, in the case of a procession, the route proposed to be followed:

Provided that the provisions of this subsection shall not apply to funeral processions.

(2) The organiser and any person who knowingly takes part in any public meeting or public procession held in contravention of subsection (1) is guilty of an offence under this Act.

6. No right of meeting in a public place

For removing doubts, it is hereby declared that no person has a right to hold a meeting in a public place.

7. Power to preserve good order and public safety on occasion of processions

(1) If it appears to the Commissioner of Police, having regard to the time or place at which and the circumstances in which a public procession is taking place or is intended to take place and to the route taken or proposed to be taken by the procession, to be in the interest of good order or of the public safety so to do, he may give directions imposing upon the persons organising or taking part in the procession such conditions as appear to him necessary for the preservation of good order or the public safety, including conditions prescribing the route to be taken by the procession and conditions prohibiting the procession from being held, or from continuing to be held, or from entering any particular public place specified in the directions:

Provided that no conditions restricting the display of flags, banners or emblems shall be imposed under this subsection except such as are reasonably necessary to prevent risk of a breach of the peace.

(2) If at any time the Commissioner of Police is of opinion that by reason of particular circumstances existing in any town, village or district, or in any part thereof, the powers conferred on him by subsection (1) will not be sufficient to enable him to preserve the public safety on the occasions of the holding of public processions in that town, village or district, or part thereof, he shall apply to the Governor-General for an order prohibiting, for such period not exceeding three months as may be specified in the application, the holding of all public processions or of any class of public procession so specified either in the town, village or district, or in that part thereof, as the case may be, and upon receipt of the application the Governor-General may make an order either in terms of the application or with such modifications as he may deem fit.

(3) Any person who –

(a) Knowingly fails to comply with any directions given or conditions imposed under this section;

(b) Organises any public procession held or intended to be held in contravention of an order made under this section;

(c) Takes part in any public procession known by him to be held in contravention of an order made under this section; or

(d) Incites, aids or abets any other person to commit any of the aforesaid offences, is guilty of an offence under this Act.

8. Power to preserve good order and public safety on occasion of meetings

(1) If, having regard to the time or place at which and the circumstances in which any public meeting is being held or is intended to be held, it appears to the Commissioner of Police to be in the interest of good order or of the public safety so to do, he may give directions imposing upon the persons organising or attending the meeting such conditions as appear to him necessary for the preservation of good order or of the public safety, including conditions prohibiting the meeting from being held, or from continuing to be held, at any particular time or in any particular public place specified in the directions:

Provided that, where a lawful public meeting is in progress, the Commissioner of Police shall not direct its discontinuance under this subsection by reason only of the acts of persons committed for the purpose of preventing the transaction of the business for which that meeting was called together.

(2) If at any time the Commissioner of Police is of opinion that by reason of particular circumstances existing in any town, village or district, or in any part thereof, the powers conferred on him by subsection (1) will not be sufficient to enable him to preserve the public safety on the occasions of the holding of public meetings in that town, village or district, or part thereof, he shall apply to the Governor-General for an order prohibiting, for such period not exceeding three months as may be specified in the application, the holding of all public meetings, or of any class of public meetings so specified, either in the town, village or district, or in that part thereof, as the case may be, and upon receipt of the application the Governor-General may make an order either in terms of the application or with such modifications as he may deem fit.

(3) Any person who –

(a) Knowingly fails to comply with any directions given or conditions imposed under this section;

(b) Organises any public meeting held or intended to be held in contravention of an order made under this section;

(c) Attends any public meeting known by him to be held in contravention of an order made under this section; or

(d) Incites, aids or abets any other person to commit any of the aforesaid offences, is guilty of an offence under this Act.

9. Power to impose directions, etc., to be in addition to any other power

The powers conferred on the Commissioner of Police by section 8(1) are exercisable by him in addition, and without prejudice, to any other power conferred on him by any other law.

10. Power to disperse public processions and meetings

(1) Any police officer may, in relation to either –

(a) Any public meeting held during the specified time, within the specified distance of any scheduled premises; or

(b) Any public procession in progress which, during the specified time, comes within the specified distance of any scheduled premises, require any person addressing, or known to him to have addressed, such meeting or leading such procession or appearing to him to be the promoter or organiser or one of the promoters or organisers or the leader or one of the leaders of such meeting or procession, to call upon such meeting or procession to disperse.

(2) Any person required under subsection (1) to call upon any public meeting or public procession to disperse, who refuses, fails or neglects forthwith to call upon such meeting or procession to disperse is guilty of an offence under this Act.

(3) In this section and section 12 –

“**specified distance**” means a radius of two hundred yards from any point within the curtilage of any scheduled premises;

“**specified time**” means –

(a) In the case of the High Court building, any time at which either the House of Assembly, the Court of Appeal, the High Court or a magistrate’s court is sitting;

(b) In the case of the head office of a Ministry, any time between 8.30 a.m. and 5.30 p.m.

(4) The Governor-General may, by order, add any premises to, or remove any premises from, the Schedule.

11. Calling upon public procession or meeting to disperse

Where any person who is required under section 10 to call upon any public meeting or public procession to disperse, refuses, fails or neglects to do so, any police officer may call upon such meeting or procession to disperse.

12. Participants

(1) Every person who is present at any public meeting or public procession which is called upon to disperse under section 10 or 11 shall forthwith, upon the public meeting or public procession being called upon to disperse, go to some place beyond the specified distance from the scheduled premises by some route no point of which is nearer to the scheduled premises than is the place at which the public meeting or public procession was called upon to disperse.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) is guilty of an offence under this Act.

102. The electoral observation missions present in Saint Vincent and the Grenadines during the 2015 General Elections, namely the Organisation of American States, the

Commonwealth and CARICOM, commended the Elections Office on a satisfactory job in organizing and conducting the elections. This notwithstanding, allegations of voting irregularities have been raised by the Opposition party of Saint Vincent and the Grenadines. Constitutional and judicial channels provided to address such grievances are being utilized by the Opposition party, and the matter is currently before the court of law.

103. Saint Vincent and the Grenadines acceded to the Inter-American Convention against Corruption on the 6th May, 2001. The purposes of the Convention are to:

(a) To promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish and eradicate corruption; and;

(b) To promote, facilitate and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.²⁰

104. Article III of the Convention set out the preventative measures in place to inhibit corruption in the all the signatory states.

Dissemination of Information related to the Covenant (art. 2)

105. The Ministry of Foreign Affairs, Trade and Commerce has in the past distributed the Convention to the various line Ministries, who then developed public relations campaigns, based on the rights under their purview. Some examples can be seen through the programmes mentioned in subsequent paragraphs, such as the Anti-Trafficking in Persons Unit public relations campaigns and the public relations campaigns carried out by the Ministry of Mobilization, Social Development, the Family and Persons with Disabilities in the areas of child rights, women rights and so on.

106. The Ministry of Foreign Affairs, Trade and Commerce is currently working on adding to its website a database where persons can access the various international conventions signed and ratified by the country, including the various human rights conventions, of which the Convention of Civil and Political Rights is included. The website will also contain links to the OHCHR website where the reports, concluding observations and other documents under the said conventions can be accessed.

²⁰ Article II of the OAS Inter-American Convention Against Corruption.