



# International Covenant on Civil and Political Rights

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## Human Rights Committee

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

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

1. Please provide information on the measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/VCT/CO/2), including any relevant statistical data. Please report on any other significant developments in the legal and institutional framework for the promotion, protection and fulfilment of human rights that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts.

2. Please provide information about the existence or development of a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please indicate what measures have been taken to implement the Committee's Views on communication No. 806/1998 (*Thompson v. Saint Vincent and the Grenadines*), adopted on 18 October 2000, and to raise awareness about the Covenant. Please indicate the progress made in the establishment of a national mechanism for reporting and follow-up.

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

3. Referring to the previous concluding observations (para. 7), please clarify whether the Debtors Act continues to permit imprisonment for debt in some civil cases.

#### Non-discrimination and equality between men and women (arts. 2, 3 and 26)

4. Please provide information on the measures taken in law and in practice to ensure protection from all forms of discrimination in the public and private sectors, including direct, indirect and multiple discrimination, and on all grounds, including gender, in the Covenant.

5. Please provide information on the levels of employment and the proportion of women in decision-making positions in both the public and private sectors. Please specify what measures are in place to promote equal representation of women in decision-making positions, in both the public and private sectors.

6. Please provide information on the measures taken in law and in practice to protect persons from discrimination and violence based on sexual orientation and gender identity,

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\*\* Adopted by the Committee at its 121st session (16 October–10 November 2017).



including in housing and employment. Please also provide information on any plans to remove the provisions that criminalize sexual relations between same-sex adult couples.

7. Please provide information on the efforts to intensify education and raise awareness among all parts of the population to combat societal stigma and discrimination against persons living with HIV/AIDS, including in employment. Please provide information on the non-discriminatory access of persons infected with HIV/AIDS to health services.

#### **Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)**

8. Please provide information on the impact of the Domestic Violence Act (2015), the national action plan on gender-based violence (2015), the anti-violence campaign (2014) and the victims' support programme to provide psychosocial and socioeconomic support to victims. Please clarify whether the legislation prohibits sexual harassment and marital rape. Please provide data on domestic violence, disaggregated by gender and age, and information on the investigation and prosecution of cases of domestic violence, the training of relevant professionals and the availability of shelters and other services for victims of such violence.

#### **Sexual and reproductive rights, maternal mortality and abortion (arts. 6 and 17)**

9. Please respond to reports that, even in cases where abortion is legal, such as cases of rape, incest, risk to the life or physical or mental health of the pregnant woman or severe fetal impairment, abortion is not available in practice or is extremely expensive. Please provide data on the maternal mortality rate.

#### **Right to life, prohibition of torture and cruel, inhuman or degrading treatment or punishment and arbitrary arrest and detention (arts. 6, 7, 9 and 10)**

##### **Right to life**

10. Please indicate the legal conditions for the imposition of the death penalty, including on minors, during the past 10 years, the number of persons currently on death row and the details of their sentences. Please provide details on any procedures for commuting death sentences to life imprisonment. Please also provide information on any steps taken to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

11. Please provide detailed information on the protection of the right to life as enshrined in article 2 of the State party's Constitution. In particular, please provide information on the interpretation and application of article 2 (2) by the courts and the circumstances in which the right to life is not considered to be contravened if it is the result of such force as is reasonably justified.

##### **Prohibition of torture**

12. Please state whether torture is specifically criminalized in the State party, with appropriate penalties, and provide information on whether an independent body exists to investigate complaints and prevent abuse and ill-treatment by law enforcement officials. Please also provide data on the number of law enforcement officials who have been investigated, prosecuted, convicted and punished, and the nature of the sanctions imposed.

##### **Arbitrary arrest and detention**

13. Please provide information on the grounds for deprivation of liberty and the availability of a redress mechanism to address instances of unlawful arrest or detention. Please also provide information on the rights of persons in police custody, including their right to have access to a lawyer, the stage at which a suspect is allowed such access and the maximum period of detention before an individual is brought before a judge.

##### **Conditions of detention**

14. Please provide detailed information on the number of prisons, prison capacity and the number of inmates, disaggregated by facility, and indicate whether prisons include

separate sections for minors and women. Please also provide information on the measures taken to improve prison conditions, especially the old prison in Kingstown. Please also provide information on the degree to which independent monitoring groups have access to prisons and detention centres, and on the State party's plans to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**The rights of the child (arts. 2, 7, 9, 10, 24 and 26)**

15. Please provide information on the legal permissibility and practice of corporal punishment of children in all settings, including educational facilities and the home, and any steps taken to raise awareness among professionals and parents about the harmful impact it has on children and the promotion of non-violent forms of discipline.

16. Please provide information on the current revision of the laws on the administration of juvenile justice. Please clarify the age of criminal responsibility; whether children who have been found guilty of a crime can be caned; and whether any legal provisions guarantee that the deprivation of liberty of children is used only as a measure of last resort and for the shortest possible period of time, and whether children are detained separately from adults.

17. Please provide information on the measures taken to address child sexual abuse, including incest. Please also indicate the efforts made to reduce the sexual exploitation of children, in particular children engaged in prostitution.

18. Please provide information on any plans to change the Marriage Act with a view to raising the age of marriage and making it the same for men and women.

**Non-discrimination and the rights of refugees and persons with disabilities (arts. 2 and 26)**

19. Please provide information on whether national legislation for the protection of refugees has been enacted, clarify the procedures for the determination of refugee status and provide data on the number of asylum applications accepted and rejected in the previous five years.

20. Please inform the Committee of the measures that have been put in place to promote the social inclusion of persons with disabilities, including the availability of adequate health and social care services, and access to employment and education.

**Protection against trafficking (art. 8)**

21. Please provide information on the Prevention of Trafficking in Persons Act (2011) and the number of persons who have been investigated, prosecuted and convicted for trafficking under this law. Please also provide information on the number of identified victims, the guidelines for their referral and the specialized services available to victims. Please also include information on the national action plan to outlaw trafficking, specifying the roles for government officials and non-governmental organizations and timelines for actions, training for relevant officials and the impact of the anti-trafficking awareness-raising campaigns that have been conducted.

**Freedom of assembly and participation in public life (arts. 21 and 25)**

22. Please respond to allegations of police interference, on several occasions, with a group of protesters in front of the electoral office in the context of the elections in 2015, including the reported harassment of protesters, seizure of their property, arrests and charges for minor infractions. Please provide information on the legal provisions that ensure the right of peaceful assembly.

23. Please respond to allegations of corruption in the context of the elections in 2015. Please provide information on the legal provisions relating to political corruption offences, investigations and sanctions in cases of corruption and any plans to implement financial disclosure laws for public officials.

**Dissemination of information relating to the Covenant (art. 2)**

24. Please provide information on the arrangements made to disseminate the Covenant and the concluding observations, so as to increase awareness among the judiciary, legal and administrative authorities, and law enforcement officials, lawyers and academics. Please also provide more information on the involvement of civil society and non-governmental organizations in this process.

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