



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-third session
4-22 August 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

SAINT VINCENT AND THE GRENADINES

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

A. Introduction

2. The Committee welcomes the submission by the State party of a report after a lapse of almost 20 years.
3. The Committee regrets, however, that the report does not comply with the Committee's reporting guidelines, as it does not contain information on articles 3 to 7 of the Convention, nor on the practical effects of the Convention, and does not respond to the concerns expressed by the Committee in previous concluding observations. The Committee notes that the State party does not have representation in Geneva, but nevertheless regrets that the State party was not able to respond to its invitations to participate in the meeting.

B. Factors and difficulties impeding the implementation of the Convention

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

C. Positive aspects

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

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

D. Concerns and recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

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

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

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