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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

ST. VINCENT AND THE GRENADINES

[30 June 1982]

GE.82-12336

1. LEGISLATIVE: St. Vincent and the Grenadines is a multi-racial though predominantly black society in which descendants of African, European and Indian races are fully integrated into our social fabric and live together in peace and harmony. As such the concept and practice of apartheid are alien to the psyche of the Vincentian people.

The people of St. Vincent and the Grenadines are legally protected from apartheid, since their fundamental rights, and freedoms are firmly entrenched in the Constitution. Such rights and freedoms include protection of right to personal liberty and protection of law, protection from inhuman treatment and from arbitrary search or entry, protection of freedom of conscience, expression and movement, and protection from discrimination on the grounds of race, etc.

Fundamental rights and freedoms form part of the Basic Clauses of the Constitution - clauses which cannot be altered except by a difficult process involving the overwhelming concurrence of the people themselves. The process requires

(a) the lapse of ninety days between the introduction and second reading of any Bill to amend or alter any of the clauses. This requirement, of course, allows for the articulation of views on the Bill and for public opinion to crystalize on the subject;

(b) a two-thirds majority of all representatives in Parliament on the final vote on the Bill, and

(c) submission of the Bill to the electorate in a referendum and receipt of not less than two-thirds of the unspoiled votes cast in that referendum.

It is important to note that the Constitution overrides the provisions of any law which is in conflict with it.

2. JUDICIAL: St. Vincent and the Grenadines has a monarchical Parliamentary democracy - a system in which the Judiciary is insulated against political interference. As such the impartiality of judges and magistrates is guaranteed in the following manner:

(a) The Chief Justice is appointed by Letters Patent by Her Majesty the Queen, who is Head of State through her Governor General.

(b) Justices of Appeal and Puisne Judges are appointed by Her Majesty on the advice of the Judicial and Legal Services Commission. This Commission serves all Member States of the Organization of Eastern Caribbean States and comprises impartially appointed top legal personnel from throughout the region and of whom the Chief Justice is Head.

Any individual who is of the opinion that his fundamental rights and freedoms are violated can seek redress for such violation before the Courts, and is entitled to the right of appeal from the High Court to the Court of Appeal as also against the decision of the Magistrate's Court, and to the Privy Council against the decision of the Court of Appeal. The individual, unlawfully detained without trial can apply for a writ of Habeus Corpus.

3. ADMINISTRATIVE: The administrative functions of the Government of St. Vincent and the Grenadines are exercised in accordance with the principles also laid down in the Constitution. A conscious attempt is therefore made to shield the bureaucracy from discrimination of any kind.

The Constitution clearly states that "the power to appoint persons to hold or act in offices in the public service and the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Public Service Commission". This Commission is appointed by the Governor-General acting in accordance with the advice of the Prime Minister, provided that the latter shall, before advising the Governor-General on appointments other than that of Chairman, consult the Leader of the Opposition and the Association representing the interests of public officers.

A public servant who feels that the Commission, in its exercise of disciplinary measures against him, has acted in an arbitrary manner, has recourse to the Public Service Board of Appeal which is further removed from political influence than the Commission in that its Chairman is appointed by the Governor-General acting in his own deliberate judgement. The defending public servant can provide himself with defence personnel as is obtainable in a Court of Law.

In addition to the foregoing the administrative machinery does not lend itself to serious prejudice in that it is a predominantly black society in which by logical extension, blacks dominate all the professions and trades, and into which expatriates are recruited at the professional and technical levels only to fill posts in which there is no local expertise or self-sufficiency.

4. OTHER MEASURES: Reference can be made here to Resolution 35/39 entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid", adopted by the General Assembly on 25 November 1980. In accordance with paragraph 12 of this resolution the list of persons allegedly guilty of the crime of apartheid under the Convention was received by the Government of St. Vincent and the Grenadines on 15 June 1981. Government's quick reaction was to order that the list be drawn to the attention of the public and that a copy be forwarded to the Immigration Authorities so that they would deny entry into the State of any person whose name appears on the list.

In conclusion, apartheid is neither conceived nor practised by Vincentians. It is unconstitutional and illegal, and is therefore a crime punishable by law. It is therefore not now necessary to introduce any specific legislation against apartheid.