Lawyers without Borders Canada

RedRootSVG Inc
Empowering, Supporting and Healing

4th cycle of the Universal Periodic Review (UPR) — Saint Vincent and the Grenadines

Named after an herb known for its healing properties, **RedRoot SVG Inc.** is an NGO based in Saint Vincent and the Grenadines (SVG) that supports and advocates for victims of violence, discrimination and inequality, including LGBTQI+ persons. RedRoot offers free counselling, free legal aid, empowerment sessions, skills training, referrals for free sexual health testing, a food pantry, clothing distribution, and occasional provision of temporary shelter.

Lawyers Without Borders Canada (LWB Canada) is a non-governmental international cooperation organization that has contributed to the improvement of the human rights of people in vulnerable situations by strengthening access to justice and legal representation for over 20 years. LWB Canada is implementing its **ARCENCiEL project**, funded by the Government of Canada, in Saint Vincent and the Grenadines and four other Commonwealth Caribbean countries. The project aims to increase the equal enjoyment of rights for Gender and Sexually Diverse People (GSDP) through human rights education, access to justice, strategic litigation, and advocacy.

Issue 1 — *Lack of protection for victims – and accountability for perpetrators – of rape due to gender-exclusive wording*

In the 3rd UPR cycle, SVG accepted a recommendation from The Bahamas to reform its sexual offences legislation. Its national report indicated an intention to update the law regarding *both* sexual offenses and the definition of rape.

However, the 2024 amendment only increased sentences for certain sexual offences; the definition of rape under Section 123 remains gender-specific and limited to penile-vaginal intercourse, defining the offence as non-consensual sexual intercourse by a man with a woman. It recognises only women as victims and men as perpetrators, thereby excluding male victims and female perpetrators. The rape definition excludes non-consensual penetration with objects and fails to address rape in same-sex contexts. This restrictive, heteronormative language denies certain victims access to justice and effective remedies (ICCPR Article 2(3)), and the right to equality before the law (ICCPR Articles 2(1) and 26; ICESCR Article 2(2); CEDAW Articles 2 and 15(1)), non-discrimination (ICCPR Articles 2(1) and 26; ICESCR Article 2(2); CEDAW Article 2), and bodily autonomy (ICCPR Article 17). Thus, it leaves SVG unable to meet its obligation, as interpreted by the CEDAW Committee in General Recommendation No. 35, to actively prevent, investigate, and punish all forms of sexual violence as a form of discrimination under CEDAW. The current law is therefore in violation of several of SVG's obligations under international law.

Persistent issues	• Anyone (including GSDP) subject to non-consensual sexual acts outside SVG's narrow definition has no access to appropriate legal recourse • Perpetrators of rape who are not male cannot be held accountable • Male victims of rape by a male perpetrator cannot access legal recourse • Lack of recognition of other forms of non-consensual penetration, including with objects
Recommendation	✓ Amend the Criminal Code to establish a gender-neutral and comprehensive definition of rape that protects all victims equally, and broaden the scope of rape to include penetration of the vaginal, anal, or oral orifice by any object or body part

Issue 2 — *Absence of (i) anti-discrimination legislation explicitly addressing sexual orientation and gender identity and (ii) a Paris Principles-aligned National Human Rights Mechanism*

In the 3rd UPR cycle, 11 States made recommendations for SVG to adopt anti-discrimination legislation to protect GSDP – none were accepted. 15 states made recommendations for SVG to establish an independent National Human Rights Mechanism – all were accepted.

Despite Constitutional non-discrimination provisions, there are no specific anti-discrimination laws protecting GSDP, nor is there a Paris Principles-aligned National Human Rights Mechanism. This limits effective monitoring of GSDP's human rights violations, as well as accountability and enforcement of these protections. This lack of legal protection is particularly concerning in the context of domestic and gender-based violence, where no explicit provisions protect GSDP from discrimination in the implementation of domestic violence legislation.

August 2026

Lawyers without Borders Canada

RedRootSVG Inc
Empowering, Supporting and Healing

Freedom from violence and discrimination is enshrined in international human rights treaties ratified by SVG. The Human Rights Committee has held that "sex" in the ICCPR encompasses sexual orientation (*Toonen v. Australia, 1994*), and the Committee on Economic, Social and Cultural Rights has confirmed that "other status" under ICESCR Article 2(2) covers sexual orientation and gender identity in access to housing, education, employment, and healthcare (CESCR, General Comment No. 20, 2009). SVG has an obligation under the ICCPR and ICESCR to ensure effective protection from discrimination on the basis of sexual orientation and gender identity, which the absence of specific anti-discrimination legislation currently fails to guarantee. While not itself a binding treaty requirement, the establishment of a Paris Principles-aligned National Human Rights Mechanism is a widely recognised international standard for effective implementation of human rights protections, which SVG has yet to meet despite accepting all 15 UPR recommendations to do so.

Persistent issues	• GSDP remain vulnerable to discrimination in critical areas such as housing, employment, healthcare, education, and access to goods and services • GSDP are deprived of their right to an effective remedy, an enforcement mechanism, or clear prohibitions against discriminatory practices • GSDP continue to suffer discrimination and violence from peers, colleagues, teachers, employers, the police, and strangers • GSDP experience increased economic dependency and vulnerability to abuse, exclusion and marginalization
Recommendations	✓ Adopt comprehensive anti-discrimination legislation explicitly prohibiting discrimination on the basis of sexual orientation, gender identity, and gender expression ✓ Amend the Domestic Violence Act to explicitly prohibit such discrimination in the implementation of the Act and ensure that GSDP can access protection, reporting mechanisms, and effective remedies on an equal basis ✓ Establish an independent, Paris Principles-aligned National Human Rights Mechanism to protect all citizens, including GSDP, from discrimination

Issue 3 | *Repealing the Criminal Code's buggery and gross indecency provisions*

In the 3rd UPR cycle, 14 states made recommendations to SVG on repealing colonial-era buggery laws, none of which were accepted.

In 2024, SVG's High Court ruled to uphold its laws criminalizing same-sex relations (sections 146 and 148 of the Criminal Code). The Constitutional challenge of these laws was dismissed by the Eastern Caribbean Supreme Court in 2024 due to lack of standing, as the petitioners lived abroad. The Court did not consider the substantive human rights issues raised, leaving the constitutionality of these provisions unresolved. Although rarely enforced in practice, these laws' continued existence greatly impacts GSDP. Due to gender-neutral wording, both men and women are criminalized. Criminalizing consensual same-sex sexual conduct violates fundamental rights, including privacy (ICCPR Article 17), equality (ICCPR Article 26), and non-discrimination (ICCPR Article 2(1); ICESCR Article 2(2); CEDAW Article 2). The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the CEDAW Committee have stated that this criminalization violates international standards. SVG's buggery laws are inconsistent with international standards.

Persistent issues	• Continued stigmatization of GSDP, which also creates barriers to accessing healthcare and undermines efforts to address HIV • Normalization of discrimination and violence against GSDP • Legitimization of hate crimes, police brutality, blackmail, torture, family rejection • Lack of accountability for crimes and lack of access to justice for victims
Recommendation	✓ Repeal Section 146 (buggery) & Section 148 (gross indecency) of the Criminal Code