RedRoot SVG Inc. Oral Statement (5-6 minutes)

Excellencies, distinguished delegates, representatives of civil society, colleagues,

Thank you for the opportunity to address you ahead of the Universal Periodic Review of Saint Vincent and the Grenadines.

My name is Phylicia Alexander-Lavia, and I am honored to speak on behalf of RedRoot SVG Inc., a non-governmental organization which, for over seven years, has supported and advocated for victims of gender-based violence, discrimination and inequality, including the LGBTQI+ community and other persons in vulnerable situations.

In late July of this year, the Government of Saint Vincent and the Grenadines organized a national consultation in preparation for the national report, which RedRoot attended.

Today, I will address two interconnected human rights concerns: (1) gaps in protection against sexual violence and (2) the continuing need for comprehensive anti-discrimination protections. These recommendations contribute directly to Sustainable Development Goals 10 – to reduce inequalities within countries – and 16 – to promote peaceful and inclusive societies for sustainable development and provide access to justice for all.

First, in the previous UPR cycle, the Government accepted a recommendation to reform domestic sexual offences legislation, and its subsequent national report indicated an intention to update the law regarding both sexual offenses and the definition of rape.

In its 2019 review of Saint Vincent and the Grenadines, the Human Rights Committee noted high levels of violence in the country, particularly against women and children. As an organization working on the ground, we see this violence firsthand, including against LGBTI communities, on a regular basis. Over the last 12 months, RedRoot has supported 33 individuals through its legal aid program, 3 in relation to sexual abuse and 17 related to domestic violence, with a noticeable increase in cases in the last six months. Yet the true number of cases is likely far higher, as high levels of stigma discourage LGBTI victims from coming forward for support. Further research is urgently needed to understand the full extent of the harm caused by these gaps in the law.

We acknowledge the Government's efforts to strengthen protections against sexual and gender-based violence through amendments to the Criminal Code adopted in 2024. These reforms increased penalties for certain offences and represent an important step forward.

However, the current legal definition of rape remains gender-specific, recognizing only women as victims and men as perpetrators, and is limited to unlawful penile-vaginal intercourse. As a result, some victims, including victims of rape in same-sex contexts, are denied access to justice and effective remedy, in violation of their rights to equality before the law, non-discrimination, and bodily autonomy enshrined in international human rights instruments to which Saint Vincent and the Grenadines is party.

We therefore recommend that Saint Vincent and the Grenadines amend the Criminal Code to establish a gender-neutral and comprehensive definition of rape that protects

all victims equally, and to broaden the scope of rape to include penetration of the vaginal, anal, or oral orifice by any object or body part.

Second, in previous UPR cycles, numerous States have recommended the adoption of comprehensive anti-discrimination legislation to protect individuals on the basis of sexual orientation, gender identity, and gender expression. These have not been accepted by the Government.

Discrimination continues to affect the daily lives of LGBTQ+ persons. According to research conducted by Human Rights Watch, LGBT individuals face discrimination in employment, education, housing, healthcare, and access to services. They also suffer violence from peers, colleagues, teachers, employers, police, and strangers. Of the 21 LGBT people interviewed, nearly all reported at least one recent incident of physical or verbal abuse, threats, sexual violence, or harassment. Many reported being fired or not being hired due to their sexual orientation. Moreover, all 21 said they wished to leave the country immediately or had envisioned their future abroad due, in part, to homophobic or transphobic violence and discrimination in the country.

This lack of legal protection is particularly concerning in the context of domestic and gender-based violence. There are currently no explicit provisions protecting LGBTI persons from discrimination in the implementation of domestic violence legislation. In 2022, neighboring Saint Lucia amended its Domestic Violence Act to explicitly prohibit discrimination on the basis of sexual orientation and gender identity in the implementation of the Act, demonstrating that such protections can be incorporated into domestic violence legislation in the Caribbean context.

The lack of comprehensive anti-discrimination legislation means that LGBTI individuals are deprived of their right to an effective remedy and access to an enforcement mechanism. This is inconsistent with Saint Vincent and the Grenadines' obligations under international human rights law, including Articles 2(1) and 26 of the International Covenant on Civil and Political Rights (ICCPR), which require States to respect and ensure rights without discrimination and guarantee equal protection of the law. Victims of violence and discrimination must be able to report incidents safely, trust public institutions, and obtain effective remedies when their rights are violated.

We therefore recommend that the Government adopt comprehensive anti-discrimination legislation explicitly prohibiting discrimination on the basis of sexual orientation, gender identity, and gender expression, and amend the Domestic Violence Act to explicitly prohibit such discrimination in the implementation of the Act and ensure that LGBTI persons can access protection, reporting mechanisms, and effective remedies on an equal basis.

Closing remarks

We urge the Government to accept and implement the recommendations made during previous UPR cycles and to meaningfully engage with LGBTI civil society in this process. We also echo ERAO SVG's recommendations to (1) repeal sections 146 and 148 of the Criminal Code, and (2) establish a National Human Rights Institution in full compliance with UN Paris Principles, ratify the American Convention on Human Rights, and accept the contentious jurisdiction of the Inter-American Court of Human Rights. Thank you for your attention.