

SAINT VINCENT AND THE GRENADINES 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy. The prime minister is the head of the government. In 2015 Prime Minister Ralph Gonsalves was elected to a fourth consecutive term. International observers assessed the election as generally free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included the criminalization of libel; the criminalization of consensual same-sex activity between men (which was not enforced during the year); two cases of violence against LGBTI persons; and child labor.

The government took steps to investigate and punish officials who committed abuses, and there was not a widespread perception of impunity for security force members.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no generalized reports the government employed them. In a high-profile case, however, a woman was committed to the Mental Health Center for two weeks of observation after pleading not guilty to a charge of abusive language. The abusive language was against the wife of a senior government minister. Following a mental health evaluation, she

was granted bail and released, and the case was adjourned until December 17. Legal experts in the country cited this incident as an example of a misuse of the judicial system.

Prison and Detention Center Conditions

Prison conditions were generally adequate, although they varied depending on the facility.

Physical Conditions: The government continued to use Her Majesty's Prison, an old building in the center of Kingstown, the capital city, to hold both male and female inmates. Men and women were held separately. Key problems included the inability to segregate prisoners who misbehaved, gang activity, and contraband, including the smuggling of cell phones and drugs. In contrast with Her Majesty's Prison, there were no reports of inadequate living conditions in the newer Belle Isle facility.

Conditions were inadequate for juvenile offenders. Authorities held offenders between the ages of 16 and 21 years of age with convicted adult prisoners.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The Royal Saint Vincent and the Grenadines Police is the only security force in the country and is responsible for maintaining national security. Its forces include the Coast Guard, Special Services Unit, Rapid Response Unit, Drug Squad, and Anti-Trafficking Unit. The police force reports to the minister of national security, a portfolio held by the prime minister. The Criminal Investigations Department investigated all police killings and referred them to coroner's inquests.

Civilian authorities maintained effective control over the police, and the government has effective mechanisms to investigate and punish abuse. Citizens alleging police abuse could file complaints with the Complaint Department within the police force or an independent, government-operated oversight committee tasked with monitoring police activity and hearing public complaints against police misconduct. If a complaint is deemed to have merit, the Office of the Director of Public Prosecutions files charges. Authorities indicated there were 74 investigations into police misconduct during the year, one of which resulted in a police officer being sanctioned. There were no verified reports of impunity involving security forces during the year.

Arrest Procedures and Treatment of Detainees

The law requires judicial authority to issue arrest warrants. Detainees may seek judicial determinations of their status after 48 hours if not already provided. The bail system was generally effective. Authorities generally allowed detainees prompt access to a lawyer. For indigent detainees accused of a capital offense, the state provides a lawyer. For other crimes, the state does not provide a lawyer, and defendants represent themselves in court.

Although lengthy delays were reported prior to preliminary inquiries, government sources reported compliance with Court of Appeal guidelines, which require a preliminary hearing to be held within nine months of detention. In 2017 there were approximately 20 detained defendants who had awaited trial for more than two years. More than half of the cases were delayed pending psychiatric evaluations.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. The court appoints attorneys only for indigent defendants charged with a capital offense. Defendants are presumed innocent until proven guilty, may be present at the trial, are informed promptly and in detail of the charges, and may confront and question witnesses. Defendants had access to free assistance of an interpreter as necessary and adequate time and

facilities to prepare a defense. Defendants may present their own witnesses and evidence and cannot be compelled to testify or confess guilt. Witnesses and victims sometimes refused to testify because they feared retaliation. Defendants may appeal verdicts and penalties.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent, impartial judiciary in civil matters, where one may bring lawsuits seeking damages for a human rights violation. Individuals may appeal adverse domestic decisions to regional human rights bodies.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Censorship or Content Restrictions: Civil society observers continued to report concerns about expressing criticism of the government, primarily due to fear of facing libel charges, including under the 2016 Cybercrime Act. Civil society indicated these fears resulted in media outlets practicing self-censorship.

Libel/Slander Laws: The 2016 Cybercrime Act establishes criminal penalties, including imprisonment, for various offenses, including libel by electronic communication, cyberbullying, and illegal acquisition of data. Freedom of speech organizations harshly criticized the law as being inconsistent with international freedom of speech norms. Civil society also expressed concerns that the

prohibition on libel by electronic means would give rise to government efforts to silence its critics. The government did not charge anyone with libel or defamation during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, 66 percent of citizens used the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Various civil society organizations, however, reported citizens were hesitant to participate in antigovernment protests due to fear of retaliation.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status; each case is addressed on an individual basis. The government has not established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2015 voters returned to office the ruling United Labour Party, giving it eight of the 15 elected seats in the unicameral House of Assembly (which also includes six appointed senators). The opposition New Democratic Party maintained its seven seats. International observers from the Caribbean Community and the Organization of American States declared the elections generally free and fair.

Political Parties and Political Participation: Opposition party members claimed the government restricted the use of public buildings for political events but used government facilities to hold United Labour Party functions.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political process, and they did participate. Women held only three of 23 legislative seats.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials at times engaged in corrupt practices with impunity. There were isolated reports of government corruption during the year.

Corruption: Allegations of political handouts and other forms of low-level corruption persisted. The government stated there was no need to have a national anticorruption agency. The law provides the Office of the Director of Public Prosecutions with the authority to prosecute the following offenses related to official corruption: extortion by public officers, public officers receiving property to show favor, false claims by officials, abuse of office, and false certification by public officers.

Financial Disclosure: There are no financial disclosure laws for public officials.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The Saint Vincent and the Grenadines Human Rights Association (SVGHRA), a domestic human rights group, generally operated without government restrictions and investigated and published its findings on human rights cases. The government held various meetings with civil society that included the SVGHRA. Government officials rarely cooperated with the SVGHRA or shared its views on human rights issues.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government generally enforced the law when victims came forward. Sentences for rape begin at 10 years' imprisonment. Authorities referred allegations of rape or any abuse against women to the police. Police were generally responsive to these complaints. Police and human rights groups reported that perpetrators commonly made payoffs to victims of rape or sexual assault in exchange for victims not pressing charges.

Civil society groups reported that rape and violence against women remained a serious and pervasive problem. The Division of Gender Affairs in the Ministry of National Mobilization offered different programs to assist women and children. The ministry maintained a crisis center for survivors of domestic violence.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although authorities could prosecute such behavior under other laws. Local human rights groups and women's organizations considered enforcement ineffective.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women enjoy the same legal rights to family, nationality, and inheritance as men. Women received an equitable share of property following separation or divorce. The law requires equal pay for equal work and authorities generally enforced it.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or from either parent. There was universal birth registration, which usually occurred within a few days of a child's birth.

Child Abuse: The law provides a legal framework for the protection of children, including within domestic violence laws. The Family Services Division of the Ministry of Social Development monitored and protected the welfare of children. The division referred all reports of child abuse to the police for action and provided assistance in cases where children applied for protection orders with the family court. Reports of unlawful sexual intercourse with children under age 15 remained a problem, and these reports were in some cases linked to transactional sex with minors. Government and nongovernmental organization (NGO) interlocutors indicated that child abuse, including neglect, incest, and physical, sexual, and emotional abuse were significant problems.

Early and Forced Marriage: The legal minimum age for marriage is 18. Parental consent is required for underage marriage.

Sexual Exploitation of Children: The law does not specify a minimum age for consensual sex but stipulates punishment for persons who have sexual relations with a girl under age 15. The law prohibits statutory rape, with special provisions for those under age 13. Observers noted that male and female teenagers engaged in prostitution and transactional sex. NGO and government sources reported some mothers pressured their daughters to have sexual relations with older men as a way to supplement family income. Government officials conducted sensitization workshops in the community and schools to address the problem.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, mental, and intellectual disabilities, and the government generally observed these prohibitions. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. NGOs reported government funding for organizations supporting persons with disabilities was insufficient to meet the needs of persons with disabilities. NGOs reported subtle discrimination in hiring practices throughout the workforce but noted the government's strong attempt to recruit and hire persons with disabilities through programs such as the Youth Employment Service.

Education was provided until age 21 for persons with disabilities, and the government partially supported a separate school for persons with disabilities. Persons with disabilities also could attend public schools. A separate rehabilitation center treated an average of five persons daily.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex conduct between adults is illegal under indecency statutes, and some sexual activity between adult men is illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years' imprisonment, and anal intercourse acts carry a maximum penalty of 10 years in prison, although these laws were rarely enforced. No laws prohibit discrimination against a person based on sexual orientation or gender identity.

Anecdotal evidence suggested there was societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, although local observers believed such attitudes of intolerance were slowly improving. Members of professional and business classes were more inclined to conceal their LGBTI status.

There were two acts of violence on individuals due to their sexual orientation or gender identity. Both cases were under investigation as of October. In one case

two men dressed in female clothing were chased and beaten by a crowd, all of which was captured and posted to social media. No individuals from the crowd were arrested. In the second incident, authorities suspected a man was killed during a same-sex encounter. Police detained a suspect, who later admitted to the killing.

HIV and AIDS Social Stigma

Anecdotal evidence suggested there was some societal discrimination against persons with HIV/AIDS, especially in employment. The government provided monthly financial assistance to persons with HIV/AIDS. The SVGHRA, which serves as coordinator for these NGOs, reported that funding continued to be a problem since each organization must find its own funding sources.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join unions of their choice, bargain collectively, and conduct legal strikes. The government enforces and recognizes the right to collective bargaining and freedom of association in the private sector.

The law prohibits antiunion discrimination and dismissal for engaging in union activities. Although it does not require reinstatement of workers fired for union activity, a court may order reinstatement.

The law does not require employers to recognize a particular union as an exclusive bargaining agent. The law provides that if both parties consent to arbitration, the minister of labor can appoint an arbitration committee to hear the matter. The law provides for establishment of an arbitration tribunal and a board of inquiry in connection with trade disputes and allows provision for the settlement of such disputes.

Authorities formed arbitration panels, which included tripartite representation from government, businesses, and unions, on an ad hoc basis when labor disputes occurred.

Workers providing services deemed essential (defined as electricity, water, hospital, and police) are prohibited from striking unless they provide at least a 14-

day notice to the authorities. Some of these sectors exceeded the International Labor Organization's standard for essential services.

The government generally enforced labor laws effectively. Government penalties of up to 5,000 Eastern Caribbean Dollars (XCD) (\$1,850) generally were sufficient to deter violations.

Freedom of association and the right to collective bargaining were generally respected.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Authorities reported their efforts to investigate forced labor violations functioned well and that additional staff would complement efforts. Penalties against forced labor carry punishments of up to 20 years' imprisonment with fines. These penalties are commensurate with serious crimes and were sufficient to deter violations. While there were no forced labor investigations underway, anecdotal evidence indicated that a small number of persons--including minors--were vulnerable to forced labor in underground economic activities in the drug trade and prostitution.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum working age at 14. Compulsory education ends at age 16. The law prohibits children and youth from working between the hours of 10 p.m. and 7 a.m. Children under 18 may not work for more than 12 hours a day.

According to observers, the government did not effectively enforce applicable law regarding child labor. The Department of Labor did not conduct any inspections specifically related to child labor during the year. Instead, the government relies on general labor inspections to identify any child labor violations. The department reported no complaints related to child labor. Covered under its trafficking-in-persons legislation, penalties for child labor could result in 20 years' imprisonment and were sufficient to deter violations.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination based on sex or disability, but no laws prohibit discrimination against a person based on race, religion, political opinion, national origin, social origin, age, or language. Whether the constitutional provision covers sexual orientation and gender identity, or HIV-positive status is a matter of interpretation untested in court. The government did not effectively enforce applicable laws prohibiting employment discrimination. It was unclear if penalties were sufficient to deter violations.

e. Acceptable Conditions of Work

Minimum wages, updated in 2017, varied by sector and type of work. In agriculture the minimum wage for workers receiving shelter was \$40 XCD (\$14.80) per day or \$36 XCD (\$13.30) if shelter was not provided. For industrial workers it ranged from \$25 XCD (\$9.25) per day for an apprentice to \$48 XCD (\$17.80) per day for an experienced employee.

The law prescribes hours of work according to category, such as industrial employees (40 hours per week), professionals (44 hours per week), and agricultural workers (30 to 40 hours per week). The law provides that workers receive time and a half for hours worked more than the standard workweek. There was a prohibition against excessive or compulsory overtime, which authorities effectively enforced.

Legislation concerning occupational safety and health was outdated. Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, but authorities did not effectively enforce this right.

Although the government reported that the system of inspections worked well, civil society organizations reported that enforcement of regulations was ineffective because the government lacked a sufficient number of inspectors. Department of Labor inspectors conducted regular wage and workplace safety inspections. Department officials stated the number of inspectors was adequate. The Ministry of Agriculture conducted inspections and worksite visits in the agricultural sector related to occupational safety and health. The Department of Labor stated it did not have the legal authority to impose fines for violations but conducted follow-up inspections to assess if the shortfalls had been addressed. Law enforcement and

judicial officials have the authority to prosecute violations and impose fines. Workers who receive less than the minimum wage may file a claim with labor inspectors, who investigate and, if warranted, refer the matter to arbitration. The department received very few complaints concerning minimum wage violations but received complaints regarding wrongful dismissal. Department officials indicated that workplace violations were rare, since most employers adhered to the minimum labor standards. The department offered voluntary labor dispute mediation and advised employers and employees of their labor rights through a weekly radio program.