



Saint Vincent and the Grenadines

Country Reports on Human Rights Practices - [2001](#)

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St. Vincent and the Grenadines is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a unicameral legislative assembly compose the Government. The Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. In October 2000, Prime Minister Sir James F. Mitchell of the New Democratic Party (NDP) resigned, following divisive general strikes during the spring, and Arnhim Eustace, an NDP parliamentarian, replaced him. In March elections that were generally free and fair, the Unity Labor Party (ULP) won 12 of the 15 parliamentary seats and ULP leader Ralph Gonsalves became the new Prime Minister. The NDP had held power for 16 years. The judiciary is generally independent.

The Royal St. Vincent Police, the only security force in the country, includes a coast guard and a small Special Services Unit (SSU) with some paramilitary training, which often is accused of using excessive force. The force is controlled by and responsive to the Government, but police continued to commit some human rights abuses.

The country's population is approximately 113,000, with a market-based economy that relies heavily on its supply of natural resources, including agricultural products such as bananas and arrowroot, as well as on the tourist industry. Much of the labor force is engaged in agriculture. Bananas are the leading export and a major source of foreign exchange earnings. However, the banana industry is declining, and the growing tourism sector is becoming the leading earner of foreign exchange. Unemployment is estimated to be between 25 and 40 percent, and real gross domestic product (GDP) growth in 2000 was estimated at approximately 3.5 percent, as compared with 4 percent in 1999. Per capita GDP was approximately \$2,550 in 1999.

The Government generally respected citizens' human rights; however, there were problems in a few areas. The police SSU was accused of one extrajudicial killing. Other principal human rights problems continued to include instances of excessive use of force by police, the Government's failure to punish adequately those responsible for such abuses, poor prison conditions, and an overburdened court system. Violence against women and abuse of children also were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings.

On April 1, police shot and killed Andrew Cuffy when he attempted to flee from a shop in Barrouallie. The police asserted that Cuffy had a shotgun in his possession. Eyewitnesses claimed that during his attempt to flee, the police could have restrained Cuffy physically on several occasions; instead he was killed when the police opened fire. The police stated that Cuffy turned and aimed a shotgun at a member of the pursuing police force. An inquest determined that the police were not liable for Cuffy's death.

On December 31, 2000, police shot and killed Ezekiel "Zulu" Alexander during a chase in South Rivers. There are varying accounts of the events that led to Alexander's death. Police accounts claim that officers of the Narcotics Division visited Alexander's home to execute warrants for nonpayment of fines and to search for drugs, when he began to run and was shot in an ensuing struggle. Other reports alleged that police officers

had staked out Alexander's home that morning, and that when he returned home, police began to chase him. During the pursuit, police fired at least three shots. The President of the Saint Vincent and the Grenadines Human Rights Association (SVGHRA) criticized the killing, asserting that it was unnecessary, irresponsible, and unlawful. An inquest determined that one of the two policemen was liable for unlawful killing. The policeman was charged, and the trial was scheduled for February 2002.

A coroner's investigation into the March 2000 killing of David Browne, who was shot by the police SSU as they were taking him into custody for building a shack on the grounds of a secondary school, concluded that Browne died by "misadventure" (accident). Human rights activists who claimed that the police SSU used excessive and injudicious force leading to Browne's death had called for the investigation.

There were two prison deaths due to violence (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture and other forms of cruel, inhuman, or degrading treatment or punishment. However, regional human rights groups have noted that a high percentage of convictions are based on confessions. One human rights group believes that some of these confessions resulted from unwarranted police practices, including the use of physical force during detention, illegal search and seizure, and failure to inform properly those arrested of their rights.

During the year, there were at least two cases of persons shot and injured in their homes by police who pursued them to enforce outstanding warrants for unpaid court fines. In one case, the police reportedly filed charges of assault, stating that the victim had attacked them with a cutlass.

There is no independent review board to monitor police activity or to hear public complaints about police misconduct. A public relations section within the force is responsible for investigating such reports. Human rights advocates recommend an independent board to protect the rights of citizens who complain about police misconduct. Police Commissioner William Harry, who was appointed in June, has called for the creation of a review board of independent representatives to monitor internal investigations of police conduct. At year's end, the Ministry of National Security had not indicated its position on establishing an independent review board. In August the SVGHRA participated in a training seminar for police officers.

Prison conditions are poor. Prison buildings are antiquated and overcrowded, with one holding more than 300 inmates in a building designed for 75; these conditions result in serious health and safety problems. The main prison is a four-building compound located in Kingstown. In addition to a lack of resources, adequate training and personnel, government officials said that there are no funds available to construct a new prison. Pretrial detainees are held with convicted prisoners.

During 2000 prisoners demonstrated against poor prison conditions, and the Government appointed a retired SSU commander, Leroy Latchman, to be Superintendent of Prisons. In January inmates stabbed Superintendent Latchman with a sharpened piece of half-inch steel, which punctured his intestines. On January 28, eight other inmates killed two inmates. One of the persons killed was alleged to have been the inmate who stabbed Latchman, while the other was alleged to have given the assailant the weapon. There was a preliminary inquiry, and the case has been set for the sitting of the High Court in February 2002.

In February High Court Judge Ian Mitchell completed a report on prison conditions, in which he asserted that the root causes of the country's prison problems were overcrowding and poor recreational facilities. The report reviewed prison conditions after violence in the facility following the stabbing of then-Superintendent Latchman in January. Mitchell's report concluded that the prison is "a university for crime" due to endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, an increase in HIV/AIDS, and prevalence of unhygienic conditions such as missing toilets. He reported that prisoners use a communal pit as a latrine. The report stated that inmates receive protection from internal violence through their membership in gangs. The report documented that after a prisoner was released, he was expected to throw alcohol, weapons, and drugs back over the prison wall for use by his gang. If a prisoner did not and, as frequently happened, returned to jail, he would be beaten severely. In addition, according to the report, a prisoner could expect to be stabbed sometime during his imprisonment. The report also noted that police and guards conducted sporadic, infrequent, and inefficient searches of the prison.

In July the Government hired a new Superintendent of Prisons, who was reported to have ended the practice of inmates seeking protection from prison gangs. He also began in-house training of guards and arranged for guards to be trained in Barbados. He filled 5 existing vacancies during the year and plans to increase the staff by 13 new guards. A rehabilitation program began, and inmates received contracts and jobs with local entrepreneurs. A school program began with courses in carpentry, tailoring, baking, and mechanical engineering.

In June the Minister of National Security accused some prison officers of colluding with inmates to break the law and prison regulations. During the year, the authorities suspended a guard, who was alleged in 2000 to have sexually assaulted and abused inmates; an inquiry still was underway at year's end. Allegedly, guards also supply drugs and other contraband or ignore abuse of prisoners by other inmates. However, reports during the year indicated that serious injuries caused to prisoners by prisoners, as frequently as five to six daily, had declined significantly to as few as one per month. On October 1, a British Inspector of Prisons arrived for a 1-month visit to assist in improving prison regulations and upgrading conditions; he is expected to return periodically.

Inmates are allowed to speak freely with their lawyers, but a human rights lawyer has asserted that there is an existing rule that a prison officer must stand not only within sight, but also within hearing of the inmate and his lawyer.

Eight female inmates are housed in a separate section in the Fort Charlotte prison. Although separate legal statutes exist for youthful offenders, there are no separate magistrates, prosecutors, or procedures to handle such cases. Children may be charged and convicted as criminals from the age of 8. In such cases, children then may be jailed with older criminals. Conditions are inadequate for juvenile offenders, but there are plans to place first-time offenders in Fort Charlotte, as well. There is a small facility for delinquent boys; however, it depends solely upon private donations. As a result, it is in disrepair and only houses a small number of boys.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that persons detained for criminal offenses must receive a fair hearing within a reasonable time by an impartial court, and the Government generally respects these provisions in practice; however, complaints continue regarding police practices in bringing cases to court. Although there are only two official magistrates, the registrar of the High Court and the presiding judge of the family court effectively serve as magistrates when called upon to do so. Some defense attorneys claim that there are 6- to 12-month delays in preliminary inquiries for serious crimes.

The Constitution prohibits forced exile, and it is not used in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent and impartial judiciary, and the Government generally respects this provision in practice.

The judiciary consists of lower courts and a High Court, with appeal to the Eastern Caribbean Court of Appeal and final appeal to the Privy Council in the United Kingdom. There are five official magistrates, including the senior magistrate and three other magistrates in addition to the Registrar of the High Court. The chief magistrate is also president of the family court.

The Constitution provides for public trials. The court appoints attorneys for indigent defendants only when the defendant is charged with a capital offense. Defendants are presumed innocent until proven guilty and may appeal verdicts and penalties. There is a large backlog of pending cases. In January 2000, a fire destroyed offices with records in the magistrates' court. The family court handled some cases, but the backlog increased. The court reopened in September 2000. The magistrate's court in Kingston meets daily; on Tuesdays it handles mainly drug-related cases. The court docket averaged approximately 55-60 cases per day; however, only 5 to 7 cases generally were heard, adjudicated, or disposed of each day.

There were no reports of political prisoners.

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

The Constitution prohibits arbitrary search and seizure or other government intrusions into the private life of individual citizens, and there were no reports of such abuses during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

There are two major newspapers and numerous smaller, partisan publications; all are privately owned, and most are openly critical of the Government's policies. There were no reports of government censorship or interference with the operation of the press during the year. However, individual journalists believe that government advertising, a significant source of revenue, sometimes is withheld from newspapers that publish articles that are less than favorable to the Government.

The sole television station in St. Vincent is privately owned and operates without government interference. Satellite dishes are popular among those who can afford them. There is also a cable system with mainly North American programming that has over 300 subscribers. The Government controls programming for the government-owned radio station.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government generally respects them in practice.

In March the police SSU fired shots to restore order during a conflict between a security company hired by a land development firm and local protesters demonstrating against a resort project under development in Canouan.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Members of the Rastafarian community have complained that law enforcement officials unfairly target them. However, it is not clear whether such complaints reflect discrimination on the basis of religious belief by authorities or simply enforcement of laws against marijuana, which is used as part of Rastafarian religious practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

No formal government policy toward refugee or asylum requests exists. The issue of the provision of first asylum did not arise during the year. A Red Cross representative serves as the honorary liaison with the office of the U.N. High Commissioner for Refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government through regularly scheduled free and fair elections. St. Vincent has a long history of multiparty parliamentary democracy. The Constitution provides for general elections at least every 5 years. During the 1998 election, the ruling New Democratic Party won a slim 1-seat majority (8 of 15) in Parliament, despite losing the popular vote by a 55 to 45 percent margin to the opposition Unity Labour Party. Calling this outcome an "overt manifestation of rejection by the public" of Prime Minister Mitchell's Government, the ULP claimed election fraud and demanded new elections. The Prime Minister

refused the ULP demand. Subsequent demonstrations led to internal pressures and to an agreement brokered by members of the Caribbean Community that elections would be held in 2001. In November 2000, leaders of the three political parties signed a "Code of Conduct" intended to govern the campaign period, including a pledge of equal time on local radio and other electronic media and an agreement not to incite or encourage violence. The parties generally adhered to the code during the campaign.

On March 28, elections were held in accordance with the agreement. There was no serious violence and observers declared the voting to be generally free and fair. The opposition ULP won 12 out of the Parliament's 15 seats, and Dr. Ralph Gonsalves became Prime Minister, ending 16 years of NDP rule. Former Prime Minister Arnhim Eustace, who had taken over leadership of the NDP and become Prime Minister in 2000, was one of three NDP candidates to win a seat. The Governor General appoints all six members of the largely ceremonial Senate; four on the advice of the Prime Minister and two on the advice of the Leader of the Opposition.

There are no legal impediments to women's full participation in politics or government; however, the percentage of women in government or politics does not correspond to their percentage of the population. In March voters elected two women to Parliament; they also serve as cabinet ministers--the Minister of Tourism and the Minister of Social Services. There are two female senators. The Deputy Governor General is also female.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Opposition political groups and the Vincentian press often comment on human rights matters of local concern. The SVGHRA monitors government and police activities, especially with respect to treatment of prisoners, publicizing any cases of abuse. In August the SVGHRA participated in a training seminar for police officers and addressed issues such as arrest and detention, the universal declaration of human rights, constitutional reform, and general police procedures. The Government generally is responsive to public and private inquiries about its human rights practices.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law regardless of race, sex, or religion, and the Government generally adheres to this provision in practice.

Women

Violence against women, particularly domestic violence, remains a serious problem. The Domestic Violence/Matrimonial Proceedings Act and the more accessible Domestic Violence Summary Proceedings Act provide for protective orders, as well as occupation and tenancy orders; the former only is accessible through the High Court, but the latter can be obtained without the services of a lawyer in family court. As part of a human rights education program, the SVGHRA conducts numerous seminars and workshops throughout the country to familiarize citizens with their rights. Increasing numbers of women are coming forward with domestic violence complaints.

Depending on the magnitude of the offense and the age of the victim, the punishment for rape is generally 10 or more years in prison.

A 1995 amendment to the Child Support Law allows for payments ordered by the courts, even when notice of an appeal has been filed. Previously, fathers who had been ordered to pay child support could appeal decisions and not pay while the appeal was being heard. This resulted in a huge backlog of appeal cases and effectively reduced the number of mothers and children receiving support payments. There is a family court in the capital city of Kingstown with one magistrate. According to the SVGHRA, because there are only two bailiffs to service the country, summonses often are not served on time for cases scheduled to be heard in court. Late in the year, the Government hired additional bailiffs to help address this problem.

The Ministry of Education, Women's Affairs, and Culture has a women's desk that assists the National Council of Women with seminars, training programs, and public relations. The minimum wage law specifies that women should receive equal pay for equal work.

Marion House, a social services agency established by the Catholic Church in 1989 and staffed by four trained counselors and three foreign volunteers, provides counseling and therapy services. During the year, the organization was relocated to government-built facilities, following a fire that destroyed the previous building.

Children

Education is not compulsory, but the Government investigates cases in which children are withdrawn from school before the age of 16. The teachers' union estimated that between 8 and 10 percent of secondary school-age children did not attend school during the year. Despite the Government's efforts to support health and welfare standards, the infant mortality rate is still very high at 16.61 deaths per 1,000 live births. One underlying cause is the large number of children born to teenage mothers.

The Domestic Violence Summary Proceedings Act provides a limited legal framework for the protection of children. Nevertheless, reports of child abuse remain high and are on the increase. The Social Welfare Office is the government agency responsible for monitoring and protecting the welfare of children. The police are the enforcement arm; the Social Welfare Office refers all reports of child abuse to the police for action.

Persons with Disabilities

There is no specific legislation addressing persons with disabilities, and the circumstances for such persons are generally difficult. Most persons with severe disabilities rarely leave their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supports a school for persons with disabilities which has two branches. A separate, small rehabilitation center treats about five persons daily.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides citizens the right to form unions and to organize employees; however, employers often ignore the constitutional provisions that provide for union rights and claim that they have a constitutional right not to recognize a trade union. Nonetheless, some employers seek a good industrial relations environment and cooperate with trade unions. The Trade Unions and Trade Disputes Act allows the right to strike; however, there were no major strikes during the year.

Unions have the right to affiliate with international bodies, and they do so in practice.

b. The Right to Organize and Bargain Collectively

There are no legal obstacles to organizing unions; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. Some companies offer packages of benefits with terms of employment better than, or comparable to, what a union normally can obtain through negotiations. The law prohibits antiunion discrimination by employers. Generally effective mechanisms exist for resolving complaints. The authorities may order employers found guilty of antiunion discrimination for firing workers without cause (including for participation in union activities) to reinstate the workers or give them severance pay.

According to press reports during the year, workers at the retail outlet Voyager were refused union recognition. The union could not take the company to court, because there are no laws that make nonrecognition of a union an offense. The Labor Commissioner was forced to intervene, but several disputes in court arose from peripheral matters. The Protection of Employment Act provides for compensation and worker rights, but these are restricted to protection from summary dismissal without compensation and reinstatement or severance pay if unfairly dismissed. A draft Labor Industrial Relations Act under debate includes a proposal for recognition of trade unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits forced or compulsory labor, and it is not known to occur. The Government does not prohibit specifically forced or bonded labor by children, but there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets the minimum working age at 16 years of age, although a worker must be 18 years of age to receive a national insurance card. The Ministry of Labor monitors and enforces this provision, and employers generally respect it in practice. The Labor Inspectorate at the Department of Labor receives, investigates, and

addresses child labor complaints. Labor officers in this unit conduct general inspections of work places annually. The age of leaving school at the primary level is 15 years; when these pupils leave school, they usually are absorbed into the labor market disguised as apprentices. There is no known child labor except for children working on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The Government has partnered with the nongovernmental sector, including UNICEF, in an antipoverty strategy aimed at improving economic opportunities for youth. According to the International Labor Organization (ILO), Parliament has ratified ILO Convention 182 on elimination of the worst forms of child labor, but the Government had not deposited the formal ratification at year's end. The law does not prohibit specifically forced or bonded labor by children, but there were no reports that it occurred during the year (see Section 6.c.).

e. Acceptable Conditions of Work

The law sets minimum wages, which were last promulgated in 1989. They vary by sector and type of work and are specified for several skilled categories, including attendants, packers, cleaners, porters, watchmen, and clerks. In agriculture the wage for workers provided shelter is \$6.74 (EC\$18) per day; industrial workers earn \$7.49 (EC\$20) per day. In many sectors, the minimum wage is not sufficient to provide a decent standard of living for a worker and family, but most workers earn more than the minimum. The Wages Council, according to law, should meet every 2 years to review the minimum wage, but it had not met since 1989. A new Wages Council was appointed in March following the elections; it met and made recommendations that were submitted to the Government, which still was considering them at year's end.

There is no legislation concerning the length of the workweek; however, the general practice is to work 40 hours in 5 days. The law provides workers a minimum annual vacation of 2 weeks.

According to the Ministry of Labor, legislation concerning occupational safety and health is outdated. The most recent

legislation, the Factories Act of 1955, has some regulations concerning factories, but enforcement of these regulations is ineffective. Workers enjoy a reasonably safe working environment; however, the trade unions addressed some violations relating to safety gear, long overtime hours, and the safety of machinery. There were some reports of significant visual impairment by visual display unit workers, and some reports of hearing impairment by power station and stone crushing employees. The law does not address specifically whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, but it stipulates conditions under which plants must be maintained. Failure to do so would constitute a breach, which might cover a worker who refuses to work under these conditions.

f. Trafficking in Persons

There are no laws specifically addressing trafficking in persons. There were no reports that persons were trafficked to, from, or within the country during the year.