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1999 Country Reports on Human Rights Practices

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SAINT VINCENT AND THE GRENADINES

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. Prime Minister Sir James F. Mitchell and his New Democratic Party (NDP) were returned to power for an unprecedented fourth term by a slim margin in free and fair elections held in June 1998. The judiciary is independent.

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

St. Vincent has a market-based economy. 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 20 percent, and the 1998 per capita gross domestic product was approximately \$2,400.

The Government generally respected citizens' human rights; however, there were problems in a few areas. The principal human rights problems continued to include occasional 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. Political and Other Extrajudicial Killing

There were no reports of political killings.

On December 14, a police antidrug patrol shot and killed Junior Harry, who they said was fleeing while the patrol conducted a search for narcotics in buildings near the town of Barrouallie. A police spokesman said that Harry was armed with a shotgun. At year's end, the authorities had not yet scheduled the inquest to establish whether police used excessive force, which is the normal procedure in such a case.

There was one death in custody under circumstances involving criminal negligence (see Section 1.c.).

In June 1998, the police shot and killed a man who had been arrested, when he attempted to flee the police station in handcuffs. The authorities initially arrested and charged the officer responsible for the shooting death with murder, but they later reduced the charge to manslaughter. The officer was released on bail, and a magistrate acquitted him at the preliminary inquiry early in the year.

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 properly to inform those arrested of their rights.

There is no independent review board to monitor police activity and to hear public complaints about police misconduct. Human rights advocates recommend such a board to protect the rights of citizens who complain about police misconduct.

On June 25, one individual died of injuries sustained while in police custody. The police detained the person in the police station at about 5:00 p.m. that day. Later the same evening, they took the detainee to the local hospital where he was pronounced dead as a result of severe head injuries. On August 12, a coroner's inquest investigating the death found the death to have been due to criminal negligence. The authorities suspended the six police officers implicated in the abuse, and the acting director of public prosecutions filed charges against the officers for manslaughter due to gross criminal negligence. In December the magistrate conducting the preliminary inquiry dismissed the cases against the police officers. The magistrate recognized that the death was due to negligence, but stated that he was unable to apportion the blame among the six officers.

Prison conditions are poor. Antiquated and overcrowded prisons, with over 350 inmates in a prison designed for 75, result in serious health and safety problems. An inmate who wishes to speak with his lawyer must do so by written correspondence, and the authorities

sometimes monitor and censor such correspondence. In July prisoners rioted and seized control of the prison to protest poor conditions and treatment. The riot ended peacefully within 24 hours. To resolve the prison disturbances, the Government acceded to some demands set by the prisoners, such as improved food, shorter lock-down periods, and more attentive medical care. However, conditions did not change significantly in the prison and less violent incidents of prisoner protest continued.

Conditions are also inadequate for juvenile offenders. There is a small facility for delinquent boys, but it is seriously inadequate and generally is used for those already convicted through the criminal system. Although separate legal statutes exist for youthful offenders, there are no separate magistrates or prosecutors to handle such cases.

In 1998 the High Court ruled against the Superintendent of Prisons for having ordered corporal punishment with a "cat-o-nine tails" against an inmate, characterizing the flogging as torture. In July 1998, the Eastern Caribbean Court of Appeal dismissed the Government's appeal of this decision and ordered the High Court to determine an amount of compensation for the prisoner. In October the High Court judge awarded compensation to the prisoner of about \$85,000 (EC\$225,000).

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for persons detained for criminal offenses to receive a fair hearing within a reasonable time by an impartial 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. While this practice reduced the backlog, complaints remain regarding police practices in bringing cases to court. Some defense attorneys claim that this has caused 6- to 12-month delays in preliminary inquiries for serious crimes.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent and impartial court, and the judiciary is independent 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 three magistrates, plus one magistrate who serves only 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, particularly for criminal cases, because of delaying tactics by lawyers as well as the overburdened judicial system.

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.

Section 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 this right 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. 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 lone 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 about 300 subscribers. The Government controls programming for the government-owned radio station.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

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

The law provides for these rights, and the Government 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. There were no reports of forced expulsion of anyone having a valid claim to refugee status; however, government practice remains undefined.

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. During the June 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 (ULP). Calling this outcome an "overt manifestation of rejection by the public" of Prime Minister Mitchell's Government, the ULP made claims of election fraud and demanded new elections. The Prime Minister refused the ULP demand, and instead proposed a constitutional review to consider possible amendments such as a provision for proportional representation.

There are no legal impediments to women's full participation in politics or government; however, they are underrepresented. There is only one woman in Parliament, as a member of the opposition.

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 St. Vincent and the Grenadines Human Rights Association (SVGHRA) monitors government and police activities, especially with respect to treatment of prisoners, publicizing any cases of abuse. The Government is generally 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 adheres to this provision.

Women

Violence against women, particularly domestic violence, remains a major problem. The Government took legislative steps to address this problem through the Domestic Violence/Matrimonial Proceedings Act (1994) and the more accessible Domestic Violence Summary Proceedings Act (1995). Both laws provide for protective orders, as well as occupation and tenancy orders, although the former is only accessible through the High Court, whereas the latter can be obtained without the services of a lawyer in family court. Since passage of the laws, the SVGHRA has conducted numerous seminars and workshops throughout the country to familiarize citizens with their rights under these acts. 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 penalty for rape is generally 10 or more years in prison.

In 1995 the legislature amended the Child Support Law to allow 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. The family court was established in 1995 in the capital city of Kingstown with one magistrate. According to the SVGHRA, because there is only one bailiff to service all the country, summonses often

are not served on time for cases to be heard as scheduled in court.

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.

Children

Education is not compulsory, but the Government states that it investigates cases where children are withdrawn from school before the age of 16. Although the Government has played a more prominent role in legislating health and welfare standards since independence, the infant mortality rate is still very high. 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.

People with Disabilities

There is no specific legislation covering persons with disabilities, and the circumstances for disabled individuals are generally difficult. Most severely disabled people rarely leave their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supports a school for the disabled 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, while the Trade Unions and Trade Disputes Act allows the right to strike. 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. However, some employers seek a good industrial relations environment and cooperate with trade unions. There were no major strikes during the year.

St. Vincent and the Grenadines joined the International Labor Organization in 1997 and assumed all its obligations for enforcement of labor standards.

Unions have the right to affiliate with international bodies.

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 can 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.

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 specifically prohibit 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 labor inspection office of the Ministry of Labor monitors and enforces this provision, and employers generally respect it in practice. The age of leaving school at the primary level is 15 years; when these pupils leave school, they are usually 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 does not prohibit specifically forced or bonded labor by children, but there were no reports that it occurred (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 \$0.82 (EC\$2.25) per hour; skilled industrial workers earn \$7.36 (EC\$20) per day, and unskilled workers earn \$3.68 (EC\$10) 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 has not met since 1989. However, in mid-year the Cabinet agreed to convene a new Wages Council to discuss changes to the minimum wage. At year's end, the council's meeting was postponed until March 2000.

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 only factories, but enforcement of these regulations is ineffective. Workers

enjoy a reasonably safe working environment; however, the trade unions have dealt with some violations relating to safety gear, long overtime hours, and the safety of machinery. There were some reports of significant visual deficiency by visual display unit workers, and some reports of hearing impairment by power station and stone crushing employees. It was not clear under present legislation whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

f. Trafficking in Persons

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

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