



Saint Vincent and the Grenadines

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

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 March 2001 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 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 security force was controlled by and responsive to the Government, but some members of the security force committed human rights abuses.

The market-based economy was small, weak, and heavily in debt. The country's population was approximately 115,000. The country was reliant on bananas, which account for upwards of 60 percent of the workforce and 50 percent of merchandise exports, although the growing tourism sector has become the leading earner of foreign exchange. The low price of bananas has given rise to increased marijuana production. Unemployment declined to an estimated 25 percent, and real gross domestic product increased by 1 percent in the first half of the year, compared with an increase of 0.7 percent in 2002.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Principal human rights problems included 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 the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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 noted that a high percentage of convictions were based on confessions. One human rights group believed 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.

In September, a senior police officer at the Port Elizabeth Police Station reportedly beat a resident of the island of

Bequia, Garnet Shallow. According to Shallow, the police accused him of stealing a woman's purse but later found the bag and released him. Shallow never made a formal request for a police investigation of the incident.

Prison conditions were poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding more than 351 inmates in a building designed for 75. These conditions resulted in serious health and safety problems. Pretrial detainees and young offenders (16 to 21 years of age) were held with convicted prisoners, although the Government was building a new facility for them and hiring new prison officers at year's end.

A 2001 report on prison conditions concluded that the main prison was "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. The report also noted that police and guards conducted sporadic, infrequent, and inefficient searches of the prison. In September, the Prison Superintendent acknowledged these problems but claimed that the drug smuggling and violence were dramatically reduced after a series of reforms, which included random searches, an order for the public to stay 100 yards away from the prison wall, and the addition of a social worker and psychologist to work with the prisoners.

The Superintendent of Prisons reportedly 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. There were 92 guards for 348 male inmates. A rehabilitation program allowed inmates to receive contracts and jobs with local entrepreneurs. A school program offered courses in carpentry, tailoring, baking, and mechanical engineering.

Inmates were allowed to speak freely with their lawyers, but a human rights lawyer asserted that there was a rule that a prison officer must stand not only within sight, but also within hearing of the inmate and his lawyer. Prison officials countered that the officer must be within sight of the inmate, and space constraints prevented the officer from standing beyond earshot.

Plans announced in 2002 to build a new \$4.8 million (EC\$13 million) prison in Bellisle were still in the negotiation stage.

There were 13 female inmates held in a separate section in the Fort Charlotte prison. A family court handled criminal cases for minors up to age 16. Children may be charged and convicted as criminals from the age of 16. In such cases, children then may be jailed with older criminals. Conditions were inadequate for juvenile offenders. Plans to place 40 to 50 first-time offenders in Fort Charlotte foundered because the prison system did not have the financial resources to transfer the prisoners.

The Government permitted prison visits by independent human rights observers.

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 respected these provisions in practice; however, complaints continued regarding police practices in bringing cases to court.

The Royal St. Vincent Police has an overall force of 691, including 57 in the fire service, 74 in the coast guard, and 20 cadets. There is also a small Special Services Unit with some paramilitary training, which occasionally was accused of using excessive force. The Government established an Oversight Committee to monitor police activity and hear public complaints about police misconduct. The committee reported to the Minister of National Security and to the Minister of Legal Affairs and actively participated in investigations during the year. In September, the Saint Vincent and the Grenadines Human Rights Association (SVGHRA) conducted a seminar on human rights for police cadets.

Although there were only three official magistrates, the registrar of the High Court and the presiding judge of the family court effectively served as magistrates when called upon to do so. Some defense attorneys claimed that there were 6- to 12-month delays in preliminary inquiries for serious crimes.

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

e. Denial of Fair Public Trial

The Constitution provides for an independent and impartial judiciary, and the Government generally respected 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 were three official magistrates, including the Chief Magistrate, a senior magistrate, and one other magistrate. In addition, the Registrar of the High Court had the authority to sit as a magistrate if called upon. The Chief Magistrate was also president of the family court.

The Constitution provides for public trials. The court appointed attorneys for indigent defendants only when the defendant was charged with a capital offense. Defendants were presumed innocent until proven guilty and could appeal verdicts and penalties. The backlog of pending cases was reduced, even though the magistrate's court in Kingstown lacked a full complement of magistrates.

There were no reports of political prisoners.

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

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

In June, police searched the house of Donna Gibson, who alleged that they did not produce a warrant. The police told her they were searching for a George Lambert, and Gibson claimed not to know the man. Police officials said they had a warrant, but it mistakenly identified George Lambert as the owner of the house instead of Gibson. The Oversight Committee determined that indeed the search was improper; but that Mr. Lambert was known to frequent the house and that the search was conducted without undue roughness. The police apologized to Ms. Gibson.

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 respected these rights in practice.

There were two major newspapers and numerous smaller, partisan publications; all were privately owned, and most were 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. The Government recently adopted a policy to distribute advertising revenue equally among the major newspapers.

The sole television station in St. Vincent was privately owned and operated without government interference. Satellite dishes were popular among those who could afford them. There was also a cable system with mainly North American programming that had over 300 subscribers. There were seven radio stations, one of which was government owned.

In September 2002, Prime Minister Gonsalves, in his personal capacity, filed slander charges against Edward Lynch, a popular radio talk show host, and BDS Limited, the company that owned the radio station, involving allegations that Gonsalves misused public funds. The matter was still before the court at year's end.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

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

In September, the police refused to grant permission for an New Democratic Party (NDP) march. NDP leaders claimed that the decision was politically motivated, but police officials said that permission was not granted for security reasons and because the NDP did not adequately explain the reasons for the march. Ultimately, the NDP held the march, which was not impeded by the police.

c. Freedom of Religion

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

Members of the Rastafarian community have complained that law enforcement officials unfairly targeted them. However, it was 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.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

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

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

No formal government policy toward refugee or asylum requests exists. In practice, the Government provided protection against refoulement, but did not routinely grant refugee status or asylum. A Red Cross representative served as the honorary liaison with the office of the U.N. High Commissioner for Refugees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a long history of multiparty parliamentary democracy. The Constitution provides for general elections at least every 5 years.

The 2001 elections were held in accordance with an agreement brokered by members of the Caribbean Community, after demonstrations and internal pressures stemming from allegations of fraud in the 1998 election. 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 elected seats, and Dr. Ralph Gonsalves became Prime Minister, ending 17 years of NDP rule.

In addition to the 15 elected Members of Parliament, the Governor General appoints 6 more members, 4 on the nomination of the Prime Minister and 2 on the nomination of the Leader of the Opposition. These nominated members, who are called Senators, have the same privileges as the elected members except that they are not permitted to vote on a motion of no confidence brought against the Government.

There were no legal impediments to women's full participation in politics or government. In 2001, voters elected two women to Parliament; they also served as cabinet ministers--the Minister of Tourism and the Minister of Social Services. There were two female Senators. The Deputy Governor General and the Attorney General were also female.

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

Opposition political groups and the press often commented on human rights matters of local concern. The SVGHRA monitored government and police activities, especially with respect to treatment of prisoners, publicizing any cases of abuse. The SVGHRA participated in training seminars. The Government generally was responsive to public and private inquiries about its human rights practices.

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

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

Women

Violence against women, particularly domestic violence, remained 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 conducted numerous seminars and workshops throughout the country to familiarize citizens with their rights. During the year, women made over 1,000 reports of physical, sexual,

emotional, and other domestic violence. Development banks provided funding through the Caribbean Association for Family Research and Action for a program of Domestic Violence Prevention, Training, and Intervention. Police received training on domestic abuse, emphasizing the need to file reports and, if there was sufficient evidence, to initiate court proceedings. To counter the social pressure on victims to drop charges, some courts imposed fines against people who brought charges but did not testify. Depending on the magnitude of the offense and the age of the victim, the sentence for rape generally was 10 years to life in prison.

The amended Child Support Law allows for payments ordered by the courts, even when notice of an appeal has been filed. There was a family court in the capital city of Kingstown with one magistrate. According to the SVGHRA, because there were only a few bailiffs to service the country, summonses often were not served in time for cases scheduled to be heard in court.

The Office of Gender Affairs was under the Ministry of Education, Women's Affairs, and Culture. This office assisted 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, an independent social services agency, was established in 1989 to provide counseling and therapy services, as well as parenting and support programs for young adults aged 15 to 25. Four trained counselors staff it. At year's end, the staff was working on a system to maintain a database of cases.

Children

Education is not compulsory, but the Government investigated cases in which children were withdrawn from school before the age of 16. The Government planned to phase in compulsory education with the construction of adequate facilities; it built two new schools during the year. As a supplement to secondary school, the Government sponsored the Youth Empowerment Program, which was an apprenticeship program for young adults interested in learning a trade. Approximately 500 youths were enrolled in this program, earning a stipend of about \$148 (EC\$400) a month, to which private sectors employers contributed additional amounts in some instances. 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 still was very high at 21 deaths per 1,000 live births, in part due to 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. The Family Services Department, Ministry of Social Development, was the government agency responsible for monitoring and protecting the welfare of children. The Department reported 51 cases of sexual abuse, 55 cases of physical abuse, 112 cases of neglect, and 22 cases of abandonment during 2002. The Department planned to initiate a National Child Abuse Register in 2004 to provide information to all agencies dealing with child abuse. The police were the enforcement arm; the Family Services Department referred all reports of child abuse to the police for action.

Persons with Disabilities

There was no specific legislation addressing persons with disabilities, and the circumstances for such persons were generally difficult. Most persons with severe disabilities rarely left their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supported a school for persons with disabilities, which had two branches. A separate, small rehabilitation center treated about five persons daily.

Section 6 Worker Rights

a. The Right of Association

Citizens have the right to form unions and organize employees under the constitutional provisions for freedom of association; however, there was no law that requires employers to recognize unions. Less than 10 percent of the work force was unionized. The Trade Unions Act covers registration of unions; a draft Labor Relations Act under debate included a proposal for employer recognition of trade unions. The constitutional prohibition against discrimination could be applied to anti-union discrimination; however, in practice few such complaints were lodged because employers cited other reasons for dismissal.

The Protection of Employment Act provides for compensation and worker rights, but these were restricted to

protection from summary dismissal without compensation and reinstatement or severance pay if unfairly dismissed. The law provides a severance package of 2 weeks' pay for each year of service, with a maximum of 52 weeks. The Government's proposed Employment Relations Act would repeal the Protection of Employment Act and provide for enhanced worker rights.

Unions had the right to affiliate with international bodies, and they did so in practice.

b. The Right to Organize and Bargain Collectively

There were no legal obstacles to organizing unions; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. The Trade Dispute, Arbitration, and Inquiry Act provides that if both parties to a dispute consent to arbitration, the Minister of Labor can appoint an arbitration committee from the private sector to hear the matter.

There was no general prohibition against strikes; however, the Essential Services Act prohibits persons providing such services (defined as electricity, water, hospital, and police) from striking.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, and it was not known to occur.

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

The law sets the minimum working age at 16 years of age, and workers may receive a national insurance card at that age. The Ministry of Labor monitored and enforced this provision, and employers generally respected it in practice. The Labor Inspectorate at the Department of Labor received, investigated, and addressed child labor complaints. Labor officers in this unit conducted general inspections of work places annually. The age of leaving school at the primary level was 15 years; when these pupils left school, they usually were absorbed into the labor market disguised as apprentices. The only recognized child labor was 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.

e. Acceptable Conditions of Work

The Government sets minimum wages, which were revised during the year. 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 minimum wage for workers provided shelter was \$9.26 (EC\$25) per day; industrial workers earned \$11.11 (EC\$30) per day. In many sectors, the minimum wage was not sufficient to provide a decent standard of living for a worker and family, but most workers earned more than the minimum. By law, the Wages Council should meet every 2 years to review the minimum wage, but it did not meet from 1989 to 2001.

The law prescribes workweek length according to category; for example, industrial employees work 40 hours per week, professionals work 44 hours per week, and agricultural workers work 30 to 40 hours per week. The law provides a minimum annual vacation of 5 to 14 days for agricultural workers, depending on the number of days employed during the year. Industrial workers receive 8 to 21 days of vacation, depending on the number of days employed during the year and the worker's length of service with the employer.

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 was ineffective. At year's end, the Government was reviewing this act and other laws and proposed to limit the exposure of agricultural workers to hazardous substances. Trade unions addressed some violations regarding 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 comply with these regulations would constitute a breach, which might cover a worker who refused to work under these conditions.

The International Transport Federation (ITF) lists the country among those that provide a "flag of convenience" to shipping companies. The ITF claims that many such ships were old and dangerous, and that crewmen were often exploited and underpaid. The ITF's 2001-02 Campaign Report cited a locally registered shipping company for failing to pay crewmen for 6 months, denying employment contracts, and locking crewmen who complained about unpaid wages in their cabins without food.

f. Trafficking in Persons

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