Saint Vincent and the Grenadines

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Saint Vincent and the Grenadines is a multiparty, parliamentary democracy with a population of approximately 118,000. In December 2005 Prime Minister Ralph Gonsalves' Unity Labour Party (ULP) was returned to office in elections that international election observers assessed as generally free and fair. The opposition questioned the results in several constituencies citing what they considered to be unfair electoral procedures. The civilian authorities generally maintained effective control of the security forces.

Although the government generally respected the human rights of its citizens, there were problems in a few areas, primarily impunity for police who used excessive force, poor prison conditions, an overburdened court system, violence against women, and abuse of children.

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 that the government or its agents committed arbitrary or unlawful killings.

In February 2005 a police officer shot and killed Selwyn Moses, and in December 2005 another officer shot and killed Joel Williams. Authorities investigated both cases, and at year's end they were before the director of public prosecution.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the law prohibits such practices, a local human rights group noted that a high percentage of convictions were based on confessions. The nongovernmental organization (NGO) St. Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that most confessions, including false 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. The SVGHRA complained that the government failed to investigate adequately allegations of abuse or punish those police officers responsible for such abuses.

During the year citizens filed 27 complaints of assault, 12 complaints of disrespect, and six complaints of negligence, harassment, or threats by members of the police force. Most of the complaints of assault involved police making arrests. Police officers investigated all such complaints and submitted their findings to the police commissioner. At year's end authorities had brought disciplinary charges against six police officers, and hearings were pending. All other cases were still under investigation.

The April 2005 incident of police officers beating Leon Burgin while in custody was still under investigation at year's end.

Prison and Detention Center Conditions

Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 377 inmates in a building originally designed for 75, but which after being renovated, was intended to hold approximately 150 inmates. These conditions resulted in serious health and safety problems.

On January 16, the government opened the Belle Isle Prison Farm that allows inmates to learn and work on the farm on a daily basis. Despite such reforms, problems such as endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, an increase in the incidence of HIV/AIDS, and unhygienic conditions persisted. The prison also suffered from corrupt prison staff who commonly served as a source of drugs, weapons, and cell phones. Furthermore, the SVGHRA reported that prison guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison.
The Fort Charlotte prison held 10 female inmates in a separate section designed to hold 50 inmates. Pretrial detainees and young offenders (16 to 21 years of age) were held with convicted prisoners. Conditions were inadequate for juvenile offenders.

Boys under the age of 16 were held at the Liberty Lodge Boys' Training Center, a center that takes in boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Of the 30 boys at the center, the majority were there because of domestic problems, and only a small number were charged with committing a crime.

The government permitted prison visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, complaints continued regarding police practices in bringing cases to court.

Role of the Police and Security Apparatus

The Royal Saint Vincent and the Grenadines Police, the only security force in the country, includes a coast guard, a small Special Services Unit with some paramilitary training, and the fire service. There were approximately 850 members of the police force, all of whom were law enforcement officers who could be rotated among the various parts of the force. The police report to the minister of national security, a portfolio held by the prime minister. The government operated 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.

Arrest and Detention

The law requires arrest warrants in most instances, which are issued by judicial authority. Police apprehended persons openly, and detainees may seek judicial determinations of their status after 48 hours if not already provided. The bail system functioned and was generally effective. A local human rights group reported that most detainees were given prompt access to counsel and family members, although in some instances, access delays occurred.

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. Lengthy delays occurred in preliminary inquiries for serious crimes.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. However, there were allegations of undue government influence over a magistrate's contract renewal.

In February Sharon Morris-Cummings' contract as president of the family court was not renewed; she is married to an activist opposition politician. Although the Judicial and Legal Services Commission of the Eastern Caribbean officially renews contracts of magistrates, a number of observers alleged government involvement in this decision, speculating that the sole reason Morris-Cummings' contract was not renewed was her marriage to the opposition politician. As evidence, the observers pointed out that Morris-Cummings was widely considered a very good magistrate during a time when there was a shortage of magistrates. No public explanation was given as to why she was not reappointed, and the notice that her contract would not be renewed did not provide any reason for the action.

The judiciary consists of lower courts and the 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 has the authority to sit as a magistrate if called upon. The chief magistrate also served as president of the family court, which handled criminal cases for minors up to age 16.

Trial Procedures

The law provides for fair, public trials, and an independent judiciary generally enforced this right. Juries are used at the High Court level for criminal matters but are not used for civil court or crimes at the magistrate level. The court appoints attorneys only for indigent defendants charged with a capital offense. Defendants are presumed innocent until proven guilty, may confront and question witnesses, may appeal verdicts and penalties, and have access to relevant government-held evidence once a case reaches the trial stage. A backlog of pending cases continued, because the magistrate's court in Kingstown lacked a full complement of magistrates. A local human rights group reported that magistrates were overworked and underpaid.

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 can bring lawsuits seeking damages for a human rights violation.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

A government official alleged that the government conducted wiretapping, which the prime minister denied. Other than the original statement, there was no evidence of such occurrences.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction. There were three major newspapers and numerous smaller publications; all were privately owned. The sole television station and six of seven radio stations were privately owned.

Although the government did not directly interfere with the press, there were a number of accounts of the prime minister or other officials rebuking the press for comments critical of the government. In 2005 the government prosecuted and convicted leading radio talk show host and opposition figure Eduardo Lynch for making false statements likely to cause public alarm. Lynch appealed the conviction, but on March 20 the Eastern Caribbean Court of Appeal upheld it. Lynch paid a $1,200 (EC$3,000) fine in May.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

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

Rastafarians complained that the use of marijuana, an aspect of their religious ritual, was prohibited.

Societal Abuses and Discrimination

Rastafarians complained that there was widespread discrimination against their members, especially in hiring and in schools. Tension continued to exist among some Christian denominations, with evangelical Christians allegedly criticizing Catholics and mainstream Protestants for adhering to "slave religions." Baha’i representatives noted that some followers hid their religious affiliation to avoid criticism and discrimination.

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

For a more detailed discussion, see the 2006 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.

The law prohibits forced exile, and it was not used.

Protection of Refugees
Although the country is a signatory of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the government has not established a system for providing protection to refugees or asylum seekers. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution, but did not grant refugee status or asylum.

On January 11, the prime minister and cabinet practiced non-refoulement by issuing official residence status to two Haitians. According to the prime minister, the two women, who had been living in the country for over a year before receiving official status, worked for ousted Haitian president Jean-Bertrand Aristide and feared they would be killed if they returned to Haiti.

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

The elections and political participation section describes the elections process, including the role of international observers. The opposition New Democratic Party (NDP) reported irregularities and questioned the ability of international observers to declare the election free and fair, citing the constituencies. The NDP intended to challenge the results in court but chose not to because of legal technicalities. The nonpartisan opposition New Democratic Party (NDP) claimed there were electoral irregularities that could have affected the outcome in three constituencies. The NDP intended to challenge the results in court but chose not to because of legal technicalities.

The law 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.

Elections and Political Participation

In December 2005 the ruling ULP was returned to office in elections that international observers declared to be generally free and fair. The opposition New Democratic Party (NDP), however, claimed there were electoral irregularities that could have affected the outcome in three constituencies. The NDP intended to challenge the results in court but chose not to because of legal technicalities. The nonpartisan opposition New Democratic Party (NDP) also reported irregularities and questioned the ability of international observers to declare the election free and fair, citing the limited period of time that observer missions from both the Caribbean Community and the Organization of American States were in the country. The NGO specifically criticized the observers for failing to remain until all votes were counted. The elections produced no change in the makeup of the 15-seat parliament, with the ULP maintaining its 12 to three majority over the NDP.

There were two women in parliament and three women in the cabinet—the minister of education, the minister of urban development, labor, culture, and electoral matters, and the attorney general.

Government Corruption and Transparency

Although the country had a national anticorruption plan, corruption remained a moderate problem. There was anecdotal evidence of corruption and nepotism in government contracting.

The law provides for public access to information, and the government provided such access in practice.

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

There were no restrictions on international human rights groups, but none were known to have expressed interest in or concern about the country during the year. A domestic human rights group, the SVGHRA, generally operated without government restriction, investigating and publishing its findings on human rights cases. Government officials generally were responsive, but the SVGHRA reported that its complaints regarding allegations of police brutality typically received perfunctory responses from the government. The SVGHRA continued to monitor government and police activities, particularly with respect to treatment of prisoners, publicizing any cases of abuse. The SVGHRA participated in training seminars. Other advocacy groups, particularly those involved with protection against domestic violence and child abuse, worked closely with their corresponding government offices.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal treatment regardless of race or gender, and the government generally enforced this provision in practice.

Women

Violence against women remained a serious problem. The law does not criminalize domestic violence but rather provides protection for victims of domestic violence. Cases involving domestic violence were normally charged under assault, battery, or other similar laws. The SVGHRA reported that, in many instances, domestic violence went unpunished due to a culture in which victims learn not to seek assistance from the police or the prosecution of offenders. Furthermore, a number of victims decide not to press charges once domestic tensions cool down after having already complained to the police. For this reason, police were often reluctant to follow up on domestic violence cases.

The Gender Affairs Division of the Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs and Persons with Disabilities provided a referral and information service to domestic violence victims, educating victims on the role of the police, legal affairs, and the family court in dealing with domestic violence, as well as possible assistance from various NGOs. The Marion House provided counseling to victims of abuse. The SVGHRA and other organizations conducted numerous seminars and workshops throughout the country to familiarize women with their rights. Development banks provided funding through the Caribbean Association for Feminist Research and Action for a program on 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 persons who brought charges but did not testify.

Rape, including spousal rape, is illegal, and the government enforced the law. Depending on the magnitude of the offense and the age of the victim, sentences for rape could be eight to 10 years. The possible sentence of life imprisonment was very rarely used. On October 17, a
court sentenced Alonzo Lewis to three years' probation for raping a 15-year-old girl in 2004. The public was mystified and dismayed by this sentence, much lighter than usual for rape. During the year the police investigated 50 cases of rape, 29 cases of carnal knowledge (or rape of a minor), and 67 cases of indecent assault.

Although prostitution is illegal, a local human rights group reported that it remained a problem among young women and teenagers.

The law does not specifically prohibit sexual harassment, although it could be prosecuted under other laws. A local human rights group considered these laws ineffective.

Women enjoyed the same legal rights as men. Women received an equitable share of property following separation or divorce. The Gender Affairs Division 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.

Children

The government was committed to children's rights and welfare. Primary and secondary education was compulsory, free, and universal through age 17, and the Ministry of Education estimated attendance rates of 98 percent for primary school-age children and 99 percent for secondary school-age children. However, of the secondary school-age children, 79 percent were in secondary school while 21 percent were still in primary school. As a post-secondary school program, the government sponsored Youth Empowerment, an apprenticeship program for young adults interested in learning a trade. Approximately 500 youths were enrolled in this program, earning a stipend of approximately $148 (EC$400) a month; private sector employers contributed additional amounts in some instances.

Child abuse remained a problem. The law provides a limited legal framework for the protection of children, and the Family Services Division of the social development ministry monitored and protected the welfare of children. The Family Services Division referred all reports of child abuse to the police for action.

On February 22, a court sentenced 20-year-old Augustus Caine-Andrews to 18 months' incarceration for sexually assaulting a 14-year-old boy on February 5. On March 3, 49-year-old Myron Brazel was sentenced to two concurrent three-year sentences for abducting and indecently assaulting a six-year-old girl in May 2005. On August 23, a young woman was treated at Milton Cato Memorial Hospital for abuse by a male, adult relative. The woman beat her younger sibling with a belt, which angered the male relative who then beat the young woman. However, the family chose not to bring charges against the perpetrator.

Trafficking in Persons

The law does not address trafficking in persons specifically, but there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or in the provision of other state services, and the government generally followed these practices. The law does not mandate access to buildings for persons with disabilities, and the circumstances for such persons generally were 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 approximately five persons daily. The social development ministry is responsible for assisting persons with disabilities.

Other Societal Abuses and Discrimination

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals and persons with HIV/AIDS occurred.

Section 6 Worker Rights

a. The Right of Association

Workers exercised the legal right to form and join unions; however, no law requires employers to recognize unions. Approximately 11 percent of the work force was unionized.

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. This act protects workers from dismissal for engaging in union activities and provides them with reinstatement rights if illegally dismissed.

b. The Right to Organize and Bargain Collectively

Although the law permits unions to organize and bargain collectively, and the government protected these rights in practice, no law requires
employers to recognize a particular union as an exclusive bargaining agent. The law 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 are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice; however, the Essential Services Act prohibits persons providing such services (defined as electricity, water, hospital, and police) from striking.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum working age at 16, 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. There were five labor officers in the labor inspectorate with responsibility for monitoring all labor issues and complaints. The ministry reported no child labor problems. The only known child labor was work on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The government operated Youth Empowerment, which provided training and increased job opportunities by employing young people in government ministries for up to one year.

e. Acceptable Conditions of Work

The Wages Council, which is supposed to meet every two years to review minimum wages, last met in 2003. Minimum wages 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 did not provide a decent standard of living for a worker and family, but most workers earned more than the minimum.

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 over the standard workweek. There was a prohibition against excessive or compulsory overtime, which was effectively enforced in practice.

Legislation concerning occupational safety and health was outdated, and enforcement of regulations was ineffective. 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 factories 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.