

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Saint Vincent and the Grenadines is a multiparty, parliamentary democracy with a population of approximately 118,400. In 2005 Prime Minister Ralph Gonsalves' Unity Labour Party (ULP) was returned to office in elections that international observers assessed as generally free and fair. On November 25 citizens voted on a referendum that observers also found generally free and fair. Civilian authorities generally maintained effective control of the security forces.

Although the government generally respected the human rights of its citizens, there were continued 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.

According to the director of public prosecutions (DPP), a coroner's inquest was held on the 2007 killing by security forces of two Venezuelan nationals, Matias Dominquez and Alexis Munoz, and no one was found culpable. Similarly, a coroner's jury in August 2008 returned a verdict of death by "misadventure" in the 2005 police shooting of Joel Williams. The DPP was still considering the case of the 2005 police shooting of Selwyn Moses.

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, the nongovernmental organization (NGO) St. Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that a number of confessions resulted from unwarranted police practices, including the use of physical force during detention. The SVGHRA continued to complain that the government failed to investigate adequately allegations of abuse or punish those police officers responsible for such abuses.

During a May 21 narcotics raid, security forces shot and killed three men, in what police claimed was self-defense. However, the SVGHRA and at least one civil society activist reported that security forces used a disproportionate amount of force and that the men were unarmed.

In November 2008 two teenagers, Jemark Jackson and Kemron McDowald, claimed police officers beat them. According to the DPP, McDowald never alleged any impropriety against the police and declined to give a statement on the matter. Authorities charged a corporal and two constables from the Criminal Investigations Department with assaulting Jackson and causing bodily harm and suspended all three officers from duty. The case was raised before the Senior Magistrate on October 5, and adjourned, first to October 26 and then to January 2010.

Police officers investigated all complaints from citizens about assault or other abuse by the police and submitted their findings to the police commissioner. The government did not provide any information about the disposition of such complaints or any disciplinary charges or other actions taken.

According to the DPP, the court dismissed the case of an alleged police slapping of Calypsonian Grantley "I-Pa" Constance in 2007.

Prison and Detention Center Conditions

Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding nearly 400 inmates in a building intended to hold approximately 150 inmates, a situation that created serious health and safety problems. A larger prison, the Belle Isle Correctional Facility, with separate buildings for male

and female inmates, was officially opened on October 22. Most prisoners moved into the new facility by the end of year, and the remainder were to be moved in early 2010.

The SVGHRA reported that prison problems such as endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, increasing incidence of HIV/AIDS, and unhygienic conditions persisted. Corrupt prison staff commonly served as a source of drugs, weapons, and cell phones. The SVGHRA also continued to allege that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison.

The Fort Charlotte Prison held 13 female inmates (nine sentenced and four on remand status) in a separate section designed to hold 50 inmates, where conditions were antiquated and unhygienic. The facilities at Belle Isle promise to be better. Pretrial detainees and young offenders (16 to 21 years of age) were held with convicted prisoners.

Conditions were inadequate for juvenile offenders. Boys younger than 16 were held at the Liberty Lodge Boys' Training Center, which takes in at-risk boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Most of the 30 boys were at the center because of domestic problems, and only a small number were charged with committing a crime.

The Guadeloupe Home for Girls, a center for at-risk girls was established recently. Funded mainly by the local Catholic Church, the center falls within the purview of the Ministry of Social Development and Mobilization.

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. 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 Procedures and Treatment While in Detention

The law requires judicial authority to issue arrest warrants. 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 delays occurred.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

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; 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. Lengthy delays occurred in preliminary inquiries for serious crimes. A backlog of pending cases continued because the magistrate's court in Kingstown continued to lack a full complement of magistrates.

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.

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.

The independent media were active and expressed a wide variety of views without restriction. However, there continued to be accounts of the prime minister or other officials rebuking the press for comments critical of the government.

Journalist Jeff Trotman agreed to an out-of-court settlement over his December 2008 arrest for taking pictures of a burning building from 20 feet behind police barriers. After the incident, the police commissioner issued a "Force Order" with respect to handling such matters, which reiterated the rights of journalists.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that there were 60 Internet users per 100 inhabitants in 2008.

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

Societal Abuses and Discrimination

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

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

Protection of Refugees

Although the country is a signatory of the 1951 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened, but it did not grant refugee status or asylum.

The government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens 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 2005 the ruling ULP was returned to office in elections that international observers declared to be generally free and fair.

On November 25, 56 percent of the voters rejected a new constitution in a nationwide referendum that observers from NGOs, the Caribbean Community, and the Organization of American States considered generally free and fair. The proposed constitution would have significantly changed the country's governance structure and severed most remaining ties with the United Kingdom.

There were two women in the 15-seat House of Assembly and three women in the cabinet. There was one woman among the six appointed senators, who also served as deputy speaker.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively.

There were no financial disclosure laws for public officials. No government agency was specifically responsible for combating government corruption.

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

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

There were no restrictions on international human rights groups. A domestic human rights group, the SVGHRA, generally operated without government restriction, investigating and publishing its findings on human rights cases, particularly with respect to treatment of prisoners. Government officials generally were responsive, but the SVGHRA continued to report that its complaints regarding allegations of police brutality typically received perfunctory responses from the government. Other advocacy groups, particularly those involved with protection against domestic violence and child abuse, worked closely with their corresponding government offices.

Section 6 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

Rape, including spousal rape, is illegal, and the government generally 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' imprisonment. The possible sentence of life imprisonment was very rarely used. The three court sittings heard 23 sexual offenses during the year, of which 14 were completed and nine carried over to 2010. These included two cases of incest, seven rapes, and one attempted rape.

Violence against women remained a serious problem. The law does not criminalize domestic violence specifically but provides protection for victims. 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 choose not to seek assistance from the police or the prosecution of offenders. Furthermore, a number of victims decided 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, according to the SVGHRA.

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 for domestic violence victims, educating victims on the role of the police, legal matters, 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 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.

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

The law does not specifically prohibit sexual harassment, although it could be prosecuted under existing laws. Local human rights groups considered these laws ineffective.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception, and skilled attendance at delivery and in postpartum care were widely available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

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, and this was generally enforced in practice.

Children

Citizenship is derived by birth within the country's territory or from either of one's parents. There was universal birth registration.

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 division referred all reports of child abuse to the police for action and provided assistance in cases where children applied for protection orders with the family court.

The minimum age of consensual sex is 15 years of age. The penalty for child prostitution is 14 years' imprisonment. The law prohibits statutory rape, with special provisions for those under 13 years of age. The penalty for statutory rape of a girl over 13 but under 15 is five years' imprisonment; under 13 it is life imprisonment. The law does not specifically prohibit child pornography.

Trafficking in Persons

The law does not address trafficking in persons specifically, nor does the government have any specific programs to do so; however, there were no reports that persons were trafficked to, from, through, or within the country.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government generally observed these prohibitions in practice. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. The government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Social Development Ministry is responsible for assisting persons with disabilities.

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

The law does not criminalize homosexuality, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation. Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against gays and lesbians.

Other Societal Violence or Discrimination

Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without prior authorization, and workers exercised this right in practice. However, no law requires employers to recognize unions. Approximately 16 percent of the work force was unionized.

The organized unions generally maintained good relations with the government, the Employers' Federation, and the Chamber of Commerce and Industry. The opposition and some business leaders maintained that the established unions had become too closely tied to the government and had lost their independence. Union leaders disputed this view, however, noting that the current government was more proworker than the previous, opposition-led administration, but

acknowledged that the government has tried to marginalize union leaders who did not toe the government line. The government promoted social dialogue with the labor unions and held regular meetings of the Social Partnership Council, which brings together labor, management, and government to jointly resolve labor management issues. Two recently-formed unions competed with existing unions for the right to represent dock workers and others.

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, unless they provide at least a 14-day notice to the authorities. The law prohibits retaliation against strikers, and it was effectively enforced in practice.

The law provides for establishment of an arbitration tribunal and a board of inquiry in connection with trade disputes and allows provision for the settlement of such disputes. Arbitration panels are formed on an ad hoc basis when a labor dispute arises and are not limited to labor disputes involving essential workers. The labor unions were generally satisfied with the working of the arbitration panels, which have tripartite representation.

b. The Right to Organize and Bargain Collectively

The law permits unions to organize and bargain collectively, and the government protected these rights in practice; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. There were no reports of antiunion discrimination. The law provides that if both parties consent to arbitration, the minister of labor can appoint an arbitration committee from the private sector to hear the matter.

The law protects workers from summary dismissal without compensation and provides for reinstatement or severance pay if unfairly dismissed. It also protects workers from dismissal for engaging in union activities and provides them with reinstatement rights if illegally dismissed.

There are no export processing zones, but there were a few industrial parks that functioned like an export processing zone, and unions were represented in those sites.

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 persons in government ministries for up to one year.

There was a growing problem of young people dropping out of school and becoming involved in the drug trade. Some children, including children as young as 14, reportedly were working in the marijuana fields common in the northern part of the country. The government tackled this problem by opening a number of new schools and providing additional educational opportunities to young people. The government has also launched a campaign to address the need to provide employment opportunities to young people to keep them from becoming involved in the drug trade.

e. Acceptable Conditions of Work

The process of setting the minimum wage is tripartite and transparent. The Wages Council is supposed to meet every two years to review minimum wages and updated them in July 2008. Minimum wages vary by sector and type of work and are specified for several skilled categories. In agriculture the minimum wage for workers provided shelter was EC\$32 (\$11.85) per day; for industrial workers it was EC\$40 (\$14.81) 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. Workers who receive less than the minimum wage can file a claim with the Labor Ministry's inspectors, who will investigate and, if warranted, refer the matter to arbitration. In practice the ministry received very few complaints concerning minimum wage violations but did receive complaints regarding wrongful dismissal.

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.

