



2008 Human Rights Report: Saint Vincent and the Grenadines

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. 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, abuse of official position by government officials to circumvent the judicial process, 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.

The government did not provide any information about the results of the investigation into the September 2007 killing by security forces of two Venezuelan nationals, Matias Dominquez and Alexis Munoz, or about any coroner's ruling in the 2005 police shootings of Selwyn Moses and Joel Williams.

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 many confessions resulted from unwarranted police practices, including the use of physical force during detention. The SVGHRA complained that the government failed to investigate adequately allegations of abuse or punish those police officers responsible for such abuses.

On November 17, two teenagers, Jemark Jackson and Kemron McDowald, claimed police officers beat them with a hose and the butt of a rifle and kicked them in the stomach and chest. Both required medical attention after their release from custody, and Jackson, who stated that he was hit so hard in the head his ear began to bleed, was hospitalized for seven days. The incident was under investigation at year's end.

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.

The government did not provide any information about the referral to the Department of Public Prosecution of a well-known calypso singer's claim that a constable slapped him on the face in 2007.

Prison and Detention Center Conditions

Prison conditions remained poor. Prison buildings, built in 1872, were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 399 inmates in a building intended to hold approximately 150 inmates, a situation that created serious health and safety problems.

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 alleged that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison.

The Fort Charlotte Prison held 11 female inmates in a separate section designed to hold 50 inmates, but conditions were antiquated and unhygienic. 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 boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Most of the 28 boys were at the center 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. 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 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.

On January 1, a female police constable, Michele Andrews, accused Prime Minister Gonsalves of raping her while she was on duty at his official residence. Shortly after the accusations, the director of public prosecutions (DPP) discontinued the case. The prime minister, in his capacity as minister of legal affairs, had direct influence over the case and the DPP's decision. The victim's lawyers appealed the discontinuation to the High Court and to the Eastern Caribbean Court of Appeal, but both appeals were denied. The victim's lawyers then petitioned the family court to issue a summons against Gonsalves for indecent assault and rape. Two weeks later the victim changed her lawyers and dropped all accusations. Shortly after the case became public, Margaret Parsons, a Canadian originally from Saint Vincent, alleged that in 2003 Prime Minister Gonsalves attacked her and attempted to rape her. A sexual assault charge was filed on behalf of Parsons; however, two weeks later the DPP again discontinued the case and a High Court justice refused permission for the lawyers to seek a judicial review.

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 lacked 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 many accounts of the prime minister or other officials rebuking the press for comments critical of the government.

A radio station, Nice Radio, broadcast an interview in which the prime minister was accused of using his authority to cover up rape allegations against him. In April a lawyer representing the prime minister contacted Nice Radio and instructed station management to apologize or face legal action. Station management refused, and the government went forward with its lawsuit. Nice Radio frequently criticized the Gonsalves administration, and management believed the lawsuit was an attempt to shut it down.

In November Prime Minister Gonsalves sued and won an EC\$430,000 (\$160,000) defamation of character settlement against radio host Eduardo "E.J." Lynch, who had accused the prime minister of using government funds to pay for a trip to Rome for his family.

On December 21, the superintendent of police instructed Jeff Trotman, a newspaper journalist who was taking pictures of a burning building from 20 feet behind police barriers, to cease taking pictures. When Trotman refused, police arrested him and held him for five hours without charges. The case was under investigation at year's end.

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.

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.

Societal Abuses and Discrimination

Rastafarians complained of discrimination against their members, especially in hiring and in schools.

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened but did not grant refugee status or asylum.

The government repatriated several Nepalese nationals brought to the country with the promise of work permits in Canada and the United States.

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.

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.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, but the government did not always enforce these laws effectively and corruption remained a moderate problem. There was anecdotal evidence of corruption and nepotism in government contracting.

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 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, particularly with respect to treatment of prisoners. Government officials generally were responsive, but the SVGHRA reported 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 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

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 government did not provide any statistical information about prosecutions and convictions for rape during the year (information about the allegations brought against the prime minister were obtained from nongovernmental sources).

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.

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 problem among young women and teenagers.

The law does not specifically prohibit sexual harassment, although it could be prosecuted under existing 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; however, 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 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.

Trafficking in Persons

The law does not address trafficking in persons specifically, nor does the government have any specific programs to do so.

Several Nepalese nationals were trafficked to the country with the promise of work permits in Canada and the United States, but the government returned them all to Nepal. There were no other reports that persons were trafficked to, from, within, or through the country.

The State Department'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. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was 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. A separate 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 there was some societal discrimination against homosexuals and persons with HIV/AIDS.

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.

While the organized unions generally maintained good relations with the government, opposition leaders and businessmen privately complained that the ruling party selected and promoted union leaders who were loyal to the government. Union membership and the number of actions taken dropped during the year.

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.

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. 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.

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.

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.

e. Acceptable Conditions of Work

The process of setting the minimum wage is tripartite and transparent, but 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. In agriculture the minimum wage for workers provided shelter was EC\$25 (\$9.26) per day; for industrial workers it was EC\$30 (\$11.11) 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.

