



Saint Vincent and the Grenadines

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

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 observers assessed as generally free and fair. 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 any politically motivated killings, but security forces were involved in two separate incidents in September with suspected Venezuelan drug traffickers in the waters off the Grenadine islands of Bequia and Union.

On September 23, the Coast Guard, the Special Services Unit, and the drug squad allegedly ordered a boat to stop, but the crew reportedly opened fire, whereupon authorities returned fire, killing two Venezuelan nationals, Matias Dominquez and Alexis Munoz. The police opened an investigation, and the Venezuelan relatives filed lawsuits for wrongful death against the authorities. Authorities later released four other Venezuelan nationals arrested in the incident for lack of evidence.

During the year the government appointed a private lawyer as a special coroner to deal specifically with coroner's inquests; he will consider outstanding matters in order of priority. The 2005 police shootings of Selwyn Moses and Joel Williams were among those awaiting a coroner's inquest.

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.

In midyear parliament passed legislation that abolished the 1984 Police and Criminal Evidence Act. The SVGHRA asserted that abolishing this law would hinder the prevention of abuse by overzealous police officers in obtaining confessions.

During the year citizens filed 42 allegations of assault, two complaints of disrespect, and 22 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 one police officer, and a hearing was pending. One other matter was referred to the Department of Public Prosecution (DPP). All other cases were still under investigation at year's end.

In one case a well-known Calypso singer claimed that a constable slapped him on the face. Police investigated the incident and disputed the legitimacy of the claim; however, the case was referred to the DPP, where it remained at year's end.

The police force made efforts to educate its ranks on proper conduct and citizens' rights. Authorities brought in a former attorney general to speak to the general membership of the police force on the appropriate use of force, and the commissioner of police addressed them late in the year to emphasize the importance of respecting the rights of citizens.

Prison and Detention Center Conditions

Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 373 inmates in a building intended to hold approximately 150 inmates, a situation that created serious health and safety problems.

Despite reforms at the Her Majesty's 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 reported that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison. In March several Muslim prisoners went on a hunger strike to protest poor conditions and the lack of the appropriate food for their Islamic diet. In September a fight between inmates and guards led to a three-day lockdown of the facility.

The Fort Charlotte Prison held nine 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 under the age of 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 30 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 in most instances requires arrest warrants, 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.

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.

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. 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.

In June Asbert Williams had his sentence reduced on the grounds that he had been convicted of "assault with intent to commit bodily harm", a charge that did not exist in the law. The court overturned his January conviction, which arose when Williams approached another man holding a cutlass, but replaced it with a conviction for common assault.

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. 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 continued to be many accounts of the prime minister or other officials rebuking the press for comments critical of the government. In March three prominent female lawyers reported that they had received death threats allegedly because they participated in an opposition party rally. No investigation was opened, but the threats soon stopped.

In September radio talk show host and opposition figure Elwardo "E.J." Lynch was threatened with a lawsuit for "making malicious remarks" about Senator Julian Francis, who is the first cousin of the prime minister and also a cabinet minister. Lynch paid a fine in 2006 after losing an appeal of a 2005 conviction for making "false statements likely to cause public alarm."

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 *2007 International Religious Freedom Report*.

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 refoulement, the return of persons to a country where there is reason to believe they feared persecution, but did not grant refugee status or asylum.

Although no known cases occurred, 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 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. On March 31, boys playing in the old government printing facility in Kingstown discovered a ballot box from the last election. The opposition party immediately questioned the legitimacy of the 2005 elections results and called for the resignation of the supervisor of elections. The supervisor did not resign and insisted that the ballot box contained votes that had been accounted for. Opposition figures continued to claim that the election was not completely 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 and no government agency specifically responsible for combating government corruption.

In June the opposition party claimed to have evidence that a senior police official and a cabinet member held a secret meeting on a beach with a well-known drug trafficker. The opposition leader claimed to have evidence of the meeting (and therefore proof of the government officials' implied involvement in the drug trade) but produced no such evidence as of year's end.

The opposition also claimed that two senior civil servants were removed from their jobs after discovering drugs and large sums of illegally transported money coming into the country. The government responded that the civil servants were transferred for their own protection, after threats were made against them.

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 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. During the year the police investigated 47 cases of rape, eight cases of attempted rape, and brought 18 cases to trial. The Family Court heard 28 cases of indecent assault. In March a court sentenced Digby Lewis to five years in prison for raping his physically disabled ex-girlfriend and mother of his son.

Violence against women remained a serious problem. The law does not criminalize domestic violence but rather 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 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.

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, 21 percent of the secondary school-age children 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. Four children applied for protection orders with the Family Court; it granted two applications, one was withdrawn, and the other case was denied.

During the year police investigated 18 cases of incest or unlawful sexual intercourse and brought eight cases to trial. In January a mob attacked 35-year-old Mark Gumbs, who was caught indecently assaulting a 6-year-old girl, before they handed him over to police. In October a court convicted Eldon Graham of molesting and raping his 11-year-old daughter and sentenced Austin Edwards to 12 years for raping his 14-year-old stepdaughter.

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 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. Local NGOs, including the SVGHRA, circulated a petition to Parliament that called for an end to all such discrimination.

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 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.

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 decreased during the year.

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.

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. 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.

