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2010 Human Rights Report: Saint Vincent and the Grenadines

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Saint Vincent and the Grenadines is a multiparty, parliamentary democracy with a population of approximately 121,000. On December 13, Prime Minister Ralph Gonsalves' Unity Labour Party (ULP) was returned to office in elections that international observers assessed as generally free and fair. Security forces reported to civilian authorities.

There were continued human rights problems in some areas, primarily impunity for police who used excessive force, poor prison conditions, an overburdened court system, violence against women, abuse of children, and discrimination against homosexual persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed one person during the year. The Criminal Investigations Department investigated it, as it does all police killings.

On August 7, police Constable Rohan McDowall shot and killed Constable Kingsley John. There was no public report of the investigation results, but media reports claimed the shooting was accidental. Nonetheless, authorities charged McDowall with murder. His trial was originally scheduled for November but later was postponed to early 2011.

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) continued to assert that a number of 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.

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 normally provide any public information about the disposition of such complaints or any disciplinary charges or other actions taken.

In August a police officer accidentally shot three girls during the response to a civil disturbance involving a mentally disturbed man. The matter was under investigation at year's end.

In May a coroner's inquest cleared police officers accused of fatally shooting three men during a narcotics raid in May 2009, despite human rights groups' claims that they had used excessive force.

In February a local judge fined each of the three police officers convicted of the 2008 beating of 15-year-old Jemark Jackson EC\$1,512 (\$560). The judge declared the three officers should not be jailed for being "overzealous."

Prison and Detention Center Conditions

Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 413 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, officially opened in October 2009 but remained empty. While prisoners were working at the on-site farm, no prisoners were held in the facility, and there was no projected date to move prisoners into the new facility.

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 nine female inmates in a separate section designed to hold 50 inmates, where conditions were antiquated and unhygienic. The facilities at Belle Isle, designed to hold 288 prisoners, promise to be better, once it is in use. Pretrial detainees and young offenders (16 to 21 years of age), 10 percent of the total male prison population, were held with convicted prisoners.

Each convict had a schedule of visitors limited to one visit per week. There were no limitations for visitors for those in custody but not yet convicted. Local churches organized weekly religious services. Prisoners could file complaints by writing the court registrar who schedules court hearings.

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 25 boys were at the center because of domestic problems, and only a small number were charged with committing a crime.

In August citizens formed a local chapter of the global organization called the Prison Fellowship. Its mandate is to provide counseling services to prison inmates, victims, and families. It will also provide prison-based programs such as literacy, formal education, and skills training.

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

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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 890 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.

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 in the civil court or for 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.

In February the prime minister threatened to sue a local radio station, two talk show hosts, and an advertising company for alleging impropriety regarding a deposit in a state-owned bank. Local media feared the chilling effect of such threats on media reporting of alleged government wrongdoing.

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 70 Internet users per 100 inhabitants.

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

For a complete description of religious freedom, please see the *2010 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

The government has not established a system for providing protection to refugees or asylum seekers, and it did not grant refugee status or asylum. The government did not expel or return refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; no such cases arose during the year.

In September authorities released one Ghanaian and one Liberian from prison who had been held for five years without being formally charged. According to the chief immigration officer, the men were detained because they withheld information in an attempt to avoid repatriation. After their release, the Red Cross provided a house for the two men while it sought the information needed to deport them.

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 elections held on December 13, the ruling ULP was returned to office, winning eight seats. The opposition New Democratic Party increased its seats from four to seven. International observers from the Caribbean Community and the Organization of American States declared the elections to be generally free and fair.

There were allegations from both the ruling party and the opposition of pre-election violence. Several shootings related to political rallies occurred in the weeks leading up to the election, but it was unclear if they were politically motivated. Opposition leaders filed lawsuits contesting the results in several constituencies. However, the director of public prosecutions (DPP) took over the prosecution of the 10 criminal charges filed and dismissed them. Although the DPP has the legal right to discontinue criminal proceedings, his decision was expected to be challenged.

There was one woman in the 15-seat House of Assembly and two women in the cabinet.

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 32 sexual offenses during the year, of which 12

were completed and 20 carried over to 2011. These included two cases of incest, 18 rapes, and 12 cases of unlawful sexual intercourse.

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 subsided, 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.

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. Incidence of maternal mortality was not 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 continued to assist 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.

Some teenagers engaged in prostitution. 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 less than 13 years of age. The penalty for statutory rape of a girl over 13 but less than 15 years old is five years' imprisonment; for girls less than 13 years old, it is life imprisonment. The law does not specifically prohibit child pornography.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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. Communications were available for persons with disabilities, but the government did not have any programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. The government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Ministry of **National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities** is responsible for assisting persons with disabilities.

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

There are no laws that prohibit discrimination against a person on the basis of sexual orientation. Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 10 years in prison. Although no statistics were available, anecdotal evidence suggested there was social discrimination against lesbians, gays, bisexual, and transgender (LGBT) persons in the deeply conservative society. There were few openly LGBT persons in the country.

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 20 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 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. Labor unions and businesses 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; unions were represented at these 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 persons dropping out of school and becoming involved in the drug trade. Some children as young as 14 reportedly worked in the marijuana fields common in the northern part of the country. The government opened a number of new schools, providing additional educational opportunities to young persons. The government continued efforts to provide employment opportunities to young people to keep them from becoming involved in the drug trade. At-risk youths were provided with life skills training, technical and vocational training, and job readiness training over a seven- to nine-month cycle. The program placed trained youth in internships and assisted them in finding jobs, with a goal of 40 percent job placement rate.

e. Acceptable Conditions of Work

The process of setting the minimum wage is tripartite and transparent. The Wages Council meets every two years to review minimum wages; they were last updated 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, or EC \$56 (\$20.74) if shelter was not provided; 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 provide legal cover to a worker who refused to work under these conditions.

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