

SAINT VINCENT AND THE GRENADINES 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy. Government control lies with the prime minister and his cabinet. Vincentians returned Prime Minister Ralph Gonsalves to office for a third term in December 2010 elections. International observers assessed the vote as generally free and fair. Security forces reported to civilian authorities.

The most serious human rights problems were domestic violence, sexual violence against women and girls, and occasional police use of excessive force.

Other human rights problems included official corruption, lack of government transparency, discrimination, trafficking in persons, and child abuse.

The government took steps to punish officials who committed abuses, and there was not a widespread perception of impunity for security force members.

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. On occasion police officers shot and killed persons encountered in the line of duty. The Criminal Investigations Department investigated all police killings and referred them to coroner's inquests.

On June 3, police shot and killed three Venezuelan men after the Vincentian Coast Guard intercepted their vessel. A Vincentian customs official was also killed during the confrontation. A coroner's inquiry revealed that the customs official died from drowning but the circumstances under which he drowned remain unclear. Authorities held two Venezuelans in connection with the incident but later released them due to lack of evidence for attempted murder. A police investigation into the event continued at year's end.

In the July 2011 police killing of a Dominican man after the Vincentian Coast Guard intercepted his vessel, a coroner's inquest cleared the police officers of any wrongdoing in the shooting death. In the December 2011 police killing of an

escaped prisoner, Godwin Moses, the bodies of Moses and the man he allegedly murdered shortly after his escape were undergoing a coroner's inquest at the end of the year.

The director of public prosecutions (DPP) charged police constable Rohan McDowall with manslaughter in conjunction with a 2010 incident in which McDowall shot and killed a fellow police officer. McDowall reneged on a plea bargain and awaited trial at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices. However, the nongovernmental organization (NGO) St. Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that the police used excessive force.

In February authorities suspended two police officers, Deshurn Denbar and Andy Richards, and charged them with the unlawful and malicious wounding of Keith McDowell. In April a judge convicted and fined police constable Desron Franklin for common assault and trespass with intent to intimidate after he went to a woman's house at night and threatened to kill her.

Citizens alleging police abuse can lodge complaints with the Complaint Department within the police force or an independent government oversight committee. If a particular complaint has merit, the DPP will file charges. The government did not normally provide any public information about the disposition of such complaints, any disciplinary charges, or other actions taken.

Prison and Detention Center Conditions

Prison conditions improved with the opening of the Belle Isle Correctional Facility in April but remained poor for prisoners held in the old prison in Kingstown.

Physical Conditions: Belle Isle prison is designed to hold 288 inmates, with nine inmates per cell, in separate quarters for males and females. The first phase of the prison held 237 male inmates and no female inmates. Her Majesty's Prison in

Kingston held an additional 173 prisoners (down from 409 in 2011) in a building designed to hold 150. The new prison significantly reduced overcrowding within the prison system. The exact number of HIV-infected prisoners was unavailable, although the superintendent of prisons confirmed that three prisoners were receiving anti-retroviral treatment.

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, although living conditions in the new Belle Isle facility represented a significant improvement over the Kingstown prison. The SVGHRA also alleged that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison.

In November 2011 a prisoner died in police custody due to what prison officials describe as a blockage of the main lung artery. The superintendent of prisons said that the man had been sick for some time and died of natural causes. A coroner's inquest was underway at year's end.

The Fort Charlotte Prison held 13 female inmates in a separate section designed to hold 50 inmates, where conditions were antiquated and unhygienic. With the opening of the new prison, authorities held most pretrial detainees separately from convicted prisoners. Authorities held young offenders (16 to 21 years of age), 10 percent of the total male prison population, with adult 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 boys were at the center because of domestic problems, and only a small number were charged with committing a crime. The police also reported that they kept some young male offenders at the police station, where they lived and performed basic chores instead of being incarcerated.

Administration: Poor economic prospects for former prisoners drove recidivism rates of 75 percent or higher. Key problem areas included the inability to segregate prisoners, gangs, and contraband, including cell phones and drugs. Recordkeeping on prisoners was adequate. Courts often released nonviolent offenders on bond instead of sentencing them to prison terms. The conditions of the bond required good behavior on the part of the offender in order to avoid serving time in prison. Prisoners were free to practice any religion of their choosing, and authorities

generally respected this right. Each convict could have one visitor per week. There were no limitations on visitors for those in custody but not yet convicted. Local churches organized weekly religious services. While there is no official prison ombudsman, a prison board composed of a magistrate and a justice of the peace visited all three prisons bimonthly. During their visits prisoners with complaints can speak directly to the board. In addition prisoners could file complaints by writing the court registrar who schedules court hearings.

Monitoring: In addition to the prison board, 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.

Role of the Police and Security Apparatus

The Royal Saint Vincent and the Grenadines Police, the only security force in the country, is responsible for maintaining national security. Its forces include the Coast Guard, Special Services Unit, Rapid Response Unit, Drug Squad, and a new Anti-Trafficking unit. The police force reports to the minister of national security, a portfolio held by the prime minister.

Civilian authorities maintained effective control over the police, and the government has effective mechanisms to investigate and punish abuse and corruption. The government operated an oversight committee to monitor police activity and hear public complaints against police misconduct. There were no verified reports of impunity during the year, and the police chief suspended or dismissed officers from the police force for inappropriate conduct.

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. Authorities generally allowed detainees prompt access to a lawyer. For indigent detainees accused of a capital offense, the state will provide a lawyer. For other crimes, the state does not provide a lawyer, and defendants represent themselves in court.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice. In January the government invited a Jamaican judge to hear cases at the magistrate level, which cleared a significant backlog of pending cases.

Trial Procedures

The law provides for fair, public trials, and an independent judiciary generally enforced this right. The High Court used juries for criminal matters, but the civil court or magistrate's courts did not use them. The court usually 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. Witnesses sometimes refused to testify because they feared retaliation; such decisions negatively affected prosecution of crimes.

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

Censorship or Content Restrictions: 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, spurring some reports of self-censorship.

Libel Laws/National Security: In September authorities arrested opposition Senator Vynette Frederick and charged her with perjury. Frederick had brought a defamation suit against Prime Minister Gonsalves after he allegedly made comments regarding her sexuality during a 2010 political meeting. The perjury charges related to the content of sworn affidavits she gave in connection with her defamation suit against the prime minister. Authorities released her after her arrest, and the charges remained pending at year's end. Such lawsuits were not uncommon and may be used to protect one's political reputation.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. According to the International Telecommunication Union, 45 percent of households had Internet access and 43 percent of citizens used the Internet in 2011.

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

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

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

Protection of Refugees

Access to Asylum: The country's laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. There were no refugees or asylum seekers residing within the country.

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 based on universal suffrage.

Elections and Political Participation

Recent Elections: In December 2010 elections, voters returned the ruling United Labour Party to office, giving it 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 generally free and fair. In 2011 the opposition party unsuccessfully challenged the results of four electoral contests.

Participation by Women and Minorities: Women were able to participate in political life on the same legal basis as men. Women held four of the 21 seats in the House of Assembly. One woman, the deputy prime minister, held a cabinet-level position.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. The government did not use anticorruption laws to prosecute high-level government officials.

Allegations of political handouts and other forms of low-level corruption in the time leading up to the 2010 election plagued both parties. Such bribes were historically a part of the country's political culture. The DPP has the authority to prosecute such claims but has not used it in the past.

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. Human rights organizations assisted individuals in obtaining information. There was a sufficiently narrow list of exceptions outlining the grounds for nondisclosure but no specific timeline for the relevant authority to disclose or respond. There are no criminal or administrative sanctions for not providing a response, and there is no appeal mechanism for review of a disclosure denial. There were reasonable fees for photocopying documents. There have been public outreach activities via radio call-in shows encouraging use of the program.

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. Government officials were somewhat receptive to its views.

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. The constitution does not address equal treatment regarding disability, language, or sexual orientation.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government generally enforced the law when victims came forward. Depending on the magnitude of the offense and the age of the victim, sentences for rape begin

at 10 years' imprisonment. Judges rarely imposed the maximum penalty of life imprisonment. Authorities referred allegations of rape or any abuse against women to the police. Police were generally responsive to these complaints, but fear of reprisal may deter some survivors from seeking assistance. Police and human rights groups reported that perpetrators commonly made payoffs to survivors of rape or sexual assault in exchange for survivors not pressing charges. Although no special unit is devoted to these types of crimes, authorities had specially trained some officers to handle them.

Human rights, government, and press sources noted an increase in reports of rape, incest, and unlawful sexual intercourse. Reports of unlawful sexual intercourse with children under 15 increased significantly from 2011, which could be linked to increases in transactional sex with minors. Such cases often were difficult to prosecute, as witnesses were reluctant to testify, and discussion of these types of abuse could be considered taboo. Despite these challenges, the DPP successfully prosecuted a number of cases. As of August, there were 40 sexual offense cases before courts, including one rape case, five incest cases, 15 for intercourse with a child under 13, and 19 for intercourse with a child under 15. Police had an additional 16 sexual offense cases under investigation.

Violence against women remained a serious and pervasive problem. The law does not criminalize domestic violence specifically but provides protection for survivors. Authorities could bring charges in cases involving domestic violence under assault, battery, or other similar laws, but police were often reluctant to follow up on domestic violence cases. As a result, perpetrators of crimes against women often enjoyed impunity. The government's Division of Gender Affairs offered 19 different programs to assist women and children. The government opened a crisis center in April for survivors of domestic violence, which has a hidden location, received referrals from the family court, and also served as a temporary shelter for women and children in between homes. However, the shelter was inadequate to meet the needs of local women because it could be accessed only through court order, precluding assistance to those in immediate crisis.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although authorities could prosecute it under existing laws, which local human rights groups considered ineffective.

Reproductive Rights: 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. Data on the incidence of maternal mortality were not available.

Discrimination: Women enjoyed the same legal rights as men, although in practice many were marginalized due to financial dependence. Women received an equitable share of property following separation or divorce. The minimum wage law specifies that women should receive equal pay for equal work, and authorities generally enforced it in practice.

Children

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

Child Abuse: 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. Government and NGO interlocutors indicated that child abuse - including neglect and physical, sexual, and emotional abuse - and incest were significant problems, although statistics were not available.

Child Marriage: The legal minimum age for marriage is 18, and parental consent was required for underage marriage. Most sexual relationships involving a child and an adult tended to take place outside the bounds of legal marriage. Statistics were not available, but less than an estimated 1 percent of marriages involved persons under age 18.

Sexual Exploitation of Children: Some male and female teenagers engaged in prostitution and transactional sex. The minimum age of consensual sex is 16. 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 16 years old is five years' imprisonment; for girls under age 13, it is life imprisonment. NGO and government sources reported that mothers of girls might pressure their children to have sexual relations with older men as a way to supplement family income. The law does not specifically prohibit child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, 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 law prohibiting discrimination against disabled persons does not mention travel and transportation specifically; however, persons with disabilities traveled freely. Communications were available for persons with disabilities, but the government did not have programs to facilitate communication through technology. There were no restrictions on voting or other civic participation. Education was provided until age 21 for persons with disabilities, and 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

No laws prohibit discrimination against a person on the basis of sexual orientation. Consensual same-sex conduct is illegal under indecency statutes, and some sexual activity between men is also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse acts carry a maximum penalty of 10 years in prison, although these laws were rarely enforced.

Anecdotal evidence suggested there was social discrimination against lesbians, gays, bisexual, and transgender persons in the deeply conservative society, although local observers believed such attitudes of intolerance were slowly improving. Members of professional and business classes were more inclined to conceal their sexual orientation.

Other Societal Violence or Discrimination

HIV infection rates were low, and the disease was prevalent in less than 1 percent of the population according to the National AIDS Program. Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against persons with HIV/AIDS. There is a government HIV secretariat, but local NGOs found it to be inadequate. There were approximately a dozen NGOs working on AIDS-related issues, but funding difficulties led to cutbacks in these services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects the rights of workers to form and join unions of their choice, bargain collectively, and to conduct legal strikes. The law prohibits retaliation against strikers, antiunion discrimination, and dismissal for engaging in union activities.

The government generally enforced labor laws effectively. Government remedies and penalties generally were effective. 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. Some of the sectors defined as strategic exceed the ILO standard for essential services.

The law does not require employers to recognize a particular union as an exclusive bargaining agent. 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 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. Authorities formed arbitration panels 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.

The Department of Labor did not report any prosecutions for violations of collective bargaining rights during the year. In 2011 there was a high-profile labor dispute involving the government and the St. Vincent and Grenadines Teachers' Union (SVGTU) on whether three teachers who resigned from their positions in order to run for elected office should get their jobs back after losing at the polls. As of November, none of the teachers had been rehired. At year's end, the teacher's union was preparing to file a constitutional motion to test the validity of the collective agreement the union signed with the government in 2005. The agreement allows teachers to take short-term election leave and then reassume their teaching positions if not elected. Reports indicated the government prevented the teachers from being rehired.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; however, the government reported no forced labor investigations, prosecutions, or convictions during the year. Men, women, and children were vulnerable to forced labor, primarily in agriculture.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum working age at 14. Workers may receive a national insurance card at age 16. The law does not place any restrictions on the number of hours children under 18 may work.

The Ministry of Labor did not conduct any inspections specifically related to child labor during the year, although employers generally respected the law in practice. There were five labor officers in the labor inspectorate with responsibility for monitoring all labor issues and complaints. The ministry reported no complaints related to child labor. There were reports of child labor in marijuana production; on family-owned banana plantations, particularly during harvest time; and in family-owned cottage industries.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

Minimum wages have not been updated since 2008 and varied by sector and type of work. 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. The Equal Pay Act requires equal pay for equal work. 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 authorities effectively enforced in practice. Most workers earned more than the minimum wage. The law provides workers with paid holiday leave, and the number of days a worker is entitled to varied according to occupation.

Legislation concerning occupational safety and health was outdated, and enforcement of regulations was ineffective. The Department of Labor had five labor inspectors who conducted regular wage and workplace safety inspections. The Ministry of Agriculture conducted inspections and worksite visits in the agriculture sector related to occupational safety and health. While there are fines and other penalties in the labor laws, they may be inadequate in many cases, as some legislation was outdated and the fines so small as to be inconsequential.

The department indicated that workplace violations were rare since most employers adhered to the minimum labor standards. The department offered voluntary labor dispute mediation and advised employers and employees of their labor rights through a weekly radio program.

The agricultural sector was considered the most hazardous sector due to workers' exposure to chemicals when working in the field. There were no major workplace accidents reported during the year.