

SAINT VINCENT AND THE GRENADINES

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 police use of excessive force, poor prison conditions, and violence against women.

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 commit abuses, but a perception of impunity persisted.

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 (CID) investigated all police killings, which also were referred to coroner's inquests.

On July 13, police shot and killed one Dominican man after the Vincentian Coast Guard intercepted his vessel and the individual allegedly fired a weapon. The police brought charges against two others aboard the vessel, but a court eventually dismissed the cases. A coroner's inquest was pending into the person's death.

On December 11, police shot and killed an escaped prisoner, Godwin Moses, who was found in possession of a firearm that he retrieved from a man he allegedly murdered shortly after his escape. The bodies of Moses and his alleged victim were undergoing a coroner's inquest at the end of the year.

The August 2010 incident where a police officer shot and killed a mentally disturbed man during a civil disturbance and accidentally shot three girls went to a

coroner's inquest. The coroner's jury ruled that the suspect's death was a death by misadventure.

After a CID investigation, the director of public prosecutions (DPP) reached a plea bargain and charged police constable Rohan McDowall with manslaughter in conjunction with an August 2010 incident in which McDowall shot and killed a fellow police officer. However, McDowall reneged on the plea bargain, and the DPP refiled the original murder charges.

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.

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.

In June the police force reinstated three officers convicted of beating a 15-year-old boy in 2008. The law prevents applicants with a criminal record from joining the police but does not disqualify those convicted of crimes while already serving on the force.

Prison and Detention Center Conditions

Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 409 inmates in a building intended to hold approximately 150, creating serious health and safety problems.

The Belle Isle Correctional Facility officially opened in 2009 but remained empty at year's end. While prisoners were working at the on-site farm, they continued to

reside in Kingstown, but authorities plan to transfer them to the new prison within the first quarter of 2012. The new facility is designed to hold 288 inmates in separate quarters for males and females.

Poor economic prospects for former prisoners drove recidivism rates of 75 percent or higher. Key problem areas in the current facility included the inability to segregate prisoners, gangs, and contraband, including cell phones and drugs. HIV/AIDS prevalence in prison was more than 10 times that of the general population; 4.1 percent of inmates were infected.

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. On November 25, a prisoner died in police custody due to a blockage of the main lung artery. A senior-level police investigation took place at year's end to gain a more detailed understanding of what led to the prisoner's death.

The Fort Charlotte Prison held 15 female inmates in a separate section designed to hold 50 inmates, where conditions were antiquated and unhygienic. Pretrial detainees and young offenders (16 to 21 years of age), 10 percent of the total male prison population, were held with convicted prisoners.

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

Each convict had a schedule of visitors limited to one visit per week. There were no limitations on 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. 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 a Coast Guard, a Special Services Unit, a Rapid Response Unit, and a Drug Squad. 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.

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.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence 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. Witnesses sometimes refused to testify because they feared retaliation; the decision negatively affected the 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

Status of Freedom of Speech and Press

The constitution and law provides for freedom of speech and of the 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 of the 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 August the DPP declined to prosecute a criminal case in which an opposition radio host was initially charged with publishing a false statement about prominent government officials. In November a court ordered an opposition radio station to pay an EC\$250,000 (\$92,560) award to Prime Minister Gonsalves in relation to a defamation suit. 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. 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

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 movement within the country, 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 held on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: In December 2010 elections, the ruling United Labour Party 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. During the year the opposition party continued to challenge four electoral contests. If successful in even one of the districts, the ruling party could lose its narrow majority in parliament.

Both the ruling party and the opposition noted 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. The DPP took over prosecution of 10 criminal charges filed by opposition leaders in the election but dismissed them. Allegations of political handouts and other forms of low-level corruption in the time leading up to the election plagued both parties. Such bribes were historically a part of the country's political culture.

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

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Anticorruption laws were primarily used to combat abuses committed in the Public Works Department and Public Licensing Division; they were not used to prosecute high-level government officials. Allegations of corruption were regularly raised against politicians by their opponents. The DPP can prosecute such claims.

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.

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. However, in December 2010 the prime minister accused members of the SVGHRA of being opposition political activists, a charge they refuted.

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. Human rights associations, not the DPP, handled the discrimination cases.

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 could be eight to 10 years' imprisonment. Judges rarely imposed life imprisonment. Allegations of rape or any abuse against women are referred to the police. Police were generally responsive to these complaints, but fear of reprisal may deter some victims from seeking assistance. Although no special unit is devoted to these types of crimes, some officers were specially trained to handle them.

Human rights, government, and press sources all noted an increase in reports of rape and incest. One Vincentian man was charged with 160 counts of these types of crimes, the most charges ever levied against one person at the same time. Such cases often were difficult to prosecute, as witnesses were reluctant to testify and any discussion of these types of abuse could be considered taboo. Despite these challenges, the DPP successfully prosecuted a number of cases. Data were

available from two of the three court sittings, which heard 26 sexual offense cases during the year, of which nine were completed and 17 carried over to 2012. These included 14 rapes and 12 cases of unlawful sexual intercourse.

Violence against women remained a serious and pervasive problem. The law does not criminalize domestic violence specifically but provides protection for victims. Cases involving domestic violence could be charged 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. At year's end the government had nearly completed a crisis center for victims of domestic violence, which has a hidden location and will receive referrals from family court and also serve as a temporary shelter for women and children in between homes.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although it could be prosecuted under existing laws. Local human rights groups considered these laws 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. In 2009 (the latest year available) the contraceptive prevalence rate was 48 percent. Incidence of maternal mortality was not available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

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 Gender Affairs Division continued to assist the National Council of Women with seminars, training programs, and public relations. The division worked closely with several international NGOs. The minimum wage law specifies that women should receive equal pay for equal work, and this generally was enforced 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.

Sexual Exploitation of Children: Some male and female teenagers engaged in prostitution. 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 may encourage 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 Abduction: 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, 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. Consensual same-sex conduct is illegal under indecency statutes, and some same-sex 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, but the disease was prevalent in 0.4 percent of the population and has killed more than 900 people. 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 allows workers to form and join unions of their choice, permits collective bargaining, provides for the right to strike, prohibits retaliation against strikers, prohibits antiunion discrimination, protects workers from dismissal for engaging in union activities, and provides them with reinstatement rights if illegally dismissed.

The government generally enforced labor laws effectively. 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 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. 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.

The Department of Labor did not report any prosecutions for collective bargaining rights violations during the year. The only high-profile labor dispute involved the government and the St. Vincent and Grenadines Teachers' Union (SVG TU) 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. A section in the collective bargaining agreement appeared to allow the teachers to take six months' election leave, but the court later determined the measure to be unconstitutional. Both parties declined to use the Department of Labor to mediate the disagreement, and the government and the SVG TU attempted to resolve it. The SVG TU can take the matter to the court but had chosen not to do so; at year's end the teachers awaited reinstatement.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government generally enforced the law effectively.

c. 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.

See also 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, last updated in 2008, 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. 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. The law provides workers with paid holiday leave, and the number of days a worker is entitled to varies according to occupation.

The Department of Labor had five labor inspectors that conducted regular wage and workplace safety inspections. While there are fines and other penalties in the labor laws, they were inapplicable in many cases. The department also 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.

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.

The agricultural sector was considered the most hazardous sector due to workers' exposure to chemicals when working in the field. The Ministry of Agriculture conducted inspections and worksite visits to ensure that workers were protected. No major workplace accidents were reported during the year.