

SAINT VINCENT AND THE GRENADINES 2015 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. On December 9, Vincentians returned Prime Minister Ralph Gonsalves to office for a fourth term. International observers assessed the election as peaceful and successful. Civilian authorities maintained effective control over the security forces.

The most serious human rights problems were gender-based violence and police impunity.

Other human rights problems included official corruption; lack of government transparency; discrimination; child abuse; and laws that discriminate against lesbian, gay, bisexual, transgender, and intersex persons.

Government procedures exist to investigate violations, but few reports of violations were made.

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 rare occasions police officers shot and killed persons encountered in the line of duty. On October 3, police shot and killed an assailant who had opened fire in a public venue.

In June 2014 an on-duty police officer shot and killed a man. In April a coroner's jury found no evidence of criminal wrongdoing by the officer.

Authorities held a coroner's inquest to address a 2012 incident in which police shot and killed three Venezuelan men after the Vincentian Coast Guard intercepted their vessel. The coroner adjourned the inquest and issued summonses for witnesses from Venezuela. As of October authorities had received no response to either the

service of the summonses or the availability of the witnesses, and the inquest remained open 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) reported that police had used excessive force in the past. While no such instances were identified at year's end, the SVGHRA reported that police conduct worsened in the past year.

Citizens alleging police abuse can file complaints with the Complaint Department within the police force or an independent government oversight committee. If a complaint is deemed to have merit, the Office of the Director of Public Prosecutions (DPP) files charges. The government does not normally provide any public information about the disposition of such complaints, any disciplinary charges, or other actions taken.

Prison and Detention Center Conditions

Physical Conditions: The SVGHRA reported prison problems such as endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, increasing incidence of HIV/AIDS, and unhygienic conditions. The SVGHRA alleged that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison. Key problems included the inability to house juveniles in a separate facility and prison officer complicity in procuring contraband for prisoners.

Conditions were inadequate for juvenile offenders. Authorities held young offenders (16 to 21 years of age), 10 percent of the total male prison population, with adult convicted prisoners.

Administration: 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 to avoid serving time in prison. While there

was no official prison ombudsman, a prison board composed of a magistrate and a justice of the peace visited both prisons bimonthly. During the visits prisoners with complaints could speak directly to the board. In addition prisoners could file complaints by writing the court registrar.

Independent 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. Visits by a local nonprofit organization providing counseling services to prisoners took place weekly.

Improvements: The antiquated and unhygienic Fort Charlotte Prison for female prisoners closed during the year, and the female prisoners were moved to Her Majesty's Prison.

d. 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 is the only security force in the country and is responsible for maintaining national security. Its forces include the Coast Guard, Special Services Unit, Rapid Response Unit, Drug Squad, and the Anti-Trafficking Unit. The police force reports to the minister of national security, a portfolio held by the prime minister. The Criminal Investigations Department investigated all police killings and referred them to coroner's inquests.

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. The SVGHRA stated that police officers who supported the incumbent political administration were more likely to be promoted to positions of power within the police force.

Arrest Procedures and Treatment of Detainees

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 was generally effective.

Authorities generally allowed detainees prompt access to a lawyer. For indigent detainees accused of a capital offense, the state provides 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.

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, are informed promptly and in detail of the charges, may confront and question witnesses, and have access to relevant government-held evidence once a case reaches the trial stage. Defendants may also present their own witnesses and evidence. Lengthy delays often preceded preliminary inquiries for serious crimes. Witnesses sometimes refused to testify because they feared retaliation, which negatively affected prosecution of crimes. Defendants may appeal verdicts and penalties.

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. Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Speech and Expression: While the independent media were active and expressed a wide variety of views without restriction, there continued to be accounts of the government impeding media criticism by monitoring political meetings, threatening to shut down programming that criticized the government, and withholding advertisement revenue from media outlets the government found distasteful.

In October the media reported the government used the investigative Special Branch of the police force to monitor levels of participation in a labor strike. The commissioner of police participated in a political rally in support of the incumbent government.

Violence and Harassment: Independent media reported harassment by political party members and citizens pressuring the media to identify their political persuasion. According to journalists this pressure was heightened in anticipation of the December 9 elections.

Libel/Slander Laws: In 2013 authorities arrested opposition Senator Vynette Frederick and charged her with perjury, shortly after a magistrate dismissed less serious false swearing charges stemming from a defamation suit she had filed against Prime Minister Gonsalves. The perjury charges related to the same incident. Frederick appealed the case in May and in June requested adjournment to a later date.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 56 percent of citizens used the internet in 2014, the latest data available.

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 the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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. 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. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: On December 9, voters returned the ruling United Labor Party to office, giving it eight of the 15 elected seats in the unicameral House of

Assembly (which also includes six appointed senators). The opposition New Democratic Party (NDP) maintained its seven seats. While the NDP leader claimed many irregularities took place in at least one constituency, preliminary findings by international observers from the Caribbean Community and the Organization of American States (OAS) declared the elections peaceful and successful and that the results reflected the will of the people. The OAS recommended the government improve gender equity in elective politics and voter education, ensure voter lists were accurate, and establish an independent electoral management body.

Section 4. Corruption and Lack of Transparency in Government

Rumors of high-level corruption persisted, but there were no cases during the year to substantiate these claims. The law provides criminal penalties for official corruption.

Corruption: Allegations of political handouts and other forms of low-level corruption in the time leading up to the 2010 election continued to plague both parties ahead of anticipated upcoming elections. Such bribes were historically a part of the country's political culture. The government stated there was no need to have a national anticorruption agency. The law provides the DPP with the authority to prosecute the following offenses related to official corruption: extortion by public officers, public officers receiving property to show favor, false claims by officials, abuse of office, and false certification by public officers.

In October 2014 officials fined Tamara Gibson-Marks, former registrar of the High Court, \$10,500 Eastern Caribbean Dollars (XCD) (\$3,900), after she pleaded guilty to charges of theft and abuse of authority while serving in public office. The DPP dropped a third corruption charge related to false certification by public officers after Gibson-Marks plead guilty to the other two charges.

Members of the public called for the resignation of the commissioner of police when he attended a political rally in plain clothes and showed support for the prime minister's party. The media and the public questioned his ability to perform official duties objectively when he was expressing a political view so publicly. The individual was a political appointee whose mandatory retirement was extended so he could continue to serve as commissioner of police.

Financial Disclosure: There are no financial disclosure laws for public officials.

Public Access to Information: The law provides for public access to information. Human rights organizations considered the mechanism for gaining access deficient and assisted individuals in obtaining information. There was a 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 public outreach activities via radio call-in shows encouraging use of the access process.

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. The government was somewhat receptive to its views, but cooperation was limited.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal treatment regardless of race, sex, national origin, political opinion, and religion. The government generally enforced this provision. Persons who are not citizens may not receive full protections under the constitution.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government generally enforced the law when victims came forward. Sentences for rape begin at 10 years' imprisonment and depend on the magnitude of the offense and the age of the victim. 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 have deterred some victims from seeking assistance. Police and human rights groups reported that perpetrators commonly made payoffs to victims of rape or sexual assault in exchange for victims not pressing charges. Although no special unit is devoted to these types of crimes, authorities had specially trained some officers to handle them.

Civil society groups reported that rape and violence against women remained a serious and pervasive problem. The law does not criminalize domestic violence

specifically, but it provides protection for victims. 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 such crimes against women often enjoyed impunity. The Division of Gender Affairs offered different programs to assist women and children. Counseling was available through a church-run organization. The Ministry of National Mobilization operated a crisis center for survivors of domestic violence; however, the shelter was reported to be unstaffed and access for victims was limited.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although authorities could prosecute it under other laws, which local human rights groups and women's organizations considered ineffective.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: Women enjoy the same legal rights to family, nationality, and inheritance as men, although in practice many women were marginalized due to financial dependence. Women received an equitable share of property following separation or divorce. The law requires equal pay for equal work, and authorities generally enforced it.

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, usually within a few days of a child's birth.

Child Abuse: The law provides a limited legal framework for the protection of children. 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. Reports of unlawful sexual intercourse with children under 15 remained a problem, and these reports were linked to transactional sex with minors. Such cases were often difficult to prosecute, since 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. The government enacted legislation in 2013 to provide special protections for child witnesses, including a protective order preventing the defendant from personally cross-examining the victim, providing evidence from a remote location, and video-recorded testimony. As of October it was too early to determine whether this legislation improved the judicial process for child victims and their families pursuing criminal prosecution because it had not been tested. 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.

Early and Forced Marriage: The legal minimum age for marriage is 18, and parental consent was required for underage marriage.

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 causing prostitution of a woman 15 or older is 14 years' imprisonment. The penalty for causing prostitution of a girl under 15 is seven years. 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 is five years imprisonment; for girls under age 13, it is life imprisonment. NGO and government sources reported that some 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/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical and sensory, mental and intellectual disabilities in employment, access to health care, and the provision of other state services and the government generally observed these prohibitions. The law does not mandate access to buildings for persons with disabilities and access for such persons generally was difficult. NGOs reported that government funding for organizations supporting people with disabilities was insufficient to meet disabled people's needs. While the law prohibits discrimination against persons with disabilities in employment, NGOs reported subtle discrimination in hiring practices throughout the workforce but noted the government's strong attempt to recruit and hire people with disabilities through programs such as the Youth Employment Service.

Education was provided until age 21 for persons with disabilities, and the government partially supported a separate school for persons with disabilities. Persons with disabilities also could attend public schools. A separate rehabilitation center treated an average of 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.

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

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. No laws prohibit discrimination against a person on the basis of sexual orientation or gender identity.

Anecdotal evidence suggested there was social discrimination against lesbian, gay, bisexual, transgender, and intersex persons, 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.

HIV and AIDS Social Stigma

HIV infection rates existed 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, especially in employment. Approximately a dozen NGOs were

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 provides for the rights of workers to form and join unions of their choice, bargain collectively, and conduct legal strikes, and such strikes occurred during the year. The law prohibits antiunion discrimination and dismissal for engaging in union activities. Although it does not require reinstatement of workers fired for union activity, a court may and often did order reinstatement.

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, which included tripartite representation from government, businesses, and unions, on an ad hoc basis when labor disputes occurred.

Workers providing services deemed essential (defined as electricity, water, hospital, and police) are prohibited from striking unless they provide at least a 14-day notice to the authorities. Some of the sectors defined as strategic exceed the International Labor Organization standard for essential services.

The government generally enforced labor laws effectively. Government penalties of up to \$5,000 Eastern Caribbean Dollars (XCD) (\$1,850) generally were sufficient to deter violations.

Freedom of association and the right to collective bargaining were generally respected in practice. The government used special branch police to track which workers participated in an October teachers' strike.

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. The government recognized there were not enough inspectors to

carry out the full extent of their assigned duties. Penalties against forced labor carry punishments of up to 20 years' imprisonment with fines. These penalties are commensurate with serious crimes and were sufficient to deter violations. Despite the absence of forced labor investigations, anecdotal evidence indicated that a small number of persons--including minors--were vulnerable to forced labor in underground economic activities in the drug trade and prostitution.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum working age at 14. Compulsory education ends at age 16. The law does not place any restrictions on the number of hours children under 18 may work, and there are no prohibitions against those under 18 working in hazardous industries or environments.

The government did not effectively enforce applicable law regarding child labor. The Department of Labor did not conduct any inspections specifically related to child labor during the year. There were seven labor officers in the labor inspectorate with responsibility for monitoring all labor issues and complaints. The department reported no complaints related to child labor. Covered under its trafficking-in-persons legislation, penalties for child labor could result in 20 years' imprisonment and were sufficient to deter violations.

There were anecdotal reports of child labor in marijuana production; on family-owned banana plantations, particularly during harvest time; and in family-owned cottage industries. There were also reports of commercial sexual exploitation of children (see section 6, Children).

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination regarding sex and disability, but no laws prohibit discrimination against a person on the basis of race, religion, political opinion, national origin, social origin, age, language. Whether the constitutional provision covers sexual orientation and/or gender identity, or HIV-positive status is a matter of interpretation and had not been tested in court.

e. Acceptable Conditions of Work

Minimum wages, last updated in 2008, varied by sector and type of work. In agriculture the minimum wage for workers provided shelter was \$32 XCD (\$11.85) per day or \$56 XCD (\$20.75) if shelter was not provided. For industrial workers it was \$40 XCD (\$14.80) per day. In August the government established a council to evaluate the minimum wage. Most workers earned more than the minimum wage. There is no official poverty income level.

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.

The law provides workers with paid holiday leave. The number of days of entitlement varied according to occupation.

Legislation concerning occupational safety and health was outdated. Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, but authorities did not effectively enforce this right in practice.

Enforcement of regulations was ineffective. Department of Labor inspectors 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. The Department of Labor stated that it did not have the legal authority to impose fines for violations but conducted follow-up inspections to assess if the shortfalls had been addressed. Workers who receive less than the minimum wage can file a claim with labor inspectors, who investigate and, if warranted, refer the matter to arbitration. The department received very few complaints concerning minimum wage violations but received complaints regarding wrongful dismissal. Department officials 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.