

SAINT VINCENT AND THE GRENADINES 2016 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. In December 2015 Vincentians returned Prime Minister Ralph Gonsalves to office for a fourth term. International observers assessed the election as generally free and fair.

Civilian authorities maintained effective control over the security forces.

The most serious human rights problems were gender-based violence, censorship, and isolated use of excessive force by police.

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 (LGBTI) persons.

There were no reported instances during the year of the government investigating or prosecuting officials who committed abuses, and there was not a widespread perception of impunity for security force members. 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 Deprivation of Life and other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

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 used excessive force during the 2015 election season. Incidents of such conduct decreased or ceased altogether after the elections, although various civil society groups reported that the police continued to disrupt ongoing peaceful protests (see section 2.b., Freedom of Peaceful Assembly and Association).

Prison and Detention Center Conditions

Prison conditions were generally adequate, although they varied depending on the facility.

Physical Conditions: Her Majesty's Prison, which operated at full capacity, continued to be a very cramped facility, housed in an old building in the city center. Key problems included the inability to segregate prisoners who misbehave, gang activity, and contraband, including cell phones and drugs. The facility housed seven women, who were held separately from the men.

Living conditions in the newer Belle Isle facility represented a significant improvement over Her Majesty's Prison. Belle Isle held an additional 225 prisoners and was not fully occupied. Authorities reported 36 prisoners between the ages of 16 and 21 who were held with adult prisoners. Authorities reported 13 prisoners as HIV positive, 10 of whom were receiving antiretroviral treatment, although medical care was available to all HIV-positive prisoners. Prisoners had access to food and potable water. The government reported accommodations for prisoners with disabilities.

The antiquated and unhygienic Fort Charlotte Prison for female prisoners closed in 2015. The female prisoners were moved to Her Majesty's Prison and occupied the second floor of one of its buildings.

Conditions were inadequate for juvenile offenders. Authorities held the 36 offenders between the ages of 16 and 21 years of age with adult convicted prisoners. There were no inmates under 16, but civil society organizations reported that, as of August, 11 offenders under the age of 16 were being detained at a police station.

Administration: 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 to avoid serving time in prison. Each convict could have one visitor per week. There were no limitations on visitors for pretrial detainees. 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.

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 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. Citizens alleging police abuse could file complaints with the Complaint Department within the police force or an independent, government-operated oversight committee tasked with monitoring police activity and hearing public complaints against police misconduct. If a complaint is deemed to have merit, the Office of the Director of Public Prosecutions (DPP) files charges. The government did not provide any public information about the disposition of such complaints, any disciplinary charges, or other actions taken. There were no verified reports of impunity involving security forces during the year, and no police officers were suspended or dismissed for inappropriate conduct.

Arrest Procedures and Treatment of Detainees

The law requires judicial authority to issue arrest warrants. Police apprehended persons openly. 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.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge the legal basis or arbitrary nature of their detention in court and obtain prompt release. They can also file a separate civil complaint in order to seek compensation if found to have been unlawfully detained.

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 court appoints attorneys only for indigent defendants charged with a capital offense. Defendants are presumed innocent until proven guilty, may be present at the trial, 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 had access to interpretation as necessary from the moment they were charged through all appeals. Defendants may also present their own witnesses and evidence. Although lengthy delays were reported prior to preliminary inquiries, government sources reported compliance with Court of Appeals guidelines, which require a preliminary hearing to be held within nine months of detention. There were approximately 20 detained defendants awaiting trial for more than two years. More than half of those cases were delayed pending psychiatric evaluations. Witnesses and victims 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. Individuals may appeal adverse domestic decisions to regional human rights bodies.

f. Arbitrary or Unlawful 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 promote freedom of speech and press.

Press and Media Freedoms: Independent media were active and expressed a wide variety of views without restriction.

Violence and Harassment: Media reported harassment and physical abuse by police forces prior to the December 2015 election, but there have been no reports of such conduct since the election.

Censorship or Content Restrictions: Civil society continued to report concerns about voicing criticism of the government for fear of facing libel charges.

Libel/Slander Laws: On August 12, the government enacted the Cybercrime Act, which established criminal penalties, including imprisonment, for various offenses including libel by electronic communication, cyberbullying, and illegal acquisition of data. Freedom of speech organizations harshly criticized the law as being inconsistent with international freedom of speech norms. Civil society also expressed concerns that the prohibition on libel by electronic means would give

rise to government efforts to silence its critics; however, the government did not charge anyone with libel or defamation during the year.

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, 52 percent of citizens used the internet in 2015, 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

Freedom of Assembly

According to civil society reporting, police interfered on several occasions with a group of protesters who established themselves in front of the electoral office following the December 2015 elections. The police reportedly harassed the protesters, seized their property, and arrested several, charging them with minor infractions. According to the government, all police intervention occurred in the lawful enforcement of laws or regulations, including a law that prohibits protests within 200 yards of any government building.

Freedom of Association

The law provides for the freedom of association, and the government generally respected this right.

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.

Protection of Refugees

Access to Asylum: The 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, held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In December 2015 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 maintained its seven seats. International observers from the Caribbean Community and the Organization of American States declared the elections generally free and fair.

Participation of Women and Minorities: Women had equal rights to participate in political life. A woman senator held one of the 21 seats in the House of Assembly. Two women, the parliamentary secretary and the attorney general, held cabinet-level positions.

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, and officials at times engaged in corrupt practices with impunity. There were isolated reports of government corruption during the year.

Corruption: Allegations of political handouts and other forms of low-level corruption in the time leading up to the 2015 election continued to plague both parties. 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.

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 assisted individuals in obtaining information, but considered the mechanism for gaining access deficient. There was no specific timeline for the relevant authority to disclose or respond, and only a narrow list of exceptions outlining the grounds for nondisclosure exists. There are no criminal or administrative sanctions for not providing a response and no appeal mechanism for review of a disclosure denial. Public outreach activities via radio call-in shows encouraged use of the access process. In 2007 parliament approved the Freedom of Information Act. Because the regulations pertaining to this act have never been adopted, the act has never been implemented.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are 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 held various meetings with civil society, and they tended to include the SVGHRA. The government was minimally receptive to their views, however, and attempted to limit their active participation in those meetings.

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

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 police 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 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 such crimes against women often enjoyed impunity. The Division of Gender Affairs in the Ministry of National Mobilization offered different programs to assist women and children. The Ministry of National Mobilization's crisis center for survivors of domestic violence, however, was reportedly not operational.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although authorities could prosecute such behavior under other laws. Local human rights groups and women's organizations considered enforcement 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 age 15 remained a problem, and these reports were in some/many cases linked to transactional sex with minors. Cases of sexual violence against children were often difficult to prosecute, since witnesses were reluctant to testify, and discussion of these types of abuse could be considered taboo. 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. Parental consent is 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. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

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, the judicial system, or 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 persons with disabilities was insufficient to meet the needs of persons with disabilities. 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 between adults is illegal under indecency statutes, and some sexual activity between adult 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 LGBTI persons, although local observers believed such attitudes of intolerance were slowly improving. Members of professional and business classes were more inclined to conceal their LGBTI sexual orientation.

HIV and AIDS Social Stigma

Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against persons with HIV/AIDS, especially in employment. Seventeen NGOs worked on AIDS-related issues. The SVGHRA, which served as coordinator for these NGOs, reported that funding continued to be an issue as each organization must find its own funding sources.

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 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 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.

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 reported the effort to investigate forced labor violations functioned well and that additional staff would complement ongoing efforts. 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, a unit of the Ministry of National Reconciliation in the Public Service, Labor, Information, and Ecclesiastical Affairs, did not conduct any inspections specifically related to child labor during the year; instead, the government relies on general labor inspections to identify any child labor violations. 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.

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 and Occupation

Labor laws and regulations prohibit discrimination on the basis of sex or 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. The government does not effectively enforce applicable laws prohibiting employment discrimination.

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 2015 the cabinet established a “wages council,” to review the minimum wage. It consisted of representatives from the government, business, and workers across a broad swath of sectors. Although the council has met and conducted an investigation, it has yet to make any pronouncements or recommendations. 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.

Although the government reported that the system of inspections worked well, civil society organizations reported that enforcement of regulations was ineffective because the government lacked enough inspectors. 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.