

SAINT VINCENT AND THE GRENADINES 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy. The prime minister is the head of the government. The United Kingdom's Queen Elizabeth II is the head of state, represented by a governor general. On November 5, Ralph Gonsalves was elected to a fifth consecutive term as prime minister. Regional and local observers assessed the election as generally free and fair.

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 Antitrafficking Unit. Police report to the minister of national security, a portfolio held by the prime minister. Civilian authorities maintained effective control over the security forces. There were no reports of security forces committing abuses during the year.

Significant human rights issues included the criminalization of libel and the criminalization of consensual same-sex conduct between men, which was not enforced during the year.

There were no reports of officials committing human rights 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 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 disappearances by or on behalf of government authorities.

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

The law prohibits such practices, and there were no reports the government employed them systematically.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison conditions were less than adequate, although they varied depending on the facility. Key problems with prison facilities included understaffing, overcrowding, gang activity, the inability to control contraband, and limited space to segregate noncompliant and juvenile prisoners.

Physical Conditions: Limited prison capacity prevented authorities from segregating juvenile offenders, with offenders between the ages of 16 and 21 held with adult prisoners. Prisoners younger than age 16 were held in a separate facility. Female prisoners were held in a makeshift facility while construction of a women's prison was underway. The two facilities for male prisoners were near capacity throughout the year.

Limited physical space and inadequate training for prison officials hindered accommodations for prisoners with disabilities. One prisoner died from an apparent suicide.

Administration: There were two reports of mistreatment, and authorities investigated the mistreatment allegations.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. Due in part to COVID-19 restrictions, no representatives of nongovernmental organizations (NGOs) visited or monitored the prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires a judicial authority to issue arrest warrants. The bail system was generally effective. Authorities generally gave 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 without the financial means to hire a lawyer must represent themselves.

Although lengthy delays prior to preliminary inquiries were reported, government authorities and civil society reported compliance with Court of Appeal guidelines that require a preliminary hearing to be held within nine months of detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty and are informed promptly and in detail of the charges. Defendants have the right to a fair, timely, and public trial and to be present at the trial. Defendants are able to select an attorney of their choice. The court appoints attorneys only for indigent defendants charged with a capital offense. Defendants have adequate time and facilities to prepare a defense. Defendants have access to free assistance of an interpreter as necessary. Defendants could confront and question witnesses and present their own witnesses and evidence. Defendants cannot be compelled to testify or confess guilt. Witnesses and victims sometimes refused to testify because they feared retaliation. 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 may bring lawsuits seeking damages for human rights violations. Individuals may appeal domestic courts' decisions to the Eastern Caribbean Court of Appeal or the United Kingdom's Privy Council.

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 Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Libel/Slander Laws: Civil society observers reported concerns about criticizing the government, primarily due to fear of facing libel charges, including under the cybercrime act. Civil society representatives indicated these fears resulted in media outlets practicing self-censorship. The act establishes criminal penalties, including imprisonment, for offenses including libel by electronic communication, cyberbullying, and illegal acquisition of data. 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.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Civil society representatives, however, reported citizens were hesitant to participate in antigovernment protests due to fear of retaliation.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government, however, enforced a COVID-19 entry requirement that forced all persons entering the country to surrender their passports until the end of a 14-day quarantine.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Information on the government's cooperation with the UN High Commissioner for Refugees was unavailable.

Access to Asylum: The law does not provide for the granting of asylum or refugee status; the government addresses each case individually. The government has not established a system for protecting refugees.

g. Stateless Persons

Not applicable.

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: On November 5, the Unity Labour Party won nine of the 15 elected seats in the unicameral House of Assembly, which also includes six appointed senators. The New Democratic Party won six seats but also won a majority of the popular vote. Regional observers from the Caribbean Community declared the elections generally free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. There was only one woman in the 21-seat legislature; she was an appointed senator.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials at times engaged in corrupt practices with impunity. NGOs and the opposition party alleged instances of government corruption during the year, including exclusive direction of COVID-19 relief funds and services to political supporters.

Corruption: Allegations of political handouts and other forms of low-level corruption persisted. NGO representatives alleged that multiple COVID-19 relief measures, including programs directed at supporting small businesses and food security, were awarded solely to supporters of the government.

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

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

The Saint Vincent and the Grenadines Human Rights Association (SVGHRA), a nonpartisan domestic human rights group, generally operated without government restriction, and investigated and published its findings on human rights cases. The government held various meetings with civil society that included the SVGHRA. The SVGHRA's viewpoints were often dismissed, however, due to the government's perception that it was aligned with the opposition. Additionally, civil society representatives reported that even where government officials shared the SVGHRA's concerns, senior officials intimidated subordinate government officials from investigating allegations of human rights abuses.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government inconsistently enforced the law. Sentences for rape begin at 10 years' imprisonment. Authorities referred allegations of rape or physical or sexual abuse of women to police, who were generally responsive to these complaints.

Civil society representatives reported that they did not believe officially reported numbers on rape and sexual abuse represented the scope of the problem. They claimed the justice system protected the powerful and largely ignored poorer, less-well-connected victims.

The government occasionally offered sexual abuse awareness training, but civil society representatives argued such efforts were insufficient to address the root problems that perpetuated an environment of insensitivity to sexual abuse victims. 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.

Civil society groups reported domestic violence against women remained a serious and pervasive problem. The Division of Gender Affairs in the Ministry of National Mobilization offered programs to assist women and children. In the past the ministry maintained a crisis center for survivors of domestic violence, but the center was closed for renovations throughout the year. Civil society representatives stressed the importance of reopening this center and the need for provision of sustainable job-seeking, life, and social skills to survivors of rape and domestic violence. The COVID-19 crisis presented an additional barrier to offering such services.

Sexual Harassment: The law does not specifically prohibit sexual harassment; authorities could prosecute such behavior under other laws. Sexual harassment was widespread, particularly in the workplace. Local human rights groups and women's organizations considered enforcement in the workplace ineffective, citing a lack of sensitivity by government officials, particularly towards economically vulnerable populations.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women enjoy the same legal rights to family, nationality, and inheritance as men. Women receive an equitable share of property following separation or divorce. The law requires equal pay for equal work, and authorities generally enforced it. No specific law prohibits employment discrimination on the basis of sex, and women were restricted from working in some industries.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or from either parent. Birth registration usually occurred within a few days of a child's birth.

Child Abuse: The law provides a legal framework, including within domestic violence laws, for the protection of children. The Family Services Division of the Ministry of Social Development monitored and protected the welfare of children. The division referred all reports of child abuse to police for action and provided assistance in cases where children applied for protection orders with the family court.

Child abuse cases were reported. Unlawful sexual intercourse with children younger than age 15 remained a problem, with some cases possibly linked to transactional sex. Government and NGO interlocutors indicated that child abuse remained a significant problem.

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

Sexual Exploitation of Children: The law does not include provisions that expressly prohibit the use of children for prostitution, pornography, or pornographic performances. The law prohibits girls younger than age 15 and boys younger than 16 from engaging in consensual sexual relations, and the government enforced the law. The law prohibits statutory rape, with special provisions for persons younger than age 13. Observers noted that male and female teenagers engaged in prostitution and transactional sex. NGO and government representatives reported some mothers pressured their daughters to have sexual relations with older men as a way to generate family income. Government officials conducted sensitization workshops in the community and schools to address the problem.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.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 <https://www.state.gov/trafficking-in-persons-report>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, mental, and intellectual disabilities, and the government generally enforced these prohibitions. The law does not mandate access to buildings for persons with disabilities, and access to buildings generally was difficult. Government officials and NGOs reported government funding for organizations supporting persons with disabilities was insufficient to meet the need. NGOs reported subtle discrimination in hiring practices throughout the economy. The government reported that programs to improve recruitment and hiring of persons with disabilities such as the Youth Employment Scheme and the Secondary Education Training Program were no longer operational.

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

Consensual same-sex sexual conduct between adults is illegal under gross indecency statutes, and sexual conduct between men is illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years' imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison, although these laws were rarely enforced. No laws prohibit discrimination against a person based on sexual orientation or gender identity.

In 2019 two gay men filed court proceedings to challenge these statutes, asserting the statutes violate multiple and overlapping rights in the constitution. As of November the suit was pending, but local civil society organizations noted an increase in physical and verbal attacks on lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons since the lawsuit was filed. These included at least four unprovoked attacks on LGBTI persons, including a stabbing, following a protest against LGBTI rights.

HIV and AIDS Social Stigma

Anecdotal evidence suggested there was some societal discrimination against persons with HIV or AIDS, especially in employment. The government provided food packages to some persons with HIV or AIDS, but civil society reported that eligible participants had to preregister at health centers, which some individuals were reluctant to do out of fear of public identification and discrimination. NGOs operated a network to assist persons with HIV or AIDS with medical services and psychosocial support.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice, bargain collectively, and conduct legal strikes. The law does not require employers to recognize a particular union as an exclusive bargaining agent. The law prohibits antiunion discrimination and dismissal for engaging in union activities. Although the law does not require reinstatement of workers fired for union activity, a court may order reinstatement.

The government recognizes the right to freedom of association, with restrictions. The International Labor Organization (ILO) noted with concern the discretionary authority of the government over trade union registration and the government's unfettered authority to investigate the financial accounts of trade unions.

The government generally respected the right to collective bargaining in the private sector. Authorities formed arbitration panels, which included tripartite representation from government, businesses, and unions, on an ad hoc basis when labor disputes occurred.

Workers providing essential services--defined as the provision of electricity, water, hospital, and police services--are prohibited from striking unless they provide at least 14 days' notice to authorities. Some of these sectors were not covered under the ILO's description of essential services.

The government generally did not enforce labor laws effectively. Penalties were undefined and thus were not commensurate with penalties for other violations involving denials of civil rights such as discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. Penalties against forced labor carry punishments commensurate with those for analogous crimes such as kidnapping. The ILO expressed concern that membership in an illegal organization could result in prison labor, in contravention of Convention 105, Abolition of Forced Labor.

While there were no forced labor investigations during the year, civil society representatives reported that a small number of persons--including minors--remained vulnerable to forced labor in underground economic activities in the drug trade and prostitution.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law bars the worst forms of child labor and sets the minimum working age at 14. Compulsory education ends at age 16. The law prohibits children and youth from working between the hours of 10 p.m. and 7 a.m. Children younger than age 18 may not work for more than 12 hours a day. The laws and regulations do not specify the types of hazardous work prohibited to children.

The government did not effectively enforce child labor laws, and penalties were not commensurate with those for analogous crimes. The Department of Labor did not conduct any inspections specifically related to child labor. Instead, the government relied on general labor inspections to identify any child labor violations, but these inspectors had no specialized training on identifying child labor. The government, however, reported hiring an additional labor inspector to improve overall labor enforcement. There were no reported complaints related to

child labor. Covered under national 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/agencies/ilab/resources/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

Laws and regulations related to employment and occupation prohibit discrimination based on sex, age, or disability. While the constitution generally covers discrimination, no laws specifically prohibit discrimination against a person based on race, religion, political opinion, national origin, social origin, or language. There are legal restrictions against employing women in certain occupations, including mining, construction, factory work, energy, and water.

The law does not prohibit sexual harassment in employment or protect workers impacted by it. Whether the law covers discrimination due to sexual orientation, gender identity, or HIV-positive status was untested in court. The government did not effectively enforce laws prohibiting employment discrimination. Penalties were not commensurate to laws related to civil rights such as election interference.

e. Acceptable Conditions of Work

Minimum wages varied by sector and type of work and were below the poverty line. The law prescribes hours of work for categories 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 pay for hours worked above the standard workweek. There was a prohibition against excessive or compulsory overtime, which authorities did not enforce effectively.

Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment; however, the government did not effectively enforce occupational safety and health laws. Penalties for violations of these laws were not commensurate with those for analogous crimes such as negligence.

The government reported hiring an additional labor inspector and claimed it had enough inspectors to enforce the law effectively. Inspectors conducted

unannounced inspections but were not authorized to levy sanctions. The frequency of inspections decreased at the beginning of the COVID-19 pandemic but returned to normal frequency by October. The Ministry of Agriculture conducted inspections and worksite visits in the agricultural sector related to occupational safety and health. The Department of Labor stated it did not have the legal authority to impose fines for violations, but it conducted follow-up inspections to assess if the shortfalls had been addressed. Judicial officials have the authority to prosecute violations of workplace law and impose fines. Workers who receive less than the minimum wage may file a claim with labor inspectors, who investigate and, if warranted, refer the matter to arbitration. The government reported receiving complaints concerning minimum wage and overtime violations in the industrial sector.