

**Status of Human Rights in Saint Vincent and the Grenadines
for the 39th Session of the
Universal Periodic Review**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic Social Council. The purpose of this report is to discuss the status of human rights in Saint Vincent and the Grenadines (St. Vincent) for the 39th Session of the Universal Periodic Review (UPR).

Background

2. St. Vincent is an island nation in the Caribbean with a population of 111,263¹. It is a predominantly Christian nation with approximately with 39.1% identifying as Protestant, 30.2% as Pentecostal, 12.8% Anglican, 6% as Catholic, and 7% identifying as none².

3. St. Vincent's previous review was held on 2 May 2016. As a result of that review, St. Vincent received 128 recommendations of which 75 were supported by St. Vincent³. In particular, two of the recommendations supported by St. Vincent were that it "[s]trengthen measures to combat human trafficking,"⁴ and "[i]nstitute measures to prevent and effectively respond to all incidents of . . . exploitation and trafficking of women and girls . . ."⁵.

Legal Framework:

4. Forced labour is prohibited under Article 4 of the Constitution of St. Vincent, which states: "[n]o person shall be held in slavery or servitude. No person shall be required to perform forced labour"⁶. In addition, Article 5 states that "[n]o person shall be subjected to torture or inhuman or degrading punishment or other treatment"⁷.

5. Moreover, under Section 207 of the Criminal Code, "[a]ny person who unlawfully compels any other person to labour against the will of that person is guilty of an offence and liable to imprisonment for two years"⁸. Furthermore, under the Criminal Code it is unlawful to abduct "any female with intent to . . . have sexual intercourse with her"⁹.

6. St. Vincent also has in place a Prevention of Trafficking in Persons Act 2011 (Act) which is designed "to give effect to and to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and to provide for matters connected therewith and incidental thereto"¹⁰. The Act provides detailed definitions to define Trafficking in Persons¹¹, and also outlines the punishable offenses related to Trafficking in Persons. For

example, under Part II, Section 5(1) of the Act:

A person who engages in, conspires to engage in, attempts to engage in, assists another person to engage in, or organises or directs another person to engage in trafficking in persons commits an offence and is liable on conviction on indictment to a fine of two hundred and fifty thousand dollars or to imprisonment for fifteen years or both¹².

Moreover, the Act provides an outline for providing assistance and protection to the victims of trafficking¹³.

7. St. Vincent is also bound by its international commitments, including the International Covenant on Civil and Political Rights (ICCPR), which states in Article 8(1)-(2) that “[n]o one shall be held in slavery and the slave trade in all their forms be prohibited. No one shall be held in servitude”¹⁴, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which serves as a tool for protecting the “internationally recognized human rights”¹⁵ of the victims of human trafficking.

8. Finally, in order to better combat human trafficking in St. Vincent, in March 2012, the government created the Anti Trafficking in Persons Unit (ANTIPU), the purpose of which is to:

- Investigate possible cases of Trafficking in Persons;
- Prosecute suspected traffickers;
- Conduct training sessions for law enforcement, government and non-government agencies/departments;
- Inform the general public through awareness campaigns about Trafficking in Persons;
- Submit annual reports to the Minister of National Security on all pertinent matters concerning Trafficking in Persons¹⁶.

Human Trafficking

9. Human trafficking, in all its forms, is an issue that plagues every country to some degree or another. Its root causes vary from country to country, and involve many different factors. One such root cause is poverty, which increases vulnerability and the susceptibility of victims to human traffickers. Despite all the protocols, laws, and protections in place, and the creation of the ANTIPU, human trafficking remains an issue within St. Vincent. Women, men, and even children (both domestic and foreign) are trafficked for forced labour in night clubs, farms, mines, and factories¹⁷. Traffickers rely on the desperation of their victims to exploit them with false promises of higher paying jobs and a better life¹⁸. And, according to a report shared by the St. Vincent Police Force, while incidents of human trafficking of been investigated, the government

has not prosecuted a case since 2015, and – even more troubling – it has never successfully convicted a human trafficker¹⁹.

10. Nevertheless, there are indeed instances of human trafficking occurring. For example, in 2018, “nearly 350 potential victims of sexual exploitation and forced labour [were] rescued in an INTERPOL-coordinated operation targeting human trafficking in the Caribbean, Central and South America”²⁰. In St. Vincent and the Grenadines, victims “at a factory had been stripped of their passports and made to be completely dependent. Having never received wages, they relied on their handlers for housing, transport, food and the most basic necessities”²¹. According to Cem Kolcu, Coordinator of INTERPOL’s Trafficking in Human Beings Unit, “What traffickers don’t advertise are the working conditions their victims will be subject to once their final destination is reached. During this operation, we identified women being forced to work out of spaces no bigger than coffins, for example”²².

11. As was indicated above, no case against a human trafficker has been successfully prosecuted, despite the INTERPOL raid which occurred in 2018. Due to the clandestine nature of human trafficking, and the lack of data collected by St. Vincent, the full extent to which human trafficking occurs within St. Vincent is unclear.

Conclusion

12. It is critical that St. Vincent take more steps to combat human trafficking. While St. Vincent has well-laid the legal framework necessary for combatting human trafficking, it remains critical that more attention be given to full implementation of prevention and prosecution of the perpetrators. Thus, the ECLJ respectfully asks that the government invest the money and energy needed to vigorously and effectively investigate and prosecute cases of human trafficking. Furthermore, when cases of human trafficking are better detected and stopped, St. Vincent will need to ensure that the procedures to provide protection and assistance to the victims of human trafficking are effectively utilized.

¹ *Saint Vincent and the Grenadines Population 2021*, WORLD POPULATION REVIEW, available at <https://worldpopulationreview.com/countries/saint-vincent-and-the-grenadines-population>.

² *Saint Vincent and the Grenadines*, ARDA, available at https://www.thearda.com/internationalData/countries/Country_192_1.asp.

³ UPR of Saint Vincent and the Grenadines – Second Cycle – Thematic List of Recommendations, available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session25/VC/UPR25_SaintVincenttheGrenadines_recommendaatio ns.docx.

⁴ *Id.*

⁵ *Id.*

⁶ Constitution of Saint Vincent and the Grenadines, art. 4, available at https://www.constituteproject.org/constitution/St_Vincent_and_the_Grenadines_1979.pdf.

⁷ *Id.* at art. 5.

⁸ Criminal Code Chap. 171 of the Revised Edition of the Laws of St. Vincent and the Grenadines (2009) § 207, available at http://www.oas.org/en/sla/dlc/mesicic/docs/mesicic5_svg_annex8.pdf.

⁹ *Id.* § 202.

¹⁰ Saint Vincent and the Grenadines – Prevention of Trafficking in Persons Act 2011, available at <https://caribbeanmigration.org/repository/saint-vincent-and-grenadines-prevention-trafficking-persons-act-2011>.

¹¹ *Id.*, Part I.

¹² *Id.*, Part II, § 5(1).

¹³ *Id.*, Part III.

¹⁴ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, at art. 8(1)-(2).

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 Nov. 2000, GA Res. 55/25, available at <https://www.ohchr.org/Documents/ProfessionalInterest/ProtocolonTrafficking.pdf>.

¹⁶ *Anti-Trafficking Unit Mission and Vision Statement*, ROYAL ST. VINCENT AND THE GRENADINES POLICE FORCE, available at <http://rsvgpf.gov.vc/rsvgpf/index.php/mission-and-vision>.

¹⁷ *Americas: Hundreds of Human Trafficking Victims Rescued*, INTERPOL (30 Apr. 2018), available at <https://www.interpol.int/fr/Actualites-et-evenements/Actualites/2018/Americas-Hundreds-of-human-trafficking-victims-rescued>.

¹⁸ *Id.*

¹⁹ SVG Retains Its Tier 2 Rankings on the United States Global Trafficking in Persons Report 2020, ROYAL ST. VINCENT AND THE GRENADINES POLICE FORCE, available at <http://rsvgpf.gov.vc/rsvgpf/index.php/organizational-releases-2020/1492-svg-retains-its-tier-2-ranking-on-the-united-states-global-trafficking-in-persons-report-2020>.

²⁰ *Hundreds of Human Trafficking Victims Freed in 13 Countries After Vast Interpol Operation*, NBC News (30 April 2018), available at <https://www.nbcnews.com/news/world/hundreds-human-trafficking-victims-freed-13-countries-after-vast-interpol-n870131>.

²¹ *Id.*

²² *Hundreds of People Rescued in Interpol Human Trafficking Raids in the Americas*, REUTERS (30 Apr. 2018), available at <https://www.reuters.com/article/us-americas-trafficking-police/hundreds-of-people-rescued-in-interpol-human-trafficking-raids-in-the-americas-idUSKBN1110YT>.