

MEMORANDUM 09292026

TO: Virgin Islands Constitutional Convention (VICC) Plenary

FROM: Committee on Human Rights

DATE: September 29, 2026

SUBJECT: Final Committee Draft of Articles I, IV, X, and XVI

This memorandum accompanies the final redrafted language for Articles I, IV, X, and XVI, developed following the Committee on Human Rights review on August 11, 2026. The attached text reflects the majority votes and adopted redlines of the delegates, as well as considerations derived from the VICC Constitutional Advisor's legal review.

II. Summary of Major Revisions (September 29 vs. August 11 Draft)

To assist the Executive Committee in its review, below is a comprehensive summary of the structural deletions, consolidations, and textual refinements made to the previous draft to produce this streamlined September 29 final version.

Article I: Bill of Rights

1. Section 22 (Cultural Heritage Preservation): Corrected capitalization and formatting errors for consistency.
2. Section 23 (Right to Animal Wellbeing): Consolidated the language for clarity, removing the redundant phrase stating animals "have a right to be free from cruelty," and instead establishing that it is a purpose of the Constitution to "promote and protect the welfare, rights, and interests of animals, including their interest in being free from cruelty".
3. Section 24 (Rights of Women and Girls): Deleted the concluding sentence restricting the passage of laws that infringe upon the explicit rights of women and girls.
4. Section 25 (Rights of Vulnerable Persons): Added the introductory clause "In addition to the rights afforded to all persons in this Constitution..." and explicitly inserted "youth" into the recognized list of vulnerable persons.
5. Section 26 (Right to Constitutional Remedies): Struck the opening sentence guaranteeing the right to bring a claim within the Judicial System. The section now begins directly by empowering courts to provide effective relief, merging the clauses regarding government liability into a single modified sentence.
6. Section 27: Retitled from "Interpretation and Non-Derogation" to "Interpretation and Preservation of Other Rights".

Article IV: Suffrage and Election

1. Section 1: Retitled from "Universal Right to Vote" to "Right to Vote". Corrected a cross-reference error, changing "Article II, Section 6" to the proper "Article I, Section 6".
2. Section 3 (Assumption of Office): Removed the word "clearly" from the phrase "defined

clearly by statutory law".

3. Section 4 (Independent Election System): Updated the cross-reference from Article VI, Section 16 to Section 15.

4. Major Deletions: The September 29 draft entirely removes Section 5 (Campaign Finance Transparency), Section 6 (Voter Accessibility and Equity), and Section 7 (Modernization of Voting Systems) from this Article to streamline the constitutional text.

Article X: Youths of the Virgin Islands

1. Section 1 (Fundamental Rights of Youth): Integrated the definition of youth ("defined as all persons under the age of 18") directly into the opening clause of Section 1, removing it as a standalone header.

2. Major Deletions: The September 29 draft completely removes the Right to Education (formerly Section 2) and the Right to Health and Well-being (formerly Section 4). The remaining sections regarding fair employment and cultural participation have been renumbered accordingly.

Article XVI: Initiatives, Referendums, and Recalls

1. Section 2 (Municipal Initiatives): Refined the closing clause from "protective of the constitutional rights afforded under this constitution" to "protective of the rights to initiative afforded under this constitution" to narrow the legal scope and prevent overly broad interpretations.

2. Section 3 (Legislative Referendums): Removed the ability for the Legislature to propose "amendments" via this method, strictly limiting this power to proposing "legislation." Additionally, inserted a new mandate stating: "Any such legislation shall be consistent with this constitution".

3. Section 4 (Recall of Public Officials):

a. Split the signature threshold requirements for executive officers into two distinct subsections.

b. Added explicit language clarifying that the Governor or Lieutenant Governor "may be recalled individually".

c. Adjusted the formatting in the "Limitations" subsection from Arabic numerals to Roman numerals (I, II, III).

4. Major Deletions: The September 29 draft completely removes Section 5 (Transparency and Accountability Measures), striking the mandates for accessible systems, voter education, and impartial ballot materials from the Constitution.

DRAFT CONSTITUTION TEXT

Article I - Bill of Rights

Foundational Principles

Section 1. Recognition of Human Dignity and Equality

All persons are born free and equal in dignity and rights. The Government of the Virgin Islands shall recognize and protect the dignity of every individual. No law shall deny or impair the equal protection of the laws or discriminate against any person, including, without limitation, on the basis of race, color, sex, gender, gender identity, sexual orientation, age, language, religion, belief, disability, pregnancy, health status, political opinion, national origin, ancestry, economic condition, or social origin.

Section 2. Prohibition on Slavery and Human Trafficking

Neither slavery nor involuntary servitude shall ever again exist within the Virgin Islands. Trafficking in human beings for whatever purpose is prohibited.

Fundamental Freedoms

Section 3. Freedom of Expression, Assembly, and Association

Freedom of speech, press, expression, and opinion, including through electronic media and digital communications, shall not be abridged. This includes the right to receive information, express dissent, and

engage in peaceful protest. The right of the people peaceably to assemble, to petition the government for redress of grievances, and to form and join associations, including labor unions, political parties, and cultural or community groups, shall not be infringed. These rights may be subject only to narrowly tailored restrictions necessary to protect compelling interests such as public safety, public security, or the rights of others.

Section 4. Freedom of Religion and Conscience

The Virgin Islands shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. All persons have the right to freedom of thought, conscience, religion, and worship. No person shall be compelled to belong to, participate in, or support any religious practice or institution. Government and religious institutions shall remain separate. No public funds shall be used to support religious institutions or activities, except for secular services provided to the general public on the same terms as other organizations. No religious test, affiliation, or belief shall be required for any public office, employment, or benefit provided by the Virgin Islands government.

Section 5. Right to Privacy

Every person has the right to privacy and the expectation that they are secure from unwarranted intrusion in their persons, real and personal property, personal communications and data, personal affairs, and life decisions both digital and physical. Government intrusion on such a right without a warrant issued by a judicial officer upon probable cause, supported by oath or affirmation, shall be forbidden.

Civic and Political Rights

Section 6. Right to Vote

Every United States citizen who is a resident of the Virgin Islands and at least eighteen years old shall have the right to vote. This right shall be protected from all forms of discrimination, including race, color, sex, gender identity, sexual orientation, national origin, ancestry, age, disability, religion, political opinion, or economic condition. Any restrictions based on felony convictions or mental competency must be clearly defined, narrowly tailored, and enacted by transparent statutory provisions.

Section 7. Political Self-Determination

Consistent with applicable international law and treaties, the people of the Virgin Islands reserve the fundamental right of self-determination.

Section 8. Right to Self-Governance

All powers not expressly delegated to specific branches of government are reserved to the people of the Virgin Islands. The people have the fundamental right to democratic self-governance on matters within their constitutional authority.

Section 9. Transparency and Access to Public Records

All persons have the right to access public records, subject to express exemptions for confidentiality or as

otherwise limited by law. The public shall have the right to attend all meetings of public bodies, subject to express exemptions for confidentiality or as otherwise limited by law.

Section 10. Right to Democratic Control Over Public Expenditures

The people have the right to democratic control over public expenditures.

Rights within the Justice System

Section 11. Due Process of Law

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation. All persons shall be entitled to:

The right of access to the courts and impartial tribunals;

The right to the privilege of the writ of habeas corpus;

The right to notice of charges;

The right to a prompt and fair trial;

The right to confront witnesses and present evidence;

The right to compulsory process for obtaining witnesses;

The right to a trial by jury in serious criminal and civil cases;

The right to a public trial;

The right to the presumption of innocence;

The right to legal counsel;

The right to remain silent and not be compelled to testify against themselves;

The right to protection against double jeopardy;

The right to appeal;

The right to protection from excessive bail, excessive fines, and cruel and unusual punishment;

The right to due process in all government proceedings affecting rights or interests; and

The right to all other rights reasonably required to assure due process.

Section 12. Protection from Unreasonable Searches and Seizures

All persons have the right to privacy and to be secure in their bodies, persons, real and personal property and non-public data and communications against unreasonable searches and seizures. No search or seizure shall be conducted without a warrant issued upon probable cause supported by oath or affirmation, and

particularly describing the place or device to be searched and the persons or things to be seized.

Section 13. Rights of Victims

Victims of crime have the right to be treated with dignity and respect throughout the criminal justice process. Every alleged victim shall have the right to timely notice of court proceedings involving the offense, to be present at such proceedings, to be heard at sentencing and other critical stages, to receive information about the status of the case, and to restitution from the convicted individuals. Subject to the constitutional rights of accused persons, the rights of victims of crime as described herein shall be protected and enforced.

Section 14. Protection from Debt Imprisonment

No person shall be imprisoned for debt.

Economic, Social, Cultural, and Environmental Rights

Section 15. Right to Education

Every person shall have the right to free, equitable, and Virgin Islands culturally relevant public education from early childhood through secondary school. Elementary and secondary education shall be compulsory for all persons as specified by law. The Government shall respond to the needs, interests, and abilities of its people and ensure access to quality education that fosters individual dignity, community well-being, and full participation in civic life.

Section 16. Right to Health Care and Social Wellbeing

No person shall be denied emergency medical treatment due to inability to pay. All persons have the right to healthcare necessary to preserve life and protect physical and mental health with human dignity, including access to essential medical services and mental health treatment. These rights shall be progressively realized by the Government of the Virgin Islands, within available resources and subject to reasonable regulation.

Section 17. Right to Dignity in Labor

All persons have the right to freely chosen work and to organize for their mutual aid and protection. This fundamental right shall not be infringed and includes the right to:

- (a) Enjoy just and favorable conditions of work, including a living wage and a safe environment;
- (b) Organize, form, and join labor unions;
- (c) Bargain collectively through representatives of their own choosing; and
- (d) Take concerted action, including the right to strike. The aforementioned rights are subject to reasonable limitations provided by local law and applicable federal law.

Section 18. Right to Housing

The right to adequate and dignified housing is a human right recognized in the Virgin Islands. This right includes legal protection against forced or arbitrary eviction without due process, harassment, and displacement; access to housing that is safe, secure, habitable, and affordable without compromising other basic needs. Adequate housing shall include access to clean water, sanitation, energy, and essential infrastructure. It shall be free from environmental hazards, accessible to all, especially marginalized and vulnerable groups, and located in areas that support health, safety, education, and economic opportunity. Housing must also respect cultural identity and support the dignity of every individual and family.

Section 19. Environmental Rights

Every person has the right to live in a healthy ecological balanced environment adequate to human health and well-being. The natural environment and resources of the Virgin Islands are held in public trust by the Government for the benefit of present and future generations. Every person has the right to seek enforcement of these environmental rights through appropriate legal proceedings.

Section 20. Right to Water Sovereignty

All persons in the Virgin Islands have the right to water sovereignty regarding waters of the Virgin Islands. The people shall have the right to participate in the planning and governance of water resources.

Section 21. Right to Beach and Public Natural Access

All persons in the Virgin Islands shall have the right to unfettered access to the beaches and shorelines of the Virgin Islands, subject only to the minimum limitations required for public safety as prescribed by law. No private individual, corporation, or entity shall restrict traditional access to the beaches or shores by the land or the sea other than for matters of public safety.

Section 22. Cultural Heritage Preservation

In addition to the rights afforded to all persons in this Constitution, the preservation of cultural identity, oral histories, languages, and traditions of the culturally diverse people in the Virgin Islands, including recognition of the rights of indigenous and historically rooted communities are human rights which must be enjoyed without fear of discrimination, suppression, or exploitation. Sacred sites and cultural resources shall be protected in law and in practice.

Section 23. Right to Animal Wellbeing

Animals are natural sentient beings. It is a purpose of this Constitution to promote and protect the welfare, rights, and interests of animals, including their interest in being free from cruelty.

Protections for Specific Groups

Section 24. Rights of Women and Girls

In addition to the rights afforded to all persons in this Constitution, the women and girls in the Virgin Islands have the right to equal treatment under the law and shall be free from all forms of discrimination, violence, and exploitation. They shall have the right to bodily autonomy, equal opportunity in education,

employment, and political life, and access to comprehensive healthcare, including maternal and reproductive care.

Section 25. Rights of Vulnerable Persons

In addition to the rights afforded to all persons in this Constitution, vulnerable persons have the right to special protection from abuse, neglect, exploitation, and harmful conditions. Their best interests shall be a primary consideration in all legal proceedings affecting them. The rights of vulnerable persons, including youth, the elderly, persons with disabilities, victims of abuse, unhoused persons, and the chronically ill, to dignity, inclusion, care, protection and assistance shall be assured.

Implementation and Interpretation

Section 26. Right to Constitutional Remedies

The courts shall be empowered to provide effective relief, including injunctions, and declarations of unconstitutionality, provided however that claims against the Government of the Virgin Islands, its instrumentalities, and its officers and employees in their official capacity may be recovered only to the extent provided by law.

Section 27. Interpretation and Preservation of Other Rights

This Bill of Rights shall be interpreted in a manner consistent with the principles of liberty, dignity, equality, and justice. The enumeration of rights in this Article shall not be construed to deny or disparage other rights retained by the people.

Section 28. Limitations

No right guaranteed by this Bill of Rights may be suspended or restricted except in accordance with due process of law, and only to the extent necessary to achieve a compelling government interest, using the least restrictive means available. Any such restriction must be authorized by law and subject to judicial review. Certain fundamental rights, including but not limited to, the privilege of the writ of habeas corpus and the prohibition of torture, slavery, and human trafficking, shall not be suspended under any circumstances.

Article IV - Suffrage and Election

Section 1. Right to Vote

As stated in the first sentence in Article I, Section 6, only those persons who are (a) United States citizens, and (b) residents of the Virgin Islands, and (c) at least eighteen years old shall have the right to vote on all matters under this Constitution.

Section 2. Election Scheduling and Procedures

Regular general elections shall occur on the first Tuesday after the first Monday of November, unless otherwise provided by law. Special elections, referenda, recalls, and initiatives shall be scheduled and

administered transparently according to statutes that ensure maximum voter turnout, convenience, and equity.

Section 3. Assumption of Office

The Governor and Lieutenant Governor shall assume office on the first Tuesday after the first Monday in January following the election, provided the successor has been duly elected and qualified pursuant to this Constitution, and in any event no later than three (3) months following the general election. All other elected officials shall assume office as defined by statutory law, ensuring adequate transition time and procedural transparency.

Section 4. Independent Election System

An independent election system of the Virgin Islands shall be established as defined in Article VI, Section

15.

Article X – Youths of the Virgin Islands

Section 1. Fundamental Rights of Youth

In addition to those rights granted to all persons in this Constitution, youth, defined as all persons under the age of 18, shall be entitled to:

- (a) Receive government enforced protection from abuse, neglect, exploitation, and degrading treatment;
- (b) Express their views and be heard in public matters affecting youth;
- (c) Access to publicly funded legal advocate, provided at no cost to the youth or their family, to ensure the protection of the youth's rights and best interests;
- (d) Experience family life, privacy, and healthy development free from violence;
- (e) Experience a restorative justice system that prioritizes rehabilitation rather than punitive treatment;
- (f) Receive discipline administered in a manner consistent with the youth's human dignity. Corporal punishment in educational settings shall be prohibited, as well as in other settings as established by law; and
- (g) Know their parentage, subject to limitations prescribed by law to protect privacy, safety, or the best interest of the youth.

The Government shall enact and enforce laws protecting youth from physical, emotional, and sexual abuse in all settings, and shall establish systems for reporting, investigating, and remedying youth abuse and neglect.

Section 2. Right to Fair Employment and Protection of Youth Labor

The employment of youth shall not take precedence over their education and shall be strictly regulated by

law to protect their health, finances, and safety. No youth under the age of fourteen (14) shall be employed, except as permitted under federal and Virgin Islands law.

Section 3. Right to Cultural, Recreational, and Civic Participation

The rights of youth to participate in sports, arts, cultural life, community service, and creative expression, including enrichment programs, shall be guaranteed to assure equitable access to facilities and mentorship.

Article XVI – Initiatives, Referendums, and Recalls

Section 1. Public Initiatives

The electorate reserves the right to initiate legislation through petitions clearly outlining proposed measures including a narrative summary of the proposed legislation's purpose and anticipated effect. Such petitions must receive certified signatures totaling at least three percent (3%) of the qualified electors of the Virgin Islands. Signatures must be filed with the Election System of the Virgin Islands within one hundred eighty (180) days of initiation of the petition; however, the Election System of the Virgin Islands may extend this period to account for force majeure or other circumstances impeding petition circulation.

Upon verification of petition signatures, the ESVI shall submit the initiative to the Attorney General for her or his opinion on constitutionality, to be issued within sixty (60) days. If the Attorney General opines that the initiative is not constitutional then it shall not proceed without successful appeal to the Supreme Court of the Virgin Islands. If the Attorney General opines that the initiative is constitutional, then the ESVI will submit it to the Legislature including the opinion of the Attorney General and Supreme Court, if applicable.

If the Legislature adopts the initiative by a two-thirds affirmative vote of all the members within thirty (30) days of receipt from the Attorney General then this shall constitute enactment without further approval of the Governor. Disapproval or inaction by the Legislature within the thirty (30) days shall cause the initiative to be placed before the people in a referendum within sixty (60) days.

Any initiative approved by majority vote of the qualified electors voting on the question by referendum becomes law immediately and is immune to amendments or repeal by the sitting Legislature or gubernatorial veto.

Section 2. Municipal Initiatives

For municipal initiatives, the process shall be as specified in the Municipal Charter for the relevant Municipal District provided that such process for municipal initiative shall be no less protective of the rights to initiative afforded under this constitution.

Section 3. Legislative Referendums

The Legislature, by a two-thirds(2/3) affirmative vote of all its members, may propose legislation, clearly and concisely drafted, directly to the people of the Virgin Islands through the process of referendum. Any such legislation shall be consistent with this constitution. Any such proposed legislation approved by majority vote

of the qualified electors, voting on the question by referendum, becomes law immediately and is immune from amendments by the sitting Legislature and gubernatorial veto.

Section 4. Recall of Public Officials

(a) Right Reserved

The people of the Virgin Islands reserve the right to recall elected public officials. The grounds for recall shall be stated with specificity in the recall petition.

(b) Initiation by Petition

A recall of an elected official shall be initiated by petition. To be certified as sufficient by the Election System of the Virgin Islands, a petition shall be signed by qualified electors of the district(s) from which the official was elected, in numbers not less than the following:

1. For the Governor or the Lieutenant Governor, who may be recalled individually, fifteen (15) percent of

the total votes cast for the joint ticket of Governor and Lieutenant Governor in the preceding gubernatorial election, provided that such signatures shall include at least five (5) percent of the qualified electors who cast votes for that office in each electoral district.

2. For the Attorney General, the Comptroller, or the Director of Audit and Compliance, fifteen (15) percent

of the total votes cast for the specific office subject to recall, provided that such signatures shall include at least five (5) percent of the qualified electors who cast votes for that office in each electoral district.

3. For the office of Senator, Members of the District Boards of Election or Members of the Virgin Islands Board of Education, fifteen (15) percent of the total votes cast for the specific office in the election for the office sought to be recalled.

4. For municipal officials, as specified in the Municipal Charter for the relevant Municipal District.

(c) Recall Election

Upon certification of the signatures on the recall petition by the Election System of the Virgin Islands, a special recall election shall be conducted within ninety (90) days. An elected official shall be recalled upon an affirmative vote of a two-thirds (2/3) majority of those qualified electors voting on the question of recall. Only those qualified electors who are eligible to vote for the position being recalled are eligible to vote in a recall election.

(d) Effect of Recall

A successful recall shall create a vacancy in the office. Such vacancy shall be filled in the manner provided by this Constitution or by law.

(e) Limitations

I. No recall petition shall be filed against an elected official until that official has served one (1) year of

the term for which they were elected.

II. No recall petition shall be filed against an elected official during the final six (6) months of the term

of that office.

III. An elected official shall be subject to no more than one recall election during a single term of office.

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