



Grenada

Country Reports on Human Rights Practices - [2004](#)

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Grenada is a parliamentary democracy, governed by a prime minister, a cabinet, and a unicameral legislature, with a governor general as titular head of state. In November 2003, Prime Minister Keith Mitchell's New National Party (NNP) won 8 out of 15 parliamentary seats in generally free and fair elections. The judiciary is independent.

The Royal Grenada Police Force is responsible for maintaining internal law and order and external security. Civilian authorities maintained effective control of the security forces. Some members of the security force committed occasional human rights abuses. Following Hurricane Ivan, the Regional Security Service (RSS) sent soldiers and police officers from other Caribbean nations to assist the police force with maintaining law and order. The RSS was present from September to December.

The free-market economy was based on agriculture and tourism. Grenada and 2 smaller islands, Carriacou and Petit Martinique, had a population of approximately 102,000. Hurricane Ivan damaged an estimated 90 percent of island houses, destroying 40 percent totally, and damaged 91 percent of the rain forest and the agricultural sector. The Caribbean Development Bank estimated that the economy contracted by 3.6 percent during the year.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas, particularly continued violence against women and instances of child abuse.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices, and there were no reports that government officials employed them. Flogging, a legal form of punishment, was rare but was used as punishment for sex crimes. The Police Commissioner continued to speak out strongly against police use of unlawful force.

Prison conditions generally met international standards, the Government permitted visits by independent human rights observers, and such visits occurred during the year. The main prison was damaged during Hurricane Ivan, and the authorities permitted some prisoners, including 15 of the "Grenada 17," to leave. The 15 prisoners returned at the end of each day, and the prison was repaired by year's end.

In September, RSS personnel reportedly used excessive force to stop a riot at the prison. According to press reports, inmates complained about beatings, broken limbs, and humiliation. A local attorney called upon the Government to investigate the charges.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The 830-person national police force, including an additional 200 rural constables, had a hierarchical structure and was generally effective in responding to complaints; however, lack of resources was a problem. While individual cases of corrupt or abusive police have been reported, there was no generalized problem of police corruption. In September, authorities accused five police officers of looting after the passing of Hurricane Ivan, and an investigation continued at year's end. The police investigated allegations of police brutality internally. The Police Commissioner can discipline officers (up to the rank of sergeant) in cases of brutality with penalties that include dismissal. Only the Public Service Commission can discipline officers with the rank of inspector or above. For several months following the passing of Hurricane Ivan, a temporary curfew was enacted, and RSS troops provided internal law enforcement assistance. By year's end, the curfew had been lifted, and all foreign troops had left the country.

The law permits police to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours, and this limit generally was respected in practice. The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There was a functioning system of bail, although persons charged with capital offenses were not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the Governor General. In practice, detainees were provided access to a lawyer and family members within 24 hours.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary was a part of the Eastern Caribbean legal system. There were three resident judges who heard cases in the Supreme Court. An appeals court, staffed by a chief justice who traveled between the Eastern Caribbean Islands, heard appeals cases. Final appeal may be made to the Privy Council in the United Kingdom.

The law provides for the right to a fair public trial, and the authorities generally observed this right in practice. There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. A defense lawyer has the right to be present during interrogation and may advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser.

The court appoints attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reach the appellate stage, the court appoints a lawyer to represent the accused if the defendant was not represented previously or reappoints earlier counsel if the appellant no longer could afford that lawyer's services. Assizes are held three times a year for a 2-month period. With the exception of persons charged with a killing and foreign-born drug suspects, the courts granted most defendants bail while awaiting trial.

In March, the Grenada High Court ruled unconstitutional the sentences given to 14 of the "Grenada 17," who were convicted for the 1983 murder of Prime Minister Maurice Bishop. In 1986, the 14 had been sentenced to death, which was commuted to life imprisonment in 1991. The High Court was set to re-sentence and possibly free the 14 until the Government appealed the decision to the Eastern Caribbean Supreme Court; a decision was pending at year's end. A separate appeal was filed for the three individuals convicted of the murder who were not sentenced to death and who had been ordered released by the High Court in 2002. In 2003, Amnesty International (AI) classified the Grenada 17 as political prisoners based upon its findings that their original trial was unfair, and subsequent appeals manipulated for political reasons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The independent media were active and expressed a wide variety of views without restriction. There were four weekly newspapers, seven radio stations, and a private television station.

In May, the Government reportedly attempted to intimidate members of the press who reported on allegations of corruption against the Prime Minister. One journalist reportedly was threatened and later detained by the police after attempting to report the incident. The Media Workers Association of Grenada reported that the Government threatened to sue media outlets if they reprinted an article from an Internet journal on the corruption allegations. Both the Association of Caribbean Media Workers and the international Committee to Protect Journalists criticized the Government for seeking to intimidate the media.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country.

The Constitution does not address forced exile, but the Government did not use it.

The Government has not established a system for providing protection to refugees or asylum seekers. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but did not routinely grant refugee status or asylum. Although the Government provides temporary protection to individuals who may not qualify as refugees under the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, no one sought such protection during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections must be held every 5 years. In November 2003, the incumbent NNP administration of Prime Minister Keith Mitchell retained power by winning 8 of the 15 seats in Parliament in elections generally considered free and fair, but with some irregularities noted by the Organization of American States in several very close races. On March 19, the court ruled that one contested Parliament seat remain with the NNP.

There were several allegations of corruption during the year. In August, a Commission of Inquiry began to investigate whether Prime Minister Mitchell accepted money from a German citizen, reportedly in exchange for receiving a diplomatic title in the Government. The Prime Minister claimed the money was approved by the cabinet and was for legitimate trade promotion expenses. At year's end, the German citizen was imprisoned in a foreign country on fraud charges.

In the aftermath of Hurricane Ivan, government and opposition politicians criticized each other for attempting to politicize the distribution of relief supplies.

There was no law providing for public access to government information; however, citizens may request access to any information that is not deemed classified.

There were 4 women in the 15-seat Parliament; there were 4 women among the 12 appointed senators. There were six female ministers of government. Women filled 8 of the 13 permanent secretary posts, the highest civil service position in each ministry.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Truth and Reconciliation Commission, launched in 2001 to investigate the period between the mid-1970s and the late 1980s, had still not presented its final report to the Government. There was public perception that the report never would be issued. The report was due to have been delivered in June. The Government did not react to AI's 2003 claim that the trial and sentencing of the 17 convicted leaders of the 1983 Revolutionary Government was flawed.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, place of origin, political opinion, color, creed, or sex, and the

Government generally enforced these provisions.

Women

Women's rights monitors believed that violence against women remained a serious problem. The law prohibits domestic violence and provides for penalties at the discretion of the presiding judge based on the severity of the offense. In practice, the court enforced the law.

In September, RSS personnel reportedly traded hurricane relief supplies for sexual favors with women. The police confirmed receiving credible reports that such incidents occurred, including from the Grenada National Organization of Women.

The law prohibits rape and stipulates a sentence of 15 years' imprisonment for a conviction of any nonconsensual form of sex. Sentences for assault against a spouse varied according to the severity of the incident. A shelter accommodating approximately 20 battered and abused women and their children operated in the northern part of the island, staffed by medical and psychological counseling personnel.

Prostitution is illegal.

The law prohibits sexual harassment; there were no reported cases during the year.

Women generally enjoyed the same rights as men, and there was no evidence of official discrimination in health care, employment, or education. Women frequently earned less than men performing the same work; such wage differences were less marked for the more highly paid jobs. There were a number of active community based and political women's groups, such as the Grenada National Organization of Women.

Children

The Government was committed to children's rights and welfare. The Social Welfare Division within the Ministry of Housing, Social Services, and Cooperatives provided probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or provide foster care to children, and financial assistance to the six children's homes run by private organizations.

Education was compulsory, free, and universal until the age of 16.

Boys and girls had equal access to medical care.

Government social service agencies reported a decrease in the number of reported child abuse cases, including sexual abuse. Abused children were placed either in a government-run home or in private foster homes. The Criminal Code suggests penalties ranging from 5 to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest.

Trafficking in Persons

The law does not address trafficking in persons specifically; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

The law does not protect job seekers with disabilities from discrimination in employment. The law does not mandate access to public buildings or services.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join independent labor unions. Although employers are not legally obliged to recognize a union formed by their employees, they generally did so in practice. Labor Ministry officials estimated that 45 percent of the work force was unionized.

All major unions belonged to one umbrella labor federation, the Grenada Trades Union Council, which was subsidized by the Government.

b. The Right to Organize and Bargain Collectively

Workers exercised the legal right to organize and to participate in collective bargaining. The law requires employers to recognize a union that represents the majority of workers in a particular business. There are no export processing zones.

The law provides workers with the right to strike, and workers exercised this right in practice.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor is illegal; however, children sometimes worked in the agricultural sector on family estates. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforced this provision in the formal sector by periodic checks; however, enforcement in the informal sector remained a problem.

e. Acceptable Conditions of Work

There is a tripartite Wages Advisory Committee, composed of union, business, and government representatives. The Labor Ministry prescribes minimum wages, which last were updated in 2002. Minimum wages were set for various categories of workers; for example, agricultural workers were classified into male and female workers. Rates for men were \$1.85 (EC\$5.00) per hour, and for women \$1.75 (EC\$4.75) per hour; however, if a female worker performed the same task as a man, her rate of pay was the same. All agricultural workers must be paid for a minimum of 5 hours per day. The minimum wage for domestic workers was set at \$148 (EC\$400) monthly. The minimum wage did not provide a decent standard of living for a worker and family. Most workers, including nonunionized workers, received packages of benefits from employers set by collective bargaining agreements between employers and labor unions. Many families received remittances from relatives abroad and also helped support themselves through garden-plot agriculture.

The Constitution provides for a 40-hour maximum workweek. The law does not prescribe a standard workweek; however, public sector workers are expected to work a 40-hour week Monday through Friday. The normal workweek in the commercial sector included Saturday morning work but did not exceed 40 hours. The law requires a premium for work above the standard workweek.

The Government sets health and safety standards, but the authorities enforced them unevenly. Workers have the right to remove themselves from dangerous workplace situations without jeopardy to continued employment.