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2009 Human Rights Report: Grenada

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Grenada is a parliamentary democracy with a bicameral legislature. Grenada and two smaller islands, Carriacou and Petite Martinique, have a population of approximately 105,000. In generally free and fair elections in July 2008, the National Democratic Congress (NDC) won 11 of 15 seats in Parliament, and Tillman Thomas was sworn in as prime minister. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, problems included allegations of corruption, 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 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, and there were no confirmed reports that government officials employed them. However, there were occasional allegations that police beat detainees. Flogging, a legal form of punishment, was occasionally used as punishment for sex crimes.

Prison and Detention Center Conditions

Prison conditions generally met international standards, with the exception of overcrowding, and the government permitted visits by independent human rights observers. Overcrowding was a significant problem; in the sole penitentiary there were 378 prisoners, of whom three were women, held in space designed for 98 persons.

Women were held in a separate section of the prison from men. There was no separate facility for juveniles, and they were held with the general prison population.

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The government permits monitoring of prison conditions by independent human rights groups, and such visits took place during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The country does not have a military. The 948-person Royal Grenadian Police--there are also 253 rural constables--has a hierarchical structure and generally was effective in responding to complaints. The police commissioner continued a community policing program.

The police report to the minister for national security, who is also the prime minister. The police commissioner can discipline officers (up to the rank of sergeant) in cases of brutality with penalties that include dismissal. In March the commissioner immediately dismissed an officer whose identification card (along with a quantity of illegal drugs) was found during a raid. Only the Public Service Commission can discipline officers with the rank of inspector or above.

Arrest Procedures and Treatment While in Detention

The constitution and law permit police to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours, and this requirement generally was respected. In practice detainees were provided access to a lawyer and family members within 24 hours. 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 is a functioning bail system, although persons charged with capital offenses are not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the governor general. The court appoints a lawyer for the indigent in cases of murder and other capital crimes.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

The judiciary is a part of the Eastern Caribbean legal system, which consists of three resident judges who hear cases in the High Court twice a year and a Court of Appeals staffed by a chief justice who travels between the Eastern Caribbean islands to hear appeals of local cases. Final appeal may be made to the Privy Council in the United Kingdom.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. 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. The law allows for a defense lawyer to be present during interrogation and to advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser and has the right of appeal. There are jury trials in the High Court only; trials are open to the public unless the charges are sexual in nature or a minor is involved.

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 can no longer afford that lawyer's services. With the exception of foreign-born drug suspects or persons charged with murder, the courts granted most defendants bail while awaiting trial.

On September 5, the government released the remaining seven of the original "Grenada 17," those imprisoned for the 1983 murders of then prime minister Maurice Bishop and 10 other citizens. The release was based on a 2007 ruling in a resentencing hearing ordered by the Privy Council.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters. The civil court system encompasses a number of seats around the country at which magistrates preside over cases.

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

The constitution and law prohibit 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 and law provide for freedom of speech and of the press, and the government generally respected these rights in practice.

Led by a prime minister who spent more than two years in prison because of his belief in press freedom, the government did not use libel laws to sue journalists and media owners. However, journalists were subject to forms of criticism that could result in self-censorship.

Continuing a practice used by the opposition while in power, in December an opposition politician threatened to file suit against the media when confronted with unfavorable media reports.

In January the health minister apologized for telling a television audience that "irresponsible" journalists who criticized the government belonged in jail, explaining that his remarks were intended in jest. On May 29, authorities questioned a radio broadcaster (and opposition supporter) who urged citizens to avoid a government-sponsored event. Journalists noted that the Media Workers Association, which frequently criticized the previous administration for its treatment of the media, remained silent on the broadcaster's 45-minute detention.

Authorities granted broadcast licenses to two radio stations that had been denied licenses by the previous government. *Grenada Today*, a newspaper that closed and was liquidated for failure to pay a large sum owed in a libel suit brought by the opposition leader in 2007, reopened the next day as *The New Today*.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that there were 23 Internet users per 100 inhabitants in 2008.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government 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.

There is no state religion. To qualify for customs tax exemptions, religious organizations must register with the government.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. There was no organized Jewish community.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

Although no known cases occurred, the government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The law does not address forced exile, but the government did not use it.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. The government has not established a system for providing protection to refugees or asylum seekers. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The most recent general elections were held in July 2008, when the National Democratic Congress won 11 of the 15 seats in the House of Representatives, defeating the New National Party, which had governed for 13 years. The Organization of American States led a 25-member election observer mission, which deemed the elections free and fair.

There were two women in the House of Representatives and four among the 13 appointed senators. The president of the Senate is a woman, and there were three female ministers of government. In the civil service, women held 17 of the 19 most senior positions.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's governance indicators reflected that corruption was a problem.

In 2007 Parliament passed the country's first anticorruption laws and a bill establishing an Integrity Commission. In October the government appointed seven persons to the Integrity Commission, and it began to set up its office.

Although the new anticorruption laws require all public servants to report their income and assets, the appropriate regulations had not been promulgated by year's end.

In July the prime minister asked the attorney general to resign after it was learned that he had used his official letterhead to beg for leniency for his stepson, who was held in foreign custody on drug charges.

There are no laws mandating transparent reporting of political donations or limiting the amount of political donations from outside the country.

Although there is no law providing for public access to government information, citizens may request access to any information that is not deemed classified. There is no national archive system, but the public library attempted to archive those official documents to which it had access.

Section 5 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 often were cooperative and responsive to their views.

On October 1, the government swore in Argar Alexander as the country's first ombudsman. A career public servant, he previously served as cabinet secretary. The ombudsman has authority to investigate complaints from persons who object to government actions they deem to be unfair, an abuse of power, contrary to law, discriminatory, or negligent.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or gender, and the government generally upheld these prohibitions.

Women

The law criminalizes rape, including spousal rape, and stipulates a sentence of flogging or up to 15 years' imprisonment for a conviction of any nonconsensual form of sex. Authorities referred 62 charges involving rape or related charges for prosecution through November. Of these, 15 counts against nine individuals resulted in convictions.

Women's rights monitors noted 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. Police and judicial authorities usually acted promptly in cases of domestic violence. Sentences for assault against a spouse vary

according to the severity of the incident. A shelter accommodating approximately 18 battered and abused women and their children operated in the northern part of the country, staffed by medical and psychological counseling personnel. The government established and publicized an anonymous hotline for victims to get help and for persons to report cases of abuse. The hotline received an average of two calls per week, while a government office line received approximately 15 calls per week that met hotline criteria.

Prostitution is illegal but existed.

The law prohibits sexual harassment, but there are no criminal penalties for it. It is the responsibility of the complainant to bring a civil suit against an alleged harasser.

Couples and individuals had access to contraception as well as obstetric and post-natal care. Lifestyle choices and a lack of prenatal education contributed to a high percentage of premature births, which resulted in an infant mortality rate of 15 deaths per 1,000 live births in 2008. Essential obstetric and postpartum care was widely available, as well as skilled attendants at births. Women and men had equal access to treatment for HIV/AIDS.

Women generally enjoyed the same rights as men, and there was no evidence of official discrimination in health care, employment, or education; however, women frequently earned less than men performing the same work. Television and radio public service announcements continued to condemn spousal abuse and raise women's awareness of their rights.

Children

Citizenship is derived from birth in the country or by birth to a Grenadian parent. There is universal birth registration.

The government continued a free school book program for all primary and secondary school students. A number of local NGOs and the government provided scholarships to needy families to pay for uniforms and transport. The Social Welfare Division within the Ministry of Social Development provided probationary and rehabilitative services to youth, 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.

Government social service agencies reported 14 physical abuse, 15 sexual abuse, and two incest cases during the year, substantially fewer than in 2008. Abused children were placed either in a government-run home or in private foster homes. The law stipulates penalties ranging from five to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. The government used television and radio spots to raise awareness within the population about child abuse and incest.

There is a statutory rape law that applies to children 16 years and under. Penalties are 15 years' imprisonment if the victim was less than 14 and five years' imprisonment if the victim was 14 to 16 years of age. No specific laws address child pornography, but the law does prohibit the importation, sale, and public display of pornography.

Trafficking in Persons

The constitution and law do not prohibit trafficking in persons for all purposes; however, there were no reports that persons were trafficked to, from, through, or within the country. In theory trafficking cases could be prosecuted under other laws, such as those prohibiting forced prostitution, pimping, sexual abuse, and abuse of a minor.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution and law do not protect job seekers with disabilities from discrimination in employment. The law does not mandate access to public buildings or services. The government provided for special education in its school system; however, most parents chose to send their children to three special education schools operating in the country. Persons with disabilities had full access to the health care system and other public services. The government and NGOs continued to provide training and work opportunities for such persons. The Ministry of Social Services includes an office responsible for looking after persons with disabilities; the Council for the Disabled reviews disability-related issues.

National/Racial/Ethnic Minorities

The ancestors of many citizens came to the country from India as indentured servants, many of whom found themselves in slave-like conditions. Descendants of this population make up approximately 8 percent of the population, but their history is not taught in the schools. Some complained about discrimination based on their origins, although most have intermarried with persons of European or African descent.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment. Society generally was intolerant of homosexuality, and many churches condemned it.

Other Societal Violence or Discrimination

There was no perceptible discrimination against those with HIV/AIDS, in part because the disease was widespread in the general population, including women infected by partners engaging in sex with men and boys, and partly because of societal pressures to keep one's status quiet. The government encouraged citizens to be tested and to get treatment. An NGO, GRENCHAP, provided counseling to those affected by HIV/AIDS. A local business organization urged local companies to educate themselves and their workers about HIV/AIDS in the workplace and not to discriminate against employees with the disease.

Section 7 Worker Rights

a. The Right of Association

The constitution and law allow workers to form and join independent labor unions. Labor ministry officials estimated that 52 percent of the work force was unionized. All major unions belong to one umbrella labor federation, the Grenada Trades Union Council, which was subsidized by the government.

The law does not oblige employers to recognize a union formed by their employees if the majority of the work force does not belong to the union; however, they generally did so in practice.

The contracts between the government and the government worker unions expired in December 2008, and negotiation of new contracts was pending at year's end.

The law provides workers with the right to strike, and workers exercised this right in practice. The Technical and Allied Workers Union at different times during the year brought a number of the groups it represented out on brief strikes. All the cases were resolved.

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.

The law prohibits antiunion discrimination, and employers can be forced to rehire employees if a court finds they were discharged illegally.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The government prohibits forced or compulsory labor, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

Although child labor is illegal, children sometimes worked in the agricultural sector on family farms. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforced this provision in the formal sector through periodic checks, but enforcement in the informal sector remained a problem. The minimum age for work applies to family farms, and the labor ministry had authority to inspect these farms, which it did when there were allegations of violations of labor law.

e. Acceptable Conditions of Work

The Ministry of Labor last revised minimum wages in 2002. In 2008 a tripartite committee reviewed wage levels but took no action to set a new minimum wage. The process was transparent and involved site visits to examine 14 categories of employees. The 2002 minimum wages were still in effect for various categories of workers; for example, agricultural workers were classified into male and female workers. Rates for men were EC\$5.00 (\$1.85) per hour, and for women EC\$4.75 (\$1.75) per hour; however, if a woman performed the same task as a man, her rate of pay was the same. The minimum wage for domestic workers was set at EC\$400 (\$148) monthly. The national minimum wage did not provide a decent standard of living for a worker and family. The government effectively enforced minimum wages.

Although unemployment and underemployment remained high, the absence of labor market statistics hindered economic policy development. During the year approximately 30 percent of the population earned less than the official poverty line, which was drawn at EC\$599 (\$222) per month.

The law provides for a 40-hour maximum workweek. The law does not stipulate rest periods, although no one can be asked to work for longer than five hours consecutively without a one-hour meal break. In addition, domestic employees may not, by law, be asked to work longer than a 10-hour period without at least two hours of breaks for meals and rest periods. Union-negotiated contracts often mandated rest breaks. The law requires a premium for work above the standard workweek and prohibits excessive or compulsory overtime.

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