



## U.S. DEPARTMENT of STATE

### Grenada

#### Country Reports on Human Rights Practices - [2006](#)

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Grenada is a parliamentary democracy with a bicameral legislature. Grenada and two smaller islands, Carriacou and Petite Martinique, have a population of approximately 102,000. In 2003 Prime Minister Keith Mitchell's New National Party (NNP) won eight of 15 parliamentary seats in generally free and fair elections. The 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, Inhumane, 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 as 334 prisoners were housed 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, so they were mixed in with the general prison population.

###### 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 830 person Royal Grenadian Police, together with 200 rural constables, has a hierarchical structure and generally was effective in responding to complaints. However, lack of resources remained a problem. The police commissioner has instituted a community policing program.

The police report to the minister of national security, who works in the Ministry of the Prime Minister. 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.

There was one report of a corrupt police officer in the Criminal Investigation Department during the year. Authorities brought charges against

the officer and discharged him from the service. He was awaiting trial at year's end.

Authorities brought charges against the police officer who stole drugs and ammunition from the evidence room in 2005 and dismissed him from the force. He awaited trial at year's end. Authorities dismissed two other officers for fraud; they also awaited trial.

#### Arrest and 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 limit 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 system of bail, 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 will appoint a lawyer for the indigent in cases of murder and other capital crimes.

In March police detained the editor of a local paper and questioned him for an hour based on a suit lodged against him over the contents of an article (see section 2.a.).

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision 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 and a Court of Appeals staffed by a chief justice who travels between the Eastern Caribbean islands hearing 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.

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. With the exception of foreign born drug suspects or persons charged with murder, the courts grant most defendants bail while awaiting trial.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

In 2004 the High Court was set to resentence or possibly free 14 members of the "Grenada 17," who were convicted for the 1983 murder of Prime Minister Maurice Bishop, when the government appealed the decision to the Eastern Caribbean Supreme Court. In June 2005 the Eastern Caribbean Supreme Court ruled that the group could take its case for resentencing to the Privy Council in London, but by year's end the matter had not yet been presented.

#### 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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In June the prime minister won a libel case he brought against the editor of a newspaper, and the editor was ordered to pay approximately

\$37,000 (EC\$100,000). The Media Workers Association of Grenada (MWAG) accused the police of suppression of freedom of the press because authorities had detained and questioned the newspaper editor for one hour. The MWAG argued that the lawsuit that resulted in the detention and questioning should have been brought in civil court, not criminal. The editor ignored the fine and was threatened with closure, but by year's end nothing had been done about making him pay the fine or closing the newspaper.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

#### 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 and law provide for freedom of religion, and the government generally respected this right in practice.

There is no state religion; however, all religious organizations must register with the government, which entitles them to some customs and import tax exemptions.

#### Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and the government generally respected them in practice.

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

#### Protection of Refugees

The country is not party to the 1951 UN Convention relating to the Status of Refugees and 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 refoulement, the return of persons to a country where they fear persecution.

#### 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

In 2003 the incumbent NNP administration of Prime Minister Keith Mitchell retained power by winning eight of the 15 seats in parliamentary elections generally considered free and fair, but with some irregularities noted by the Organization of American States in several very close races.

In late 2005 the government began an examination of the constitutional provisions regarding dual citizenship and qualifications for election to parliament. In February the attorney general filed suit to nullify the 2003 election to parliament of a leading opposition member who maintains dual citizenship. In September the court handed down its decision against the government, ruling that the government should have filed its complaint according to election law, within 21 days of the vote; the defendant was awarded approximately \$3,745 (EC\$10,000). The government appealed the decision, lost in the Court of Appeal, and was fined an additional \$2,962 (EC\$8,000).

There were four women in the 15 seat parliament and four women among the 12 appointed senators. There were six female ministers of government.

## Government Corruption and Transparency

There are no laws mandating transparent reporting of political donations. According to the nongovernmental organization (NGO) Transparency International there was a serious perceived level of domestic corruption. The public perception of official corruption was nuanced, with a number of government officials perceived to be quite corrupt, others somewhat corrupt, and a few perceived to be incorruptible.

The Commission of Inquiry established to investigate whether Prime Minister Mitchell accepted money from a foreign citizen, reportedly in exchange for a diplomatic title, adjourned but had not yet issued its report by year's end. The prime minister continued to maintain that he was given \$15,000 to cover travel expenses, not the \$500,000 he was accused of receiving. The leader of the opposition won the right to cross examine the witnesses in this case, but by year's end, the inquiry had not been reopened to allow him to do so.

Although there is no law providing for public access to government information, citizens may request access to any information that is not deemed classified.

## 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 generally were cooperative and responsive to their views.

On September 13, the Truth and Reconciliation Commission (TRC), launched in 2001 to investigate the period between the mid 1970s and the late 1980s, presented its final report to the government. The government made no decisions about how to implement the recommendations, including whether to grant a retrial for the Grenada 17, and invited the public and NGOs to provide input. The legal affairs minister established a committee to review the findings of the TRC, and the committee was expected to hold a series of public consultations to recommend how they might be implemented.

## Section 5 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

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 court convicted three men accused of killing their wives and sentenced them to life in prison. At year's end one new domestic violence case, in which a teacher allegedly killed his wife, was awaiting trial. A shelter accommodating approximately 20 battered and abused women and their children operated in the northern part of the country, staffed by medical and psychological counseling personnel.

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. In the June court session, 37 out of 96 cases dealt with either rape or related charges: nine rape cases, 13 indecent exposure cases, 11 unlawful carnal knowledge cases, three defilement cases, and one unnatural carnal knowledge case.

Prostitution is illegal but existed. There are no laws prohibiting sex tourism.

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. A number of local organizations spoke out against sexual discrimination on radio and television programs to raise awareness amid the female population of their rights. The programs also addressed issues of women's health, particularly the risks of 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.

### 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.

Government social service agencies reported 15 physical abuse and three sexual abuse cases during the year, equal to the number of child abuse cases in 2005. 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.

#### Trafficking in Persons

The constitution and law do not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

#### 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.

#### Section 6 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 law prohibits antiunion discrimination, and employers can be forced to rehire employees if a court finds they were discharged illegally. Such cases were rare, however, and on one recent occasion, a company reinstated temporary workers it had discharged in accord with their contract simply because the workers' union threatened to go on strike or take the company to court.

##### 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. Port workers threatened to strike when three temporary employees were laid off in September; the union and the port authorities agreed upon how to handle these workers, and the strike was called off.

##### c. Prohibition of Forced or Compulsory Labor

The government 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

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.

##### e. Acceptable Conditions of Work

The Ministry of Labor last updated minimum wages 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. The minimum wage for domestic workers was set at \$148 (EC\$400) monthly. The national minimum wage did not provide a decent standard of living for a worker and family. During the year 31 percent of the population earned less than the official poverty line, which was drawn at \$224 (EC\$599) per month. The government effectively enforced minimum wages; workers in construction related sectors and other high demand sectors earned far higher wages.

The law provides for a 40 hour maximum workweek. 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.